

**As Reported by the Senate Finance and Financial Institutions  
Committee**

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

**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  
Senator Carey**

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**A B I L L**

To amend sections 9.41, 9.901, 101.543, 107.40, 1  
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5751.20, 5751.21, 5751.22, 5751.53, 5923.05, and 55  
6121.02; to amend, for the purpose of adopting new 56  
section numbers as indicated in parentheses, 57  
sections 117.45 (126.35), 117.46 (126.36), 117.47 58  
(126.37), 117.48 (126.38), 173.41 (173.394), 59  
5101.93 (5111.178), 5111.081 (5111.942), 5111.082 60  
(5111.081), 5111.083 (5111.082), 5111.084 61  
(5111.083), and 5111.085 (5111.084); to enact new 62  
sections 3325.12, 3365.11, and 5111.18 and 63  
sections 124.392, 131.022, 173.27, 307.761, 64  
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5743.321, 5748.011, and 5919.19; and to repeal 74  
sections 124.822, 124.92, 3325.12, 3325.17, 75  
3365.11, 4732.04, and 5111.18 of the Revised Code; 76  
to amend Section 3 of Sub. H.B. 11 of the 126th 77  
General Assembly; to amend Sections 203.09, 78  
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212.03, 212.24, 212.27, 212.30, 212.33, 557.12, 92  
and 612.36.03 of Am. Sub. H.B. 66 of the 126th 93  
General Assembly; to amend Sections 23 and 23.01 94  
of Am. Sub. S.B. 189 of the 125th General 95  
Assembly; to amend Sections 19.01, 20.01, 22.04, 96  
23.12, and 23.45 of Am. Sub. H.B. 16 of the 126th 97  
General Assembly, as subsequently amended; to 98  
amend Sections 203.06.06 and 203.06.24 of Am. Sub. 99  
H.B. 68 of the 126th General Assembly, as 100  
subsequently amended; to amend Section 22 of Am. 101  
Sub. S.B. 189 of the 125th General Assembly, as 102  
subsequently amended; to repeal Section 5 of Am. 103  
Sub. S.B. 234 of the 125th General Assembly; and 104  
to repeal Sections 315.03 and 557.09.09 of Am. 105  
Sub. H.B. 66 of the 126th General Assembly to make 106  
capital reappropriations for the biennium ending 107  
June 30, 2008, to make certain supplemental and 108  
capital appropriations and to provide 109  
authorization and conditions for the operation of 110  
state programs. 111

**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, 112  
109.57, 109.572, 113.09, 113.11, 113.12, 117.45, 117.46, 117.47, 113  
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5751.011, 5751.032, 5751.04, 5751.05, 5751.051, 5751.10, 5751.20, 151  
5751.21, 5751.22, 5751.53, 5923.05, and 6121.02 be amended; that 152  
sections 117.45 (126.35), 117.46 (126.36), 117.47 (126.37), 117.48 153  
(126.38), 173.41 (173.394), 5101.93 (5111.178), 5111.081 154  
(5111.942), 5111.082 (5111.081), 5111.083 (5111.082), 5111.084 155  
(5111.083), and 5111.085 (5111.084) be amended for the purpose of 156  
adopting new sections numbers as indicated in parentheses; that 157  
new sections 3325.12, 3365.11, and 5111.18 and sections 124.392, 158  
131.022, 173.27, 307.761, 333.01, 333.02, 333.03, 333.04, 333.05, 159  
333.06, 333.07, 3310.11, 3310.12, 3314.18, 3323.143, 3701.046, 160  
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5123.372, 5123.373, 5123.374, 5123.375, 5502.261, 5531.101, 164  
5701.11, 5705.211, 5725.222, 5725.98, 5729.101, 5729.102, 5729.98, 165  
5743.021, 5743.321, 5748.011, and 5919.19 of the Revised Code be 166  
enacted to read as follows: 167

**Sec. 9.41.** The ~~auditor of state~~, director of budget and 168  
management, or any fiscal officer of any county, city, city health 169  
district, general health district, or city school district 170  
thereof, or civil service township, shall not draw, sign, issue, 171  
or authorize the drawing, signing, or issuing of any warrant on 172  
the treasurer of state or other disbursing officer of the state, 173  
or the treasurer or other disbursing officer of any county, city, 174  
or city school district thereof, or civil service township, to pay 175  
any salary or other compensation to any officer, clerk, employee, 176  
or other person in the classified service unless an estimate, 177  
payroll, or account for such salary or compensation containing the 178

name of each person to be paid, bears the certificate of the 179  
director of administrative services, or in the case of the service 180  
of the city or civil service township, the certificate of the 181  
civil service commission of the city or civil service township, or 182  
in the case of the service of the county, the certificate of the 183  
appointing authority, that the persons named in the estimate, 184  
payroll, or account have been appointed, promoted, reduced, 185  
suspended, or laid off, or are being employed in pursuance of 186  
Chapter 124. of the Revised Code and the rules adopted thereunder. 187

Where estimates, payrolls, or accounts are prepared by 188  
electronic data processing equipment, the director of 189  
administrative services or the municipal or civil service township 190  
civil service commission may develop methods for controlling the 191  
input or verifying the output of such equipment to ensure 192  
compliance with Chapter 124. of the Revised Code and the rules 193  
adopted thereunder. Any estimates, payrolls, or accounts prepared 194  
by these methods shall be subject to special audit at any time. 195

Any sum paid contrary to this section may be recovered from 196  
any officer making such payment in contravention of law and of the 197  
rules made in pursuance of law, or from any officer signing, 198  
countersigning, or authorizing the signing or countersigning of 199  
any warrant for the payment of the same, or from the sureties on 200  
~~his~~ the officer's official bond, in an action in the courts of the 201  
state, maintained by a citizen resident therein. All moneys 202  
recovered in any action brought under this section shall, when 203  
collected, be paid into the state treasury or the treasury of the 204  
appropriate civil division of the state, except that the plaintiff 205  
in any action shall be entitled to recover ~~his~~ the plaintiff's own 206  
taxable costs of such action. 207

**Sec. 9.901.** (A)(1) All health care benefits provided to 208  
persons employed by the public schools of this state shall be 209

provided by medical plans designed pursuant to this section by the 210  
school employees health care board. The board, in consultation 211  
with the superintendent of insurance, shall negotiate with and, in 212  
accordance with the competitive selection procedures of Chapter 213  
125. of the Revised Code, contract with one or more insurance 214  
companies authorized to do business in this state for the issuance 215  
of the plans. Any or all of the medical plans designed by the 216  
board may be self-insured. All self-insured plans adopted shall be 217  
administered by the board in accordance with this section. As used 218  
in this section, a "public school" means a school in a city, 219  
local, exempted village, or joint vocational school district, and 220  
includes the educational service centers associated with those 221  
schools. 222

(2) Prior to soliciting proposals from insurance companies 223  
for the issuance of medical plans, the board shall determine what 224  
geographic regions exist in the state based on the availability of 225  
providers, networks, costs, and other factors relating to 226  
providing health care benefits. The board shall then determine 227  
what medical plans are offered by school districts and existing 228  
consortiums in the state. The board shall determine what medical 229  
plan offered by a school district or existing consortium in the 230  
region offers the lowest premium cost plan. 231

(3) The board shall develop a request for proposals and 232  
solicit bids for medical plans for the school districts in a 233  
region similar to the existing plans. The board shall also 234  
determine the benefits offered by existing medical plans, the 235  
employees' costs, and the cost-sharing arrangements used by public 236  
schools participating in a consortium. The board shall determine 237  
what strategies are used by the existing medical plans to manage 238  
health care costs and shall study the potential benefits of state 239  
or regional consortiums of public schools offering multiple health 240  
care plans. 241

(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, 272  
but a member shall continue to serve subsequent to the expiration 273  
of the member's term until a successor is appointed. Any vacancy 274  
occurring during a member's term shall be filled in the same 275  
manner as the original appointment, except that the person 276  
appointed to fill the vacancy shall be appointed to the remainder 277  
of the unexpired term. 278

(2) Members shall serve without compensation but shall be 279  
reimbursed from the school employees health care fund for actual 280  
and necessary expenses incurred in the performance of their 281  
official duties as members of the board. 282

(3) Members may be removed by their appointing authority for 283  
misfeasance, malfeasance, incompetence, dereliction of duty, or 284  
other just cause. 285

(D)(1) The governor shall call the first meeting of the 286  
school employees health care board. At that meeting, and annually 287  
thereafter, the board shall elect a chairperson and may elect 288  
members to other positions on the board as the board considers 289  
necessary or appropriate. The board shall meet at least four times 290  
each calendar year and shall also meet at the call of the 291  
chairperson or three or more board members. The chairperson shall 292  
provide reasonable advance notice of the time and place of board 293  
meetings to all members. 294

(2) A majority of the board constitutes a quorum for the 295  
transaction of business at a board meeting. A majority vote of the 296  
members present is necessary for official action. 297

(E) The school employees health care board shall conduct its 298  
business at open meetings; however, the records of the board are 299  
not public records for purposes of section 149.43 of the Revised 300  
Code. 301

(F) The school employees health care fund is hereby created 302

in the state treasury. The public schools shall pay all school 303  
employees health care board plan premiums in the manner prescribed 304  
by the school employees health care board to the board for deposit 305  
into the school employees health care fund. All funds in the 306  
school employees health care fund shall be used solely for the 307  
provision of health care benefits to public schools employees 308  
pursuant to this section and related administrative costs. 309  
Premiums received by the board or insurance companies contracted 310  
pursuant to division (A) of this section are not subject to any 311  
state insurance premium tax. 312

(G) The school employees health care board shall do all of 313  
the following: 314

(1) Design multiple medical plans, including regional plans, 315  
to provide, in the board's judgment, the optimal combination of 316  
coverage, cost, choice, and stability of health cost benefits. The 317  
board may establish more than one tier of premium rates for any 318  
medical plan. The board shall establish regions as necessary for 319  
the implementation of the board's medical plans. Plans and premium 320  
rates may vary across the regions established by the board. 321

(2) Set an aggregate goal for employee and employer portions 322  
of premiums for the board's medical plans so as to manage plan 323  
participation and encourage the use of value-based plan 324  
participation by employees; 325

(3) Set employer and employee plan copayments, deductibles, 326  
exclusions, limitations, formularies, premium shares, and other 327  
responsibilities; 328

(4) Include disease management and consumer education 329  
programs, to the extent that the board determines is appropriate, 330  
in all medical plans designed by the board, which programs shall 331  
include, but are not limited to, wellness programs and other 332  
measures designed to encourage the wise use of medical plan 333

coverage. These programs are not services or treatments for 334  
purposes of section 3901.71 of the Revised Code. 335

(5) Create and distribute to the governor, the speaker of the 336  
house of representatives, and the president of the senate, an 337  
annual report covering the plan background; plan coverage options; 338  
plan administration, including procedures for monitoring and 339  
managing objectives, scope, and methodology; plan operations; 340  
employee and employer contribution rates and the relationship 341  
between the rates and the school employees health care fund 342  
balance; a means to develop and maintain identity and evaluate 343  
alternative employee and employer cost-sharing strategies; an 344  
evaluation of the effectiveness of cost-saving services and 345  
programs; an evaluation of efforts to control and manage member 346  
eligibility and to insure that proper employee and employer 347  
contributions are remitted to the trust fund; efforts to prevent 348  
and detect fraud; and efforts to manage and monitor board 349  
contracts; 350

(6) Utilize cost containment measures aligned with patient, 351  
plan, and provider management strategies in developing and 352  
managing medical plans. 353

(H) The sections in Chapter 3923. of the Revised Code 354  
regulating public employee benefit plans are not applicable to the 355  
medical plans designed pursuant to this section. 356

(I)(1) Public schools are not subject to this section prior 357  
to the release of medical plans designed pursuant to this section. 358

(2) Prior to the school employees health care board's release 359  
of the board's initial medical plans, the board shall contract 360  
with an independent consultant to analyze costs related to 361  
employee health care benefits provided by existing school district 362  
plans in this state. The consultant shall determine the benefits 363  
offered by existing medical plans, the employees' costs, and the 364

cost-sharing arrangements used by public schools either 365  
participating in a consortium or by other means. The consultant 366  
shall determine what strategies are used by the existing medical 367  
plans to manage health care costs and shall study the potential 368  
benefits of state or regional consortiums of public schools 369  
offering multiple health care plans. Based on the findings of the 370  
analysis, the consultant shall submit written recommendations to 371  
the board for the development and implementation of a successful 372  
program for pooling school districts' purchasing power for the 373  
acquisition of employee medical plans. The consultant's 374  
recommendations shall address, at a minimum, all of the following 375  
issues: 376

(a) The establishment of regions for the provision of medical 377  
plans, based on the availability of providers and plans in the 378  
state at the time that the school employees health care board is 379  
established; 380

(b) The use of regional preferred provider and closed panel 381  
plans, health savings accounts, and alternative medical plans, to 382  
stabilize both costs and the premiums charged school districts and 383  
district employees; 384

(c) The development of a system to obtain eligibility data 385  
and data compiled pursuant to the "Consolidated Omnibus Budget 386  
Reconciliation Act of 1985 (COBRA)," 100 Stat. 227, 29 U.S.C. 387  
1161, as amended; 388

(d) The use of the competitive bidding process for regional 389  
medical plans; 390

(e) The development of a timeline planning for the design and 391  
use of board medical plans by not later than December 31, 2007; 392

(f) The use of information on claims and costs and of 393  
information reported by districts pursuant to COBRA in analyzing 394  
administrative and premium costs; 395

(g) The experience of states that have mandated statewide medical plans for public school employees, including the implementation strategies used by those states;	396 397 398
(h) Recommended strategies for the use of first-year roll-in premiums in the transition from district medical plans to school employees health care board plans;	399 400 401
(i) The option of allowing school districts to join an existing regional consortium as an alternative to school employees health care board plans;	402 403 404
(j) Mandatory and optional coverages to be offered by the board's medical plans;	405 406
(k) Potential risks to the state from the use of medical plans developed pursuant to this section;	407 408
(l) Any legislation needed to ensure the long-term financial solvency and stability of a health care purchasing system;	409 410
(m) The potential impacts of any changes to the existing purchasing structure on all of the following:	411 412
(i) Existing health care pooling and consortiums;	413
(ii) School district employees;	414
(iii) Individual school districts.	415
(n) Issues that could arise when school districts transition from the existing purchasing structure to a new purchasing structure;	416 417 418
(o) Strategies available to the board in the creation of fund reserves and the need for stop-loss insurance coverage for catastrophic losses;	419 420 421
(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,	422 423 424

~~2005~~ 2006, in writing, to the school employees health care board 425  
and to the governor, the speaker of the house of representatives, 426  
and the president of the senate. 427

(3) The public schools health care advisory committee is 428  
hereby created under the school employees health care board. The 429  
committee shall make recommendations to the school employees 430  
health care board related to the board's accomplishment of the 431  
duties assigned to the board under this section. The committee 432  
shall consist of eighteen members. The governor, the speaker of 433  
the house of representatives, and the president of the senate 434  
shall each appoint a representative from the Ohio education 435  
association, the Ohio school boards association, the Ohio 436  
association of school business officials, the Ohio association of 437  
health underwriters, an existing health care consortium serving 438  
public schools, and a health insuring corporation licensed to do 439  
business in Ohio and recommended by the Ohio association of health 440  
plans. The initial appointees shall be appointed to a one-year 441  
term not later than July 31, ~~2005~~ 2007, the members' term to begin 442  
on that date. Subsequent one-year appointments, to commence on the 443  
thirty-first day of July of each year, shall be made in the same 444  
manner. A member shall continue to serve subsequent to the 445  
expiration of the member's term until the member's successor is 446  
appointed. Any vacancy occurring during a member's term shall be 447  
filled in the same manner as the original appointment, except that 448  
the person appointed to fill the vacancy shall be appointed to the 449  
remainder of the unexpired term. The governor shall call the first 450  
meeting of each newly appointed committee. At that meeting the 451  
board shall elect a chairperson who shall call the time and place 452  
of future committee meetings. Committee members are not subject to 453  
the conditions for eligibility set by division (B) of this section 454  
for members of the school employees health care board. 455

(4) The school employees health care board shall submit a 456

written study to the governor and the general assembly not later  
than January ~~15, 2006~~ 31, 2007, of a plan to operate in compliance  
with this section, and on the governance of the school employees  
health care board. A copy of the board's plan of operation,  
including audit provisions, shall accompany the report on the  
board's governance and the report shall include the board's  
recommendations on any legislation needed to enforce the  
recommendations of the board on implementing the provisions of  
this section.

(5) Not later than January 15, 2009, and not later than the  
same day of each subsequent year, the school employees health care  
board shall submit a written report to the governor and each  
member of the general assembly, which report evaluates the  
performance of school employees health care board medical plans  
during the previous year. Districts offering employee health care  
benefits through a plan offered by a consortium of two or more  
districts, or a consortium of one or more districts and one or  
more political subdivisions as defined in section 9.833 of the  
Revised Code, representing five thousand or more employees as of  
January 1, 2005, may request permission from the school employees  
health care board to continue offering consortium plans to the  
districts' employees at the discretion of the board. If the board  
grants permission, the permission is valid for only one year but  
may be renewed annually thereafter upon application to an approval  
of the board. The board shall grant initial or continued approval  
upon finding, based on an actuarial evaluation of the existing  
consortium plan offerings, that benefit design, premium costs,  
administrative cost, and other factors considered by the board are  
equivalent to or lower than comparable costs of the board's plan  
options offered to the local district. Age and gender adjustments,  
benefit comparison adjustments, and the total cost of the  
consortium plan, including administration, benefit cost, stop-loss

insurance, and all other expenses or information requested by the 489  
board shall be presented to the board prior to the board's 490  
decision to allow a local district to continue to offer health 491  
care benefits under a consortium plan. A district shall not 492  
participate in the consortium plan once the district has chosen to 493  
offer plans designed by the board to the district's employees and 494  
begins premium payments for deposit into the school employees 495  
health care fund. 496

(6) Any districts providing medical plan coverage for the 497  
employees of public schools, or that have provided coverage within 498  
two years prior to ~~the effective date of this section~~ September 499  
29, 2005, shall provide nonidentifiable aggregate claims data for 500  
the coverage to the school employees health care board or the 501  
department of administrative services, without charge, within 502  
thirty days after receiving a written request from the board or 503  
the department. The claims data shall include data relating to 504  
employee group benefit sets, demographics, and claims experience. 505

(J) The school employees health care board may contract with 506  
other state agencies as the board deems necessary for the 507  
implementation and operation of this section, based on 508  
demonstrated experience and expertise in administration, 509  
management, data handling, actuarial studies, quality assurance, 510  
or other needed services. The school employees health care board 511  
shall contract with the department of administrative services for 512  
central services until the board is able to obtain such services 513  
from other sources. The board shall reimburse the department of 514  
administrative services for the reasonable cost of those services. 515

(K) The board's administrative functions shall include, but 516  
are not limited to, the following: 517

(1) Maintaining reserves in the school employees health care 518  
fund, reinsurance, and other measures that in the judgment of the 519

board will result in the long-term stability and solvency of the  
medical plans designed by the board. The board shall bill school  
districts, in proportion to a district's premium payments to all  
premium payments paid into the school employees health care fund  
during the previous year, in order to maintain necessary reserves,  
reinsurance, and administrative and operating funds. Each school  
district contributing to a board medical plan shall share any  
losses due to the expense of claims paid by the plan. In the event  
of a loss, the board may bill each district an amount, in  
proportion to the district's premium payments to all premium  
payments paid into the school employees health care fund during  
the previous year, sufficient in total to cover the loss. The  
state is not liable for any obligations of the school employees  
health care board or the school employees health care fund, or for  
expenses of public schools or school districts related to the  
board's medical plans.

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

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

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

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

services.

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

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

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

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

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

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

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The daily journals of the senate and house of representatives ~~journals~~ shall be printed or published daily during each session of the general assembly ~~in pamphlet form without covers. The senate journal shall precede the house of representatives journal~~

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~~in the pamphlet.~~ The composition used in printing or publishing 581  
the daily journals shall be retained for use in printing the final 582  
journals. 583

The final journals and appendixes of the senate and house of 584  
representatives ~~journals and appendixes~~ shall be printed after 585  
adjournment sine die and be bound in half law binding. The 586  
respective journal of each house and its proper appendix shall 587  
compose one volume unless the clerk of the senate or clerk of the 588  
house of representatives, as the case may be, directs that they be 589  
bound in separate volumes. 590

**Sec. 107.40.** (A) There is hereby created the governor's 591  
residence advisory commission. The commission shall provide for 592  
the preservation, restoration, acquisition, and conservation of 593  
all decorations, objects of art, chandeliers, china, silver, 594  
statues, paintings, furnishings, accouterments, and other 595  
aesthetic materials that have been acquired, donated, loaned, or 596  
otherwise obtained by the state for the governor's residence and 597  
that have been approved by the commission. In addition, the 598  
commission shall provide for the maintenance of plants that have 599  
been acquired, donated, loaned, or otherwise obtained by the state 600  
for the governor's residence and that have been approved by the 601  
commission. 602

(B) The commission shall be responsible for the care, 603  
provision, repair, and placement of furnishings and other objects 604  
and accessories of the grounds and public areas of the first story 605  
of the governor's residence and for the care and placement of 606  
plants on the grounds. In exercising this responsibility, the 607  
commission shall preserve and seek to further establish ~~the~~ both 608  
of the following: 609

(1) The authentic ambiance and decor of the historic era 610  
during which the governor's residence was constructed. ~~These;~~ 611

(2) The grounds as a representation of Ohio's natural ecosystems. 612  
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These duties shall not affect the obligation of the 614  
department of administrative services to provide for the general 615  
maintenance and operating expenses of the governor's residence. 616

(C) The commission shall consist of ~~nine~~ eleven members. One 617  
member shall be the director of administrative services or the 618  
director's designee, who shall serve during the director's term of 619  
office and shall serve as chairperson. One member shall be the 620  
director of the Ohio historical society or the director's 621  
designee, who shall serve during the director's term of office and 622  
shall serve as vice-chairperson. One member shall represent the 623  
Columbus landmarks foundation. One member shall represent the 624  
Bexley historical society. One member shall be the mayor of the 625  
city of Bexley, who shall serve during the mayor's term of office. 626  
One member shall be the chief executive officer of the Franklin 627  
park conservatory joint recreation district, who shall serve 628  
during the term of employment as chief executive officer. The 629  
remaining five members shall be appointed by the governor with the 630  
advice and consent of the senate. The five members appointed by 631  
the governor shall be persons with knowledge of Ohio history, 632  
architecture, decorative arts, or historic preservation, and one 633  
of those members shall have knowledge of landscape architecture, 634  
garden design, horticulture, and plants native to this state. 635

(D) Of the initial appointees, the representative of the 636  
Columbus landmarks foundation shall serve for a term expiring 637  
December 31, 1996, and the representative of the Bexley historical 638  
society shall serve for a term expiring December 31, 1997. Of the 639  
five members appointed by the governor, three shall serve for 640  
terms ending December 31, 1998, and two shall serve for terms 641  
ending December 31, 1999. Thereafter, each term shall be for four 642  
years, commencing on the first day of January and ending on the 643

last day of December. ~~Each~~ The member having knowledge of  
landscape architecture, garden design, horticulture, and plants  
native to this state initially shall be appointed upon the first  
vacancy on the commission occurring on or after the effective date  
of this amendment.

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

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

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

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

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

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money.

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

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

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

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felony or an offense of violence if committed by an adult or who 706  
have been convicted of or pleaded guilty to committing within this 707  
state a felony or an offense of violence, and of all well-known 708  
and habitual criminals. The person in charge of any county, 709  
multicounty, municipal, municipal-county, or multicounty-municipal 710  
jail or workhouse, community-based correctional facility, halfway 711  
house, alternative residential facility, or state correctional 712  
institution and the person in charge of any state institution 713  
having custody of a person suspected of having committed a felony, 714  
any crime constituting a misdemeanor on the first offense and a 715  
felony on subsequent offenses, or any misdemeanor described in 716  
division (A)(1)(a) of section 109.572 of the Revised Code or 717  
having custody of a child under eighteen years of age with respect 718  
to whom there is probable cause to believe that the child may have 719  
committed an act that would be a felony or an offense of violence 720  
if committed by an adult shall furnish such material to the 721  
superintendent of the bureau. Fingerprints, photographs, or other 722  
descriptive information of a child who is under eighteen years of 723  
age, has not been arrested or otherwise taken into custody for 724  
committing an act that would be a felony or an offense of violence 725  
if committed by an adult, has not been adjudicated a delinquent 726  
child for committing an act that would be a felony or an offense 727  
of violence if committed by an adult, has not been convicted of or 728  
pleaded guilty to committing a felony or an offense of violence, 729  
and is not a child with respect to whom there is probable cause to 730  
believe that the child may have committed an act that would be a 731  
felony or an offense of violence if committed by an adult shall 732  
not be procured by the superintendent or furnished by any person 733  
in charge of any county, multicounty, municipal, municipal-county, 734  
or multicounty-municipal jail or workhouse, community-based 735  
correctional facility, halfway house, alternative residential 736  
facility, or state correctional institution, except as authorized 737  
in section 2151.313 of the Revised Code. 738

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

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

(b) The style and number of the case;

(c) The date of arrest;

(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 770  
date of any other determination that constitutes final resolution 771  
of the case; 772

(e) A statement of the original charge with the section of 773  
the Revised Code that was alleged to be violated; 774

(f) If the person or child was convicted, pleaded guilty, or 775  
was adjudicated a delinquent child, the sentence or terms of 776  
probation imposed or any other disposition of the offender or the 777  
delinquent child. 778

If the offense involved the disarming of a law enforcement 779  
officer or an attempt to disarm a law enforcement officer, the 780  
clerk shall clearly state that fact in the summary, and the 781  
superintendent shall ensure that a clear statement of that fact is 782  
placed in the bureau's records. 783

(3) The superintendent shall cooperate with and assist 784  
sheriffs, chiefs of police, and other law enforcement officers in 785  
the establishment of a complete system of criminal identification 786  
and in obtaining fingerprints and other means of identification of 787  
all persons arrested on a charge of a felony, any crime 788  
constituting a misdemeanor on the first offense and a felony on 789  
subsequent offenses, or a misdemeanor described in division 790  
(A)(1)(a) of section 109.572 of the Revised Code and of all 791  
children under eighteen years of age arrested or otherwise taken 792  
into custody for committing an act that would be a felony or an 793  
offense of violence if committed by an adult. The superintendent 794  
also shall file for record the fingerprint impressions of all 795  
persons confined in a county, multicounty, municipal, 796  
municipal-county, or multicounty-municipal jail or workhouse, 797  
community-based correctional facility, halfway house, alternative 798  
residential facility, or state correctional institution for the 799  
violation of state laws and of all children under eighteen years 800

of age who are confined in a county, multicounty, municipal, 801  
municipal-county, or multicounty-municipal jail or workhouse, 802  
community-based correctional facility, halfway house, alternative 803  
residential facility, or state correctional institution or in any 804  
facility for delinquent children for committing an act that would 805  
be a felony or an offense of violence if committed by an adult, 806  
and any other information that the superintendent may receive from 807  
law enforcement officials of the state and its political 808  
subdivisions. 809

(4) The superintendent shall carry out Chapter 2950. of the 810  
Revised Code with respect to the registration of persons who are 811  
convicted of or plead guilty to either a sexually oriented offense 812  
that is not a registration-exempt sexually oriented offense or a 813  
child-victim oriented offense and with respect to all other duties 814  
imposed on the bureau under that chapter. 815

(5) The bureau shall perform centralized recordkeeping 816  
functions for criminal history records and services in this state 817  
for purposes of the national crime prevention and privacy compact 818  
set forth in section 109.571 of the Revised Code and is the 819  
criminal history record repository as defined in that section for 820  
purposes of that compact. The superintendent or the 821  
superintendent's designee is the compact officer for purposes of 822  
that compact and shall carry out the responsibilities of the 823  
compact officer specified in that compact. 824

(B) The superintendent shall prepare and furnish to every 825  
county, multicounty, municipal, municipal-county, or 826  
multicounty-municipal jail or workhouse, community-based 827  
correctional facility, halfway house, alternative residential 828  
facility, or state correctional institution and to every clerk of 829  
a court in this state specified in division (A)(2) of this section 830  
standard forms for reporting the information required under 831  
division (A) of this section. The standard forms that the 832

superintendent prepares pursuant to this division may be in a 833  
tangible format, in an electronic format, or in both tangible 834  
formats and electronic formats. 835

(C) The superintendent may operate a center for electronic, 836  
automated, or other data processing for the storage and retrieval 837  
of information, data, and statistics pertaining to criminals and 838  
to children under eighteen years of age who are adjudicated 839  
delinquent children for committing an act that would be a felony 840  
or an offense of violence if committed by an adult, criminal 841  
activity, crime prevention, law enforcement, and criminal justice, 842  
and may establish and operate a statewide communications network 843  
to gather and disseminate information, data, and statistics for 844  
the use of law enforcement agencies. The superintendent may 845  
gather, store, retrieve, and disseminate information, data, and 846  
statistics that pertain to children who are under eighteen years 847  
of age and that are gathered pursuant to sections 109.57 to 109.61 848  
of the Revised Code together with information, data, and 849  
statistics that pertain to adults and that are gathered pursuant 850  
to those sections. In addition to any other authorized use of 851  
information, data, and statistics of that nature, the 852  
superintendent or the superintendent's designee may provide and 853  
exchange the information, data, and statistics pursuant to the 854  
national crime prevention and privacy compact as described in 855  
division (A)(5) of this section. 856

(D) The information and materials furnished to the 857  
superintendent pursuant to division (A) of this section and 858  
information and materials furnished to any board or person under 859  
division (F) or (G) of this section are not public records under 860  
section 149.43 of the Revised Code. 861

(E) The attorney general shall adopt rules, in accordance 862  
with Chapter 119. of the Revised Code, setting forth the procedure 863  
by which a person may receive or release information gathered by 864

the superintendent pursuant to division (A) of this section. A 865  
reasonable fee may be charged for this service. If a temporary 866  
employment service submits a request for a determination of 867  
whether a person the service plans to refer to an employment 868  
position has been convicted of or pleaded guilty to an offense 869  
listed in division (A)(1), (3), (4), (5), or (6) of section 870  
109.572 of the Revised Code, the request shall be treated as a 871  
single request and only one fee shall be charged. 872

(F)(1) As used in division (F)(2) of this section, "head 873  
start agency" means an entity in this state that has been approved 874  
to be an agency for purposes of subchapter II of the "Community 875  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 876  
as amended. 877

(2)(a) In addition to or in conjunction with any request that 878  
is required to be made under section 109.572, 2151.86, 3301.32, 879  
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 880  
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 881  
education of any school district; the director of mental 882  
retardation and developmental disabilities; any county board of 883  
mental retardation and developmental disabilities; any entity 884  
under contract with a county board of mental retardation and 885  
developmental disabilities; the chief administrator of any 886  
chartered nonpublic school; the chief administrator of any home 887  
health agency; the chief administrator of or person operating any 888  
child day-care center, type A family day-care home, or type B 889  
family day-care home licensed or certified under Chapter 5104. of 890  
the Revised Code; the administrator of any type C family day-care 891  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 892  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 893  
general assembly; the chief administrator of any head start 894  
agency; or the executive director of a public children services 895  
agency may request that the superintendent of the bureau 896

investigate and determine, with respect to any individual who has  
applied for employment in any position after October 2, 1989, or  
any individual wishing to apply for employment with a board of  
education may request, with regard to the individual, whether the  
bureau has any information gathered under division (A) of this  
section that pertains to that individual. On receipt of the  
request, the superintendent shall determine whether that  
information exists and, upon request of the person, board, or  
entity requesting information, also shall request from the federal  
bureau of investigation any criminal records it has pertaining to  
that individual. 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 that the  
superintendent receives a request, the superintendent shall send  
to the board, entity, or person a report of any information that  
the superintendent determines exists, 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 board, entity, or person a report of any information  
received from the federal bureau of investigation, other than  
information the dissemination of which is prohibited by federal  
law.

(b) When a board of education is required to receive  
information under this section as a prerequisite to employment of  
an individual pursuant to section 3319.39 of the Revised Code, it  
may accept a certified copy of records that were issued by the  
bureau of criminal identification and investigation and that are  
presented by an individual applying for employment with the  
district in lieu of requesting that information itself. In such a  
case, the board shall accept the certified copy issued by the

bureau in order to make a photocopy of it for that individual's 929  
employment application documents and shall return the certified 930  
copy to the individual. In a case of that nature, a district only 931  
shall accept a certified copy of records of that nature within one 932  
year after the date of their issuance by the bureau. 933

(3) The state board of education may request, with respect to 934  
any individual who has applied for employment after October 2, 935  
1989, in any position with the state board or the department of 936  
education, any information that a school district board of 937  
education is authorized to request under division (F)(2) of this 938  
section, and the superintendent of the bureau shall proceed as if 939  
the request has been received from a school district board of 940  
education under division (F)(2) of this section. 941

(4) When the superintendent of the bureau receives a request 942  
for information under section 3319.291 of the Revised Code, the 943  
superintendent shall proceed as if the request has been received 944  
from a school district board of education under division (F)(2) of 945  
this section. 946

(5) When a recipient of a classroom reading improvement grant 947  
paid under section 3301.86 of the Revised Code requests, with 948  
respect to any individual who applies to participate in providing 949  
any program or service funded in whole or in part by the grant, 950  
the information that a school district board of education is 951  
authorized to request under division (F)(2)(a) of this section, 952  
the superintendent of the bureau shall proceed as if the request 953  
has been received from a school district board of education under 954  
division (F)(2)(a) of this section. 955

(G) In addition to or in conjunction with any request that is 956  
required to be made under section ~~173.41~~, 3701.881, 3712.09, 957  
3721.121, or 3722.151 of the Revised Code with respect to an 958  
individual who has applied for employment in a position that 959

involves providing direct care to an older adult, the chief 960  
administrator of a ~~PASSPORT~~ agency that ~~provides services through~~ 961  
~~the PASSPORT program created under section 173.40 of the Revised~~ 962  
~~Code,~~ home health agency, hospice care program, home licensed 963  
under Chapter 3721. of the Revised Code, adult day-care program 964  
operated pursuant to rules adopted under section 3721.04 of the 965  
Revised Code, or adult care facility may request that the 966  
superintendent of the bureau investigate and determine, with 967  
respect to any individual who has applied after January 27, 1997, 968  
for employment in a position that does not involve providing 969  
direct care to an older adult, whether the bureau has any 970  
information gathered under division (A) of this section that 971  
pertains to that individual. ~~On~~ 972

In addition to or in conjunction with any request that is 973  
required to be made under section 173.27 of the Revised Code with 974  
respect to an individual who has applied for employment in a 975  
position that involves providing ombudsperson services to 976  
residents of long-term care facilities or recipients of 977  
community-based long-term care services, the state long-term care 978  
ombudsperson, ombudsperson's designee, or director of health may 979  
request that the superintendent investigate and determine, with 980  
respect to any individual who has applied for employment in a 981  
position that does not involve providing such ombudsperson 982  
services, whether the bureau has any information gathered under 983  
division (A) of this section that pertains to that applicant. 984

In addition to or in conjunction with any request that is 985  
required to be made under section 173.394 of the Revised Code with 986  
respect to an individual who has applied for employment in a 987  
position that involves providing direct care to an individual, the 988  
chief administrator of a community-based long-term care agency may 989  
request that the superintendent investigate and determine, with 990  
respect to any individual who has applied for employment in a 991

position that does not involve providing direct care, whether the 992  
bureau has any information gathered under division (A) of this 993  
section that pertains to that applicant. 994

On receipt of ~~the~~ a request under this division, the 995  
superintendent shall determine whether that information exists 996  
and, on request of the ~~administrator~~ individual requesting 997  
information, shall also request from the federal bureau of 998  
investigation any criminal records it has pertaining to ~~that~~ 999  
~~individual~~ the applicant. The superintendent or the 1000  
superintendent's designee also may request criminal history 1001  
records from other states or the federal government pursuant to 1002  
the national crime prevention and privacy compact set forth in 1003  
section 109.571 of the Revised Code. Within thirty days of the 1004  
date a request is received, the superintendent shall send to the 1005  
~~administrator~~ requester a report of any information determined to 1006  
exist, including information contained in records that have been 1007  
sealed under section 2953.32 of the Revised Code, and, within 1008  
thirty days of its receipt, shall send the ~~administrator~~ requester 1009  
a report of any information received from the federal bureau of 1010  
investigation, other than information the dissemination of which 1011  
is prohibited by federal law. 1012

(H) Information obtained by a ~~board, administrator,~~ 1013  
government entity or ~~other~~ person under this section is 1014  
confidential and shall not be released or disseminated. 1015

(I) The superintendent may charge a reasonable fee for 1016  
providing information or criminal records under division (F)(2) or 1017  
(G) of this section. 1018

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1019  
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, or 1020  
5153.111 of the Revised Code, a completed form prescribed pursuant 1021  
to division (C)(1) of this section, and a set of fingerprint 1022

impressions obtained in the manner described in division (C)(2) of 1023  
this section, the superintendent of the bureau of criminal 1024  
identification and investigation shall conduct a criminal records 1025  
check in the manner described in division (B) of this section to 1026  
determine whether any information exists that indicates that the 1027  
person who is the subject of the request previously has been 1028  
convicted of or pleaded guilty to any of the following: 1029

(a) A violation of section 2903.01, 2903.02, 2903.03, 1030  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1031  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1032  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1033  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1034  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1035  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1036  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1037  
penetration in violation of former section 2907.12 of the Revised 1038  
Code, a violation of section 2905.04 of the Revised Code as it 1039  
existed prior to July 1, 1996, a violation of section 2919.23 of 1040  
the Revised Code that would have been a violation of section 1041  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1042  
had the violation been committed prior to that date, or a 1043  
violation of section 2925.11 of the Revised Code that is not a 1044  
minor drug possession offense; 1045

(b) A violation of an existing or former law of this state, 1046  
any other state, or the United States that is substantially 1047  
equivalent to any of the offenses listed in division (A)(1)(a) of 1048  
this section. 1049

(2) On receipt of a request pursuant to section 5123.081 of 1050  
the Revised Code with respect to an applicant for employment in 1051  
any position with the department of mental retardation and 1052  
developmental disabilities, pursuant to section 5126.28 of the 1053  
Revised Code with respect to an applicant for employment in any 1054

position with a county board of mental retardation and 1055  
developmental disabilities, or pursuant to section 5126.281 of the 1056  
Revised Code with respect to an applicant for employment in a 1057  
direct services position with an entity contracting with a county 1058  
board for employment, a completed form prescribed pursuant to 1059  
division (C)(1) of this section, and a set of fingerprint 1060  
impressions obtained in the manner described in division (C)(2) of 1061  
this section, the superintendent of the bureau of criminal 1062  
identification and investigation shall conduct a criminal records 1063  
check. The superintendent shall conduct the criminal records check 1064  
in the manner described in division (B) of this section to 1065  
determine whether any information exists that indicates that the 1066  
person who is the subject of the request has been convicted of or 1067  
pleaded guilty to any of the following: 1068

(a) A violation of section 2903.01, 2903.02, 2903.03, 1069  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1070  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1071  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1072  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1073  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1074  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1075  
2925.03, or 3716.11 of the Revised Code; 1076

(b) An existing or former municipal ordinance or law of this 1077  
state, any other state, or the United States that is substantially 1078  
equivalent to any of the offenses listed in division (A)(2)(a) of 1079  
this section. 1080

(3) On receipt of a request pursuant to section ~~173.41~~ 1081  
173.27, 173.394, 3712.09, 3721.121, or 3722.151 of the Revised 1082  
Code, a completed form prescribed pursuant to division (C)(1) of 1083  
this section, and a set of fingerprint impressions obtained in the 1084  
manner described in division (C)(2) of this section, the 1085  
superintendent of the bureau of criminal identification and 1086

investigation shall conduct a criminal records check with respect 1087  
to any person who has applied for employment in a position ~~that~~ 1088  
~~involves providing direct care to an older adult~~ for which a 1089  
criminal records check is required by those sections. The 1090  
superintendent shall conduct the criminal records check in the 1091  
manner described in division (B) of this section to determine 1092  
whether any information exists that indicates that the person who 1093  
is the subject of the request previously has been convicted of or 1094  
pleaded guilty to any of the following: 1095

(a) A violation of section 2903.01, 2903.02, 2903.03, 1096  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1097  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1098  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1099  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1100  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1101  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1102  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1103  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1104

(b) An existing or former law of this state, any other state, 1105  
or the United States that is substantially equivalent to any of 1106  
the offenses listed in division (A)(3)(a) of this section. 1107

(4) On receipt of a request pursuant to section 3701.881 of 1108  
the Revised Code with respect to an applicant for employment with 1109  
a home health agency as a person responsible for the care, 1110  
custody, or control of a child, a completed form prescribed 1111  
pursuant to division (C)(1) of this section, and a set of 1112  
fingerprint impressions obtained in the manner described in 1113  
division (C)(2) of this section, the superintendent of the bureau 1114  
of criminal identification and investigation shall conduct a 1115  
criminal records check. The superintendent shall conduct the 1116  
criminal records check in the manner described in division (B) of 1117  
this section to determine whether any information exists that 1118

indicates that the person who is the subject of the request 1119  
previously has been convicted of or pleaded guilty to any of the 1120  
following: 1121

(a) A violation of section 2903.01, 2903.02, 2903.03, 1122  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1123  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1124  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1125  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1126  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1127  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1128  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1129  
violation of section 2925.11 of the Revised Code that is not a 1130  
minor drug possession offense; 1131

(b) An existing or former law of this state, any other state, 1132  
or the United States that is substantially equivalent to any of 1133  
the offenses listed in division (A)(4)(a) of this section. 1134

(5) On receipt of a request pursuant to section 5111.95 or 1135  
5111.96 of the Revised Code with respect to an applicant for 1136  
employment with a waiver agency participating in a department of 1137  
job and family services administered home and community-based 1138  
waiver program or an independent provider participating in a 1139  
department administered home and community-based waiver program in 1140  
a position that involves providing home and community-based waiver 1141  
services to consumers with disabilities, a completed form 1142  
prescribed pursuant to division (C)(1) of this section, and a set 1143  
of fingerprint impressions obtained in the manner described in 1144  
division (C)(2) of this section, the superintendent of the bureau 1145  
of criminal identification and investigation shall conduct a 1146  
criminal records check. The superintendent shall conduct the 1147  
criminal records check in the manner described in division (B) of 1148  
this section to determine whether any information exists that 1149  
indicates that the person who is the subject of the request 1150

previously has been convicted of or pleaded guilty to any of the 1151  
following: 1152

(a) A violation of section 2903.01, 2903.02, 2903.03, 1153  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1154  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1155  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1156  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1157  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 1158  
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 1159  
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 1160  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1161  
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 1162  
Revised Code, felonious sexual penetration in violation of former 1163  
section 2907.12 of the Revised Code, a violation of section 1164  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1165  
violation of section 2919.23 of the Revised Code that would have 1166  
been a violation of section 2905.04 of the Revised Code as it 1167  
existed prior to July 1, 1996, had the violation been committed 1168  
prior to that date; 1169

(b) An existing or former law of this state, any other state, 1170  
or the United States that is substantially equivalent to any of 1171  
the offenses listed in division (A)(5)(a) of this section. 1172

(6) On receipt of a request pursuant to section 3701.881 of 1173  
the Revised Code with respect to an applicant for employment with 1174  
a home health agency in a position that involves providing direct 1175  
care to an older adult, a completed form prescribed pursuant to 1176  
division (C)(1) of this section, and a set of fingerprint 1177  
impressions obtained in the manner described in division (C)(2) of 1178  
this section, the superintendent of the bureau of criminal 1179  
identification and investigation shall conduct a criminal records 1180  
check. The superintendent shall conduct the criminal records check 1181  
in the manner described in division (B) of this section to 1182

determine whether any information exists that indicates that the  
person who is the subject of the request previously has been  
convicted of or pleaded guilty to any of the following:

(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;

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

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

(8) On a request pursuant to section 2151.86 of the Revised  
Code, a completed form prescribed pursuant to division (C)(1) of  
this section, and a set of fingerprint impressions obtained in the  
manner described in division (C)(2) of this section, the  
superintendent of the bureau of criminal identification and  
investigation shall conduct a criminal records check in the manner  
described in division (B) of this section to determine whether any  
information exists that indicates that the person who is the

subject of the request previously has been convicted of or pleaded  
guilty to any of the following:

(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, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a  
violation of section 2905.04 of the Revised Code as it existed  
prior to July 1, 1996, a violation of section 2919.23 of the  
Revised Code that would have been a violation of section 2905.04  
of the Revised Code as it existed prior to July 1, 1996, had the  
violation been committed prior to that date, a violation of  
section 2925.11 of the Revised Code that is not a minor drug  
possession offense, or felonious sexual penetration in violation  
of former section 2907.12 of the Revised Code;

(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 (A)(8)(a) of  
this section.

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

(a) A violation of section 2913.02, 2913.03, 2913.04, 1245  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1246  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1247  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 1248  
2921.13, or 2923.01 of the Revised Code, a violation of section 1249  
2923.02 or 2923.03 of the Revised Code that relates to a crime 1250  
specified in this division or division (A)(1)(a) of this section, 1251  
or a second violation of section 4511.19 of the Revised Code 1252  
within five years of the date of application for licensure or 1253  
certification. 1254

(b) A violation of an existing or former law of this state, 1255  
any other state, or the United States that is substantially 1256  
equivalent to any of the offenses or violations described in 1257  
division (A)(9)(a) of this section. 1258

(10) On receipt of a request for a criminal records check 1259  
from an individual pursuant to section 4749.03 or 4749.06 of the 1260  
Revised Code, accompanied by a completed copy of the form 1261  
prescribed in division (C)(1) of this section and a set of 1262  
fingerprint impressions obtained in a manner described in division 1263  
(C)(2) of this section, the superintendent of the bureau of 1264  
criminal identification and investigation shall conduct a criminal 1265  
records check in the manner described in division (B) of this 1266  
section to determine whether any information exists indicating 1267  
that the person who is the subject of the request has been 1268  
convicted of or pleaded guilty to a felony in this state or in any 1269  
other state. If the individual indicates that a firearm will be 1270  
carried in the course of business, the superintendent shall 1271  
require information from the federal bureau of investigation as 1272  
described in division (B)(2) of this section. The superintendent 1273  
shall report the findings of the criminal records check and any 1274  
information the federal bureau of investigation provides to the 1275  
director of public safety. 1276

(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 1309  
superintendent shall request from the federal bureau of 1310  
investigation any information it has with respect to the person 1311  
who is the subject of the request and shall review or cause to be 1312  
reviewed any information the superintendent receives from that 1313  
bureau. 1314

(3) The superintendent or the superintendent's designee may 1315  
request criminal history records from other states or the federal 1316  
government pursuant to the national crime prevention and privacy 1317  
compact set forth in section 109.571 of the Revised Code. 1318

(C)(1) The superintendent shall prescribe a form to obtain 1319  
the information necessary to conduct a criminal records check from 1320  
any person for whom a criminal records check is required by 1321  
section 121.08, ~~173.41~~ 173.27, 173.394, 2151.86, 3301.32, 1322  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 1323  
4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 1324  
5126.281, or 5153.111 of the Revised Code. The form that the 1325  
superintendent prescribes pursuant to this division may be in a 1326  
tangible format, in an electronic format, or in both tangible and 1327  
electronic formats. 1328

(2) The superintendent shall prescribe standard impression 1329  
sheets to obtain the fingerprint impressions of any person for 1330  
whom a criminal records check is required by section 121.08, 1331  
~~173.41~~ 173.27, 173.394, 2151.86, 3301.32, 3301.541, 3319.39, 1332  
3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 1333  
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 1334  
5153.111 of the Revised Code. Any person for whom a records check 1335  
is required by any of those sections shall obtain the fingerprint 1336  
impressions at a county sheriff's office, municipal police 1337  
department, or any other entity with the ability to make 1338  
fingerprint impressions on the standard impression sheets 1339  
prescribed by the superintendent. The office, department, or 1340

entity may charge the person a reasonable fee for making the 1341  
impressions. The standard impression sheets the superintendent 1342  
prescribes pursuant to this division may be in a tangible format, 1343  
in an electronic format, or in both tangible and electronic 1344  
formats. 1345

(3) Subject to division (D) of this section, the 1346  
superintendent shall prescribe and charge a reasonable fee for 1347  
providing a criminal records check requested under section 121.08, 1348  
~~173.41~~ 173.27, 173.394, 2151.86, 3301.32, 3301.541, 3319.39, 1349  
3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 1350  
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 1351  
5153.111 of the Revised Code. The person making a criminal records 1352  
request under section 121.08, ~~173.41~~ 173.27, 173.394, 2151.86, 1353  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1354  
4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 1355  
5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the 1356  
fee prescribed pursuant to this division. A person making a 1357  
request under section 3701.881 of the Revised Code for a criminal 1358  
records check for an applicant who may be both responsible for the 1359  
care, custody, or control of a child and involved in providing 1360  
direct care to an older adult shall pay one fee for the request. 1361

(4) The superintendent of the bureau of criminal 1362  
identification and investigation may prescribe methods of 1363  
forwarding fingerprint impressions and information necessary to 1364  
conduct a criminal records check, which methods shall include, but 1365  
not be limited to, an electronic method. 1366

(D) A determination whether any information exists that 1367  
indicates that a person previously has been convicted of or 1368  
pleaded guilty to any offense listed or described in division 1369  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1370  
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), (A)(8)(a) or (b), 1371  
or (A)(9)(a) or (b) of this section that is made by the 1372

superintendent with respect to information considered in a 1373  
criminal records check in accordance with this section is valid 1374  
for the person who is the subject of the criminal records check 1375  
for a period of one year from the date upon which the 1376  
superintendent makes the determination. During the period in which 1377  
the determination in regard to a person is valid, if another 1378  
request under this section is made for a criminal records check 1379  
for that person, the superintendent shall provide the information 1380  
that is the basis for the superintendent's initial determination 1381  
at a lower fee than the fee prescribed for the initial criminal 1382  
records check. 1383

(E) As used in this section: 1384

(1) "Criminal records check" means any criminal records check 1385  
conducted by the superintendent of the bureau of criminal 1386  
identification and investigation in accordance with division (B) 1387  
of this section. 1388

(2) "Home and community-based waiver services" and "waiver 1389  
agency" have the same meanings as in section 5111.95 of the 1390  
Revised Code. 1391

(3) "Independent provider" has the same meaning as in section 1392  
5111.96 of the Revised Code. 1393

(4) "Minor drug possession offense" has the same meaning as 1394  
in section 2925.01 of the Revised Code. 1395

(5) "Older adult" means a person age sixty or older. 1396

**Sec. 113.09.** Except as provided in section 113.10 of the 1397  
Revised Code, all moneys deposited with the treasurer of state, 1398  
the disposition of which is not otherwise provided for by law, 1399  
shall be credited to the general revenue fund, which is hereby 1400  
created in the state treasury. If a warrant for the payment of 1401  
money from the state treasury has been illegally or improperly 1402

issued ~~by the auditor of state~~, or the amount of a warrant issued 1403  
~~by him~~ exceeds the sum ~~which~~ that should have been named therein, 1404  
and payment of such warrant or excess has been made by the 1405  
treasurer of state, the director of budget and management shall, 1406  
unless the account of the appropriation from which it was paid has 1407  
been closed, credit the amount collected to such appropriation; 1408  
but, if such account has been closed, ~~he~~ the director shall credit 1409  
the amount so collected to the fund on which the warrant was 1410  
originally drawn. 1411

All investment earnings on moneys deposited in the state 1412  
treasury shall be credited to the general revenue fund unless: 1413

(A) The disposition of the earnings is otherwise provided for 1414  
by law; 1415

(B) The director ~~of budget and management~~ has provided in the 1416  
plan approved under section 131.36 of the Revised Code that a 1417  
different fund is entitled to the earnings. 1418

**Sec. 113.11.** No money shall be paid out of the state treasury 1419  
or transferred elsewhere except on the warrant of the ~~auditor of~~ 1420  
~~state~~ director of budget and management. No money shall be paid 1421  
out of a custodial fund of the treasurer of state except on proper 1422  
order to the treasurer of state by the officer authorized by law 1423  
to pay money out of the fund. 1424

The treasurer of state shall adopt rules prescribing the form 1425  
and manner in which money may be paid out of the state treasury or 1426  
a custodial fund of the treasurer of state. 1427

**Sec. 113.12.** The treasurer of state, on presentation, shall 1428  
pay all warrants drawn on ~~him~~ the treasurer of state by the 1429  
~~auditor of state~~ director of budget and management. At least once 1430  
each month the treasurer of state shall surrender to the ~~auditor~~ 1431  
~~of state~~ director all warrants the treasurer of state has paid and 1432

shall accept the receipt of the ~~auditor of state~~ director 1433  
therefor. The receipt shall be held by the treasurer of state in 1434  
place of such warrants and as evidence of their payment until an 1435  
audit of the state treasury and the custodial funds of the 1436  
treasurer of state has been completed. 1437

**Sec. 120.36.** (A) ~~If (1) Subject to division (A)(2), (3), (4),~~ 1438  
~~(5), or (6) of this section, if~~ a person who is a defendant in a 1439  
criminal case or a party in a case in juvenile court requests or 1440  
is provided a state public defender, a county or joint county 1441  
public defender, or any other counsel appointed by the court, the 1442  
court in which the criminal case is initially filed or the 1443  
juvenile court, whichever is applicable, shall assess, unless the 1444  
application fee is waived or reduced, a non-refundable application 1445  
fee of twenty-five dollars. 1446

The court shall direct the person to pay the application fee 1447  
to the clerk of court. The person shall pay the application fee to 1448  
the clerk of court at the time the person files an affidavit of 1449  
indigency or a financial disclosure form with the court, a state 1450  
public defender, a county or joint county public defender, or any 1451  
other counsel appointed by the court or within seven days of that 1452  
date. If the person does not pay the application fee within that 1453  
seven-day period, the court shall assess the application fee at 1454  
sentencing or at the final disposition of the case. 1455

~~If a case involving a felony that was initially filed in a~~ 1456  
~~municipal court or a county court is bound over to the court of~~ 1457  
~~common pleas and the defendant in the case failed to pay the~~ 1458  
~~application fee in the municipal court or county court, the court~~ 1459  
~~of common pleas shall assess the application fee at the initial~~ 1460  
~~appearance of the defendant in the court of common pleas. If a~~ 1461  
~~case involving an alleged delinquent child is transferred to the~~ 1462  
~~court of common pleas for prosecution of the involved child as an~~ 1463

~~adult and if the involved child failed to pay the fee in the juvenile court, the court of common pleas shall assess the application fee at the initial appearance of the child in the court of common pleas.~~

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

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

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

(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.

(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.

(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. 1495

(7) The court shall assess an application fee pursuant to 1496  
this section one time per case. ~~An appeal shall not be considered~~ 1497  
~~a separate case for the purpose of assessing the application fee~~ 1498  
For purposes of assessing the application fee, a case means one 1499  
complete proceeding or trial held in one court for a person on an 1500  
indictment, information, complaint, petition, citation, writ, 1501  
motion, or other document initiating a case that arises out of a 1502  
single incident or a series of related incidents, or when one 1503  
individual is charged with two or more offenses that the court 1504  
handles simultaneously. The court may waive or reduce the fee for 1505  
a specific person in a specific case upon a finding that the 1506  
person lacks financial resources that are sufficient to pay the 1507  
fee or that payment of the fee would result in an undue hardship. 1508

(B) No court, state public defender, county or joint county 1509  
public defender, or other counsel appointed by the court shall 1510  
deny a person the assistance of counsel solely due to the person's 1511  
failure to pay the application fee assessed pursuant to division 1512  
(A) of this section. A person's present inability, failure, or 1513  
refusal to pay the application fee shall not disqualify that 1514  
person from legal representation. 1515

(C) The application fee assessed pursuant to division (A) of 1516  
this section is separate from and in addition to any other amount 1517  
assessed against a person who is found to be able to contribute 1518  
toward the cost of the person's legal representation pursuant to 1519  
division (D) of section 2941.51 of the Revised Code. 1520

(D) The clerk of the court that assessed the fees shall 1521  
forward all application fees collected pursuant to this section to 1522  
the county treasurer for deposit in the county treasury. The 1523  
county shall retain eighty per cent of the application fees so 1524  
collected to offset the costs of providing legal representation to 1525  
indigent persons. ~~Each~~ Not later than the last day of each month, 1526

the county auditor shall remit twenty per cent of the application 1527  
fees so collected in the previous month to the state public 1528  
defender. The state public defender shall deposit the remitted 1529  
fees into the state treasury to the credit of the client payment 1530  
fund created pursuant to division (B)(5) of section 120.04 of the 1531  
Revised Code. The state public defender may use that money in 1532  
accordance with that section. 1533

(E) On or before the ~~first day of March of each year~~ 1534  
twentieth day of each month beginning in February of the year 1535  
2007, each clerk of court shall provide to the state public 1536  
defender ~~and the state auditor~~ a report including all of the 1537  
following: 1538

(1) The number of persons in the previous ~~calendar year~~ month 1539  
who requested or were provided a state public defender, county or 1540  
joint county public defender, or other counsel appointed by the 1541  
court; 1542

(2) The number of persons in the previous ~~calendar year~~ month 1543  
for whom the court waived the application fee pursuant to division 1544  
(A) of this section; 1545

(3) The dollar value of the ~~assessed~~ application fees 1546  
assessed pursuant to division (A) of this section in the previous 1547  
~~calendar year~~ month; 1548

(4) The amount of assessed application fees collected in the 1549  
previous ~~calendar year~~ month; 1550

(5) The balance of unpaid assessed application fees at the 1551  
open and close of the previous ~~calendar year~~ month. 1552

(F) As used in this section: 1553

(1) "Clerk of court" means the clerk of the court of common 1554  
pleas of the county, the clerk of the juvenile court of the 1555  
county, the clerk of the domestic relations division of the court 1556

of common pleas of the county, the clerk of the probate court of 1557  
the county, the clerk of a municipal court in the county, the 1558  
clerk of a county-operated municipal court, or the clerk of a 1559  
county court in the county, whichever is applicable. 1560

(2) "County-operated municipal court" has the same meaning as 1561  
in section 1901.03 of the Revised Code. 1562

**Sec. 120.52.** There is hereby established in the state 1563  
treasury the legal aid fund, which shall be for the charitable 1564  
public purpose of providing financial assistance to legal aid 1565  
societies that provide civil legal services to indigents. The fund 1566  
shall contain all funds credited to it by the treasurer of state 1567  
pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 1568  
4705.09, and 4705.10 of the Revised Code ~~and income from~~ 1569  
~~investment credited to it by the treasurer of state in accordance~~ 1570  
~~with this section.~~ 1571

The treasurer of state may invest moneys contained in the 1572  
legal aid fund in any manner authorized by the Revised Code for 1573  
the investment of state moneys. However, no such investment shall 1574  
interfere with any apportionment, allocation, or payment of moneys 1575  
~~in January and July of each calendar year,~~ as required by section 1576  
120.53 of the Revised Code. ~~All income earned as a result of any~~ 1577  
~~such investment shall be credited to the fund.~~ 1578

The state public defender, through the Ohio legal assistance 1579  
foundation, shall administer the payment of moneys out of the 1580  
fund. Four and one-half per cent of the moneys in the fund shall 1581  
be reserved for the actual, reasonable costs of administering 1582  
sections 120.51 to 120.55 and sections 1901.26, 1907.24, 2303.201, 1583  
3953.231, 4705.09, and 4705.10 of the Revised Code. Moneys that 1584  
are reserved for administrative costs but that are not used for 1585  
actual, reasonable administrative costs shall be set aside for use 1586  
in the manner described in division (A) of section 120.521 of the 1587

Revised Code. The remainder of the moneys in the legal aid fund 1588  
shall be distributed in accordance with section 120.53 of the 1589  
Revised Code. The Ohio legal assistance foundation shall 1590  
establish, in accordance with Chapter 119. of the Revised Code, 1591  
rules governing the administration of the legal aid fund, 1592  
including the programs established under sections 1901.26, 1593  
1907.24, 2303.201, 4705.09, and 4705.10 of the Revised Code 1594  
regarding interest on interest-bearing trust accounts of an 1595  
attorney, law firm, or legal professional association. 1596

**Sec. 120.521.** (A) The state public defender shall establish a 1597  
charitable, tax exempt foundation, named the Ohio legal assistance 1598  
foundation, to actively solicit and accept gifts, bequests, 1599  
donations, and contributions for use in providing financial 1600  
assistance to legal aid societies, enhancing or improving the 1601  
delivery of civil legal services to indigents, and operating the 1602  
foundation. The Ohio legal assistance foundation shall deposit all 1603  
gifts, bequests, donations, and contributions accepted by it into 1604  
the legal assistance foundation fund established under this 1605  
section. If the state public defender, pursuant to section 120.52 1606  
of the Revised Code as it existed prior to the effective date of 1607  
this section, established a charitable, tax exempt foundation 1608  
named the Ohio legal assistance foundation and if that foundation 1609  
is in existence on the day before the effective date of this 1610  
section, that foundation shall continue in existence and shall 1611  
serve as the Ohio legal assistance foundation described in this 1612  
section. 1613

There is hereby established the legal assistance foundation 1614  
fund, which shall be under the custody and control of the Ohio 1615  
legal assistance foundation. The fund shall contain all moneys 1616  
distributed to the Ohio legal assistance foundation pursuant to 1617  
section 120.53 of the Revised Code and all gifts, bequests, 1618

donations, and contributions accepted by the Ohio legal assistance foundation under this section. 1619  
1620

The Ohio legal assistance foundation shall distribute or use 1621  
all moneys in the legal assistance foundation fund for the 1622  
charitable public purpose of providing financial assistance to 1623  
legal aid societies that provide civil legal services to 1624  
indigents, enhancing or improving the delivery of civil legal 1625  
services to indigents, and operating the foundation. The Ohio 1626  
legal assistance foundation shall establish rules governing the 1627  
administration of the legal assistance foundation fund. 1628

The Ohio legal assistance foundation shall include, in the 1629  
annual report it is required to make to the governor, the general 1630  
assembly, and the supreme court pursuant to division (G)(2) of 1631  
section 120.53 of the Revised Code, an audited financial statement 1632  
on the distribution and use of the legal assistance foundation 1633  
fund. No information contained in the statement shall identify or 1634  
enable the identification of any person served by a legal aid 1635  
society or in any way breach confidentiality. 1636

(B) A foundation is tax exempt for purposes of this section 1637  
if the foundation is exempt from federal income taxation under 1638  
subsection 501(a) of the "Internal Revenue Code of 1986," 100 1639  
Stat. 2085, 26 U.S.C. 501(a), as amended, and if the foundation 1640  
has received from the internal revenue service a determination 1641  
letter that is in effect stating that the foundation is exempt 1642  
from federal income taxation under that subsection. 1643

**Sec. 120.53.** (A) A legal aid society that operates within the 1644  
state may apply to the Ohio legal assistance foundation for 1645  
financial assistance from the legal aid fund established by 1646  
section 120.52 of the Revised Code to be used for the funding of 1647  
the society during the calendar year following the calendar year 1648  
in which application is made. 1649

(B) An application for financial assistance made under 1650  
division (A) of this section shall be submitted by the first day 1651  
of November of the calendar year preceding the calendar year for 1652  
which financial assistance is desired and shall include all of the 1653  
following: 1654

(1) Evidence that the applicant is incorporated in this state 1655  
as a nonprofit corporation; 1656

(2) A list of the trustees of the applicant; 1657

(3) The proposed budget of the applicant for these funds for 1658  
the following calendar year; 1659

(4) A summary of the services to be offered by the applicant 1660  
in the following calendar year; 1661

(5) A specific description of the territory or constituency 1662  
served by the applicant; 1663

(6) An estimate of the number of persons to be served by the 1664  
applicant during the following calendar year; 1665

(7) A general description of the additional sources of the 1666  
applicant's funding; 1667

(8) The amount of the applicant's total budget for the 1668  
calendar year in which the application is filed that it will 1669  
expend in that calendar year for legal services in each of the 1670  
counties it serves; 1671

(9) A specific description of any services, programs, 1672  
training, and legal technical assistance to be delivered by the 1673  
applicant or by another person pursuant to a contract with the 1674  
applicant, including, but not limited to, by private attorneys or 1675  
through reduced fee plans, judicare panels, organized pro bono 1676  
programs, and mediation programs. 1677

(C) The Ohio legal assistance foundation shall determine 1678  
whether each applicant that filed an application for financial 1679

assistance under division (A) of this section in a calendar year 1680  
is eligible for financial assistance under this section. To be 1681  
eligible for such financial assistance, an applicant shall satisfy 1682  
the criteria for being a legal aid society and shall be in 1683  
compliance with the provisions of sections 120.51 to 120.55 of the 1684  
Revised Code and with the rules and requirements the foundation 1685  
establishes pursuant to section 120.52 of the Revised Code. The 1686  
Ohio legal assistance foundation then, on or before the fifteenth 1687  
day of December of the calendar year in which the application is 1688  
filed, shall notify each such applicant, in writing, whether it is 1689  
eligible for financial assistance under this section, and if it is 1690  
eligible, estimate the amount that will be available for that 1691  
applicant for each six-month distribution period, as determined 1692  
under division (D) of this section. 1693

(D) The Ohio legal assistance foundation shall allocate 1694  
moneys contained in the legal aid fund ~~twice each year~~ monthly for 1695  
distribution to applicants that filed their applications in the 1696  
previous calendar year and ~~were~~ are determined to be eligible 1697  
applicants. 1698

All moneys contained in the fund on the first day of ~~January~~ 1699  
~~of a calendar year~~ each month shall be allocated, after deduction 1700  
of the costs of administering sections 120.51 to 120.55 and 1701  
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 1702  
4705.10 of the Revised Code that are authorized by section 120.52 1703  
of the Revised Code, according to this section and shall be 1704  
distributed accordingly ~~on the thirty first day of January of that~~ 1705  
~~calendar year, and all moneys contained in the fund on the first~~ 1706  
~~day of July of that calendar year shall be allocated, after~~ 1707  
~~deduction of the costs of administering those sections that are~~ 1708  
~~authorized by section 120.52 of the Revised Code, according to~~ 1709  
~~this section and shall be distributed accordingly on the~~ 1710  
~~thirty first day of July of that calendar year~~ not later than the 1711

last day of the month following the month the moneys were 1712  
received. In making the allocations under this section, the moneys 1713  
in the fund that were generated pursuant to sections 1901.26, 1714  
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 1715  
Code ~~and all income generated from the investment of such moneys~~ 1716  
shall be apportioned as follows: 1717

(1) After deduction of the amount authorized and used for 1718  
actual, reasonable administrative costs under section 120.52 of 1719  
the Revised Code: 1720

(a) Five per cent of the moneys remaining in the fund shall 1721  
be reserved for use in the manner described in division (A) of 1722  
section 120.521 of the Revised Code or for distribution to legal 1723  
aid societies that provide assistance to special population groups 1724  
of their eligible clients, engage in special projects that have a 1725  
substantial impact on their local service area or on significant 1726  
segments of the state's poverty population, or provide legal 1727  
training or support to other legal aid societies in the state; 1728

(b) After deduction of the amount described in division 1729  
(D)(1)(a) of this section, one and three-quarters per cent of the 1730  
moneys remaining in the fund shall be apportioned among entities 1731  
that received financial assistance from the legal aid fund prior 1732  
to the effective date of this amendment but that, on and after the 1733  
effective date of this amendment, no longer qualify as a legal aid 1734  
society that is eligible for financial assistance under this 1735  
section. 1736

(c) After deduction of the amounts described in divisions 1737  
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 1738  
remaining in the fund shall be placed in the legal assistance 1739  
foundation fund for use in the manner described in division (A) of 1740  
section 120.521 of the Revised Code. 1741

(2) After deduction of the actual, reasonable administrative 1742

costs under section 120.52 of the Revised Code and after deduction 1743  
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 1744  
this section, the remaining moneys shall be apportioned among the 1745  
counties that are served by eligible legal aid societies that have 1746  
applied for financial assistance under this section so that each 1747  
such county is apportioned a portion of those moneys, based upon 1748  
the ratio of the number of indigents who reside in that county to 1749  
the total number of indigents who reside in all counties of this 1750  
state that are served by eligible legal aid societies that have 1751  
applied for financial assistance under this section. Subject to 1752  
division (E) of this section, the moneys apportioned to a county 1753  
under this division then shall be allocated to the eligible legal 1754  
aid society that serves the county and that has applied for 1755  
financial assistance under this section. For purposes of this 1756  
division, the source of data identifying the number of indigent 1757  
persons who reside in a county shall be the most recent decennial 1758  
census figures from the United States department of commerce, 1759  
division of census. 1760

(E) If the Ohio legal assistance foundation, in attempting to 1761  
make an allocation of moneys under division (D)(2) of this 1762  
section, determines that a county that has been apportioned money 1763  
under that division is served by more than one eligible legal aid 1764  
society that has applied for financial assistance under this 1765  
section, the Ohio legal assistance foundation shall allocate the 1766  
moneys that have been apportioned to that county under division 1767  
(D)(2) of this section among all eligible legal aid societies that 1768  
serve that county and that have applied for financial assistance 1769  
under this section on a pro rata basis, so that each such eligible 1770  
society is allocated a portion based upon the amount of its total 1771  
budget expended in the prior calendar year for legal services in 1772  
that county as compared to the total amount expended in the prior 1773  
calendar year for legal services in that county by all eligible 1774

legal aid societies that serve that county and that have applied 1775  
for financial assistance under this section. 1776

(F) Moneys allocated to eligible applicants under this 1777  
section shall be paid ~~twice annually, on the thirty first day of~~ 1778  
~~January and on the thirty first day of July of~~ monthly beginning 1779  
the calendar year following the calendar year in which the 1780  
application is filed. 1781

(G)(1) A legal aid society that receives financial assistance 1782  
in any calendar year under this section shall file an annual 1783  
report with the Ohio legal assistance foundation detailing the 1784  
number and types of cases handled, and the amount and types of 1785  
legal training, legal technical assistance, and other service 1786  
provided, by means of that financial assistance. No information 1787  
contained in the report shall identify or enable the 1788  
identification of any person served by the legal aid society or in 1789  
any way breach client confidentiality. 1790

(2) The Ohio legal assistance foundation shall make an annual 1791  
report to the governor, the general assembly, and the supreme 1792  
court on the distribution and use of the legal aid fund. The 1793  
foundation also shall include in the annual report an audited 1794  
financial statement of all gifts, bequests, donations, 1795  
contributions, and other moneys the foundation receives. No 1796  
information contained in the report shall identify or enable the 1797  
identification of any person served by a legal aid society, or in 1798  
any way breach confidentiality. 1799

(H) A legal aid society may enter into agreements for the 1800  
provision of services, programs, training, or legal technical 1801  
assistance for the legal aid society or to indigent persons. 1802

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 1803  
and children first cabinet council. The council shall be composed 1804

of the superintendent of public instruction and the directors of 1805  
youth services, job and family services, mental health, health, 1806  
alcohol and drug addiction services, mental retardation and 1807  
developmental disabilities, and budget and management. The 1808  
chairperson of the council shall be the governor or the governor's 1809  
designee and shall establish procedures for the council's internal 1810  
control and management. 1811

(2) The purpose of the cabinet council is to help families 1812  
seeking government services. This section shall not be interpreted 1813  
or applied to usurp the role of parents, but solely to streamline 1814  
and coordinate existing government services for families seeking 1815  
assistance for their children. 1816

In seeking to fulfill its purpose, the council may do any of 1817  
the following: 1818

(a) Advise and make recommendations to the governor and 1819  
general assembly regarding the provision of services to children; 1820

(b) Advise and assess local governments on the coordination 1821  
of service delivery to children; 1822

(c) Hold meetings at such times and places as may be 1823  
prescribed by the council's procedures and maintain records of the 1824  
meetings, except that records identifying individual children are 1825  
confidential and shall be disclosed only as provided by law; 1826

(d) Develop programs and projects, including pilot projects, 1827  
to encourage coordinated efforts at the state and local level to 1828  
improve the state's social service delivery system; 1829

(e) Enter into contracts with and administer grants to county 1830  
family and children first councils, as well as other county or 1831  
multicounty organizations to plan and coordinate service delivery 1832  
between state agencies and local service providers for families 1833  
and children; 1834

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	1835 1836
(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;	1837 1838 1839 1840 1841
(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;	1842 1843 1844 1845
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	1846 1847 1848 1849
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	1850 1851 1852 1853
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	1854 1855 1856 1857
(3) The cabinet council shall provide for the following:	1858
(a) Reviews of service and treatment plans for children for which such reviews are requested;	1859 1860
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	1861 1862 1863
(c) Monitoring and supervision of a statewide, comprehensive,	1864

coordinated, multi-disciplinary, interagency system for infants 1865  
and toddlers with developmental disabilities or delays and their 1866  
families, as established pursuant to federal grants received and 1867  
administered by the department of health for early intervention 1868  
services under the "Individuals with Disabilities Education Act of 1869  
2004," 20 U.S.C.A. 1400, as amended. 1870

(B)(1) Each board of county commissioners shall establish a 1871  
county family and children first council. The board may invite any 1872  
local public or private agency or group that funds, advocates, or 1873  
provides services to children and families to have a 1874  
representative become a permanent or temporary member of its 1875  
county council. Each county council must include the following 1876  
individuals: 1877

(a) At least three individuals who are not employed by an 1878  
agency represented on the council and whose families are or have 1879  
received services from an agency represented on the council or 1880  
another county's council. Where possible, the number of members 1881  
representing families shall be equal to twenty per cent of the 1882  
council's membership. 1883

(b) The director of the board of alcohol, drug addiction, and 1884  
mental health services that serves the county, or, in the case of 1885  
a county that has a board of alcohol and drug addiction services 1886  
and a community mental health board, the directors of both boards. 1887  
If a board of alcohol, drug addiction, and mental health services 1888  
covers more than one county, the director may designate a person 1889  
to participate on the county's council. 1890

(c) The health commissioner, or the commissioner's designee, 1891  
of the board of health of each city and general health district in 1892  
the county. If the county has two or more health districts, the 1893  
health commissioner membership may be limited to the commissioners 1894  
of the two districts with the largest populations. 1895

(d) The director of the county department of job and family services;	1896 1897
(e) The executive director of the public children services agency;	1898 1899
(f) The superintendent of the county board of mental retardation and developmental disabilities;	1900 1901
(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;	1902 1903 1904 1905
(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;	1906 1907 1908 1909 1910
(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;	1911 1912 1913
(j) A representative of the municipal corporation with the largest population in the county;	1914 1915
(k) The president of the board of county commissioners or an individual designated by the board;	1916 1917
(l) A representative of the regional office of the department of youth services;	1918 1919
(m) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	1920 1921
(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";	1922 1923 1924 1925

(o) A representative of a local nonprofit entity that funds, 1926  
advocates, or provides services to children and families. 1927

Notwithstanding any other provision of law, the public 1928  
members of a county council are not prohibited from serving on the 1929  
council and making decisions regarding the duties of the council, 1930  
including those involving the funding of joint projects and those 1931  
outlined in the county's service coordination mechanism 1932  
implemented pursuant to division (C) of this section. 1933

The cabinet council shall establish a state appeals process 1934  
to resolve disputes among the members of a county council 1935  
concerning whether reasonable responsibilities as members are 1936  
being shared. The appeals process may be accessed only by a 1937  
majority vote of the council members who are required to serve on 1938  
the council. Upon appeal, the cabinet council may order that state 1939  
funds for services to children and families be redirected to a 1940  
county's board of county commissioners. 1941

(2) The purpose of the county council is to streamline and 1942  
coordinate existing government services for families seeking 1943  
services for their children. In seeking to fulfill its purpose, a 1944  
county council shall provide for the following: 1945

(a) Referrals to the cabinet council of those children for 1946  
whom the county council cannot provide adequate services; 1947

(b) Development and implementation of a process that annually 1948  
evaluates and prioritizes services, fills service gaps where 1949  
possible, and invents new approaches to achieve better results for 1950  
families and children; 1951

(c) Participation in the development of a countywide, 1952  
comprehensive, coordinated, multi-disciplinary, interagency system 1953  
for infants and toddlers with developmental disabilities or delays 1954  
and their families, as established pursuant to federal grants 1955  
received and administered by the department of health for early 1956

intervention services under the "Education of the Handicapped Act Amendments of 1986";	1957 1958
(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;	1959 1960 1961
(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.	1962 1963 1964
(3)(a) Except as provided in division (B)(3)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements.	1965 1966 1967 1968 1969 1970
(b) On application of a county council, the cabinet council may grant an exemption from any rules or interagency agreements of a state department participating on the council if an exemption is necessary for the council to implement an alternative program or approach for service delivery to families and children. The application shall describe the proposed program or approach and specify the rules or interagency agreements from which an exemption is necessary. The cabinet council shall approve or disapprove the application in accordance with standards and procedures it shall adopt. If an application is approved, the exemption is effective only while the program or approach is being implemented, including a reasonable period during which the program or approach is being evaluated for effectiveness.	1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983
(4)(a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community	1984 1985 1986 1987

mental health board if the county is served by separate boards; 1988  
the board of county commissioners; any board of health of the 1989  
county's city and general health districts; the county department 1990  
of job and family services; the county agency responsible for the 1991  
administration of children services pursuant to section 5153.15 of 1992  
the Revised Code; the county board of mental retardation and 1993  
developmental disabilities; any of the county's boards of 1994  
education or governing boards of educational service centers; or 1995  
the county's juvenile court. Any of the foregoing public entities, 1996  
other than the board of county commissioners, may decline to serve 1997  
as the council's administrative agent. 1998

A county council's administrative agent shall serve as the 1999  
council's appointing authority for any employees of the council. 2000  
The council shall file an annual budget with its administrative 2001  
agent, with copies filed with the county auditor and with the 2002  
board of county commissioners, unless the board is serving as the 2003  
council's administrative agent. The council's administrative agent 2004  
shall ensure that all expenditures are handled in accordance with 2005  
policies, procedures, and activities prescribed by state 2006  
departments in rules or interagency agreements that are applicable 2007  
to the council's functions. 2008

The administrative agent for a county council may do any of 2009  
the following on behalf of the council: 2010

(i) Enter into agreements or administer contracts with public 2011  
or private entities to fulfill specific council business. Such 2012  
agreements and contracts are exempt from the competitive bidding 2013  
requirements of section 307.86 of the Revised Code if they have 2014  
been approved by the county council and they are for the purchase 2015  
of family and child welfare or child protection services or other 2016  
social or job and family services for families and children. The 2017  
approval of the county council is not required to exempt 2018  
agreements or contracts entered into under section 5139.34, 2019

5139.41, or 5139.43 of the Revised Code from the competitive 2020  
bidding requirements of section 307.86 of the Revised Code. 2021

(ii) As determined by the council, provide financial 2022  
stipends, reimbursements, or both, to family representatives for 2023  
expenses related to council activity; 2024

(iii) Receive by gift, grant, devise, or bequest any moneys, 2025  
lands, or other property for the purposes for which the council is 2026  
established. The agent shall hold, apply, and dispose of the 2027  
moneys, lands, or other property according to the terms of the 2028  
gift, grant, devise, or bequest. Any interest or earnings shall be 2029  
treated in the same manner and are subject to the same terms as 2030  
the gift, grant, devise, or bequest from which it accrues. 2031

(b)(i) If the county council designates the board of county 2032  
commissioners as its administrative agent, the board may, by 2033  
resolution, delegate any of its powers and duties as 2034  
administrative agent to an executive committee the board 2035  
establishes from the membership of the county council. The board 2036  
shall name to the executive committee at least the individuals 2037  
described in divisions (B)(1)(a) to (i) of this section and may 2038  
appoint the president of the board or another individual as the 2039  
chair of the executive committee. The executive committee must 2040  
include at least one family county council representative who does 2041  
not have a family member employed by an agency represented on the 2042  
council. 2043

(ii) The executive committee may, with the approval of the 2044  
board, hire an executive director to assist the county council in 2045  
administering its powers and duties. The executive director shall 2046  
serve in the unclassified civil service at the pleasure of the 2047  
executive committee. The executive director may, with the approval 2048  
of the executive committee, hire other employees as necessary to 2049  
properly conduct the county council's business. 2050

(iii) The board may require the executive committee to submit 2051  
an annual budget to the board for approval and may amend or repeal 2052  
the resolution that delegated to the executive committee its 2053  
authority as the county council's administrative agent. 2054

(5) Two or more county councils may enter into an agreement 2055  
to administer their county councils jointly by creating a regional 2056  
family and children first council. A regional council possesses 2057  
the same duties and authority possessed by a county council, 2058  
except that the duties and authority apply regionally rather than 2059  
to individual counties. Prior to entering into an agreement to 2060  
create a regional council, the members of each county council to 2061  
be part of the regional council shall meet to determine whether 2062  
all or part of the members of each county council will serve as 2063  
members of the regional council. 2064

(6) A board of county commissioners may approve a resolution 2065  
by a majority vote of the board's members that requires the county 2066  
council to submit a statement to the board each time the council 2067  
proposes to enter into an agreement, adopt a plan, or make a 2068  
decision, other than a decision pursuant to section 121.38 of the 2069  
Revised Code, that requires the expenditure of funds for two or 2070  
more families. The statement shall describe the proposed 2071  
agreement, plan, or decision. 2072

Not later than fifteen days after the board receives the 2073  
statement, it shall, by resolution approved by a majority of its 2074  
members, approve or disapprove the agreement, plan, or decision. 2075  
Failure of the board to pass a resolution during that time period 2076  
shall be considered approval of the agreement, plan, or decision. 2077

An agreement, plan, or decision for which a statement is 2078  
required to be submitted to the board shall be implemented only if 2079  
it is approved by the board. 2080

(C) Each county shall develop a county service coordination 2081

mechanism. The county service coordination mechanism shall serve  
as the guiding document for coordination of services in the  
county. For children who also receive services under the help me  
grow program, the service coordination mechanism shall be  
consistent with rules adopted by the department of health under  
section 3701.61 of the Revised Code. All family service  
coordination plans shall be developed in accordance with the  
county service coordination mechanism. The mechanism shall be  
developed and approved with the participation of the county  
entities representing child welfare; mental retardation and  
developmental disabilities; alcohol, drug addiction, and mental  
health services; health; juvenile judges; education; the county  
family and children first council; and the county early  
intervention collaborative established pursuant to the federal  
early intervention program operated under the "Education of the  
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; 2113

(4) A procedure for ensuring that a family service 2114  
coordination plan meeting is conducted ~~before a non-emergency for~~ 2115  
each child who receives service coordination under the mechanism 2116  
and for whom an emergency out-of-home placement for all multi-need 2117  
children, or has been made or for whom a nonemergency out-of-home 2118  
placement is being considered. The meeting shall be conducted 2119  
within ten days of a an emergency out-of-home placement ~~for~~ 2120  
~~emergency placements of multi-need children. The meeting shall be~~ 2121  
conducted before a nonemergency out-of-home placement. The family 2122  
service coordination plan shall outline how the county council 2123  
members will jointly pay for services, where applicable, and 2124  
provide services in the least restrictive environment. 2125

(5) A procedure for monitoring the progress and tracking the 2126  
outcomes of each service coordination plan requested in the county 2127  
including monitoring and tracking children in out-of-home 2128  
placements to assure continued progress, appropriateness of 2129  
placement, and continuity of care after discharge from placement 2130  
with appropriate arrangements for housing, treatment, and 2131  
education. 2132

(6) A procedure for protecting the confidentiality of all 2133  
personal family information disclosed during service coordination 2134  
meetings or contained in the comprehensive family service 2135  
coordination plan. 2136

(7) A procedure for assessing the needs and strengths of any 2137  
child or family that has been referred to the council for service 2138  
coordination, including a child whose parent or custodian is 2139  
voluntarily seeking services, and for ensuring that parents and 2140  
custodians are afforded the opportunity to participate; 2141

(8) A procedure for development of a family service 2142  
coordination plan described in division (D) of this section; 2143

(9) A local dispute resolution process to serve as the 2144  
process that must be used first to resolve disputes among the 2145  
agencies represented on the county council concerning the 2146  
provision of services to children, including children who are 2147  
abused, neglected, dependent, unruly, alleged unruly, or 2148  
delinquent children and under the jurisdiction of the juvenile 2149  
court and children whose parents or custodians are voluntarily 2150  
seeking services. The local dispute resolution process shall 2151  
comply with section 121.38 of the Revised Code. The local dispute 2152  
resolution process shall be used to resolve disputes between a 2153  
child's parents or custodians and the county council regarding 2154  
service coordination. The county council shall inform the parents 2155  
or custodians of their right to use the dispute resolution 2156  
process. Parents or custodians shall use existing local agency 2157  
grievance procedures to address disputes not involving service 2158  
coordination. The dispute resolution process is in addition to and 2159  
does not replace other rights or procedures that parents or 2160  
custodians may have under other sections of the Revised Code. 2161

The cabinet council shall adopt rules in accordance with 2162  
Chapter 119. of the Revised Code establishing an administrative 2163  
review process to address problems that arise concerning the 2164  
operation of a local dispute resolution process. 2165

Nothing in division (C)(4) of this section shall be 2166  
interpreted as overriding or affecting decisions of a juvenile 2167  
court regarding an out-of-home placement, long-term placement, or 2168  
emergency out-of-home placement. 2169

(D) Each county shall develop a comprehensive family service 2170  
coordination plan that does all of the following: 2171

(1) Designates service responsibilities among the various 2172  
state and local agencies that provide services to children and 2173  
their families, including children who are abused, neglected, 2174

dependent, unruly, or delinquent children and under the	2175
jurisdiction of the juvenile court and children whose parents or	2176
custodians are voluntarily seeking services;	2177
(2) Designates an individual, approved by the family, to	2178
track the progress of the family service coordination plan,	2179
schedule reviews as necessary, and facilitate the family service	2180
coordination plan meeting process;	2181
(3) Ensures that assistance and services to be provided are	2182
responsive to the strengths and needs of the family, as well as	2183
the family's culture, race, and ethnic group, by allowing the	2184
family to offer information and suggestions and participate in	2185
decisions. Identified assistance and services shall be provided in	2186
the least restrictive environment possible.	2187
(4) Includes a process for dealing with a child who is	2188
alleged to be an unruly child. The process shall include methods	2189
to divert the child from the juvenile court system;	2190
(5) Includes timelines for completion of goals specified in	2191
the plan with regular reviews scheduled to monitor progress toward	2192
those goals;	2193
(6) Includes a plan for dealing with short-term crisis	2194
situations and safety concerns.	2195
(E)(1) The process provided for under division (D)(4) of this	2196
section may include, but is not limited to, the following:	2197
(a) Designation of the person or agency to conduct the	2198
assessment of the child and the child's family as described in	2199
division (C)(7) of this section and designation of the instrument	2200
or instruments to be used to conduct the assessment;	2201
(b) An emphasis on the personal responsibilities of the child	2202
and the parental responsibilities of the parents, guardian, or	2203
custodian of the child;	2204

(c) Involvement of local law enforcement agencies and officials.	2205 2206
(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:	2207 2208 2209
(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;	2210 2211 2212 2213 2214 2215
(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;	2216 2217 2218 2219
(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;	2220 2221 2222 2223
(d) A program to provide a mentor to the child or the parents, guardian, or custodian;	2224 2225
(e) A program to provide parenting education to the parents, guardian, or custodian;	2226 2227
(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;	2228 2229 2230
(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.	2231 2232 2233 2234

(F) Each county may review and revise the service 2235  
coordination process described in division (D) of this section 2236  
based on the availability of funds under Title IV-A of the "Social 2237  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 2238  
or to the extent resources are available from any other federal, 2239  
state, or local funds. 2240

**Sec. 122.17.** (A) As used in this section: 2241

(1) "Full-time employee" means an individual who is employed 2242  
for consideration for at least thirty-five hours a week, or who 2243  
renders any other standard of service generally accepted by custom 2244  
or specified by contract as full-time employment. 2245

(2) "New employee" means one of the following: 2246

(a) A full-time employee first employed by a taxpayer in the 2247  
project that is the subject of the agreement after the taxpayer 2248  
enters into a tax credit agreement with the tax credit authority 2249  
under this section; 2250

(b) A full-time employee first employed by a taxpayer in the 2251  
project that is the subject of the tax credit after the tax credit 2252  
authority approves a project for a tax credit under this section 2253  
in a public meeting, as long as the taxpayer enters into the tax 2254  
credit agreement prepared by the department of development after 2255  
such meeting within sixty days after receiving the agreement from 2256  
the department. If the taxpayer fails to enter into the agreement 2257  
within sixty days, "new employee" has the same meaning as under 2258  
division (A)(2)(a) of this section. 2259

Under division (A)(2)(a) or (b) of this section, if the tax 2260  
credit authority determines it appropriate, "new employee" also 2261  
may include an employee re-hired or called back from lay-off to 2262  
work in a new facility or on a new product or service established 2263  
or produced by the taxpayer after entering into the agreement 2264

under this section or after the tax credit authority approves the  
tax credit in a public meeting. Except as otherwise provided in  
this paragraph, "new employee" does not include any employee of  
the taxpayer who was previously employed in this state by a  
related member of the taxpayer and whose employment was shifted to  
the taxpayer after the taxpayer entered into the tax credit  
agreement or after the tax credit authority approved the credit in  
a public meeting, or any employee of the taxpayer for which the  
taxpayer has been granted a certificate under division (B) of  
section 5709.66 of the Revised Code. However, if the taxpayer is  
engaged in the enrichment and commercialization of uranium or  
uranium products or is engaged in research and development  
activities related thereto and if the tax credit authority  
determines it appropriate, "new employee" may include an employee  
of the taxpayer who was previously employed in this state by a  
related member of the taxpayer and whose employment was shifted to  
the taxpayer after the taxpayer entered into the tax credit  
agreement or after the tax credit authority approved the credit in  
a public meeting. "New employee" does not include an employee of  
the taxpayer who is employed in an employment position that was  
relocated to a project from other operations of the taxpayer in  
this state or from operations of a related member of the taxpayer  
in this state. In addition, "new employee" does not include a  
child, grandchild, parent, or spouse, other than a spouse who is  
legally separated from the individual, of any individual who is an  
employee of the taxpayer and who has a direct or indirect  
ownership interest of at least five per cent in the profits,  
capital, or value of the taxpayer. Such ownership interest shall  
be determined in accordance with section 1563 of the Internal  
Revenue Code and regulations prescribed thereunder.

(3) "New income tax revenue" means the total amount withheld  
under section 5747.06 of the Revised Code by the taxpayer during

the taxable year, or during the calendar year that includes the 2297  
tax period, from the compensation of new employees for the tax 2298  
levied under Chapter 5747. of the Revised Code. 2299

(4) "Related member" has the same meaning as under division 2300  
(A)(6) of section 5733.042 of the Revised Code without regard to 2301  
division (B) of that section. 2302

(B) The tax credit authority may make grants under this 2303  
section to foster job creation in this state. Such a grant shall 2304  
take the form of a refundable credit allowed against the tax 2305  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2306  
under Chapter 5751. of the Revised Code. The credit shall be 2307  
claimed for the taxable years or tax periods specified in the 2308  
taxpayer's agreement with the tax credit authority under division 2309  
(D) of this section. With respect to taxes imposed under section 2310  
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 2311  
credit shall be claimed in the order required under section 2312  
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 2313  
the credit available for a taxable year or for a calendar year 2314  
that includes a tax period equals the new income tax revenue for 2315  
that year multiplied by the percentage specified in the agreement 2316  
with the tax credit authority. Any credit granted under this 2317  
section against the tax imposed by section 5733.06 or 5747.02 of 2318  
the Revised Code, to the extent not fully utilized against such 2319  
tax for taxable years ending prior to 2008, shall automatically be 2320  
converted without any action taken by the tax credit authority to 2321  
a credit against the tax levied under Chapter 5751. of the Revised 2322  
Code for tax periods beginning on or after July 1, 2008, provided 2323  
that the person to whom the credit was granted is subject to such 2324  
tax. The converted credit shall apply to those calendar years in 2325  
which the remaining taxable years specified in the agreement end. 2326

(C) A taxpayer or potential taxpayer who proposes a project 2327  
to create new jobs in this state may apply to the tax credit 2328

authority to enter into an agreement for a tax credit under this  
section. The director of development shall prescribe the form of  
the application. After receipt of an application, the authority  
may enter into an agreement with the taxpayer for a credit under  
this section if it determines all of the following:

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

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

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

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

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

(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;

(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;

(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;

(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;

(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;

(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;

(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  
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, but 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 2390  
the individual's employment position in the first political 2391  
subdivision is refilled. 2392

(E) If a taxpayer fails to meet or comply with any condition 2393  
or requirement set forth in a tax credit agreement, the tax credit 2394  
authority may amend the agreement to reduce the percentage or term 2395  
of the tax credit. The reduction of the percentage or term shall 2396  
take effect in the taxable year immediately following the taxable 2397  
year in which the authority amends the agreement or in the first 2398  
tax period beginning in the calendar year immediately following 2399  
the calendar year in which the authority amends the agreement. If 2400  
the taxpayer relocates employment positions in violation of the 2401  
provision required under division (D)(8)(a) of this section, the 2402  
taxpayer shall not claim the tax credit under section 5733.0610 of 2403  
the Revised Code for any tax years following the calendar year in 2404  
which the relocation occurs, or shall not claim the tax credit 2405  
under section 5725.32, 5729.032, or 5747.058 of the Revised Code 2406  
for the taxable year in which the relocation occurs and any 2407  
subsequent taxable years, and shall not claim the tax credit under 2408  
division (A) of section 5751.50 of the Revised Code for any tax 2409  
period in the calendar year in which the relocation occurs and any 2410  
subsequent tax periods. 2411

(F) Projects that consist solely of point-of-final-purchase 2412  
retail facilities are not eligible for a tax credit under this 2413  
section. If a project consists of both point-of-final-purchase 2414  
retail facilities and nonretail facilities, only the portion of 2415  
the project consisting of the nonretail facilities is eligible for 2416  
a tax credit and only the new income tax revenue from new 2417  
employees of the nonretail facilities shall be considered when 2418  
computing the amount of the tax credit. If a warehouse facility is 2419  
part of a point-of-final-purchase retail facility and supplies 2420  
only that facility, the warehouse facility is not eligible for a 2421

tax credit. Catalog distribution centers are not considered 2422  
point-of-final-purchase retail facilities for the purposes of this 2423  
division, and are eligible for tax credits under this section. 2424

(G) Financial statements and other information submitted to 2425  
the department of development or the tax credit authority by an 2426  
applicant or recipient of a tax credit under this section, and any 2427  
information taken for any purpose from such statements or 2428  
information, are not public records subject to section 149.43 of 2429  
the Revised Code. However, the chairperson of the authority may 2430  
make use of the statements and other information for purposes of 2431  
issuing public reports or in connection with court proceedings 2432  
concerning tax credit agreements under this section. Upon the 2433  
request of the tax commissioner or, if the applicant or recipient 2434  
is an insurance company, upon the request of the superintendent of 2435  
insurance, the chairperson of the authority shall provide to the 2436  
commissioner or superintendent any statement or information 2437  
submitted by an applicant or recipient of a tax credit in 2438  
connection with the credit. The commissioner or superintendent 2439  
shall preserve the confidentiality of the statement or 2440  
information. 2441

(H) A taxpayer claiming a credit under this section shall 2442  
submit to the tax commissioner or, if the taxpayer is an insurance 2443  
company, to the superintendent of insurance, a copy of the 2444  
director of development's certificate of verification under 2445  
division (D)(7) of this section with the taxpayer's tax report or 2446  
return for the taxable year or for the calendar year that includes 2447  
the tax period. ~~However, failure~~ Failure to submit a copy of the 2448  
certificate with the report or return does not invalidate a claim 2449  
for a credit if the taxpayer submits a copy of the certificate to 2450  
the commissioner or superintendent within sixty days after the 2451  
commissioner or superintendent requests it. 2452

(I) The director of development, after consultation with the 2453

tax commissioner and the superintendent of insurance and in 2454  
accordance with Chapter 119. of the Revised Code, shall adopt 2455  
rules necessary to implement this section. The rules may provide 2456  
for recipients of tax credits under this section to be charged 2457  
fees to cover administrative costs of the tax credit program. At 2458  
the time the director gives public notice under division (A) of 2459  
section 119.03 of the Revised Code of the adoption of the rules, 2460  
the director shall submit copies of the proposed rules to the 2461  
chairpersons of the standing committees on economic development in 2462  
the senate and the house of representatives. 2463

(J) For the purposes of this section, a taxpayer may include 2464  
a partnership, a corporation that has made an election under 2465  
subchapter S of chapter one of subtitle A of the Internal Revenue 2466  
Code, or any other business entity through which income flows as a 2467  
distributive share to its owners. A credit received under this 2468  
section by a partnership, S-corporation, or other such business 2469  
entity shall be apportioned among the persons to whom the income 2470  
or profit of the partnership, S-corporation, or other entity is 2471  
distributed, in the same proportions as those in which the income 2472  
or profit is distributed. 2473

(K) If the director of development determines that a taxpayer 2474  
who has received a credit under this section is not complying with 2475  
the requirement under division (D)(3) of this section, the 2476  
director shall notify the tax credit authority of the 2477  
noncompliance. After receiving such a notice, and after giving the 2478  
taxpayer an opportunity to explain the noncompliance, the tax 2479  
credit authority may require the taxpayer to refund to this state 2480  
a portion of the credit in accordance with the following: 2481

(1) If the taxpayer maintained operations at the project 2482  
location for at least one and one-half times the number of years 2483  
of the term of the tax credit, an amount not exceeding twenty-five 2484  
per cent of the sum of any previously allowed credits under this 2485

section; 2486

(2) If the taxpayer maintained operations at the project 2487  
location for at least the number of years of the term of the tax 2488  
credit, an amount not exceeding fifty per cent of the sum of any 2489  
previously allowed credits under this section; 2490

(3) If the taxpayer maintained operations at the project 2491  
location for less than the number of years of the term of the tax 2492  
credit, an amount not exceeding one hundred per cent of the sum of 2493  
any previously allowed credits under this section. 2494

In determining the portion of the tax credit to be refunded 2495  
to this state, the tax credit authority shall consider the effect 2496  
of market conditions on the taxpayer's project and whether the 2497  
taxpayer continues to maintain other operations in this state. 2498  
After making the determination, the authority shall certify the 2499  
amount to be refunded to the tax commissioner or superintendent of 2500  
insurance, as appropriate. If the amount is certified to the 2501  
commissioner, the commissioner shall make an assessment for that 2502  
amount against the taxpayer under Chapter 5733., 5747., or 5751. 2503  
of the Revised Code. If the amount is certified to the 2504  
superintendent, the superintendent shall make an assessment for 2505  
that amount against the taxpayer under Chapter 5725. or 5729. of 2506  
the Revised Code. The time limitations on assessments under those 2507  
chapters do not apply to an assessment under this division, but 2508  
the commissioner or superintendent, as appropriate, shall make the 2509  
assessment within one year after the date the authority certifies 2510  
to the commissioner or superintendent the amount to be refunded. 2511

(L) On or before the thirty-first day of March each year, the 2512  
director of development shall submit a report to the governor, the 2513  
president of the senate, and the speaker of the house of 2514  
representatives on the tax credit program under this section. The 2515  
report shall include information on the number of agreements that 2516

were entered into under this section during the preceding calendar 2517  
year, a description of the project that is the subject of each 2518  
such agreement, and an update on the status of projects under 2519  
agreements entered into before the preceding calendar year. 2520

(M) There is hereby created the tax credit authority, which 2521  
consists of the director of development and four other members 2522  
appointed as follows: the governor, the president of the senate, 2523  
and the speaker of the house of representatives each shall appoint 2524  
one member who shall be a specialist in economic development; the 2525  
governor also shall appoint a member who is a specialist in 2526  
taxation. Of the initial appointees, the members appointed by the 2527  
governor shall serve a term of two years; the members appointed by 2528  
the president of the senate and the speaker of the house of 2529  
representatives shall serve a term of four years. Thereafter, 2530  
terms of office shall be for four years. Initial appointments to 2531  
the authority shall be made within thirty days after January 13, 2532  
1993. Each member shall serve on the authority until the end of 2533  
the term for which the member was appointed. Vacancies shall be 2534  
filled in the same manner provided for original appointments. Any 2535  
member appointed to fill a vacancy occurring prior to the 2536  
expiration of the term for which the member's predecessor was 2537  
appointed shall hold office for the remainder of that term. 2538  
Members may be reappointed to the authority. Members of the 2539  
authority shall receive their necessary and actual expenses while 2540  
engaged in the business of the authority. The director of 2541  
development shall serve as chairperson of the authority, and the 2542  
members annually shall elect a vice-chairperson from among 2543  
themselves. Three members of the authority constitute a quorum to 2544  
transact and vote on the business of the authority. The majority 2545  
vote of the membership of the authority is necessary to approve 2546  
any such business, including the election of the vice-chairperson. 2547

The director of development may appoint a professional 2548

employee of the department of development to serve as the 2549  
director's substitute at a meeting of the authority. The director 2550  
shall make the appointment in writing. In the absence of the 2551  
director from a meeting of the authority, the appointed substitute 2552  
shall serve as chairperson. In the absence of both the director 2553  
and the director's substitute from a meeting, the vice-chairperson 2554  
shall serve as chairperson. 2555

(N) For purposes of the credits granted by this section 2556  
against the taxes imposed under sections 5725.18 and 5729.03 of 2557  
the Revised Code, "taxable year" means the period covered by the 2558  
taxpayer's annual statement to the superintendent of insurance. 2559

**Sec. 122.171.** (A) As used in this section: 2560

(1) "Capital investment project" means a plan of investment 2561  
at a project site for the acquisition, construction, renovation, 2562  
or repair of buildings, machinery, or equipment, or for 2563  
capitalized costs of basic research and new product development 2564  
determined in accordance with generally accepted accounting 2565  
principles, but does not include any of the following: 2566

(a) Payments made for the acquisition of personal property 2567  
through operating leases; 2568

(b) Project costs paid before January 1, 2002; 2569

(c) Payments made to a related member as defined in section 2570  
5733.042 of the Revised Code or to an elected consolidated 2571  
taxpayer or a combined taxpayer as defined in section 5751.01 of 2572  
the Revised Code. 2573

(2) "Eligible business" means a business with Ohio operations 2574  
satisfying all of the following: 2575

(a) Employed an average of at least one thousand employees in 2576  
full-time employment positions at a project site during each of 2577  
the twelve months preceding the application for a tax credit under 2578

this section; and 2579

(b) On or after January 1, 2002, has made payments for the 2580  
capital investment project of either of the following: 2581

(i) At least two hundred million dollars in the aggregate at 2582  
the project site during a period of three consecutive calendar 2583  
years including the calendar year that includes a day of the 2584  
taxpayer's taxable year or tax period with respect to which the 2585  
credit is granted; 2586

(ii) If the average wage of all full-time employment 2587  
positions at the project site is greater than four hundred per 2588  
cent of the federal minimum wage, at least one hundred million 2589  
dollars in the aggregate at the project site during a period of 2590  
three consecutive calendar years including the calendar year that 2591  
includes a day of the taxpayer's taxable year or tax period with 2592  
respect to which the credit is granted. 2593

(c) Is engaged at the project site primarily as a 2594  
manufacturer or is providing significant corporate administrative 2595  
functions; 2596

(d) Has had a capital investment project reviewed and 2597  
approved by the tax credit authority as provided in divisions (C), 2598  
(D), and (E) of this section. 2599

(3) "Full-time employment position" means a position of 2600  
employment for consideration for at least thirty-five hours a week 2601  
that has been filled for at least one hundred eighty days 2602  
immediately preceding the filing of an application under this 2603  
section and for at least one hundred eighty days during each 2604  
taxable year or each calendar year that includes a tax period with 2605  
respect to which the credit is granted. 2606

(4) "Manufacturer" has the same meaning as in section 2607  
5739.011 of the Revised Code. 2608

(5) "Project site" means an integrated complex of facilities 2609  
in this state, as specified by the tax credit authority under this 2610  
section, within a fifteen-mile radius where a taxpayer is 2611  
primarily operating as an eligible business. 2612

(6) "Applicable corporation" means a corporation satisfying 2613  
all of the following: 2614

(a)(i) For the entire taxable year immediately preceding the 2615  
tax year, the corporation develops software applications primarily 2616  
to provide telecommunication billing and information services 2617  
through outsourcing or licensing to domestic or international 2618  
customers. 2619

(ii) Sales and licensing of software generated at least six 2620  
hundred million dollars in revenue during the taxable year 2621  
immediately preceding the tax year the corporation is first 2622  
entitled to claim the credit provided under division (B) of this 2623  
section. 2624

(b) For the entire taxable year immediately preceding the tax 2625  
year, the corporation or one or more of its related members 2626  
provides customer or employee care and technical support for 2627  
clients through one or more contact centers within this state, and 2628  
the corporation and its related members together have a daily 2629  
average, based on a three-hundred-sixty-five-day year, of at least 2630  
five hundred thousand successful customer contacts through one or 2631  
more of their contact centers, wherever located. 2632

(c) The corporation is eligible for the credit under division 2633  
(B) of this section for the tax year. 2634

(7) "Related member" has the same meaning as in section 2635  
5733.042 of the Revised Code as that section existed on the 2636  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 2637  
general assembly, September 29, 1997. 2638

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

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

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

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

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

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

business a nonrefundable credit against the tax imposed by section 2670  
5733.06 or 5747.02 ~~or levied under Chapter 5751.~~ of the Revised 2671  
Code for a period up to fifteen taxable years and against the tax 2672  
levied by Chapter 5751. of the Revised Code for a period of up to 2673  
fifteen calendar years. The credit shall be in an amount not 2674  
exceeding seventy-five per cent of the Ohio income tax withheld 2675  
from the employees of the eligible business occupying full-time 2676  
employment positions at the project site during the calendar year 2677  
that includes the last day of such business' taxable year or tax 2678  
period with respect to which the credit is granted. The amount of 2679  
the credit shall not be based on the Ohio income tax withheld from 2680  
full-time employees for a calendar year prior to the calendar year 2681  
in which the minimum investment requirement referred to in 2682  
division (A)(2)(b) of this section is completed. The credit shall 2683  
be claimed only for the taxable years or tax periods specified in 2684  
the eligible business' agreement with the tax credit authority 2685  
under division (E) of this section, but in no event shall the 2686  
credit be claimed for a taxable year or tax period terminating 2687  
before the date specified in the agreement. Any credit granted 2688  
under this section against the tax imposed by section 5733.06 or 2689  
5747.02 of the Revised Code, to the extent not fully utilized 2690  
against such tax for taxable years ending prior to 2008, shall 2691  
automatically be converted without any action taken by the tax 2692  
credit authority to a credit against the tax levied under Chapter 2693  
5751. of the Revised Code for tax periods beginning on or after 2694  
July 1, 2008, provided that the person to whom the credit was 2695  
granted is subject to such tax. The converted credit shall apply 2696  
to those calendar years in which the remaining taxable years 2697  
specified in the agreement end. 2698

The credit computed under this division is in addition to any 2699  
credit allowed under division (M) of this section which the tax 2700  
credit authority may also include in the agreement. 2701

Any unused portion of a tax credit may be carried forward for 2702  
not more than three additional years after the year for which the 2703  
credit is granted. 2704

(C) A taxpayer that proposes a capital investment project to 2705  
retain jobs in this state may apply to the tax credit authority to 2706  
enter into an agreement for a tax credit under this section. The 2707  
director of development shall prescribe the form of the 2708  
application. After receipt of an application, the authority shall 2709  
forward copies of the application to the director of budget and 2710  
management, the tax commissioner, and the director of development, 2711  
each of whom shall review the application to determine the 2712  
economic impact the proposed project would have on the state and 2713  
the affected political subdivisions and shall submit a summary of 2714  
their determinations and recommendations to the authority. 2715

(D) Upon review of the determinations and recommendations 2716  
described in division (C) of this section, the tax credit 2717  
authority may enter into an agreement with the taxpayer for a 2718  
credit under this section if the authority determines all of the 2719  
following: 2720

(1) The taxpayer's capital investment project will result in 2721  
the retention of full-time employment positions in this state. 2722

(2) The taxpayer is economically sound and has the ability to 2723  
complete the proposed capital investment project. 2724

(3) The taxpayer intends to and has the ability to maintain 2725  
operations at the project site for at least twice the term of the 2726  
credit. 2727

(4) Receiving the credit is a major factor in the taxpayer's 2728  
decision to begin, continue with, or complete the project. 2729

(5) The political subdivisions in which the project is 2730  
located have agreed to provide substantial financial support to 2731

the project. 2732

(E) An agreement under this section shall include all of the 2733  
following: 2734

(1) A detailed description of the project that is the subject 2735  
of the agreement, including the amount of the investment, the 2736  
period over which the investment has been or is being made, and 2737  
the number of full-time employment positions at the project site. 2738

(2) The method of calculating the number of full-time 2739  
employment positions as specified in division (A)(3) of this 2740  
section. 2741

(3) The term and percentage of the tax credit, and the first 2742  
year for which the credit may be claimed. 2743

(4) A requirement that the taxpayer maintain operations at 2744  
the project site for at least twice the number of years as the 2745  
term of the credit. 2746

(5) A requirement that the taxpayer retain a specified number 2747  
of full-time employment positions at the project site and within 2748  
this state for the term of the credit, including a requirement 2749  
that the taxpayer continue to employ at least one thousand 2750  
employees in full-time employment positions at the project site 2751  
during the entire term of any agreement, subject to division 2752  
(E)(7) of this section. 2753

(6) A requirement that the taxpayer annually report to the 2754  
director of development the number of full-time employment 2755  
positions subject to the credit, the amount of tax withheld from 2756  
employees in those positions, the amount of the payments made for 2757  
the capital investment project, and any other information the 2758  
director needs to perform the director's duties under this 2759  
section. 2760

(7) A requirement that the director of development annually 2761

review the annual reports of the taxpayer to verify the 2762  
information reported under division (E)(6) of this section and 2763  
compliance with the agreement. Upon verification, the director 2764  
shall issue a certificate to the taxpayer stating that the 2765  
information has been verified and identifying the amount of the 2766  
credit for the taxable year. Unless otherwise specified by the tax 2767  
credit authority in a resolution and included as part of the 2768  
agreement, the director shall not issue a certificate for any year 2769  
in which the total number of filled full-time employment positions 2770  
for each day of the calendar year divided by three hundred 2771  
sixty-five is less than ninety per cent of the full-time 2772  
employment positions specified in division (E)(5) of this section. 2773  
In determining the number of full-time employment positions, no 2774  
position shall be counted that is filled by an employee who is 2775  
included in the calculation of a tax credit under section 122.17 2776  
of the Revised Code. 2777

(8)(a) A provision requiring that the taxpayer, except as 2778  
otherwise provided in division (E)(8)(b) of this section, shall 2779  
not relocate employment positions from elsewhere in this state to 2780  
the project site that is the subject of the agreement for the 2781  
lesser of five years from the date the agreement is entered into 2782  
or the number of years the taxpayer is entitled to claim the 2783  
credit. 2784

(b) The taxpayer may relocate employment positions from 2785  
elsewhere in this state to the project site that is the subject of 2786  
the agreement if the director of development determines both of 2787  
the following: 2788

(i) That the site from which the employment positions would 2789  
be relocated is inadequate to meet market and industry conditions, 2790  
expansion plans, consolidation plans, or other business 2791  
considerations affecting the taxpayer; 2792

(ii) That the legislative authority of the county, township, 2793  
or municipal corporation from which the employment positions would 2794  
be relocated has been notified of the relocation. 2795

For purposes of this section, the movement of an employment 2796  
position from one political subdivision to another political 2797  
subdivision shall be considered a relocation of an employment 2798  
position unless the movement is confined to the project site. The 2799  
transfer of an individual employee from one political subdivision 2800  
to another political subdivision shall not be considered a 2801  
relocation of an employment position as long as the individual's 2802  
employment position in the first political subdivision is 2803  
refilled. 2804

(9) A waiver by the taxpayer of any limitations periods 2805  
relating to assessments or adjustments resulting from the 2806  
taxpayer's failure to comply with the agreement. 2807

(F) If a taxpayer fails to meet or comply with any condition 2808  
or requirement set forth in a tax credit agreement, the tax credit 2809  
authority may amend the agreement to reduce the percentage or term 2810  
of the credit. The reduction of the percentage or term shall take 2811  
effect in the taxable year immediately following the taxable year 2812  
in which the authority amends the agreement or in the first tax 2813  
period beginning in the calendar year immediately following the 2814  
calendar year in which the authority amends the agreement. If the 2815  
taxpayer relocates employment positions in violation of the 2816  
provision required under division (D)(8)(a) of this section, the 2817  
taxpayer shall not claim the tax credit under section 5733.0610 of 2818  
the Revised Code for any tax years following the calendar year in 2819  
which the relocation occurs, shall not claim the tax credit under 2820  
section 5747.058 of the Revised Code for the taxable year in which 2821  
the relocation occurs and any subsequent taxable years, and shall 2822  
not claim the tax credit under division (A) of section 5751.50 of 2823  
the Revised Code for the tax period in which the relocation occurs 2824

and any subsequent tax periods.

2825

(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.

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

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

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entity shall be apportioned among the persons to whom the income 2857  
or profit of the partnership, S-corporation, or other entity is 2858  
distributed, in the same proportions as those in which the income 2859  
or profit is distributed. 2860

(J) If the director of development determines that a taxpayer 2861  
that received a tax credit under this section is not complying 2862  
with the requirement under division (E)(4) of this section, the 2863  
director shall notify the tax credit authority of the 2864  
noncompliance. After receiving such a notice, and after giving the 2865  
taxpayer an opportunity to explain the noncompliance, the 2866  
authority may terminate the agreement and require the taxpayer to 2867  
refund to the state all or a portion of the credit claimed in 2868  
previous years, as follows: 2869

(1) If the taxpayer maintained operations at the project site 2870  
for less than the term of the credit, the amount required to be 2871  
refunded shall not exceed the amount of any tax credits previously 2872  
allowed and received under this section. 2873

(2) If the taxpayer maintained operations at the project site 2874  
longer than the term of the credit but less than one and one-half 2875  
times the term of the credit, the amount required to be refunded 2876  
shall not exceed fifty per cent of the sum of any tax credits 2877  
previously allowed and received under this section. 2878

(3) If the taxpayer maintained operations at the project site 2879  
for at least one and one-half times the term of the credit but 2880  
less than twice the term of the credit, the amount required to be 2881  
refunded shall not exceed twenty-five per cent of the sum of any 2882  
tax credits previously allowed and received under this section. 2883

In determining the portion of the credit to be refunded to 2884  
this state, the authority shall consider the effect of market 2885  
conditions on the taxpayer's project and whether the taxpayer 2886  
continues to maintain other operations in this state. After making 2887

the determination, the authority shall certify the amount to be 2888  
refunded to the tax commissioner. The commissioner shall make an 2889  
assessment for that amount against the taxpayer under Chapter 2890  
5733., 5747., or 5751. of the Revised Code. The time limitations 2891  
on assessments under those chapters do not apply to an assessment 2892  
under this division, but the commissioner shall make the 2893  
assessment within one year after the date the authority certifies 2894  
to the commissioner the amount to be refunded. 2895

If the director of development determines that a taxpayer 2896  
that received a tax credit under this section has reduced the 2897  
number of employees agreed to under division (E)(5) of this 2898  
section by more than ten per cent, the director shall notify the 2899  
tax credit authority of the noncompliance. After receiving such 2900  
notice, and after providing the taxpayer an opportunity to explain 2901  
the noncompliance, the authority may amend the agreement to reduce 2902  
the percentage or term of the tax credit. The reduction in the 2903  
percentage or term shall take effect in the taxable year, or in 2904  
the calendar year that includes the tax period, in which the 2905  
authority amends the agreement. 2906

(K) The director of development, after consultation with the 2907  
tax commissioner and in accordance with Chapter 119. of the 2908  
Revised Code, shall adopt rules necessary to implement this 2909  
section. The rules may provide for recipients of tax credits under 2910  
this section to be charged fees to cover administrative costs of 2911  
the tax credit program. At the time the director gives public 2912  
notice under division (A) of section 119.03 of the Revised Code of 2913  
the adoption of the rules, the director shall submit copies of the 2914  
proposed rules to the chairpersons of the standing committees on 2915  
economic development in the senate and the house of 2916  
representatives. 2917

(L) On or before the thirty-first day of March of each year, 2918  
the director of development shall submit a report to the governor, 2919

the president of the senate, and the speaker of the house of 2920  
representatives on the tax credit program under this section. The 2921  
report shall include information on the number of agreements that 2922  
were entered into under this section during the preceding calendar 2923  
year, a description of the project that is the subject of each 2924  
such agreement, and an update on the status of projects under 2925  
agreements entered into before the preceding calendar year. 2926

(M)(1) A nonrefundable credit shall be allowed to an 2927  
applicable corporation and its related members in an amount equal 2928  
to the applicable difference. The credit is in addition to the 2929  
credit granted to the corporation or related members under 2930  
division (B) of this section. The credit is subject to divisions 2931  
(B) to (E) and division (J) of this section. 2932

(2) A person qualifying as an applicable corporation under 2933  
this section for a tax year does not necessarily qualify as an 2934  
applicable corporation for any other tax year. No person is 2935  
entitled to the credit allowed under division (M) of this section 2936  
for the tax year immediately following the taxable year during 2937  
which the person fails to meet the requirements in divisions 2938  
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 2939  
to the credit allowed under division (M) of this section for any 2940  
tax year for which the person is not eligible for the credit 2941  
provided under division (B) of this section. 2942

**Sec. 122.72.** (A) There is hereby created the minority 2943  
development financing advisory board to assist in carrying out the 2944  
programs created pursuant to sections 122.71 to ~~122.90~~ 122.89 of 2945  
the Revised Code. 2946

(B) The board shall consist of ten members. The director of 2947  
development or the director's designee shall be a voting member on 2948  
the board. Seven members shall be appointed by the governor with 2949  
the advice and consent of the senate and selected because of their 2950

knowledge of and experience in industrial, business, and 2951  
commercial financing, suretyship, construction, and their 2952  
understanding of the problems of minority business enterprises; 2953  
one member also shall be a member of the senate and appointed by 2954  
the president of the senate, and one member also shall be a member 2955  
of the house of representatives and appointed by the speaker of 2956  
the house of representatives. With respect to the board, all of 2957  
the following apply: 2958

(1) Not more than four of the members of the board appointed 2959  
by the governor shall be of the same political party. 2960

(2) Each member shall hold office from the date of the 2961  
member's appointment until the end of the term for which the 2962  
member was appointed. 2963

(3) The terms of office for the seven members appointed by 2964  
the governor shall be for seven years, commencing on the first day 2965  
of October and ending on the thirtieth day of September of the 2966  
seventh year, except that of the original seven members, three 2967  
shall be appointed for three years and two shall be appointed for 2968  
five years. 2969

(4) Any member of the board is eligible for reappointment. 2970

(5) Any member appointed to fill a vacancy occurring prior to 2971  
the expiration of the term for which the member's predecessor was 2972  
appointed shall hold office for the remainder of the predecessor's 2973  
term. 2974

(6) Any member shall continue in office subsequent to the 2975  
expiration date of the member's term until the member's successor 2976  
takes office, or until a period of sixty days has elapsed, 2977  
whichever occurs first. 2978

(7) Before entering upon official duties as a member of the 2979  
board, each member shall take an oath as provided by Section 7 of 2980

Article XV, Ohio Constitution.	2981
(8) The governor may, at any time, remove any member appointed by the governor pursuant to section 3.04 of the Revised Code.	2982 2983 2984
(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.	2985 2986 2987 2988 2989
(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.	2990 2991 2992
(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:	2993 2994 2995 2996
(a) The president of the senate or the speaker of the house of representatives, whoever appointed the absent member;	2997 2998
(b) A member of the senate or of the house of representatives of the same political party as the absent member, as designated by the president of the senate or the speaker of the house of representatives, whoever appointed the absent member.	2999 3000 3001 3002
(12) The board shall annually elect one of its members as chairperson and another as vice-chairperson.	3003 3004
<b>Sec. 122.73.</b> (A) The minority development financing advisory board and the director of development are invested with the powers and duties provided in sections 122.71 to <del>122.90</del> <u>122.89</u> of the Revised Code, in order to promote the welfare of the people of the state by encouraging the establishment and expansion of minority business enterprises; to stabilize the economy; to provide	3005 3006 3007 3008 3009 3010

employment; to assist in the development within the state of 3011  
industrial, commercial, distribution, and research activities 3012  
required for the people of the state, and for their gainful 3013  
employment; or otherwise to create or preserve jobs and employment 3014  
opportunities, or improve the economic welfare of the people of 3015  
the state. It is hereby determined that the accomplishment of 3016  
those purposes is essential so that the people of the state may 3017  
maintain their present high standards of living in comparison with 3018  
the people of other states and so that opportunities for 3019  
employment and for favorable markets for the products of the 3020  
state's natural resources, agriculture, and manufacturing shall be 3021  
improved. It further is determined that it is necessary for the 3022  
state to establish the programs authorized under sections 122.71 3023  
to ~~122.90~~ 122.89 of the Revised Code to establish the minority 3024  
development financing advisory board, and to invest it and the 3025  
director of development with the powers and duties provided in 3026  
sections 122.71 to ~~122.90~~ 122.89 of the Revised Code. 3027

(B) The minority development financing advisory board shall 3028  
do all of the following: 3029

(1) Make recommendations to the director as to applications 3030  
for assistance pursuant to sections 122.71 to ~~122.90~~ 122.89 of the 3031  
Revised Code. The board may revise its recommendations to reflect 3032  
any changes in the proposed assistance made by the director. 3033

(2) Advise the director in the administration of sections 3034  
122.71 to ~~122.90~~ 122.89 of the Revised Code. 3035

(3) Adopt bylaws to govern the conduct of the business of the 3036  
board. 3037

**Sec. 122.74.** (A)(1) The director of development shall do all 3038  
of the following: 3039

(a) Receive applications for assistance under sections 122.71 3040

to 122.89 of the Revised Code and applications from surety 3041  
companies for bond guarantees under section 122.90 of the Revised 3042  
Code, and, after processing but subject to division (A)(2) of this 3043  
section, forward them to the minority development financing 3044  
advisory board together with necessary supporting information; 3045

(b) Receive the recommendations of the board and make a final 3046  
determination whether to approve the application for assistance; 3047

(c) Receive recommendations from a regional economic 3048  
development entity for loans made under section 122.76 of the 3049  
Revised Code and make a final determination, notwithstanding 3050  
divisions (A)(1) and (2) of this section, whether to approve the 3051  
proposed loan; 3052

(d) Transmit the director's determinations to approve 3053  
assistance to the controlling board unless such assistance falls 3054  
under section 122.90 of the Revised Code and has been previously 3055  
approved by the controlling board, together with any information 3056  
the controlling board requires for its review and decision as to 3057  
whether to approve the assistance. 3058

(2) The director is not required to submit any determination, 3059  
data, terms, or any other application materials or information to 3060  
the minority development financing advisory board when provision 3061  
of the assistance has been recommended to the director by a 3062  
regional economic development entity or when an application for a 3063  
surety company for bond guarantees under section 122.90 of the 3064  
Revised Code has been previously approved by the controlling 3065  
board. 3066

(B) The director may do all of the following: 3067

(1) Fix the rate of interest and charges to be made upon or 3068  
with respect to moneys loaned or guaranteed by the director and 3069  
the terms upon which mortgages and lease rentals may be guaranteed 3070  
and the rates of charges to be made for them and make provisions 3071

for the operation of the funds established by the director in 3072  
accordance with this section and sections 122.80, 122.88, and 3073  
122.90 of the Revised Code; 3074

(2) Loan and guarantee moneys from the fund established in 3075  
accordance with section 122.80 of the Revised Code pursuant to and 3076  
in compliance with sections 122.71 to 122.90 of the Revised Code. 3077

(3) Acquire in the name of the director any property of any 3078  
kind or character in accordance with sections 122.71 to 122.90 of 3079  
the Revised Code, by purchase, purchase at foreclosure, or 3080  
exchange on such terms and in such manner as the director 3081  
considers proper; 3082

(4) Make and enter into all contracts and agreements 3083  
necessary or incidental to the performance of the director's 3084  
duties and the exercise of the director's powers under sections 3085  
122.71 to 122.90 of the Revised Code; 3086

(5) Maintain, protect, repair, improve, and insure any 3087  
property that the director has acquired and dispose of it by sale, 3088  
exchange, or lease for the consideration and on the terms and in 3089  
the manner as the director considers proper, but the director 3090  
shall not operate any such property as a business except as the 3091  
lessor of it; 3092

(6)(a) When the cost of any contract for the maintenance, 3093  
protection, repair, or improvement of any property held by the 3094  
director, other than compensation for personal services, involves 3095  
an expenditure of more than fifty thousand dollars, the director 3096  
shall make a written contract with the lowest responsive and 3097  
responsible bidder in accordance with section 9.312 of the Revised 3098  
Code after advertisement for not less than two consecutive weeks 3099  
in a newspaper of general circulation in the county where such 3100  
contract, or some substantial part of it, is to be performed, and 3101  
in such other publications as the director determines, which 3102

notice shall state the general character of the work and the  
general character of the materials to be furnished, the place  
where plans and specifications therefor may be examined, and the  
time and place of receiving bids.

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

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

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

(e) A bond with good and sufficient surety, approved by the  
director, shall be required of every contractor awarded a contract  
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 3134  
of money or to return any property contributed or the value 3135  
thereof at such times, in amounts, and on terms and conditions, 3136  
excluding the payment of interest, as the director determines at 3137  
the time the contribution is made, and may evidence the 3138  
obligations by notes, bonds, or other written instruments; 3139

(9) Establish with the treasurer of state the funds provided 3140  
in sections 122.80 and 122.88 of the Revised Code in addition to 3141  
such funds as the director determines are necessary or proper; 3142

(10) Adopt rules under Chapter 119. of the Revised Code 3143  
necessary to implement sections 122.71 to 122.90 of the Revised 3144  
Code. 3145

(11) Do all acts and things necessary or proper to carry out 3146  
the powers expressly granted and the duties imposed in sections 3147  
122.71 to 122.90 of the Revised Code. 3148

(C)(1) All expenses and obligations incurred by the director 3149  
in carrying out the director's powers and in exercising the 3150  
director's duties under sections 122.71 to 122.90 of the Revised 3151  
Code shall be payable solely from revenues or other receipts or 3152  
income of the director, from grants, gifts, and contributions, or 3153  
funds established in accordance with such sections. Such sections 3154  
do not authorize the director to incur indebtedness or to impose 3155  
liability on the state or any political subdivision of the state. 3156

(2) Financial statements and other data submitted to the 3157  
director by any corporation, partnership, or person in connection 3158  
with financial assistance provided under sections 122.71 to 122.90 3159  
of the Revised Code, or any information taken from such statements 3160  
or data for any purpose, shall not be open to public inspection. 3161

**Sec. 122.90.** (A) The director of development may guarantee 3162  
bonds executed by sureties for minority businesses and EDGE 3163

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 by the director under this section shall not exceed three times the difference between the amount of moneys in the minority business bonding fund and available to the fund under division (B) of section 169.05 of the Revised Code and the amount of all outstanding bonds issued by the director in accordance with division (A) of section 122.89 of the Revised Code.

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

not restricted from also applying for individual bond guarantees 3195  
under division (A) of this section. 3196

**Sec. 124.09.** The director of administrative services shall do 3197  
all of the following: 3198

(A) Prescribe, amend, and enforce administrative rules for 3199  
the purpose of carrying out the functions, powers, and duties 3200  
vested in and imposed upon the director by this chapter. Except in 3201  
the case of rules adopted pursuant to section 124.14 of the 3202  
Revised Code, the prescription, amendment, and enforcement of 3203  
rules under this division are subject to approval, disapproval, or 3204  
modification by the state personnel board of review. 3205

(B) Keep records of the director's proceedings and records of 3206  
all applications for examinations and all examinations conducted 3207  
by the director. All ~~such of those~~ records, except examinations, 3208  
proficiency assessments, and recommendations of former employers, 3209  
shall be open to public inspection under reasonable regulations; 3210  
provided the governor, or any person designated by the governor, 3211  
may, for the purpose of investigation, have free access to all 3212  
~~such of those~~ records, whenever the governor has reason to believe 3213  
that this chapter, or the administrative rules of the director 3214  
prescribed under ~~such sections~~ this chapter, are being violated. 3215

(C) Prepare, continue, and keep in the office of the 3216  
department of administrative services a complete roster of all 3217  
persons in the classified service who are paid directly by warrant 3218  
of the ~~auditor of state~~ director of budget and management. This 3219  
roster shall be open to public inspection at all reasonable hours. 3220  
It shall show in reference to each of those persons, the person's 3221  
name, address, date of appointment to or employment in the 3222  
classified service, and salary or compensation, the title of the 3223  
place or office that the person holds, the nature of the duties of 3224  
that place or office, and, in case of the person's removal or 3225

resignation, the date of the termination of that service. 3226

(D) Approve the establishment of all new positions in the 3227  
civil service of the state and the reestablishment of abolished 3228  
positions; i 3229

(E) Require the abolishment of any position in the civil 3230  
service of the state that is not filled after a period of twelve 3231  
months unless it is determined that the position is seasonal in 3232  
nature or that the vacancy is otherwise justified; i 3233

(F) Make investigations concerning all matters touching the 3234  
enforcement and effect of this chapter and the administrative 3235  
rules of the director of administrative services prescribed under 3236  
this chapter. In the course of ~~such~~ those investigations, the 3237  
director or the director's deputy may administer oaths and 3238  
affirmations and take testimony relative to any matter which the 3239  
director has authority to investigate. 3240

(G) Have the power to subpoena and require the attendance and 3241  
testimony of witnesses and the production of books, papers, public 3242  
records, and other documentary evidence pertinent to the 3243  
investigations, inquiries, or hearings on any matter which the 3244  
director has authority to investigate, inquire into, or hear, and 3245  
to examine them in relation to any matter which the director has 3246  
authority to investigate, inquire into, or hear. Fees shall be 3247  
allowed to witnesses, and on their certificate, duly audited, 3248  
shall be paid by the treasurer of state, or in the case of 3249  
municipal or civil service township civil service commissions, by 3250  
the county treasurer, for attendance and traveling, as is provided 3251  
in section 2335.06 of the Revised Code for witnesses in courts of 3252  
record. All officers in the civil service of the state or any of 3253  
the political subdivisions ~~thereof~~ of the state and their 3254  
deputies, clerks, and employees shall attend and testify when 3255  
summoned to do so by the director or the state personnel board of 3256  
review. Depositions of witnesses may be taken by the director or 3257

the board, or any member ~~thereof~~ of the board, in the manner 3258  
prescribed by law for like depositions in civil actions in the 3259  
courts of common pleas. In case any person, in disobedience to any 3260  
subpoena issued by the director or the board, or any member 3261  
~~thereof~~ of the board, or the chief examiner, fails or refuses to 3262  
attend and testify to any matter regarding which the person may be 3263  
lawfully interrogated, or produce any documentary evidence 3264  
pertinent to any investigation, inquiry, or hearing, the court of 3265  
common pleas of any county, or any judge ~~thereof~~ of the court of 3266  
common pleas of any county, where ~~such~~ the disobedience, failure, 3267  
or refusal occurs, upon application of the director or the board, 3268  
or any member ~~thereof~~ of the board, or a municipal or civil 3269  
service township civil service commission, or any commissioner 3270  
~~thereof~~ of such a commission, or their chief examiner, shall 3271  
compel obedience by attachment proceedings for contempt as in the 3272  
case of disobedience of the requirements of a subpoena issued from 3273  
~~such courts~~ the court or a refusal to testify ~~therein~~ in the 3274  
court. 3275

(H) Make a report to the governor, on or before the first day 3276  
of January of each year, showing the director's actions, the rules 3277  
and all exceptions ~~thereto~~ to the rules in force, and any 3278  
recommendations for the more effectual accomplishment of the 3279  
purposes of this chapter. The director shall also furnish any 3280  
special reports to the governor whenever the governor requests 3281  
them. ~~Such~~ The reports shall be printed for public distribution 3282  
under the same regulations as are the reports of other state 3283  
officers, boards, or commissions. 3284

**Sec. 124.11.** The civil service of the state and the several 3285  
counties, cities, civil service townships, city health districts, 3286  
general health districts, and city school districts ~~thereof~~ of the 3287  
state shall be divided into the unclassified service and the 3288  
classified service. 3289

(A) The unclassified service shall comprise the following 3290  
positions, which shall not be included in the classified service, 3291  
and which shall be exempt from all examinations required by this 3292  
chapter: 3293

(1) All officers elected by popular vote or persons appointed 3294  
to fill vacancies in ~~such~~ those offices; 3295

(2) All election officers as defined in section 3501.01 of 3296  
the Revised Code; 3297

(3) The members of all boards and commissions, and heads of 3298  
principal departments, boards, and commissions appointed by the 3299  
governor or by and with the governor's consent; and the members of 3300  
all boards and commissions and all heads of departments appointed 3301  
by the mayor, or, if there is no mayor, such other similar chief 3302  
appointing authority of any city or city school district; ~~except.~~ 3303  
Except as otherwise provided in division (A)(17) or (C) of this 3304  
section, this chapter does not exempt the chiefs of police 3305  
departments and chiefs of fire departments of cities or civil 3306  
service townships from the competitive classified service; ~~.~~ 3307

(4) The members of county or district licensing boards or 3308  
commissions and boards of revision, and deputy county auditors; 3309

(5) All officers and employees elected or appointed by either 3310  
or both branches of the general assembly, and ~~such~~ employees of 3311  
the city legislative authority ~~as are~~ engaged in legislative 3312  
duties; 3313

(6) All commissioned, warrant, and noncommissioned officers 3314  
and enlisted persons in the Ohio organized militia, including 3315  
military appointees in the adjutant general's department; 3316

(7)(a) All presidents, business managers, administrative 3317  
officers, superintendents, assistant superintendents, principals, 3318  
deans, assistant deans, instructors, teachers, and such employees 3319

as are engaged in educational or research duties connected with 3320  
the public school system, colleges, and universities, as 3321  
determined by the governing body of the public school system, 3322  
colleges, and universities; 3323

(b) The library staff of any library in the state supported 3324  
wholly or in part at public expense. 3325

(8) Four clerical and administrative support employees for 3326  
each of the elective state officers<sup>+</sup>, and three clerical and 3327  
administrative support employees for other elective officers and 3328  
each of the principal appointive executive officers, boards, or 3329  
commissions, except for civil service commissions, that are 3330  
authorized to appoint such clerical and administrative support 3331  
employees; 3332

(9) The deputies and assistants of state agencies authorized 3333  
to act for and on behalf of the agency, or holding a fiduciary or 3334  
administrative relation to that agency and those persons employed 3335  
by and directly responsible to elected county officials or a 3336  
county administrator and holding a fiduciary or administrative 3337  
relationship to such elected county officials or county 3338  
administrator, and the employees of such county officials whose 3339  
fitness would be impracticable to determine by competitive 3340  
examination, provided that division (A)(9) of this section shall 3341  
not affect those persons in county employment in the classified 3342  
service as of September 19, 1961. Nothing in division (A)(9) of 3343  
this section applies to any position in a county department of job 3344  
and family services created pursuant to Chapter 329. of the 3345  
Revised Code. 3346

(10) Bailiffs, constables, official stenographers, and 3347  
commissioners of courts of record, deputies of clerks of the 3348  
courts of common pleas who supervise, or who handle public moneys 3349  
or secured documents, and such officers and employees of courts of 3350

record and such deputies of clerks of the courts of common pleas 3351  
as the director of administrative services finds it impracticable 3352  
to determine their fitness by competitive examination; 3353

(11) Assistants to the attorney general, special counsel 3354  
appointed or employed by the attorney general, assistants to 3355  
county prosecuting attorneys, and assistants to city directors of 3356  
law; 3357

(12) Such teachers and employees in the agricultural 3358  
experiment stations; such students in normal schools, colleges, 3359  
and universities of the state who are employed by the state or a 3360  
political subdivision of the state in student or intern 3361  
classifications; and such unskilled labor positions as the 3362  
director of administrative services or any municipal civil service 3363  
commission may find it impracticable to include in the competitive 3364  
classified service; provided such exemptions shall be by order of 3365  
the commission or the director, duly entered on the record of the 3366  
commission or the director with the reasons for each such 3367  
exemption; 3368

(13) Any physician or dentist who is a full-time employee of 3369  
the department of mental health or the department of mental 3370  
retardation and developmental disabilities or of an institution 3371  
under the jurisdiction of either department; and physicians who 3372  
are in residency programs at the institutions; 3373

(14) Up to twenty positions at each institution under the 3374  
jurisdiction of the department of mental health or the department 3375  
of mental retardation and developmental disabilities that the 3376  
department director determines to be primarily administrative or 3377  
managerial; and up to fifteen positions in any division of either 3378  
department, excluding administrative assistants to the director 3379  
and division chiefs, which are within the immediate staff of a 3380  
division chief and which the director determines to be primarily 3381

and distinctively administrative and managerial;	3382
(15) Noncitizens of the United States employed by the state,	3383
or its counties or cities, as physicians or nurses who are duly	3384
licensed to practice their respective professions under the laws	3385
of <del>Ohio</del> <u>this state</u> , or medical assistants, in mental or chronic	3386
disease hospitals, or institutions;	3387
(16) Employees of the governor's office;	3388
(17) Fire chiefs and chiefs of police in civil service	3389
townships appointed by boards of township trustees under section	3390
505.38 or 505.49 of the Revised Code;	3391
(18) Executive directors, deputy directors, and program	3392
directors employed by boards of alcohol, drug addiction, and	3393
mental health services under Chapter 340. of the Revised Code, and	3394
secretaries of the executive directors, deputy directors, and	3395
program directors;	3396
(19) Superintendents, and management employees as defined in	3397
section 5126.20 of the Revised Code, of county boards of mental	3398
retardation and developmental disabilities;	3399
(20) Physicians, nurses, and other employees of a county	3400
hospital who are appointed pursuant to sections 339.03 and 339.06	3401
of the Revised Code;	3402
(21) The executive director of the state medical board, who	3403
is appointed pursuant to division (B) of section 4731.05 of the	3404
Revised Code;	3405
(22) County directors of job and family services as provided	3406
in section 329.02 of the Revised Code and administrators appointed	3407
under section 329.021 of the Revised Code;	3408
(23) A director of economic development who is hired pursuant	3409
to division (A) of section 307.07 of the Revised Code;	3410
(24) Chiefs of construction and compliance, of operations and	3411

maintenance, and of licensing and certification in the division of	3412
industrial compliance in the department of commerce;	3413
(25) The executive director of a county transit system	3414
appointed under division (A) of section 306.04 of the Revised	3415
Code;	3416
(26) Up to five positions at each of the administrative	3417
departments listed in section 121.02 of the Revised Code and at	3418
the department of taxation, department of the adjutant general,	3419
department of education, Ohio board of regents, bureau of workers'	3420
compensation, industrial commission, state lottery commission, and	3421
public utilities commission of Ohio that the head of that	3422
administrative department or of that other state agency determines	3423
to be involved in policy development and implementation. The head	3424
of the administrative department or other state agency shall set	3425
the compensation for employees in these positions at a rate that	3426
is not less than the minimum compensation specified in pay range	3427
41 but not more than the maximum compensation specified in pay	3428
range 44 of salary schedule E-2 in section 124.152 of the Revised	3429
Code. The authority to establish positions in the unclassified	3430
service under division (A)(26) of this section is in addition to	3431
and does not limit any other authority that an administrative	3432
department or state agency has under the Revised Code to establish	3433
positions, appoint employees, or set compensation.	3434
(27) Employees of the department of agriculture employed	3435
under section 901.09 of the Revised Code;	3436
(28) For cities, counties, civil service townships, city	3437
health districts, general health districts, and city school	3438
districts, the deputies and assistants of elective or principal	3439
executive officers authorized to act for and in the place of their	3440
principals or holding a fiduciary relation to their principals;	3441
(29) Employees who receive external interim, intermittent, or	3442

temporary appointments under division (B) of section 124.30 of the Revised Code; 3443  
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(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation; 3445  
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(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications. 3448  
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(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts ~~thereof of the state~~, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire ~~departments~~ department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class. 3450  
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(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts ~~thereof of the state~~, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, a all positions in a civil service township police or fire ~~departments~~ department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, 3463  
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reinstatement, transfer, or reduction, as provided in this 3474  
chapter, and the rules of the director of administrative services, 3475  
by appointment from those certified to the appointing officer in 3476  
accordance with this chapter. 3477

(2) The unskilled labor class shall include ordinary 3478  
unskilled laborers. Vacancies in the labor class shall be filled 3479  
by appointment from lists of applicants registered by the director 3480  
or a commission, as applicable. The director or the commission, by 3481  
rule, shall require an applicant for registration in the labor 3482  
class to furnish ~~such~~ evidence or take ~~such~~ tests as the director 3483  
or commission considers proper with respect to age, residence, 3484  
physical condition, ability to labor, honesty, sobriety, industry, 3485  
capacity, and experience in the work or employment for which 3486  
application is made. Laborers who fulfill the requirements shall 3487  
be placed on the eligible list for the kind of labor or employment 3488  
sought, and preference shall be given in employment in accordance 3489  
with the rating received from ~~such~~ that evidence or in ~~such~~ those 3490  
tests. Upon the request of an appointing officer, stating the kind 3491  
of labor needed, the pay and probable length of employment, and 3492  
the number to be employed, the director or commission shall 3493  
certify from the highest on the list double the number to be 3494  
employed; from this number, the appointing officer shall appoint 3495  
the number actually needed for the particular work. If more than 3496  
one applicant receives the same rating, priority in time of 3497  
application shall determine the order in which their names shall 3498  
be certified for appointment. 3499

(C) A municipal or civil service township civil service 3500  
commission may place volunteer firefighters who are paid on a 3501  
fee-for-service basis in either the classified or the unclassified 3502  
civil service. 3503

(D) This division does not apply to persons in the 3504  
unclassified service who have the right to resume positions in the 3505

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~~ An  
employee's right to resume a position in the classified service  
may only be exercised when an appointing authority demotes the  
employee to a pay range lower than the employee's current pay  
range or revokes the employee's appointment to the unclassified  
service. An employee forfeits the right to resume a position in  
the classified service when the employee is removed from the  
position in the unclassified service due to incompetence,  
inefficiency, dishonesty, drunkenness, immoral conduct,  
insubordination, discourteous treatment of the public, neglect of  
duty, violation of this chapter or the rules of the director of  
administrative services, any other failure of good behavior, any  
other acts of misfeasance, malfeasance, or nonfeasance in office,  
or conviction of a felony. An employee also forfeits the right to  
resume a position in the classified service upon transfer to a  
different agency.

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 3538  
held in the classified service has been placed in the unclassified 3539  
service or is otherwise unavailable, the person shall be appointed 3540  
to a position in the classified service within the appointing 3541  
authority's agency that the director of administrative services 3542  
certifies is comparable in compensation to the position the person 3543  
previously held in the classified service. Service in the position 3544  
in the unclassified service shall be counted as service in the 3545  
position in the classified service held by the person immediately 3546  
prior to the person's appointment to the position in the 3547  
unclassified service. When a person is reinstated to a position in 3548  
the classified service as provided in this division, the person is 3549  
entitled to all rights, status, and benefits accruing to the 3550  
position in the classified service during the person's time of 3551  
service in the position in the unclassified service. 3552

**Sec. 124.134.** (A) Each full-time permanent state employee 3553  
paid in accordance with section 124.152 of the Revised Code and 3554  
those employees listed in divisions (B)(2) and (4) of section 3555  
124.14 of the Revised Code, after service of one year, shall have 3556  
earned and will be due upon the attainment of the first year of 3557  
employment, and annually thereafter, eighty hours of vacation 3558  
leave with full pay. One year of service shall be computed on the 3559  
basis of twenty-six biweekly pay periods. A full-time permanent 3560  
state employee with five or more years of service shall have 3561  
earned and is entitled to one hundred twenty hours of vacation 3562  
leave with full pay. A full-time permanent state employee with ten 3563  
or more years of service shall have earned and is entitled to one 3564  
hundred sixty hours of vacation leave with full pay. A full-time 3565  
permanent state employee with fifteen or more years of service 3566  
shall have earned and is entitled to one hundred eighty hours of 3567  
vacation leave with full pay. A full-time permanent state employee 3568  
with twenty or more years of service shall have earned and is 3569

entitled to two hundred hours of vacation leave with full pay. A 3570  
full-time permanent state employee with twenty-five or more years 3571  
of service shall have earned and is entitled to two hundred forty 3572  
hours of vacation leave with full pay. Such vacation leave shall 3573  
accrue to the employee at the rate of three and one-tenth hours 3574  
each biweekly period for those entitled to eighty hours per year; 3575  
four and six-tenths hours each biweekly period for those entitled 3576  
to one hundred twenty hours per year; six and two-tenths hours 3577  
each biweekly period for those entitled to one hundred sixty hours 3578  
per year; six and nine-tenths hours each biweekly period for those 3579  
entitled to one hundred eighty hours per year; seven and 3580  
seven-tenths hours each biweekly period for those entitled to two 3581  
hundred hours per year; and nine and two-tenths hours each 3582  
biweekly period for those entitled to two hundred forty hours per 3583  
year. 3584

The amount of an employee's service shall be determined in 3585  
accordance with the standard specified in section 9.44 of the 3586  
Revised Code. Credit for prior service, including an increased 3587  
vacation accrual rate and longevity supplement, shall take effect 3588  
during the first pay period that begins immediately following the 3589  
date the director of administrative services approves granting 3590  
credit for that prior service. No employee, other than an employee 3591  
who submits proof of prior service within ninety days after the 3592  
date of the employee's hiring, shall receive any amount of 3593  
vacation leave for the period prior to the date of the director's 3594  
approval of the grant of credit for prior service. 3595

Part-time permanent employees who are paid in accordance with 3596  
section 124.152 of the Revised Code and full-time permanent 3597  
employees subject to this section who are in active pay status for 3598  
less than eighty hours in a pay period shall earn vacation leave 3599  
on a prorated basis. The ratio between the hours worked and the 3600  
vacation hours earned by these classes of employees shall be the 3601

same as the ratio between the hours worked and the vacation hours 3602  
earned by a full-time permanent employee with the same amount of 3603  
service as provided for in this section. 3604

Vacation leave is not available for use until it appears on 3605  
the employee's earning statement and the compensation described in 3606  
the earning statement is available to the employee. 3607

(B) Employees granted leave under this section shall forfeit 3608  
their right to take or to be paid for any vacation leave to their 3609  
credit which is in excess of the accrual for three years. Such 3610  
excess leave shall be eliminated from the employees' leave 3611  
balance. If an employee's vacation leave credit is at, or will 3612  
reach in the immediately following pay period, the maximum of the 3613  
accrual for three years and the employee has been denied the use 3614  
of vacation leave during the immediately preceding twelve months, 3615  
the employee, at the employee's request, shall be paid in a pay 3616  
period for the vacation leave the employee was denied, up to the 3617  
maximum amount the employee would be entitled to be paid for in 3618  
any pay period. An employee is not entitled to receive payment for 3619  
vacation leave denied in any pay period in which the employee's 3620  
vacation leave credit is not at, or will not reach in the 3621  
immediately following pay period, the maximum of accrual for three 3622  
years. Any vacation leave for which an employee receives payment 3623  
shall be deducted from the employee's vacation leave balance. Such 3624  
payment shall not be made for any leave accrued in the same 3625  
calendar year in which the payment is made. 3626

(C) Upon separation from state service an employee granted 3627  
leave under this section is entitled to compensation at the 3628  
employee's current rate of pay for all unused vacation leave 3629  
accrued under this section or section 124.13 of the Revised Code 3630  
to the employee's credit. In case of transfer of an employee from 3631  
one state agency to another, the employee shall retain the accrued 3632  
and unused vacation leave. In case of death of an employee, such 3633

unused vacation leave shall be paid in accordance with section 3634  
2113.04 of the Revised Code, or to the employee's estate. An 3635  
employee serving in a temporary work level or an interim 3636  
appointment who is eligible to receive compensation under this 3637  
division shall be compensated at the base rate of pay of the 3638  
employee's normal classification. 3639

**Sec. 124.135.** (A) State employees are entitled to paid leave 3640  
when summoned for jury duty by a court of competent jurisdiction 3641  
~~or.~~ 3642

(B) State employees are entitled to paid leave when 3643  
subpoenaed to appear before any court, commission, board, or other 3644  
legally constituted body authorized by law to compel the 3645  
attendance of witnesses, ~~if the employee is not a party to the~~ 3646  
~~action.~~ Each This division does not apply if the state employee is 3647  
a party to the action or proceeding involved or is subpoenaed as a 3648  
result of secondary employment outside the service of the state. 3649

(C) Each full-time permanent state employee paid in 3650  
accordance with section 124.152 of the Revised Code and those 3651  
employees described in divisions (B)(2) and (4) of section 124.14 3652  
of the Revised Code also may ~~also~~ be entitled, at in their 3653  
appointing authority's discretion, ~~be entitled~~ to paid leave when 3654  
appointed to serve on advisory boards or commissions, ~~or when~~ 3655  
soliciting for charities for which payroll deductions are made. 3656

**Sec. 124.137.** There is hereby created in the state treasury 3657  
the parental leave benefit fund. The director of administrative 3658  
services shall use moneys credited to the fund solely for the 3659  
payment of parental leave benefits available to employees paid by 3660  
warrant of the ~~auditor of state~~ director of budget and management 3661  
and for payment of any direct and indirect costs that are 3662  
attributable to consultants or a third-party administrator and 3663

that are necessary to administer this section. All investment 3664  
earnings of the parental leave fund shall be credited to the fund. 3665

The director of administrative services, in consultation with 3666  
the director of budget and management, shall determine a rate at 3667  
which the payrolls of all state agencies with employees paid by 3668  
warrant of the ~~auditor of state~~ director of budget and management 3669  
shall be charged each pay period that is sufficient to cover the 3670  
costs of administering the parental leave benefit program. The 3671  
rate shall be based on the total number of such employees and may 3672  
be adjusted as the director of administrative services, in 3673  
consultation with the director of budget and management, considers 3674  
necessary. All money collected from the assessment shall be 3675  
credited to the parental leave benefit fund. 3676

**Sec. 124.138.** The director of administrative services may 3677  
establish paid leaves and employee benefits for eligible full-time 3678  
fire fighters employed by the adjutant general's department that 3679  
are comparable to paid leaves and employee benefits provided to 3680  
other full-time permanent employees paid directly by warrant of 3681  
the ~~auditor of state~~ director of budget and management. Any paid 3682  
leaves and employee benefits established under this section shall 3683  
be limited to fire fighters regularly scheduled to work at least 3684  
one hundred four hours per biweekly pay period and shall be 3685  
adjusted so that the ratio between the hours worked and the paid 3686  
leave hours earned shall be the same as the ratio between the 3687  
hours worked and the paid leave hours earned by full-time 3688  
permanent employees with the same amount of accrued service. The 3689  
director of administrative services shall adopt rules in 3690  
accordance with Chapter 119. of the Revised Code governing any 3691  
paid leaves and employee benefits established under this section. 3692

**Sec. 124.139.** (A) A full-time state employee shall receive up 3693  
to two hundred forty hours of leave with pay during each calendar 3694

year to use during those hours when the employee is absent from 3695  
work because of the employee's donation of any portion of an adult 3696  
liver or because of the employee's donation of an adult kidney. 3697

(B) A full-time state employee shall receive up to fifty-six 3698  
hours of leave with pay during each calendar year to use during 3699  
those hours when the employee is absent from work because of the 3700  
employee's donation of adult bone marrow. 3701

(C) An appointing authority shall compensate a full-time 3702  
state employee who uses leave granted under division (A) or (B) of 3703  
this section at the employee's regular rate of pay for those 3704  
regular work hours during which the employee is absent from work. 3705

(D)(1) The director of administrative services, under section 3706  
124.04 of the Revised Code, shall provide information about this 3707  
section to full-time employees who are paid directly by warrant of 3708  
the ~~auditor of state~~ director of budget and management. 3709

(2) The appointing authority of full-time employees who are 3710  
not paid directly by warrant of the ~~auditor of state~~ director of 3711  
budget and management shall periodically provide information about 3712  
this section to those employees. 3713

**Sec. 124.14.** (A)(1) The director of administrative services 3714  
shall establish, and may modify or repeal, by rule, a job 3715  
classification plan for all positions, offices, and employments 3716  
the salaries of which are paid in whole or in part by the state. 3717  
The director shall group jobs within a classification so that the 3718  
positions are similar enough in duties and responsibilities to be 3719  
described by the same title, to have the same pay assigned with 3720  
equity, and to have the same qualifications for selection applied. 3721  
The director shall, by rule, assign a classification title to each 3722  
classification within the classification plan. However, the 3723  
director shall consider in establishing classifications, including 3724  
classifications with parenthetical titles, and assigning pay 3725

ranges such factors as duties performed only on one shift, special 3726  
skills in short supply in the labor market, recruitment problems, 3727  
separation rates, comparative salary rates, the amount of training 3728  
required, and other conditions affecting employment. The director 3729  
shall describe the duties and responsibilities of the class and 3730  
establish the qualifications for being employed in that position, 3731  
and shall file with the secretary of state a copy of 3732  
specifications for all of the classifications. The director shall 3733  
file new, additional, or revised specifications with the secretary 3734  
of state before being used. 3735

The director shall, by rule, assign each classification, 3736  
either on a statewide basis or in particular counties or state 3737  
institutions, to a pay range established under section 124.15 or 3738  
section 124.152 of the Revised Code. The director may assign a 3739  
classification to a pay range on a temporary basis for a period of 3740  
time designated in the rule. The director may establish, by rule 3741  
adopted under Chapter 119. of the Revised Code, experimental 3742  
classification plans for some or all employees paid directly by 3743  
warrant of the ~~auditor of state~~ director of budget and management. 3744  
The rule shall include specifications for each classification 3745  
within the plan and shall specifically address compensation 3746  
ranges, and methods for advancing within the ranges, for the 3747  
classifications, which may be assigned to pay ranges other than 3748  
the pay ranges established under section 124.15 or 124.152 of the 3749  
Revised Code. 3750

(2) The director of administrative services may reassign to a 3751  
proper classification those positions that have been assigned to 3752  
an improper classification. If the compensation of an employee in 3753  
such a reassigned position exceeds the maximum rate of pay for the 3754  
employee's new classification, the employee shall be placed in pay 3755  
step X and shall not receive an increase in compensation until the 3756  
maximum rate of pay for that classification exceeds the employee's 3757

compensation. 3758

(3) The director may reassign an exempt employee, as defined 3759  
in section 124.152 of the Revised Code, to a bargaining unit 3760  
classification if the director determines that the bargaining unit 3761  
classification is the proper classification for that employee. 3762  
Notwithstanding Chapter 4117. of the Revised Code or instruments 3763  
and contracts negotiated under it, such placements are at the 3764  
director's discretion. 3765

(4) The director shall, by rule, assign related 3766  
classifications, which form a career progression, to a 3767  
classification series. The director shall, by rule, assign each 3768  
classification in the classification plan a five-digit number, the 3769  
first four digits of which shall denote the classification series 3770  
to which the classification is assigned. When a career progression 3771  
encompasses more than ten classifications, the director shall, by 3772  
rule, identify the additional classifications belonging to a 3773  
classification series. Such additional classifications shall be 3774  
part of the classification series, notwithstanding the fact that 3775  
the first four digits of the number assigned to the additional 3776  
classifications do not correspond to the first four digits of the 3777  
numbers assigned to other classifications in the classification 3778  
series. 3779

(5) The director shall adopt rules in accordance with Chapter 3780  
119. of the Revised Code for the establishment of a classification 3781  
plan for county agencies that elect not to use the services and 3782  
facilities of a county personnel department. The rules shall 3783  
include a methodology for the establishment of titles unique to 3784  
county agencies, the use of state classification titles and 3785  
classification specifications for common positions, the criteria 3786  
for a county to meet in establishing its own classification plan, 3787  
and the establishment of what constitutes a classification series 3788  
for county agencies. 3789

(B) Division (A) of this section and sections 124.15 and 3790  
124.152 of the Revised Code do not apply to the following persons, 3791  
positions, offices, and employments: 3792

(1) Elected officials; 3793

(2) Legislative employees, employees of the legislative 3794  
service commission, employees in the office of the governor, 3795  
employees who are in the unclassified civil service and exempt 3796  
from collective bargaining coverage in the office of the secretary 3797  
of state, auditor of state, treasurer of state, and attorney 3798  
general, and employees of the supreme court; 3799

(3) Employees of a county children services board that 3800  
establishes compensation rates under section 5153.12 of the 3801  
Revised Code; 3802

(4) Any position for which the authority to determine 3803  
compensation is given by law to another individual or entity; 3804

(5) Employees of the bureau of workers' compensation whose 3805  
compensation the administrator of workers' compensation 3806  
establishes under division (B) of section 4121.121 of the Revised 3807  
Code. 3808

(C) The director may employ a consulting agency to aid and 3809  
assist the director in carrying out this section. 3810

(D)(1) When the director proposes to modify a classification 3811  
or the assignment of classes to appropriate pay ranges, the 3812  
director shall send written notice of the proposed rule to the 3813  
appointing authorities of the affected employees thirty days 3814  
before the hearing on the proposed rule. The appointing 3815  
authorities shall notify the affected employees regarding the 3816  
proposed rule. The director shall also send such appointing 3817  
authorities notice of any final rule which is adopted within ten 3818  
days after adoption. 3819

(2) When the director proposes to reclassify any employee so 3820  
that the employee is adversely affected, the director shall give 3821  
to the employee affected and to the employee's appointing 3822  
authority a written notice setting forth the proposed new 3823  
classification, pay range, and salary. Upon the request of any 3824  
classified employee who is not serving in a probationary period, 3825  
the director shall perform a job audit to review the 3826  
classification of the employee's position to determine whether the 3827  
position is properly classified. The director shall give to the 3828  
employee affected and to the employee's appointing authority a 3829  
written notice of the director's determination whether or not to 3830  
reclassify the position or to reassign the employee to another 3831  
classification. An employee or appointing authority desiring a 3832  
hearing shall file a written request for the hearing with the 3833  
state personnel board of review within thirty days after receiving 3834  
the notice. The board shall set the matter for a hearing and 3835  
notify the employee and appointing authority of the time and place 3836  
of the hearing. The employee, appointing authority, or any 3837  
authorized representative of the employee who wishes to submit 3838  
facts for the consideration of the board shall be afforded 3839  
reasonable opportunity to do so. After the hearing, the board 3840  
shall consider anew the reclassification and may order the 3841  
reclassification of the employee and require the director to 3842  
assign the employee to such appropriate classification as the 3843  
facts and evidence warrant. As provided in division (A) of section 3844  
124.03 of the Revised Code, the board may determine the most 3845  
appropriate classification for the position of any employee coming 3846  
before the board, with or without a job audit. The board shall 3847  
disallow any reclassification or reassignment classification of 3848  
any employee when it finds that changes have been made in the 3849  
duties and responsibilities of any particular employee for 3850  
political, religious, or other unjust reasons. 3851

(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 the affected employees.

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

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

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

(F) With respect to officers and employees of state-supported colleges and universities and except for the powers and duties of the state personnel board of review set forth in section 124.03 of

the Revised Code, the powers, duties, and functions of the 3883  
department of administrative services and of the director of 3884  
administrative services specified in this chapter are hereby 3885  
vested in and assigned to the boards of trustees of those colleges 3886  
and universities, or those officers to whom the boards of trustees 3887  
have delegated these powers, duties, and functions, subject to a 3888  
periodic audit and review by the director. In exercising the 3889  
powers, duties, and functions of the director, the boards of 3890  
trustees or the officers to whom these powers, duties, and 3891  
functions were delegated need not establish a job classification 3892  
plan for unclassified employees and may proceed under section 3893  
111.15 of the Revised Code when exercising the director's 3894  
rule-making authority. The adoption, amendment, rescission, and 3895  
enforcement of rules under this division is not subject to 3896  
approval, disapproval, or modification by the state personnel 3897  
board of review. Nothing in this division shall be construed to 3898  
limit the right of any classified employee who possesses the right 3899  
of appeal to the state personnel board of review to continue to 3900  
possess that right of appeal. 3901

Upon the director's determination or finding of the misuse by 3902  
the board of trustees of or a designated officer of a 3903  
state-supported college or university of the authority granted 3904  
under this division, the director shall order and direct the 3905  
personnel functions of that state-supported college or university 3906  
until sections 124.01 to 124.64 of the Revised Code have been 3907  
fully complied with. 3908

(G)(1) Each board of county commissioners may, by a 3909  
resolution adopted by a majority of its members, establish a 3910  
county personnel department to exercise the powers, duties, and 3911  
functions specified in division (G) of this section. As used in 3912  
division (G) of this section, "county personnel department" means 3913  
a county personnel department established by a board of county 3914

commissioners under division (G)(1) of this section. 3915

(2) Each board of county commissioners may, by a resolution 3916  
adopted by a majority of its members, designate the county 3917  
personnel department of the county to exercise the powers, duties, 3918  
and functions of the department of administrative services and the 3919  
director of administrative services specified in sections 124.01 3920  
to 124.64 and Chapter 325. of the Revised Code, except for the 3921  
powers and duties of the state personnel board of review, which 3922  
powers and duties shall not be construed as having been modified 3923  
or diminished in any manner by division (G)(2) of this section, 3924  
with respect to the employees for whom the board of county 3925  
commissioners is the appointing authority or co-appointing 3926  
authority. Upon certification of a copy of the resolution by the 3927  
board to the director, these powers, duties, and functions are 3928  
vested in and assigned to the county personnel department with 3929  
respect to the employees for whom the board of county 3930  
commissioners is the appointing authority or co-appointing 3931  
authority. The certification to the director shall be provided not 3932  
later than one hundred twenty days before the first day of July of 3933  
an odd-numbered year, and, following the certification, the 3934  
powers, duties, and functions specified in sections 124.01 to 3935  
124.64 and Chapter 325. of the Revised Code shall be vested in and 3936  
assigned to the county personnel department on that first day of 3937  
July. Nothing in division (G)(2) of this section shall be 3938  
construed to limit the right of any employee who possesses the 3939  
right of appeal to the state personnel board of review to continue 3940  
to possess that right of appeal. 3941

Any board of county commissioners that has established a 3942  
county personnel department may contract with the department of 3943  
administrative services, another political subdivision, or an 3944  
appropriate public or private entity to provide competitive 3945  
testing services or other appropriate services. 3946

(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 Chapter 325. of the Revised Code with respect to the employees of that elected official, board, agency, or other appointing authority shall be vested in and assigned to the county personnel department on that first day of July. Except for those employees under the jurisdiction of the county personnel department, the director shall continue to exercise these powers, duties, and functions with respect to employees of the county.

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

previously vested in and assigned to the county personnel 3979  
department shall return to the director on that first day of July. 3980

(5) Any elected official, board, agency, or appointing 3981  
authority of a county may return to the department of 3982  
administrative services for the administration of sections 124.01 3983  
to 124.64 and Chapter 325. of the Revised Code. The elected 3984  
official, board, agency, or appointing authority shall, not later 3985  
than one hundred twenty days before the first day of July of an 3986  
odd-numbered year, send the director a certified copy of the 3987  
resolution that states its decision. All powers, duties, and 3988  
functions previously vested in and assigned to the county 3989  
personnel department with respect to the employees of that elected 3990  
official, board, agency, or appointing authority shall return to 3991  
the director on that first day of July. 3992

(6) The director, by rule adopted in accordance with Chapter 3993  
119. of the Revised Code, shall prescribe criteria and procedures 3994  
for granting to each county personnel department the powers, 3995  
duties, and functions of the department of administrative services 3996  
and the director as described in division (G)(2) of this section 3997  
with respect to the employees of an elected official, board, 3998  
agency, or other appointing authority or co-appointing authority. 3999  
The rules shall cover the following criteria and procedures: 4000

(a) The notification to the department of administrative 4001  
services that an elected official, board, agency, or other 4002  
appointing authority of a county has elected to use the services 4003  
and facilities of the county personnel department; 4004

(b) A requirement that each county personnel department, in 4005  
carrying out its duties, adhere to merit system principles with 4006  
regard to employees of county departments of job and family 4007  
services, child support enforcement agencies, and public child 4008  
welfare agencies so that there is no threatened loss of federal 4009

funding for these agencies, and a requirement that the county be  
financially liable to the state for any loss of federal funds due  
to the action or inaction of the county personnel department. The  
costs associated with audits conducted to monitor compliance with  
division (G)(6)(b) of this section shall be borne equally by the  
department of administrative services and the county.

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

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

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

(H) The director of administrative services shall establish  
the rate and method of compensation for all employees who are paid  
directly by warrant of the ~~auditor of state~~ director of budget and  
management and who are serving in positions which the director of  
administrative services has determined impracticable to include in  
the state job classification plan. This division does not apply to  
elected officials, legislative employees, employees of the

legislative service commission, employees who are in the 4041  
unclassified civil service and exempt from collective bargaining 4042  
coverage in the office of the secretary of state, auditor of 4043  
state, treasurer of state, and attorney general, employees of the 4044  
courts, employees of the bureau of workers' compensation whose 4045  
compensation the administrator of workers' compensation 4046  
establishes under division (B) of section 4121.121 of the Revised 4047  
Code, or employees of an appointing authority authorized by law to 4048  
fix the compensation of those employees. 4049

(I) The director shall set the rate of compensation for all 4050  
intermittent, interim, seasonal, temporary, emergency, and casual 4051  
employees who are not considered public employees under section 4052  
4117.01 of the Revised Code. Such employees are not entitled to 4053  
receive employee benefits. This rate of compensation shall be 4054  
equitable in terms of the rate of employees serving in the same or 4055  
similar classifications. This division does not apply to elected 4056  
officials, legislative employees, employees of the legislative 4057  
service commission, employees who are in the unclassified civil 4058  
service and exempt from collective bargaining coverage in the 4059  
office of the secretary of state, auditor of state, treasurer of 4060  
state, and attorney general, employees of the courts, employees of 4061  
the bureau of workers' compensation whose compensation the 4062  
administrator establishes under division (B) of section 4121.121 4063  
of the Revised Code, or employees of an appointing authority 4064  
authorized by law to fix the compensation of those employees. 4065

**Sec. 124.151.** (A) As used in this section, "compensation" 4066  
includes, but is not limited to, wages and salary, travel 4067  
allowances paid pursuant to section 101.27 of the Revised Code, 4068  
and benefits paid pursuant to sections 124.13, 124.19, 124.381, 4069  
124.382, 124.383, 124.384, 124.385, and 124.386 of the Revised 4070  
Code. 4071

(B)(1) The compensation of any employee ~~whose employment~~ 4072  
~~commenced on or after the effective date of this amendment and who~~ 4073  
is paid by warrant of the ~~auditor of state~~ director of budget and 4074  
management shall be paid by direct deposit. Each such employee 4075  
shall provide to the appointing authority a written authorization 4076  
for payment by direct deposit. The authorization shall include the 4077  
designation of a financial institution equipped to accept direct 4078  
deposits and the number of the account into which the deposit is 4079  
to be made. The authorization shall remain in effect until 4080  
withdrawn in writing by the employee or until dishonored by the 4081  
financial institution. The director of administrative services 4082  
shall provide by rule adopted under Chapter 119. of the Revised 4083  
Code for the direct deposit in a financial institution of the 4084  
compensation of an employee who fails to provide to the appointing 4085  
authority a written authorization for payment by direct deposit. 4086

(2) Division (B)(1) of this section does not apply to an 4087  
employee who was appointed to the employee's current position 4088  
before June 5, 2002, who is a public employee as defined in 4089  
section 4117.01 of the Revised Code, and whose applicable 4090  
collective bargaining agreement does not require the employee to 4091  
be paid by direct deposit. 4092

**Sec. 124.152.** (A)(1) Except as provided in divisions (A)(2) 4093  
and (3) of this section, each exempt employee shall be paid a 4094  
salary or wage in accordance with schedule E-1 or schedule E-2 of 4095  
division (B) ~~or (C)~~ of this section. 4096

(2) Each exempt employee who holds a position in the 4097  
unclassified civil service pursuant to division (A)(26) or (30) of 4098  
section 124.11 of the Revised Code may be paid a salary or wage in 4099  
accordance with schedule E-1, schedule E-1 for step seven only, or 4100  
schedule E-2 of division (B) ~~or (C)~~, ~~(D)~~, ~~or (E)~~ of this section, 4101  
as applicable. 4102

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

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

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

(B) Beginning on the first day of the pay period that includes July 1, ~~2002~~ 2006, 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	
								4134
								4135
1	Hourly	<del>8.78</del>	<del>9.16</del>	<del>9.56</del>	<del>9.97</del>			4136
	Annually	<del>18262</del>	<del>19053</del>	<del>19885</del>	<del>20738</del>			4137
2	Hourly	<del>10.64</del>	<del>11.09</del>	<del>11.58</del>	<del>12.08</del>			4138
	Annually	<del>22131</del>	<del>23067</del>	<del>24086</del>	<del>25126</del>			4139
3	Hourly	<del>11.14</del>	<del>11.65</del>	<del>12.16</del>	<del>12.69</del>			4140
	Annually	<del>23171</del>	<del>24232</del>	<del>25293</del>	<del>26395</del>			4141
4	Hourly	<del>11.70</del>	<del>12.23</del>	<del>12.81</del>	<del>13.38</del>			4142
	Annually	<del>24336</del>	<del>25438</del>	<del>26645</del>	<del>27830</del>			4143
5	Hourly	<del>12.28</del>	<del>12.84</del>	<del>13.38</del>	<del>13.97</del>			4144
	Annually	<del>25542</del>	<del>26707</del>	<del>27830</del>	<del>29058</del>			4145
6	Hourly	<del>12.94</del>	<del>13.47</del>	<del>14.07</del>	<del>14.64</del>			4146
	Annually	<del>26915</del>	<del>28018</del>	<del>29266</del>	<del>30451</del>			4147
7	Hourly	<del>13.74</del>	<del>14.26</del>	<del>14.83</del>	<del>15.35</del>	<del>15.94</del>		4148
	Annually	<del>28579</del>	<del>29661</del>	<del>30846</del>	<del>31928</del>	<del>33155</del>		4149
8	Hourly	<del>14.53</del>	<del>15.16</del>	<del>15.83</del>	<del>16.53</del>	<del>17.23</del>		4150
	Annually	<del>30222</del>	<del>31533</del>	<del>32926</del>	<del>34382</del>	<del>35838</del>		4151
9	Hourly	<del>15.50</del>	<del>16.30</del>	<del>17.11</del>	<del>17.95</del>	<del>18.87</del>		4152
	Annually	<del>32240</del>	<del>33904</del>	<del>35589</del>	<del>37336</del>	<del>39250</del>		4153
10	Hourly	<del>16.72</del>	<del>17.63</del>	<del>18.58</del>	<del>19.65</del>	<del>20.70</del>		4154
	Annually	<del>34778</del>	<del>36670</del>	<del>38646</del>	<del>40872</del>	<del>43056</del>		4155
11	Hourly	<del>18.20</del>	<del>19.27</del>	<del>20.38</del>	<del>21.53</del>	<del>22.76</del>		4156
	Annually	<del>37856</del>	<del>40082</del>	<del>42390</del>	<del>44782</del>	<del>47341</del>		4157
12	Hourly	<del>20.08</del>	<del>21.21</del>	<del>22.35</del>	<del>23.59</del>	<del>24.90</del>	<del>26.26</del>	4158
	Annually	<del>41766</del>	<del>44117</del>	<del>46488</del>	<del>49067</del>	<del>51792</del>	<del>54621</del>	4159
13	Hourly	<del>22.13</del>	<del>23.35</del>	<del>24.63</del>	<del>25.95</del>	<del>27.40</del>	<del>28.90</del>	4160
	Annually	<del>46030</del>	<del>48568</del>	<del>51230</del>	<del>53976</del>	<del>56992</del>	<del>60112</del>	4161
14	Hourly	<del>24.35</del>	<del>25.72</del>	<del>27.10</del>	<del>28.59</del>	<del>30.20</del>	<del>31.88</del>	4162
	Annually	<del>50648</del>	<del>53498</del>	<del>56368</del>	<del>59467</del>	<del>62816</del>	<del>66310</del>	4163
15	Hourly	<del>26.74</del>	<del>28.24</del>	<del>29.84</del>	<del>31.48</del>	<del>33.22</del>	<del>35.06</del>	4164
	Annually	<del>55619</del>	<del>58739</del>	<del>62067</del>	<del>65478</del>	<del>69098</del>	<del>72925</del>	4165
16	Hourly	<del>29.48</del>	<del>31.12</del>	<del>32.84</del>	<del>34.67</del>	<del>36.59</del>	<del>38.67</del>	4166

	Annually	61318	64730	68307	72114	76107	80434	4167
17	Hourly	32.49	34.28	36.20	38.20	40.33	42.58	4168
	Annually	67579	71302	75296	79456	83886	88566	4169
18	Hourly	35.80	37.78	39.90	42.11	44.43	46.92	4170
	Annually	74464	78582	82992	87589	92414	97594	4171
1	Hourly	9.40	9.82	10.24	10.68			4172
	Annually	19552	20426	21299	22214			4173
2	Hourly	11.40	11.88	12.40	12.94			4174
	Annually	23712	24710	25792	26915			4175
3	Hourly	11.94	12.48	13.03	13.60			4176
	Annually	24835	25958	27102	28288			4177
4	Hourly	12.54	13.10	13.72	14.34			4178
	Annually	26083	27248	28538	29827			4179
5	Hourly	13.15	13.75	14.34	14.97			4180
	Annually	27352	28600	29827	31138			4181
6	Hourly	13.86	14.43	15.07	15.69			4182
	Annually	28829	30014	31346	32635			4183
7	Hourly	14.72	15.27	15.88	16.44	17.08		4184
	Annually	30618	31762	33030	34195	35526		4185
8	Hourly	15.56	16.24	16.95	17.71	18.46		4186
	Annually	32365	33779	35256	36837	38397		4187
9	Hourly	16.60	17.46	18.32	19.23	20.21		4188
	Annually	34528	36317	38106	39998	42037		4189
10	Hourly	17.91	18.89	19.90	21.05	22.18		4190
	Annually	37253	39291	41392	43784	46134		4191
11	Hourly	19.50	20.64	21.84	23.06	24.38		4192
	Annually	40560	42931	45427	47965	50710		4193
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	4194
	Annually	44741	47258	49795	52562	55494	58510	4195
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	4196
	Annually	49317	52021	54891	57824	61069	64397	4197
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	4198
	Annually	54246	57304	60382	63690	67288	71032	4199

<u>15</u>	<u>Hourly</u>	<u>28.64</u>	<u>30.25</u>	<u>31.96</u>	<u>33.72</u>	<u>35.59</u>	<u>37.55</u>	4200
	<u>Annually</u>	<u>59571</u>	<u>62920</u>	<u>66477</u>	<u>70138</u>	<u>74027</u>	<u>78104</u>	4201
<u>16</u>	<u>Hourly</u>	<u>31.58</u>	<u>33.33</u>	<u>35.17</u>	<u>37.14</u>	<u>39.19</u>	<u>41.43</u>	4202
	<u>Annually</u>	<u>65686</u>	<u>69326</u>	<u>73154</u>	<u>77251</u>	<u>81515</u>	<u>86174</u>	4203
<u>17</u>	<u>Hourly</u>	<u>34.80</u>	<u>36.72</u>	<u>38.78</u>	<u>40.92</u>	<u>43.20</u>	<u>45.61</u>	4204
	<u>Annually</u>	<u>72384</u>	<u>76378</u>	<u>80662</u>	<u>85114</u>	<u>89856</u>	<u>94869</u>	4205
<u>18</u>	<u>Hourly</u>	<u>38.35</u>	<u>40.47</u>	<u>42.75</u>	<u>45.10</u>	<u>47.60</u>	<u>50.26</u>	4206
	<u>Annually</u>	<u>79768</u>	<u>84178</u>	<u>88920</u>	<u>93808</u>	<u>99008</u>	<u>104541</u>	4207

Schedule E-2 4208

	Range	Minimum	Maximum	4209
<u>41</u>	<u>Hourly</u>	<u>16.23</u>	<u>32.46</u>	4210
	<u>Annually</u>	<u>33758</u>	<u>67517</u>	4211
<u>42</u>	<u>Hourly</u>	<u>17.89</u>	<u>35.86</u>	4212
	<u>Annually</u>	<u>37211</u>	<u>74589</u>	4213
<u>43</u>	<u>Hourly</u>	<u>19.70</u>	<u>39.49</u>	4214
	<u>Annually</u>	<u>40976</u>	<u>82139</u>	4215
<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>43.13</u>	4216
	<u>Annually</u>	<u>45198</u>	<u>89710</u>	4217
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>47.09</u>	4218
	<u>Annually</u>	<u>49941</u>	<u>97947</u>	4219
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>51.46</u>	4220
	<u>Annually</u>	<u>54974</u>	<u>107037</u>	4221
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>56.16</u>	4222
	<u>Annually</u>	<u>60611</u>	<u>116813</u>	4223
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>61.29</u>	4224
	<u>Annually</u>	<u>66851</u>	<u>127483</u>	4225
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>66.18</u>	4226
	<u>Annually</u>	<u>73715</u>	<u>137654</u>	4227
<u>41</u>	<u>Hourly</u>	<u>16.23</u>	<u>34.77</u>	4228
	<u>Annually</u>	<u>33758</u>	<u>72322</u>	4229
<u>42</u>	<u>Hourly</u>	<u>17.89</u>	<u>38.41</u>	4230
	<u>Annually</u>	<u>37211</u>	<u>79893</u>	4231
<u>43</u>	<u>Hourly</u>	<u>19.70</u>	<u>42.30</u>	4232

	<u>Annually</u>	<u>40976</u>	<u>87984</u>	4233
<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>46.21</u>	4234
	<u>Annually</u>	<u>45198</u>	<u>96117</u>	4235
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>50.44</u>	4236
	<u>Annually</u>	<u>49941</u>	<u>104915</u>	4237
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>55.13</u>	4238
	<u>Annually</u>	<u>54974</u>	<u>114670</u>	4239
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>60.16</u>	4240
	<u>Annually</u>	<u>60611</u>	<u>125133</u>	4241
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>65.65</u>	4242
	<u>Annually</u>	<u>66851</u>	<u>136552</u>	4243
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>70.89</u>	4244
	<u>Annually</u>	<u>73715</u>	<u>147451</u>	4245

~~(C) Beginning on the first day of the pay period that includes July 1, 2005, 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~~ 4251

~~Pay Ranges and Step Values~~ 4252

		<del>Step</del>	<del>Step</del>	<del>Step</del>	<del>Step</del>	<del>Step</del>	<del>Step</del>	
	<del>Range</del>	<del>1</del>	<del>2</del>	<del>3</del>	<del>4</del>	<del>5</del>	<del>6</del>	
<del>1</del>	<del>Hourly</del>	<del>9.13</del>	<del>9.53</del>	<del>9.94</del>	<del>10.37</del>			4253
	<del>Annually</del>	<del>18990</del>	<del>19822</del>	<del>20675</del>	<del>21570</del>			4254
<del>2</del>	<del>Hourly</del>	<del>11.07</del>	<del>11.53</del>	<del>12.04</del>	<del>12.56</del>			4255
	<del>Annually</del>	<del>23026</del>	<del>23982</del>	<del>25043</del>	<del>26125</del>			4256
<del>3</del>	<del>Hourly</del>	<del>11.59</del>	<del>12.12</del>	<del>12.65</del>	<del>13.20</del>			4257
	<del>Annually</del>	<del>24107</del>	<del>25210</del>	<del>26312</del>	<del>27456</del>			4258
<del>4</del>	<del>Hourly</del>	<del>12.17</del>	<del>12.72</del>	<del>13.32</del>	<del>13.92</del>			4259
	<del>Annually</del>	<del>25314</del>	<del>26458</del>	<del>27706</del>	<del>28954</del>			4260
<del>5</del>	<del>Hourly</del>	<del>12.77</del>	<del>13.35</del>	<del>13.92</del>	<del>14.53</del>			4261
	<del>Annually</del>	<del>26562</del>	<del>27768</del>	<del>28954</del>	<del>30222</del>			4262

6	Hourly	13.46	14.01	14.63	15.23		4265	
	Annually	27997	29141	30430	31678		4266	
7	Hourly	14.29	14.83	15.42	15.96	16.58	4267	
	Annually	29723	30846	32074	33197	34486	4268	
8	Hourly	15.11	15.77	16.46	17.19	17.92	4269	
	Annually	31429	32802	34237	35755	37274	4270	
9	Hourly	16.12	16.95	17.79	18.67	19.62	4271	
	Annually	33530	35256	37003	38834	40810	4272	
10	Hourly	17.39	18.34	19.32	20.44	21.53	4273	
	Annually	36171	38147	40186	42515	44782	4274	
11	Hourly	18.93	20.04	21.20	22.39	23.67	4275	
	Annually	39374	41683	44096	46571	49234	4276	
12	Hourly	20.88	22.06	23.24	24.53	25.90	27.31	4277
	Annually	43430	45885	48339	51022	53872	56805	4278
13	Hourly	23.02	24.28	25.62	26.99	28.50	30.06	4279
	Annually	47882	50502	53290	56139	59280	62525	4280
14	Hourly	25.32	26.75	28.18	29.73	31.41	33.16	4281
	Annually	52666	55640	58614	61838	65333	68973	4282
15	Hourly	27.81	29.37	31.03	32.74	34.55	36.46	4283
	Annually	57845	61090	64542	68099	71864	75837	4284
16	Hourly	30.66	32.36	34.15	36.06	38.05	40.22	4285
	Annually	63773	67309	71032	75005	79144	83658	4286
17	Hourly	33.79	35.65	37.65	39.73	41.94	44.28	4287
	Annually	70283	74152	78312	82638	87235	92102	4288
18	Hourly	37.23	39.29	41.50	43.79	46.21	48.80	4289
	Annually	77438	81723	86320	91083	96117	101504	4290
	Schedule E-2							4291
	Range			Minimum		Maximum		4292
41	Hourly			16.23		33.76		4293
	Annually			33758		70221		4294
42	Hourly			17.89		37.29		4295
	Annually			37211		77563		4296
43	Hourly			19.70		41.07		4297

	Annually	40976	85426	4298
44	Hourly	21.73	44.86	4299
	Annually	45198	93309	4300
45	Hourly	24.01	48.97	4301
	Annually	49941	101858	4302
46	Hourly	26.43	53.52	4303
	Annually	54974	111322	4304
47	Hourly	29.14	58.41	4305
	Annually	60611	121493	4306
48	Hourly	32.14	63.74	4307
	Annually	66851	132579	4308
49	Hourly	35.44	68.83	4309
	Annually	73715	143166	4310

(D) Beginning on the first day of the pay period that 4311  
includes July 1, ~~2003~~ 2006, each exempt employee who must be paid 4312  
in accordance with schedule E-1 for step seven only shall be paid 4313  
a salary or wage in accordance with the following schedule of 4314  
rates: 4315

Schedule E-1 for Step Seven Only 4316

Pay Ranges and Step Seven Values 4317

	Range			4318
12	Hourly	27.71		4319
	Annually	57637		4320
13	Hourly	30.49		4321
	Annually	63419		4322
14	Hourly	33.62		4323
	Annually	69930		4324
15	Hourly	36.98		4325
	Annually	76918		4326
16	Hourly	40.80		4327
	Annually	84864		4328
17	Hourly	44.93		4329

	Annually	93454	4330
18	Hourly	49.50	4331
	Annually	102960	4332

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

~~Schedule E-1 for Step Seven Only~~

~~Pay Ranges and Step Seven Values~~

	Range		4339
12	Hourly	28.82	4340
	Annually	59946	4341
13	Hourly	31.71	4342
	Annually	65957	4343
14	Hourly	34.96	4344
	Annually	72717	4345
15	Hourly	38.46	4346
	Annually	79997	4347
16	Hourly	42.43	4348
	Annually	88254	4349
17	Hourly	46.73	4350
	Annually	97198	4351
18	Hourly	51.48	4352
	Annually	107078	4353
<u>12</u>	<u>Hourly</u>	<u>29.68</u>	4354
	<u>Annually</u>	<u>61734</u>	4355
<u>13</u>	<u>Hourly</u>	<u>32.66</u>	4356
	<u>Annually</u>	<u>67933</u>	4357
<u>14</u>	<u>Hourly</u>	<u>36.01</u>	4358
	<u>Annually</u>	<u>74901</u>	4359
<u>15</u>	<u>Hourly</u>	<u>39.61</u>	4360
	<u>Annually</u>	<u>82389</u>	4361

<u>16</u>	<u>Hourly</u>	<u>43.70</u>	4362
	<u>Annually</u>	<u>90896</u>	4363
<u>17</u>	<u>Hourly</u>	<u>48.13</u>	4364
	<u>Annually</u>	<u>100110</u>	4365
<u>18</u>	<u>Hourly</u>	<u>53.02</u>	4366
	<u>Annually</u>	<u>110282</u>	4367

~~(F)~~(D) As used in this section, "exempt employee" means a 4368  
permanent full-time or permanent part-time employee paid directly 4369  
by warrant of the ~~auditor of state~~ director of budget and 4370  
management whose position is included in the job classification 4371  
plan established under division (A) of section 124.14 of the 4372  
Revised Code but who is not considered a public employee for the 4373  
purposes of Chapter 4117. of the Revised Code. As used in this 4374  
section, "exempt employee" also includes a permanent full-time or 4375  
permanent part-time employee of the secretary of state, auditor of 4376  
state, treasurer of state, or attorney general who has not been 4377  
placed in an appropriate bargaining unit by the state employment 4378  
relations board. 4379

**Sec. 124.18.** (A) Forty hours shall be the standard work week 4380  
for all employees whose salary or wage is paid in whole or in part 4381  
by the state or by any state-supported college or university. When 4382  
any employee whose salary or wage is paid in whole or in part by 4383  
the state or by any state-supported college or university is 4384  
required by an authorized administrative authority to be in an 4385  
active pay status more than forty hours in any calendar week, the 4386  
employee shall be compensated for such time over forty hours, 4387  
except as otherwise provided in this section, at one and one-half 4388  
times the employee's regular rate of pay. The use of sick leave or 4389  
any leave used in lieu of sick leave shall not be considered to be 4390  
active pay status for the purposes of earning overtime or 4391  
compensatory time by employees whose wages are paid directly by 4392  
warrant of the ~~auditor of state~~ director of budget and management. 4393

A flexible-hours employee is not entitled to compensation for 4394  
overtime work unless the employee's authorized administrative 4395  
authority required the employee to be in active pay status for 4396  
more than forty hours in a calendar week, regardless of the number 4397  
of hours the employee works on any day in the same calendar week. 4398

Such compensation for overtime work shall be paid no later 4399  
than at the conclusion of the next succeeding pay period. 4400

If the employee elects to take compensatory time off in lieu 4401  
of overtime pay for any overtime worked, such compensatory time 4402  
shall be granted by the employee's administrative superior, on a 4403  
time and one-half basis, at a time mutually convenient to the 4404  
employee and the administrative superior. An Compensatory time is 4405  
not available for use until it appears on the employee's earning 4406  
statement and the compensation described in the earning statement 4407  
is available to the employee. 4408

An employee may accrue compensatory time to a maximum of two 4409  
hundred forty hours, except that public safety employees and other 4410  
employees who meet the criteria established in the "Federal Fair 4411  
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 4412  
as amended, may accrue a maximum of four hundred eighty hours of 4413  
compensatory time. An employee shall be paid at the employee's 4414  
regular rate of pay for any hours of compensatory time accrued in 4415  
excess of these maximum amounts if the employee has not used the 4416  
compensatory time within one hundred eighty days after it is 4417  
granted, if the employee transfers to another agency of the state, 4418  
or if a change in the employee's status exempts the employee from 4419  
the payment of overtime compensation. Upon the termination of 4420  
employment, any employee with accrued but unused compensatory time 4421  
shall be paid for that time at a rate that is the greater of the 4422  
employee's final regular rate of pay or the employee's average 4423  
regular rate of pay during the employee's last three years of 4424  
employment with the state. 4425

No overtime, as described in this section, can be paid unless 4426  
it has been authorized by the authorized administrative authority. 4427  
Employees may be exempted from the payment of compensation as 4428  
required by this section only under the criteria for exemption 4429  
from the payment of overtime compensation established in the 4430  
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 4431  
U.S.C.A. 207, 213, as amended. With the approval of the director 4432  
of administrative services, the appointing authority may establish 4433  
a policy to grant compensatory time or to pay compensation to 4434  
state employees who are exempt from overtime compensation. With 4435  
the approval of the board of county commissioners, a county human 4436  
services department may establish a policy to grant compensatory 4437  
time or to pay compensation to employees of the department who are 4438  
exempt from overtime compensation. 4439

(B)(1) An employee, whose salary or wage is paid in whole or 4440  
in part by the state, shall be paid for the holidays declared in 4441  
section 124.19 of the Revised Code and shall not be required to 4442  
work on those holidays, unless, in the opinion of the employee's 4443  
responsible administrative authority, failure to work on those 4444  
holidays would impair the public service. An employee paid 4445  
directly by warrant of the ~~auditor of state~~ director of budget and 4446  
management who is scheduled to work on a holiday and who does not 4447  
report to work the day before, the day of, or the day after the 4448  
holiday due to an illness of the employee or of a member of the 4449  
employee's immediate family shall not receive holiday pay as 4450  
provided by this division, unless the employee can provide 4451  
documentation of extenuating circumstances that prohibited the 4452  
employee from so reporting to work. An employee also shall not be 4453  
paid for a holiday unless the employee was in active pay status on 4454  
the scheduled work day immediately preceding the holiday. 4455

(2) If any of the holidays declared in section 124.19 of the 4456  
Revised Code falls on Saturday, the Friday immediately preceding 4457

shall be observed as the holiday. If any of the holidays declared 4458  
in section 124.19 of the Revised Code falls on Sunday, the Monday 4459  
immediately succeeding shall be observed as the holiday. Employees 4460  
whose work schedules are based on the requirements of a 4461  
seven-days-a-week work operation shall observe holidays on the 4462  
actual days specified in section 124.19 of the Revised Code. 4463

(3) If an employee's work schedule is other than Monday 4464  
through Friday, the employee shall be entitled to eight hours of 4465  
holiday pay for holidays observed on the employee's day off 4466  
regardless of the day of the week on which they are observed. ~~A~~ 4467

(4) A full-time permanent employee is entitled to a minimum 4468  
of eight hours of pay for each holiday regardless of the 4469  
employee's work shift and work schedule. A flexible-hours employee 4470  
~~is entitled to holiday pay for the number of hours for which the~~ 4471  
~~employee normally would have been scheduled to work, who is~~ 4472  
normally scheduled to work in excess of eight hours on a day on 4473  
which a holiday falls, either shall be required to work an 4474  
alternate schedule for that week or shall receive additional 4475  
holiday pay for the hours the employee is normally scheduled to 4476  
work. Such an alternate schedule may require a flexible-hours 4477  
employee to work five shifts consisting of eight hours each during 4478  
the week including the holiday, and, in that case, the employee 4479  
shall receive eight hours of holiday pay for the day the holiday 4480  
is observed. Part-time 4481

(5) ~~Part-time~~ permanent employees shall ~~be paid~~ receive 4482  
holiday pay ~~for that portion of any holiday for which they would~~ 4483  
~~normally have been scheduled to work on a pro-rated basis, based~~ 4484  
upon the daily average of actual hours worked, excluding overtime 4485  
hours worked, in the previous calendar quarter. The figure shall 4486  
be calculated for the preceding calendar quarter on the first day 4487  
of January, April, July, and October of each year. ~~When~~ 4488

(6) When an employee who is eligible for overtime pay under 4489

this section is required by the employee's responsible 4490  
administrative authority to work on the day observed as a holiday, 4491  
the employee shall be entitled to pay for such time worked at one 4492  
and one-half times the employee's regular rate of pay in addition 4493  
to the employee's regular pay, or to be granted compensatory time 4494  
off at time and one-half thereafter, at the employee's option. 4495  
Payment at such rate shall be excluded in the calculation of hours 4496  
in active pay status. 4497

(C) Each appointing authority may designate the number of 4498  
employees in an agency who are flexible-hours employees. The 4499  
appointing authority may establish for each flexible-hours 4500  
employee a specified minimum number of hours to be worked each day 4501  
that is consistent with the "Federal Fair Labor Standards Act of 4502  
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 4503

(D) This section shall be uniformly administered for 4504  
employees as defined in section 124.01 of the Revised Code and by 4505  
the personnel departments of state-supported colleges and 4506  
universities for employees of state-supported colleges and 4507  
universities. If employees are not paid directly by warrant of the 4508  
~~auditor of state~~ director of budget and management, the political 4509  
subdivision shall determine whether the use of sick leave shall be 4510  
considered to be active pay status for purposes of those employees 4511  
earning overtime or compensatory time. 4512

(E) Policies relating to the payment of overtime pay or the 4513  
granting of compensatory time off shall be adopted by the chief 4514  
administrative officer of the house of representatives for 4515  
employees of the house of representatives, by the clerk of the 4516  
senate for employees of the senate, and by the director of the 4517  
legislative service commission for all other legislative 4518  
employees. 4519

(F) As used in this section, "regular rate of pay" means the 4520  
base rate of pay an employee receives plus any pay supplements 4521

received pursuant to section 124.181 of the Revised Code. 4522

**Sec. 124.181.** (A) Except as provided in division (M) of this 4523  
section, any employee paid in accordance with schedule B of 4524  
section 124.15 or schedule E-1 or schedule E-1 for step seven only 4525  
of section 124.152 of the Revised Code is eligible for the pay 4526  
supplements provided in this section upon application by the 4527  
appointing authority substantiating the employee's qualifications 4528  
for the supplement and with the approval of the director of 4529  
administrative services except as provided in division (E) of this 4530  
section. 4531

(B)(1) Except as provided in section 124.183 of the Revised 4532  
Code, in computing any of the pay supplements provided in this 4533  
section for an employee paid in accordance with schedule B of 4534  
section 124.15 of the Revised Code, the classification salary base 4535  
shall be the minimum hourly rate of the pay range, provided in 4536  
that section, in which the employee is assigned at the time of 4537  
computation. 4538

(2) Except as provided in section 124.183 of the Revised 4539  
Code, in computing any of the pay supplements provided in this 4540  
section for an employee paid in accordance with schedule E-1 of 4541  
section 124.152 of the Revised Code, the classification salary 4542  
base shall be the minimum hourly rate of the pay range, provided 4543  
in that section, in which the employee is assigned at the time of 4544  
computation. 4545

(3) Except as provided in section 124.183 of the Revised 4546  
Code, in computing any of the pay supplements provided in this 4547  
section for an employee paid in accordance with schedule E-1 for 4548  
step seven only of section 124.152 of the Revised Code, the 4549  
classification salary base shall be the minimum hourly rate in the 4550  
corresponding pay range, provided in schedule E-1 of that section, 4551  
to which the employee is assigned at the time of the computation. 4552

(C) The effective date of any pay supplement, except as 4553  
provided in section 124.183 of the Revised Code or unless 4554  
otherwise provided in this section, shall be determined by the 4555  
director. 4556

(D) The director shall, by rule, establish standards 4557  
regarding the administration of this section. 4558

(E)(1) Except as otherwise provided in this division, 4559  
beginning on the first day of the pay period within which the 4560  
employee completes five years of total service with the state 4561  
government or any of its political subdivisions, each employee in 4562  
positions paid in accordance with schedule B of section 124.15 of 4563  
the Revised Code or in accordance with schedule E-1 or schedule 4564  
E-1 for step seven only of section 124.152 of the Revised Code 4565  
shall receive an automatic salary adjustment equivalent to two and 4566  
one-half per cent of the classification salary base, to the 4567  
nearest whole cent. Each employee shall receive thereafter an 4568  
annual adjustment equivalent to one-half of one per cent of the 4569  
employee's classification salary base, to the nearest whole cent, 4570  
for each additional year of qualified employment until a maximum 4571  
of ten per cent of the employee's classification salary base is 4572  
reached. The granting of longevity adjustments shall not be 4573  
affected by promotion, demotion, or other changes in 4574  
classification held by the employee, nor by any change in pay 4575  
range for the employee's class or grade. Longevity pay adjustments 4576  
shall become effective at the beginning of the pay period within 4577  
which the employee completes the necessary length of service, 4578  
except that when an employee requests credit for prior service, 4579  
the effective date of the prior service credit and of any 4580  
longevity adjustment shall be the first day of the pay period 4581  
following approval of the credit by the director of administrative 4582  
services. No employee, other than an employee who submits proof of 4583  
prior service within ninety days after the date of the employee's 4584

hiring, shall receive any longevity adjustment for the period 4585  
prior to the director's approval of a prior service credit. Time 4586  
spent on authorized leave of absence shall be counted for this 4587  
purpose. 4588

(2) An employee who has retired in accordance with the 4589  
provisions of any retirement system offered by the state and who 4590  
is employed by the state or any political subdivision of the state 4591  
on or after June 24, 1987, shall not have prior service with the 4592  
state or any political subdivision of the state counted for the 4593  
purpose of determining the amount of the salary adjustment 4594  
provided under this division. 4595

(3) There shall be a moratorium on employees' receipt under 4596  
this division of credit for service with the state government or 4597  
any of its political subdivisions during the period from July 1, 4598  
2003, through June 30, 2005. In calculating the number of years of 4599  
total service under this division, no credit shall be included for 4600  
service during the moratorium. The moratorium shall apply to the 4601  
employees of the secretary of state, the auditor of state, the 4602  
treasurer of state, and the attorney general, who are subject to 4603  
this section unless the secretary of state, the auditor of state, 4604  
the treasurer of state, or the attorney general decides to exempt 4605  
the office's employees from the moratorium and so notifies the 4606  
director of administrative services in writing on or before July 4607  
1, 2003. 4608

If an employee is exempt from the moratorium, receives credit 4609  
for a period of service during the moratorium, and takes a 4610  
position with another entity in the state government or any of its 4611  
political subdivisions, either during or after the moratorium, and 4612  
if that entity's employees are or were subject to the moratorium, 4613  
the employee shall continue to retain the credit. However, if the 4614  
moratorium is in effect upon the taking of the new position, the 4615  
employee shall cease receiving additional credit as long as the 4616

employee is in the position, until the moratorium expires. 4617

(F) When an exceptional condition exists that creates a 4618  
temporary or a permanent hazard for one or more positions in a 4619  
class paid in accordance with schedule B of section 124.15 of the 4620  
Revised Code or in accordance with schedule E-1 or schedule E-1 4621  
for step seven only of section 124.152 of the Revised Code, a 4622  
special hazard salary adjustment may be granted for the time the 4623  
employee is subjected to the hazardous condition. All special 4624  
hazard conditions shall be identified for each position and 4625  
incidence from information submitted to the director on an 4626  
appropriate form provided by the director and categorized into 4627  
standard conditions of: some unusual hazard not common to the 4628  
class; considerable unusual hazard not common to the class; and 4629  
exceptional hazard not common to the class. 4630

(1) A hazardous salary adjustment of five per cent of the 4631  
employee's classification salary base may be applied in the case 4632  
of some unusual hazardous condition not common to the class for 4633  
those hours worked, or a fraction of those hours worked, while the 4634  
employee was subject to the unusual hazard condition. 4635

(2) A hazardous salary adjustment of seven and one-half per 4636  
cent of the employee's classification salary base may be applied 4637  
in the case of some considerable hazardous condition not common to 4638  
the class for those hours worked, or a fraction of those hours 4639  
worked, while the employee was subject to the considerable hazard 4640  
condition. 4641

(3) A hazardous salary adjustment of ten per cent of the 4642  
employee's classification salary base may be applied in the case 4643  
of some exceptional hazardous condition not common to the class 4644  
for those hours worked, or a fraction of those hours worked, when 4645  
the employee was subject to the exceptional hazard condition. 4646

(4) Each claim for temporary hazard pay shall be submitted as 4647

a separate payment and shall be subject to an administrative audit 4648  
by the director as to the extent and duration of the employee's 4649  
exposure to the hazardous condition. 4650

(G) When a full-time employee whose salary or wage is paid 4651  
directly by warrant of the ~~auditor of state~~ director of budget and 4652  
management and who also is eligible for overtime under the "Fair 4653  
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 4654  
as amended, is ordered by the appointing authority to report back 4655  
to work after termination of the employee's regular work schedule 4656  
and the employee reports, the employee shall be paid for such 4657  
time. The employee shall be entitled to four hours at the 4658  
employee's total rate of pay or overtime compensation for the 4659  
actual hours worked, whichever is greater. This division does not 4660  
apply to work that is a continuation of or immediately preceding 4661  
an employee's regular work schedule. 4662

(H) When a certain position or positions paid in accordance 4663  
with schedule B of section 124.15 of the Revised Code or in 4664  
accordance with schedule E-1 or schedule E-1 for step seven only 4665  
of section 124.152 of the Revised Code require the ability to 4666  
speak or write a language other than English, a special pay 4667  
supplement may be granted to attract bilingual individuals, to 4668  
encourage present employees to become proficient in other 4669  
languages, or to retain qualified bilingual employees. The 4670  
bilingual pay supplement provided in this division may be granted 4671  
in the amount of five per cent of the employee's classification 4672  
salary base for each required foreign language and shall remain in 4673  
effect as long as the bilingual requirement exists. 4674

(I) The director of administrative services may establish a 4675  
shift differential for employees. The differential shall be paid 4676  
to employees in positions working in other than the regular or 4677  
first shift. In those divisions or agencies where only one shift 4678  
prevails, no shift differential shall be paid regardless of the 4679

hours of the day that are worked. The director and the appointing 4680  
authority shall designate which positions shall be covered by this 4681  
division. 4682

(J) Whenever an employee is assigned to work in a higher 4683  
level position for a continuous period of more than two weeks but 4684  
no more than two years because of a vacancy, the employee's pay 4685  
may be established at a rate that is approximately four per cent 4686  
above the employee's current base rate for the period the employee 4687  
occupies the position, provided that this temporary occupancy is 4688  
approved by the director. Employees paid under this division shall 4689  
continue to receive any of the pay supplements due them under 4690  
other divisions of this section based on the step one base rate 4691  
for their normal classification. 4692

(K) If a certain position, or positions, within a class paid 4693  
in accordance with schedule B of section 124.15 of the Revised 4694  
Code or in accordance with schedule E-1 or schedule E-1 for step 4695  
seven only of section 124.152 of the Revised Code are mandated by 4696  
state or federal law or regulation or other regulatory agency or 4697  
other certification authority to have special technical 4698  
certification, registration, or licensing to perform the functions 4699  
which are under the mandate, a special professional achievement 4700  
pay supplement may be granted. This special professional 4701  
achievement pay supplement shall not be granted when all 4702  
incumbents in all positions in a class require a license as 4703  
provided in the classification description published by the 4704  
department of administrative services; to licensees where no 4705  
special or extensive training is required; when certification is 4706  
granted upon completion of a stipulated term of in-service 4707  
training; when an appointing authority has required certification; 4708  
or any other condition prescribed by the director. 4709

(1) Before this supplement may be applied, evidence as to the 4710  
requirement must be provided by the agency for each position 4711

involved, and certification must be received from the director as 4712  
to the director's concurrence for each of the positions so 4713  
affected. 4714

(2) The professional achievement pay supplement provided in 4715  
this division shall be granted in an amount up to ten per cent of 4716  
the employee's classification salary base and shall remain in 4717  
effect as long as the mandate exists. 4718

(L) Those employees assigned to teaching supervisory, 4719  
principal, assistant principal, or superintendent positions who 4720  
have attained a higher educational level than a basic bachelor's 4721  
degree may receive an educational pay supplement to remain in 4722  
effect as long as the employee's assignment and classification 4723  
remain the same. 4724

(1) An educational pay supplement of two and one-half per 4725  
cent of the employee's classification salary base may be applied 4726  
upon the achievement of a bachelor's degree plus twenty quarter 4727  
hours of postgraduate work. 4728

(2) An educational pay supplement of an additional five per 4729  
cent of the employee's classification salary base may be applied 4730  
upon achievement of a master's degree. 4731

(3) An educational pay supplement of an additional two and 4732  
one-half per cent of the employee's classification salary base may 4733  
be applied upon achievement of a master's degree plus thirty 4734  
quarter hours of postgraduate work. 4735

(4) An educational pay supplement of five per cent of the 4736  
employee's classification salary base may be applied when the 4737  
employee is performing as a master teacher. 4738

(5) An educational pay supplement of five per cent of the 4739  
employee's classification salary base may be applied when the 4740  
employee is performing as a special education teacher. 4741

(6) Those employees in teaching supervisory, principal, 4742  
assistant principal, or superintendent positions who are 4743  
responsible for specific extracurricular activity programs shall 4744  
receive overtime pay for those hours worked in excess of their 4745  
normal schedule, at their straight time hourly rate up to a 4746  
maximum of five per cent of their regular base salary in any 4747  
calendar year. 4748

(M)(1) A state agency, board, or commission may establish a 4749  
supplementary compensation schedule for those licensed physicians 4750  
employed by the agency, board, or commission in positions 4751  
requiring a licensed physician. The supplementary compensation 4752  
schedule, together with the compensation otherwise authorized by 4753  
this chapter, shall provide for the total compensation for these 4754  
employees to range appropriately, but not necessarily uniformly, 4755  
for each classification title requiring a licensed physician, in 4756  
accordance with a schedule approved by the state controlling 4757  
board. The individual salary levels recommended for each such 4758  
physician employed shall be approved by the director. 4759  
Notwithstanding section 124.11 of the Revised Code, such personnel 4760  
are in the unclassified civil service. 4761

(2) The director of administrative services may approve 4762  
supplementary compensation for the director of health, if the 4763  
director is a licensed physician, in accordance with a 4764  
supplementary compensation schedule approved under division (M)(1) 4765  
of this section or in accordance with another supplementary 4766  
compensation schedule the director of administrative services 4767  
considers appropriate. The supplementary compensation shall not 4768  
exceed twenty per cent of the director of health's base rate of 4769  
pay. 4770

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 4771  
117.42, and 131.02 of the Revised Code, the state shall not 4772  
institute any civil action to recover and shall not seek 4773

reimbursement for overpayments made in violation of division (E) 4774  
of this section or division (C) of section 9.44 of the Revised 4775  
Code for the period starting after June 24, 1987, and ending on 4776  
October 31, 1993. 4777

(O) Employees of the office of the treasurer of state who are 4778  
exempt from collective bargaining coverage may be granted a merit 4779  
pay supplement of up to one and one-half per cent of their step 4780  
rate. The rate at which this supplement is granted shall be based 4781  
on performance standards established by the treasurer of state. 4782  
Any supplements granted under this division shall be administered 4783  
on an annual basis. 4784

**Sec. 124.182.** (A) There is hereby created in the state 4785  
treasury the professional development fund. The director of 4786  
administrative services shall use moneys credited to the fund to 4787  
pay for programs that provide professional development 4788  
opportunities for employees who are exempt from collective 4789  
bargaining coverage and paid by warrant of the ~~auditor of state~~ 4790  
director of budget and management. The director of administrative 4791  
services shall identify by rule adopted under Chapter 119. of the 4792  
Revised Code programs for which payments from the fund shall be 4793  
made. The fund also shall be used to pay any direct and indirect 4794  
costs that are attributable to consultants or a third-party 4795  
administrator and that are necessary to administer this section. 4796  
All investment earnings of the fund shall be credited to it. 4797

(B) The director of administrative services, in consultation 4798  
with the director of budget and management, shall determine a rate 4799  
at which the payrolls of all participating state agencies with 4800  
employees paid by warrant of the ~~auditor of state~~ director of 4801  
budget and management shall be charged each pay period that is 4802  
sufficient to cover the costs of administering the programs paid 4803  
for with the moneys credited to the professional development fund. 4804

The rate shall be based on the total number of those employees and 4805  
may be adjusted as the director of administrative services, in 4806  
consultation with the director of budget and management, considers 4807  
necessary. All moneys collected from the charge shall be credited 4808  
to the professional development fund. 4809

(C) If the director of administrative services determines 4810  
that additional appropriation amounts are necessary, the director 4811  
may request that the director of budget and management increase 4812  
the appropriation amounts. The additional appropriation amounts 4813  
are hereby appropriated. 4814

**Sec. 124.321.** (A) Whenever it becomes necessary for an 4815  
appointing authority to reduce its work force, the appointing 4816  
authority shall lay off employees or abolish their positions in 4817  
accordance with sections 124.321 to 124.327 of the Revised Code 4818  
and the rules of the director of administrative services. 4819

(B)(1) Employees may be laid off as a result of a lack of 4820  
funds within an appointing authority. For appointing authorities 4821  
that employ persons whose salary or wage is paid by warrant of the 4822  
~~auditor of state~~ director of budget and management, the director 4823  
of budget and management shall be responsible for determining 4824  
whether a lack of funds exists. For appointing authorities that 4825  
employ persons whose salary or wage is paid other than by warrant 4826  
of the ~~auditor of state~~ director of budget and management, the 4827  
appointing authority itself shall determine whether a lack of 4828  
funds exists and shall file a statement of rationale and 4829  
supporting documentation with the director of administrative 4830  
services prior to sending the layoff notice. 4831

(2) As used in this division, a "lack of funds" means an 4832  
appointing authority has a current or projected deficiency of 4833  
funding to maintain current, or to sustain projected, levels of 4834  
staffing and operations. This section does not require any 4835

transfer of money between funds in order to offset a deficiency or 4836  
projected deficiency of federal funding for a program. 4837

(3) The director of budget and management shall adopt rules, 4838  
under Chapter 119. of the Revised Code, for agencies whose 4839  
employees are paid by warrant of the ~~auditor of state~~ director of 4840  
budget and management, for determining whether a lack of funds 4841  
exists. 4842

(C)(1) Employees may be laid off as a result of lack of work 4843  
within an appointing authority. For appointing authorities whose 4844  
employees are paid by warrant of the ~~auditor of state~~ director of 4845  
budget and management, the director of administrative services 4846  
shall determine whether a lack of work exists. All other 4847  
appointing authorities shall themselves determine whether a lack 4848  
of work exists and shall file a statement of rationale and 4849  
supporting documentation with the director of administrative 4850  
services prior to sending the layoff notice. 4851

(2) As used in this division, a "lack of work" means an 4852  
appointing authority has a current or projected temporary decrease 4853  
in the workload, expected to last less than one year, that 4854  
requires a reduction of current or projected staffing levels. The 4855  
determination of a lack of work shall indicate the current or 4856  
projected temporary decrease in the workload of an appointing 4857  
authority and whether the current or projected staffing levels of 4858  
the appointing authority will be excessive. 4859

(D)(1) Employees may be laid off as a result of abolishment 4860  
of positions. As used in this division, "abolishment" means the 4861  
deletion of a position or positions from the organization or 4862  
structure of an appointing authority. 4863

For purposes of this division, an appointing authority may 4864  
abolish positions for any one or any combination of the following 4865  
reasons: as a result of a reorganization for the efficient 4866

operation of the appointing authority, for reasons of economy, or 4867  
for lack of work. 4868

(2)(a) Reasons of economy permitting an appointing authority 4869  
to abolish a position and to lay off the holder of that position 4870  
under this division shall be determined at the time the appointing 4871  
authority proposes to abolish the position. The reasons of economy 4872  
shall be based on the appointing authority's estimated amount of 4873  
savings with respect to salary, benefits, and other matters 4874  
associated with the abolishment of the position, except that the 4875  
reasons of economy associated with the position's abolishment 4876  
instead may be based on the appointing authority's estimated 4877  
amount of savings with respect to salary and benefits only, if: 4878

(i) Either the appointing authority's operating appropriation 4879  
has been reduced by an executive or legislative action, or the 4880  
appointing authority has a current or projected deficiency in 4881  
funding to maintain current or projected levels of staffing and 4882  
operations; and 4883

(ii) It files a notice of the position's abolishment with the 4884  
director of administrative services within one year of the 4885  
occurrence of the applicable circumstance described in division 4886  
(D)(2)(a)(i) of this section. 4887

(b) The following principles apply when a circumstance 4888  
described in division (D)(2)(a)(i) of this section would serve to 4889  
authorize an appointing authority to abolish a position and to lay 4890  
off the holder of the position under this division based on the 4891  
appointing authority's estimated amount of savings with respect to 4892  
salary and benefits only: 4893

(i) The position's abolishment shall be done in good faith 4894  
and not as a subterfuge for discipline. 4895

(ii) If a circumstance affects a specific program only, the 4896  
appointing authority only may abolish a position within that 4897

program. 4898

(iii) If a circumstance does not affect a specific program 4899  
only, the appointing authority may identify a position that it 4900  
considers appropriate for abolishment based on the reasons of 4901  
economy. 4902

(3) Each appointing authority shall determine itself whether 4903  
any position should be abolished and shall file a statement of 4904  
rationale and supporting documentation with the director of 4905  
administrative services prior to sending the notice of 4906  
abolishment. 4907

If an abolishment results in a reduction of the work force, 4908  
the appointing authority shall follow the procedures for laying 4909  
off employees, subject to the following modifications: 4910

(a) The employee whose position has been abolished shall have 4911  
the right to fill an available vacancy within the employee's 4912  
classification. 4913

(b) If the employee whose position has been abolished has 4914  
more retention points than any other employee serving in the same 4915  
classification, the employee with the fewest retention points 4916  
shall be displaced. 4917

(c) If the employee whose position has been abolished has the 4918  
fewest retention points in the classification, the employee shall 4919  
have the right to fill an available vacancy in a lower 4920  
classification in the classification series. 4921

(d) If the employee whose position has been abolished has the 4922  
fewest retention points in the classification, the employee shall 4923  
displace the employee with the fewest retention points in the next 4924  
or successively lower classification in the classification series. 4925

(E) Notwithstanding any contrary provision of the 4926  
displacement procedure described in section 124.324 of the Revised 4927

Code for employees to displace other employees during a layoff, 4928  
the director of administrative services may establish a paper 4929  
lay-off process under which employees who are to be laid off or 4930  
displaced may be required, before the date of their paper layoff, 4931  
to preselect their options for displacing other employees. 4932

(F) The director of administrative services shall adopt rules 4933  
under Chapter 119. of the Revised Code for the determination of 4934  
lack of work within an appointing authority, for the abolishment 4935  
of positions by an appointing authority, and for the 4936  
implementation of this section. 4937

**Sec. 124.324.** (A) A laid-off employee has the right to 4938  
displace the employee with the fewest retention points in the 4939  
classification from which the employee was laid off or in a lower 4940  
or equivalent classification, in the following order: 4941

(1) Within the classification from which the employee was 4942  
laid off; 4943

(2) Within the classification series from which the employee 4944  
was laid off; 4945

(3) Within a classification ~~which~~ that has the same or 4946  
similar duties as the classification from which the employee was 4947  
laid off, in accordance with the list published by the director of 4948  
administrative services under division (B)(2) of section 124.311 4949  
of the Revised Code; 4950

(4) Within the classification the employee held immediately 4951  
prior to holding the classification from which the employee was 4952  
laid off. 4953

Divisions (A)(3) and (4) of this section shall not apply to 4954  
employees of cities, city health districts, and counties, except 4955  
for employees of county departments of job and family services. 4956

A laid-off employee in the classified service has the right 4957

to displace an employee with the fewest retention points in the 4958  
classification that the laid-off employee held immediately prior 4959  
to holding the classification from which the employee was laid 4960  
off, if the laid-off employee was certified in the former 4961  
classification. If a position in that classification does not 4962  
exist, ~~then~~ the employee may displace employees in the 4963  
classification that the employee next previously held, and so on, 4964  
subject to the same provisions. The employee may not displace 4965  
employees in a classification if the employee does not meet the 4966  
minimum qualifications of the classification, or if the employee 4967  
held the classification more than five years prior to the date on 4968  
which the employee was laid off, except that failure to meet 4969  
minimum qualifications shall not prevent the employee from 4970  
displacing employees in the classification that the employee next 4971  
previously held within that five-year period. 4972

If, after exercising displacement rights, an employee is 4973  
subject to further layoff action, the employee's displacement 4974  
rights shall be in accordance with the classification from which 4975  
the employee was first laid off. 4976

The director shall verify the calculation of the retention 4977  
points of all employees in an affected classification in 4978  
accordance with section 124.325 of the Revised Code. 4979

(B) Following the order of layoff, an employee laid off in 4980  
the classified civil service shall displace another employee 4981  
within the same appointing authority or independent institution 4982  
and layoff jurisdiction in the following manner: 4983

(1) Each laid-off employee possessing more retention points 4984  
shall displace the employee with the fewest retention points in 4985  
the next lower classification or successively lower classification 4986  
in the same classification series, ~~+~~ except that a laid-off 4987  
provisional employee shall not have the right to displace a 4988

certified employee~~r~~. 4989

(2) Any employee displaced by an employee possessing more 4990  
retention points shall displace the employee with the fewest 4991  
retention points in the next lower classification or successively 4992  
lower classification in the same classification series~~r~~, except 4993  
that a displaced provisional employee shall not displace a 4994  
certified employee. This process shall continue, if necessary, 4995  
until the employee with the fewest retention points in the lowest 4996  
classification of the classification series of the same appointing 4997  
authority or independent institution has been reached and, if 4998  
necessary, laid off. 4999

(C) Employees shall notify the appointing authority of their 5000  
intention to exercise their displacement rights, within five days 5001  
after receiving notice of layoff. This division does not apply if 5002  
the director of administrative services has established a paper 5003  
lay-off process pursuant to division (E) of section 124.321 of the 5004  
Revised Code that includes a different notification requirement 5005  
for employees exercising their displacement rights under that 5006  
process. 5007

(D) No employee shall displace an employee for whose position 5008  
or classification there exists special minimum qualifications, as 5009  
established by a position description, by classification 5010  
specifications, or by bona fide occupational qualification, unless 5011  
the employee desiring to displace another employee possesses the 5012  
requisite minimum qualifications for the position or 5013  
classification. 5014

(E) If an employee exercising displacement rights must 5015  
displace an employee in another county within the same layoff 5016  
district, the displacement shall not be construed to be a 5017  
transfer. 5018

(F) The director of administrative services shall ~~promulgate~~ 5019

adopt rules, under Chapter 119. of the Revised Code, for the 5020  
implementation of this section. 5021

**Sec. 124.327.** (A) Employees who have been laid off or have, 5022  
by virtue of exercising their ~~displacements~~ displacement rights, 5023  
been displaced to a lower classification in their classification 5024  
series, shall be placed on appropriate layoff lists. Those 5025  
employees with the most retention points within each category of 5026  
order of layoff, as established in section 124.323 of the Revised 5027  
Code, shall be placed at the top of the layoff list to be followed 5028  
by employees ranked in descending total retention order. Laid-off 5029  
employees shall be placed on layoff lists for each classification 5030  
in the classification series equal to or lower than the 5031  
classification in which the employee was employed at the time of 5032  
layoff. 5033

(B) An employee who is laid off retains reinstatement rights 5034  
in the agency from which the employee was laid off. Reinstatement 5035  
rights continue for one year from the date of layoff. During this 5036  
one-year period, in any layoff jurisdiction in which an appointing 5037  
authority has an employee on a layoff list, the appointing 5038  
authority shall not hire or promote anyone into a position within 5039  
that classification until all laid-off persons on a layoff list 5040  
for that classification who are qualified to perform the duties of 5041  
the position are reinstated or decline the position when it is 5042  
offered. 5043

(C) Each laid-off or displaced employee, in addition to 5044  
reinstatement rights within the employee's appointing authority, 5045  
shall have the right to reemployment with other agencies within 5046  
the layoff jurisdiction, if the employee is qualified to perform 5047  
the duties of the position, but only in the same classification 5048  
from which the employee was initially laid off or displaced. 5049  
Layoff lists for each appointing authority must be exhausted 5050

before jurisdictional reemployment layoff lists are used. 5051

(D) Any employee accepting or declining reinstatement to the 5052  
same classification and same appointment type from which the 5053  
employee was laid off or displaced shall be removed from the 5054  
appointing authority's layoff list. 5055

(E) Any employee accepting or declining reemployment to the 5056  
same classification and the same appointment type from which the 5057  
employee was laid off or displaced shall be removed from the 5058  
jurisdictional layoff list. 5059

(F) An employee who does not exercise the option to displace 5060  
under section 124.324 of the Revised Code shall only be entitled 5061  
to reinstatement or reemployment in the classification from which 5062  
the employee was displaced or laid off. 5063

(G) An employee who declines reinstatement to a 5064  
classification lower in the classification series than the 5065  
classification from which the employee was laid off or displaced, 5066  
shall thereafter only be entitled to reinstatement to a 5067  
classification higher, up to and including the classification from 5068  
which the employee was laid off or displaced, in the 5069  
classification series than the classification that was declined. 5070

(H) Any employee reinstated or reemployed under this section 5071  
shall not serve a probationary period upon reinstatement or 5072  
reemployment except that an employee laid off during an original 5073  
or promotional probationary period shall begin a new probationary 5074  
period. 5075

(I) For the purposes of this section, employees whose salary 5076  
or wage is not paid directly by warrant of the ~~auditor of state~~ 5077  
director of budget and management shall be placed on layoff lists 5078  
of their appointing authority only. 5079

**Sec. 124.382.** (A) As used in this section and sections 5080

124.383, 124.386, 124.387, and 124.388 of the Revised Code: 5081

~~(1) "Base pay period" means the pay period that includes the~~ 5082  
~~first day of December.~~ 5083

~~(2)~~ "Pay period" means the fourteen-day period of time during 5084  
which the payroll is accumulated, as determined by the director of 5085  
administrative services. 5086

~~(3)~~(2) "Active pay status" means the conditions under which 5087  
an employee is eligible to receive pay, and includes, but is not 5088  
limited to, vacation leave, sick leave, personal leave, 5089  
bereavement leave, and administrative leave. 5090

~~(4)~~(3) "No pay status" means the conditions under which an 5091  
employee is ineligible to receive pay and includes, but is not 5092  
limited to, leave without pay, leave of absence, and disability 5093  
leave. 5094

~~(5)~~(4) "Disability leave" means the leave granted pursuant to 5095  
section 124.385 of the Revised Code. 5096

~~(6)~~(5) "Full-time permanent employee" means an employee whose 5097  
regular hours of duty total eighty hours in a pay period in a 5098  
state agency and whose appointment is not for a limited period of 5099  
time. 5100

~~(7)~~(6) "Base rate of pay" means the rate of pay established 5101  
under schedule B or C of section 124.15 of the Revised Code or 5102  
under schedule E-1, schedule E-1 for step seven only, or schedule 5103  
E-2 of section 124.152 of the Revised Code, plus any supplement 5104  
provided under section 124.181 of the Revised Code, plus any 5105  
supplements enacted into law which are added to schedule B or C of 5106  
section 124.15 of the Revised Code or to schedule E-1, schedule 5107  
E-1 for step seven only, or schedule E-2 of section 124.152 of the 5108  
Revised Code. 5109

~~(8)~~(7) "Part-time permanent employee" means an employee whose 5110

regular hours of duty total less than eighty hours in a pay period 5111  
in a state agency and whose appointment is not for a limited 5112  
period of time. 5113

(B) Each full-time permanent and part-time permanent employee 5114  
whose salary or wage is paid directly by warrant of the ~~auditor of~~ 5115  
~~state~~ director of budget and management shall be credited with 5116  
sick leave of three and one-tenth hours for each completed eighty 5117  
hours of service, excluding overtime hours worked. Sick leave is 5118  
not available for use until it appears on the employee's earning 5119  
statement and the compensation described in the earning statement 5120  
is available to the employee. 5121

(C) Any sick leave credit provided pursuant to division (B) 5122  
of this section, remaining as of the last day of the pay period 5123  
preceding the ~~next succeeding base pay period~~ first paycheck the 5124  
employee receives in December, shall be converted pursuant to 5125  
section 124.383 of the Revised Code. 5126

(D) Employees may use sick leave, provided a credit balance 5127  
is available, upon approval of the responsible administrative 5128  
officer of the employing unit, for absence due to personal 5129  
illness, pregnancy, injury, exposure to contagious disease that 5130  
could be communicated to other employees, and illness, injury, or 5131  
death in the employee's immediate family. When sick leave is used, 5132  
it shall be deducted from the employee's credit on the basis of 5133  
absence from previously scheduled work in such increments of an 5134  
hour and at such a compensation rate as the director of 5135  
administrative services determines. The appointing authority of 5136  
each employing unit may require an employee to furnish a 5137  
satisfactory, signed statement to justify the use of sick leave. 5138

If, after having utilized the credit provided by this 5139  
section, an employee utilizes sick leave that was accumulated 5140  
prior to November 15, 1981, compensation for such sick leave used 5141  
shall be at a rate as the director determines. 5142

(E)(1) The previously accumulated sick leave balance of an 5143  
employee who has been separated from the public service, for which 5144  
separation payments pursuant to section 124.384 of the Revised 5145  
Code have not been made, shall be placed to the employee's credit 5146  
upon the employee's reemployment in the public service, if the 5147  
reemployment takes place within ten years of the date on which the 5148  
employee was last terminated from public service. 5149

(2) The previously accumulated sick leave balance of an 5150  
employee who has separated from a school district shall be placed 5151  
to the employee's credit upon the employee's appointment as an 5152  
unclassified employee of the state department of education, if all 5153  
of the following apply: 5154

(a) The employee accumulated the sick leave balance while 5155  
employed by the school district. 5156

(b) The employee did not receive any separation payments for 5157  
the sick leave balance. 5158

(c) The employee's employment with the department takes place 5159  
within ten years after the date on which the employee separated 5160  
from the school district. 5161

(F) An employee who transfers from one public agency to 5162  
another shall be credited with the unused balance of the 5163  
employee's accumulated sick leave. 5164

(G) The director of administrative services shall establish 5165  
procedures to uniformly administer this section. No sick leave may 5166  
be granted to a state employee upon or after the employee's 5167  
retirement or termination of employment. 5168

**Sec. 124.384.** (A) Except as otherwise provided in this 5169  
section, employees whose salaries or wages are paid by warrant of 5170  
the ~~auditor of state~~ director of budget and management and who 5171  
have accumulated sick leave under section 124.38 or 124.382 of the 5172

Revised Code shall be paid for a percentage of their accumulated 5173  
balances, upon separation for any reason, including death but 5174  
excluding retirement, at their last base rate of pay at the rate 5175  
of one hour of pay for every two hours of accumulated balances. An 5176  
employee who retires in accordance with any retirement plan 5177  
offered by the state shall be paid upon retirement for each hour 5178  
of the employee's accumulated sick leave balance at a rate of 5179  
fifty-five per cent of the employee's last base rate of pay. 5180

An employee serving in a temporary work level or an interim 5181  
appointment who elects to convert unused sick leave to cash shall 5182  
do so at the base rate of pay of the employee's normal 5183  
classification. If an employee dies, the employee's unused sick 5184  
leave shall be paid in accordance with section 2113.04 of the 5185  
Revised Code or to the employee's estate. 5186

In order to be eligible for the payment authorized by this 5187  
section, an employee shall have at least one year of state service 5188  
and shall request all or a portion of such payment no later than 5189  
three years after separation from state service. No person is 5190  
eligible to receive all or a portion of the payment authorized by 5191  
this section at any time later than three years after the person's 5192  
separation from state service. 5193

(B) Except as otherwise provided in this division, a person 5194  
initially employed on or after July 5, 1987, by a state agency in 5195  
which the employees' salaries or wages are paid directly by 5196  
warrant of the ~~auditor of state~~ director of budget and management 5197  
shall receive payment under this section only for sick leave 5198  
accumulated while employed by state agencies in which the 5199  
employees' salaries or wages are paid directly by warrant of the 5200  
~~auditor of state~~ director of budget and management. A person 5201  
initially employed on or after July 5, 1987, by the state 5202  
department of education as an unclassified employee shall receive 5203  
payment under this section only for sick leave accumulated while 5204

employed by state agencies in which the employees' salaries or 5205  
wages are paid directly by warrant of the ~~auditor of state~~ 5206  
director of budget and management and for sick leave placed to the 5207  
employee's credit under division (E)(2) of section 124.382 of the 5208  
Revised Code. 5209

(C) For employees paid in accordance with section 124.152 of 5210  
the Revised Code and those employees listed in divisions (B)(2) 5211  
and (4) of section 124.14 of the Revised Code, the director of 5212  
administrative services, with the approval of the director of ~~the~~ 5213  
~~office of~~ budget and management, may establish a plan for early 5214  
payment of accrued sick leave and vacation leave. 5215

**Sec. 124.386.** (A) Each full-time permanent employee paid in 5216  
accordance with section 124.152 of the Revised Code and those 5217  
full-time permanent employees listed in divisions (B)(2) and (4) 5218  
of section 124.14 of the Revised Code shall be credited with 5219  
thirty-two hours of personal leave each year. Each part-time 5220  
permanent employee paid in accordance with section 124.152 of the 5221  
Revised Code, and those part-time permanent employees listed in 5222  
divisions (B)(2) and (4) of section 124.14 of the Revised Code, 5223  
shall receive a pro-rated personal leave credit as determined by 5224  
rule of the director of administrative services. Such credit shall 5225  
be made to each eligible employee in the first pay the employee 5226  
receives in December. Employees, upon giving reasonable notice to 5227  
the responsible administrative officer of the appointing 5228  
authority, may use personal leave for absence due to mandatory 5229  
court appearances, legal or business matters, family emergencies, 5230  
unusual family obligations, medical appointments, weddings, 5231  
religious holidays not listed in section 124.19 of the Revised 5232  
Code, or any other matter of a personal nature. Personal leave may 5233  
not be used on a holiday when an employee is scheduled to work. 5234

Personal leave is not available for use until it appears on 5235

the employee's earning statement and the compensation described in 5236  
the earning statement is available to the employee. 5237

(B) When personal leave is used, it shall be deducted from 5238  
the unused balance of the employee's personal leave on the basis 5239  
of absence in such increments of an hour as the director of 5240  
administrative services determines. Compensation for such leave 5241  
shall be equal to the employee's base rate of pay. 5242

(C) A newly appointed full-time permanent employee or a 5243  
nonfull-time employee who receives a full-time permanent 5244  
appointment shall be credited with personal leave of thirty-two 5245  
hours, less one and two-tenths hours for each pay period that has 5246  
elapsed following ~~the base pay period~~ the first paycheck the 5247  
employee receives in December, until the first day of the pay 5248  
period during which the appointment was effective. 5249

(D) The director of administrative services shall allow 5250  
employees to elect one of the following options with respect to 5251  
the unused balance of personal leave: 5252

(1) Carry forward the balance. The maximum credit that shall 5253  
be available to an employee at any one time is forty hours. 5254

(2) Convert the balance to accumulated sick leave, to be used 5255  
in the manner provided by section 124.382 of the Revised Code; 5256

(3) Receive a cash benefit. The cash benefit shall equal one 5257  
hour of the employee's base rate of pay for every hour of unused 5258  
credit that is converted. An employee serving in a temporary work 5259  
level or an interim appointment who elects to convert unused 5260  
personal leave to cash shall do so at the base rate of pay of the 5261  
employee's normal classification. Such cash benefit shall not be 5262  
subject to contributions to any of the retirement systems, either 5263  
by the employee or the employer. 5264

(E) A full-time permanent employee who separates from state 5265

service or becomes ineligible to be credited with leave under this 5266  
section shall receive a reduction of personal leave credit of one 5267  
and two-tenths hours for each pay period that remains beginning 5268  
with the first pay period following the date of separation or the 5269  
effective date of the employee's ineligibility until the pay 5270  
period preceding the next base pay period. After calculation of 5271  
the reduction of an employee's personal leave credit, the employee 5272  
is entitled to compensation for any remaining personal leave 5273  
credit at the employee's current base rate of pay. If the 5274  
reduction results in a number of hours less than zero, the cash 5275  
equivalent value of such number of hours shall be deducted from 5276  
any compensation that remains payable to the employee, or from the 5277  
cash conversion value of any vacation or sick leave that remains 5278  
credited to the employee. An employee serving in a temporary work 5279  
level or an interim appointment who is eligible to receive 5280  
compensation under this section shall be compensated at the base 5281  
rate of pay of the employee's normal classification. 5282

(F) An employee who transfers from one public agency to 5283  
another public agency in which the employee is eligible for the 5284  
credit provided under this section shall be credited with the 5285  
unused balance of personal leave. 5286

(G) The director of administrative services shall establish 5287  
procedures to uniformly administer this section. No personal leave 5288  
may be granted to a state employee upon or after retirement or 5289  
termination of employment. 5290

**Sec. 124.387.** Each full-time permanent and part-time 5291  
permanent employee whose salary or wage is paid directly by 5292  
warrant of the ~~auditor of state~~ director of budget and management 5293  
shall be granted three days of bereavement leave with pay upon the 5294  
death of a member of the employee's immediate family. Compensation 5295  
for bereavement leave shall be equal to the employee's base rate 5296

of pay. 5297

**Sec. 124.389.** The director of administrative services may 5298  
establish an employee exchange program for employees whose salary 5299  
or wage is paid directly by warrant of the ~~auditor of state~~ 5300  
director of budget and management. The director of administrative 5301  
services shall adopt rules in accordance with Chapter 119. of the 5302  
Revised Code to provide for the administration of the program. 5303

**Sec. 124.391.** (A) As used in this section, "paid leave" means 5304  
sick leave, personal leave, or vacation leave. 5305

(B) The director of administrative services may establish a 5306  
program under which an employee paid directly by warrant of the 5307  
~~auditor of state~~ director of budget and management may donate that 5308  
employee's accrued but unused paid leave to another employee paid 5309  
directly by warrant of the ~~auditor of state~~ director of budget and 5310  
management who has no accrued but unused paid leave and who has a 5311  
critical need for it because of circumstances such as a serious 5312  
illness or the serious illness of a member of the employee's 5313  
immediate family. 5314

If the director of administrative services establishes a 5315  
leave donation program under this division, the director shall 5316  
adopt rules in accordance with Chapter 119. of the Revised Code to 5317  
provide for the administration of the program. These rules shall 5318  
include, but not be limited to, provisions that identify the 5319  
circumstances under which leave may be donated and that specify 5320  
the amount, types, and value of leave that may be donated. 5321

(C) At the discretion of the appropriate legislative 5322  
authority, a county may implement a leave donation program, as 5323  
provided in this section, for all county agencies or for one or 5324  
more designated agencies within the county. 5325

Sec. 124.392. (A) As used in this section, "exempt employee" 5326  
has the same meaning as in section 124.152 of the Revised Code. 5327

(B) The director of administrative services may establish a 5328  
voluntary cost savings program for exempt employees. The director 5329  
shall adopt rules in accordance with Chapter 119. of the Revised 5330  
Code to provide for the administration of the program. 5331

**Sec. 124.82.** (A) Except as provided in division (D) of this 5332  
section, the department of administrative services, in 5333  
consultation with the superintendent of insurance, shall, in 5334  
accordance with competitive selection procedures of Chapter 125. 5335  
of the Revised Code, contract with an insurance company or a 5336  
health plan in combination with an insurance company, authorized 5337  
to do business in this state, for the issuance of a policy or 5338  
contract of health, medical, hospital, dental, or surgical 5339  
benefits, or any combination of those benefits, covering state 5340  
employees who are paid directly by warrant of the ~~auditor of state~~ 5341  
director of budget and management, including elected state 5342  
officials. The department may fulfill its obligation under this 5343  
division by exercising its authority under division (A)(2) of 5344  
section 124.81 of the Revised Code. 5345

(B) The department may, in addition, in consultation with the 5346  
superintendent of insurance, negotiate and contract with health 5347  
insuring corporations holding a certificate of authority under 5348  
Chapter 1751. of the Revised Code, in their approved service areas 5349  
only, for issuance of a contract or contracts of health care 5350  
services, covering state employees who are paid directly by 5351  
warrant of the ~~auditor of state~~ director of budget and management, 5352  
including elected state officials. ~~Except for health insuring~~ 5353  
~~corporations, no more than~~ The department may enter into contracts 5354  
with one or more insurance carrier carriers or health ~~plan shall~~ 5355

~~be contracted with plans~~ to provide the same plan of benefits, 5356  
provided that: 5357

(1) The amount of the premium or cost for such coverage 5358  
contributed by the state, for an individual or for an individual 5359  
and the individual's family, does not exceed that same amount of 5360  
the premium or cost contributed by the state under division (A) of 5361  
this section; 5362

(2) The employee be permitted to exercise the option as to 5363  
which plan the employee will select under division (A) or (B) of 5364  
this section, at a time that shall be determined by the 5365  
department; 5366

(3) The health insuring corporations do not refuse to accept 5367  
the employee, or the employee and the employee's family, if the 5368  
employee exercises the option to select care provided by the 5369  
corporations; 5370

(4) The employee may choose participation in only one of the 5371  
plans sponsored by the department; 5372

(5) The director of health examines and certifies to the 5373  
department that the quality and adequacy of care rendered by the 5374  
health insuring corporations meet at least the standards of care 5375  
provided by hospitals and physicians in that employee's community, 5376  
who would be providing such care as would be covered by a contract 5377  
awarded under division (A) of this section. 5378

(C) All or any portion of the cost, premium, or charge for 5379  
the coverage in divisions (A) and (B) of this section may be paid 5380  
in such manner or combination of manners as the department 5381  
determines and may include the proration of health care costs, 5382  
premiums, or charges for part-time employees. 5383

(D) Notwithstanding division (A) of this section, the 5384  
department may provide benefits equivalent to those that may be 5385  
paid under a policy or contract issued by an insurance company or 5386

a health plan pursuant to division (A) of this section. 5387

(E) This section does not prohibit the state office of 5388  
collective bargaining from entering into an agreement with an 5389  
employee representative for the purposes of providing fringe 5390  
benefits, including, but not limited to, hospitalization, surgical 5391  
care, major medical care, disability, dental care, vision care, 5392  
medical care, hearing aids, prescription drugs, group life 5393  
insurance, sickness and accident insurance, group legal services 5394  
or other benefits, or any combination of those benefits, to 5395  
employees paid directly by warrant of the ~~auditor of state~~ 5396  
director of budget and management through a jointly administered 5397  
trust fund. The employer's contribution for the cost of the 5398  
benefit care shall be mutually agreed to in the collectively 5399  
bargained agreement. The amount, type, and structure of fringe 5400  
benefits provided under this division is subject to the 5401  
determination of the board of trustees of the jointly administered 5402  
trust fund. Notwithstanding any other provision of the Revised 5403  
Code, competitive bidding does not apply to the purchase of fringe 5404  
benefits for employees under this division when those benefits are 5405  
provided through a jointly administered trust fund. 5406

(F) Members of state boards or commissions may be covered by 5407  
any policy, contract, or plan of benefits or services described in 5408  
division (A) or (B) of this section. Board or commission members 5409  
who are appointed for a fixed term and who are compensated on a 5410  
per meeting basis, or paid only for expenses, or receive a 5411  
combination of per diem payments and expenses shall pay the entire 5412  
amount of the premiums, costs, or charges for that coverage. 5413

**Sec. 124.821.** Each state agency shall pay the monthly 5414  
enrollee premium for medical insurance coverage under Part B of 5415  
"The Social Security Amendments of 1965," 79 Stat. 301, 42 U.S.C. 5416  
1395j, as amended, for state employees and elected state officials 5417

who are employed by or serve in the agency, are paid directly by 5418  
warrant of the ~~auditor of state~~ director of budget and management, 5419  
are sixty-five years of age or older, and are participating in the 5420  
program of health insurance for the aged under Title XVIII of the 5421  
"Social Security Act," 79 Stat. 286, 42 U.S.C. 1395, as amended. 5422  
The cost of the premiums shall not be deducted from any employee's 5423  
or official's wage or salary. 5424

The director of administrative services shall uniformly 5425  
administer this section and shall, by rule, establish procedures 5426  
for carrying out such administration. 5427

**Sec. 124.823.** The department of administrative services shall 5428  
establish a pilot program under which it includes medical savings 5429  
accounts as part of any package of health care benefit options 5430  
offered to state employees and state elected officials paid by 5431  
warrant of the ~~auditor of state~~ director of budget and management. 5432  
Except for the provisions in divisions (A) and (B) of section 5433  
3924.64 of the Revised Code concerning designation of an 5434  
administrator, a medical savings account established as part of 5435  
the program is subject to sections 3924.64 to 3924.74 of the 5436  
Revised Code. 5437

The department is not required to offer the medical savings 5438  
account option to any state employee who is covered under a 5439  
collective bargaining agreement entered into pursuant to Chapter 5440  
4117. of the Revised Code, but a medical savings account option 5441  
may be part of a package of health care benefit options offered 5442  
pursuant to a collective bargaining agreement. The department may 5443  
limit enrollment in the medical savings account program and may 5444  
require state employees enrolled in it to contribute to their 5445  
medical savings accounts. The department shall make both 5446  
individual and family coverage available through the accounts. The 5447  
program shall not increase the cost of providing health insurance 5448

to state employees. The department may end the program at any time 5449  
not sooner than two years after it is established, except that the 5450  
department may not end the program prior to providing six months' 5451  
notice to the speaker of the house of representatives, president 5452  
of the senate, minority leader of the house and minority leader of 5453  
the senate, and the chairs of the standing committees of the 5454  
senate and house of representatives with primary responsibility 5455  
for health and insurance legislation. 5456

A state employee who chooses the medical savings account 5457  
option shall have any state health, medical, hospital, dental, 5458  
surgical, and vision benefits for which the employee is eligible 5459  
provided through the medical savings account. The department, 5460  
under section 124.81 or 124.82 of the Revised Code, shall contract 5461  
for or otherwise provide a high-deductible policy or contract 5462  
through which those benefits can be paid. 5463

The employee for whom a medical savings account is opened 5464  
shall at the time the account is opened choose an administrator 5465  
from a list of administrators designated by the department, one of 5466  
which may be the insurer from which the department purchases the 5467  
high-deductible policy or contract. If the employee fails to 5468  
choose an administrator, the department shall designate an 5469  
administrator. 5470

If an elected state official whose term commenced prior to 5471  
the establishment of the program elects to participate in the 5472  
medical savings account program, participation shall commence at 5473  
the beginning of the term following establishment of the program. 5474

**Sec. 124.84.** (A) The department of administrative services, 5475  
in consultation with the superintendent of insurance and subject 5476  
to division (D) of this section, shall negotiate and contract with 5477  
one or more insurance companies or health insuring corporations 5478  
authorized to operate or do business in this state for the 5479

purchase of a policy of long-term care insurance covering all 5480  
state employees who are paid directly by warrant of the ~~auditor of~~ 5481  
~~state~~ director of budget and management, including elected state 5482  
officials. Any policy purchased under this division shall be 5483  
negotiated and entered into in accordance with the competitive 5484  
selection procedures specified in Chapter 125. of the Revised 5485  
Code. As used in this section, "long-term care insurance" has the 5486  
same meaning as in section 3923.41 of the Revised Code. 5487

(B) Any elected state official or state employee paid 5488  
directly by warrant of the ~~auditor of state~~ director of budget and 5489  
management may elect to participate in any long-term care 5490  
insurance policy purchased under division (A) of this section. All 5491  
or any portion of the premium charged may be paid by the state. 5492  
Participation in the policy may include the dependents and family 5493  
members of the elected state official or state employee. 5494

If a participant in a long-term care insurance policy leaves 5495  
employment, the participant and the participant's dependents and 5496  
family members may, at their election, continue to participate in 5497  
a policy established under this section. The manner of payment and 5498  
the portion of premium charged the participant, dependent, and 5499  
family member shall be established pursuant to division (E) of 5500  
this section. 5501

(C) Any long-term care insurance policy purchased under this 5502  
section or section 124.841 or 145.581 of the Revised Code shall 5503  
provide for all of the following with respect to the premiums 5504  
charged for the policy: 5505

(1) They shall be set at the entry age of the official or 5506  
employee when first covered by the policy and shall not increase 5507  
except as a class during coverage under the policy. 5508

(2) They shall be based on the class of all officials or 5509  
employees covered by the policy. 5510

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

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

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

**Sec. 124.87.** (A) There is hereby established in the state treasury the state employee health benefit fund for the sole purpose of enabling the department of administrative services to provide state employees with any benefits specified in division (A) of section 124.82 of the Revised Code.

(B) The fund shall be under the supervision of the department. The department shall be responsible, under approved bonds, for all moneys coming into, and paid out of, the fund in accordance with this section and shall ensure that the fund is

actuarially sound. Amounts from the fund may be used to pay direct 5542  
and indirect costs that are attributable to consultants or a 5543  
third-party ~~administrator~~ administrators and that are necessary to 5544  
administer this section. 5545

(C) In carrying out its duties and responsibilities, the 5546  
department shall do the following: 5547

(1) Adopt rules with regard to the administration of the 5548  
fund; 5549

(2) With respect to benefits specified in division (A) of 5550  
section 124.82 of the Revised Code, enter into a contract with a 5551  
company authorized to do the business of sickness and accident 5552  
insurance under Title XXXIX of the Revised Code or a professional 5553  
claim administrator, to serve as administrator of that portion of 5554  
the fund set aside to provide ~~such~~ those benefits. As used in this 5555  
division, a "professional claim administrator" means any person 5556  
that has experience in the handling of insurance claims and has 5557  
been determined by the department to be fully qualified, 5558  
financially sound, and capable of meeting all of the service 5559  
requirements of the contract of administration under such criteria 5560  
as may be established by rules adopted by the department. With 5561  
respect to the benefits specified in division (A) of section 5562  
124.82 of the Revised Code, if the fund is the secondary payor of 5563  
these benefits, the amount the professional claim administrator 5564  
may pay is limited to an amount that will yield a benefit no 5565  
greater than the amount that would have been paid if the fund were 5566  
the primary payor of these benefits. 5567

(3) Adopt rules governing the conditions under which an 5568  
employee may participate in or withdraw from the fund, and the 5569  
procedure by which the employee is to contribute to the fund; 5570

(4) Adopt rules to ensure that the fund is actuarially sound; 5571

(5) Adopt rules to ensure the integrity of the fund, and to 5572

ensure that the fund be used solely for the purpose specified in 5573  
division (A) of this section. 5574

The department shall adopt all rules pursuant to this section 5575  
in accordance with Chapter 119. of the Revised Code. 5576

(D) Amounts withheld from employees, amounts contributed by 5577  
the state or from federal funds, and all amounts contributed by 5578  
any state authority, shall be credited to the fund. All other 5579  
income, including the income derived from any dividends and 5580  
distributions, interest earned, premium rate adjustments, or other 5581  
refunds, shall also be credited to the fund. Any amounts remaining 5582  
in the fund after all premiums or subscription charges, and other 5583  
expenses have been paid, shall be retained in the fund as a 5584  
special reserve for adverse fluctuation. 5585

(E) All income derived from the investment of the fund shall 5586  
accrue to the fund. 5587

(F) The department shall have prepared every year, by a 5588  
competent actuary familiar with health and life insurance, a 5589  
report showing a complete actuarial evaluation of the fund and the 5590  
adequacy of the rates of contribution, which report shall contain 5591  
~~such~~ recommendations ~~as~~ the actuary considers advisable. The 5592  
department ~~may~~ at any time may request the actuary to make any 5593  
studies or evaluations to determine the adequacy of the rates of 5594  
contribution, and ~~such~~ those rates may be adjusted by the 5595  
department, as recommended by the actuary, effective as of the 5596  
first of any fiscal year thereafter. 5597

**Sec. 125.21.** The director of administrative services shall 5598  
process payroll information for the purpose of payment for 5599  
personal services of state officials and employees on the basis of 5600  
rates of pay determined by pertinent law, the director, or other 5601  
competent authority. 5602

Calculation of payrolls may be made after the conclusion of 5603  
each pay period based upon the amount of time served as certified 5604  
by the appropriate appointing authority. Payment for personal 5605  
service rendered by an official or employee during any pay period 5606  
shall be made no later than at the conclusion of the official's or 5607  
employee's next succeeding pay period. 5608

The director of administrative services shall furnish to the 5609  
~~auditor of state~~ director of budget and management all necessary 5610  
data for drawing state official and employee pay warrants and 5611  
preparing earning statements. These data shall include the rate at 5612  
which paid; the time for which paid, including overtime and any 5613  
other adjustments affecting the official's or employee's gross 5614  
pay; all taxes withheld, including, whenever practicable, 5615  
year-to-date figures on all taxes withheld; the amount of 5616  
contribution to the appropriate retirement system; any voluntary 5617  
deductions made in accordance with authorizations filed by the 5618  
official or employee; and whether a direct deposit is to be made 5619  
in accordance with an authorization filed by the official or 5620  
employee. 5621

Amounts deducted from the salaries or wages of all officials 5622  
and employees shall be transferred to the payroll withholding 5623  
fund, which is hereby created in the state treasury for the 5624  
purpose of consolidating all such deductions made in any month. 5625  
Payments from this fund shall be made at intervals for the 5626  
intended purpose of the deduction or for refund where it is 5627  
determined that deductions were made in error. 5628

**Sec. 126.07.** No contract, agreement, or obligation involving 5629  
the expenditure of money chargeable to an appropriation, nor any 5630  
resolution or order for the expenditure of money chargeable to an 5631  
appropriation, shall be valid and enforceable unless the director 5632  
of budget and management first certifies that there is a balance 5633

in the appropriation not already obligated to pay existing 5634  
obligations, in an amount at least equal to the portion of the 5635  
contract, agreement, obligation, resolution, or order to be 5636  
performed in the current fiscal year. Any written contract or 5637  
agreement entered into by the state shall contain a clause stating 5638  
that the obligations of the state are subject to this section. 5639

In order to make a payment from the state treasury, a state 5640  
agency shall first submit to the director all invoices, claims, 5641  
vouchers, and other evidentiary matter related to the payment. If 5642  
the director approves payment to be made, the director shall 5643  
~~submit the approval to the auditor of state for the drawing of~~ 5644  
draw a warrant as provided in section ~~117.45~~ 126.35 of the Revised 5645  
Code. The director shall not approve payment to be made if the 5646  
director finds that there is not an unobligated balance in the 5647  
appropriation for the payment, that the payment is not for a valid 5648  
claim against the state that is legally due, or that insufficient 5649  
evidentiary matter has been submitted. If the director does not 5650  
approve payment, the director shall notify the agency of the 5651  
reasons the director has not given approval. 5652

In approving payments to be made under this section, the 5653  
director, upon receipt of certification from the director of job 5654  
and family services pursuant to section 4141.231 of the Revised 5655  
Code, shall withhold from amounts otherwise payable to a person 5656  
who is the subject of the director of jobs and family services' 5657  
certification, the amount certified to be due and unpaid to the 5658  
director of job and family services, and shall approve for payment 5659  
to the director of job and family services, the amount withheld. 5660

**Sec. 126.21.** (A) The director of budget and management shall 5661  
do all of the following: 5662

(1) Keep all necessary accounting records; 5663

(2) Prescribe and maintain the accounting system of the state 5664

and establish appropriate accounting procedures and charts of accounts; 5665  
5666

(3) Establish procedures for the use of written, electronic, optical, or other communications media for approving payment vouchers; 5667  
5668  
5669

(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. 5670  
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(5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies; 5678  
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(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. 5680  
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(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements; 5688  
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(8) Perform extensions, reviews, and compliance checks prior to approving a payment as the director considers necessary; 5690  
5691

(9) Issue the official comprehensive annual financial report of the state. The report shall cover all funds of the state reporting entity and shall include basic financial statements and 5692  
5693  
5694

required supplementary information prepared in accordance with 5695  
generally accepted accounting principles and other information as 5696  
the director provides. All state agencies, authorities, 5697  
institutions, offices, retirement systems, and other component 5698  
units of the state reporting entity as determined by the director 5699  
shall furnish the director whatever financial statements and other 5700  
information the director requests for the report, in the form, at 5701  
the times, covering the periods, and with the attestation the 5702  
director prescribes. The information for state institutions of 5703  
higher education, as defined in section 3345.011 of the Revised 5704  
Code, shall be submitted to the director by the Ohio board of 5705  
regents. The board shall establish a due date by which each such 5706  
institution shall submit the information to the board, but no such 5707  
date shall be later than one hundred twenty days after the end of 5708  
the state fiscal year unless a later date is approved by the 5709  
director. 5710

(B) In addition to the director's duties under division (A) 5711  
of this section, the director of budget and management may 5712  
establish and administer one or more state payment card programs 5713  
that permit or require state agencies to use a payment card to 5714  
purchase equipment, materials, supplies, or services in accordance 5715  
with guidelines issued by the director. ~~The director may contract~~ 5716  
~~with one or more vendors to provide the payment cards and payment~~ 5717  
~~card services.~~ State agencies may only participate in state 5718  
payment card programs that the director establishes pursuant to 5719  
this section. 5720

(C) In addition to the director's duties under divisions (A) 5721  
and (B) of this section, the director may enter into any contract 5722  
or agreement necessary for and incidental to the performance of 5723  
the director's duties or the duties of the office of budget and 5724  
management. 5725

Sec. 126.22. The director of budget and management may:	5726
(A) Perform <del>or contract for</del> accounting services <u>for</u> and design and implement accounting systems with state agencies;	5727 5728
(B) Provide other accounting services, including the preparation and submission of reports;	5729 5730
(C) Change any accounting code appearing in appropriations acts of the general assembly.	5731 5732
Sec. <del>117.45</del> <u>126.35</u> . (A) The <del>auditor of state</del> <u>director of budget and management</u> shall draw warrants against the treasurer of state pursuant to all requests for payment that the director <del>of budget and management</del> has approved under section 126.07 of the Revised Code.	5733 5734 5735 5736 5737
(B) Unless the director of job and family services has provided for the making of payments by electronic benefit transfer, if a financial institution and account have been designated by the participant or recipient, payment by the <del>auditor of state</del> <u>director of budget and management</u> to a participant in the Ohio works first program pursuant to Chapter 5107. of the Revised Code or a recipient of disability financial assistance pursuant to Chapter 5115. of the Revised Code shall be made by direct deposit to the account of the participant or recipient in the financial institution. Payment by the <del>auditor of state</del> <u>director of budget and management</u> to a recipient of benefits distributed through the medium of electronic benefit transfer pursuant to section 5101.33 of the Revised Code shall be by electronic benefit transfer. Payment by the <del>auditor of state</del> <u>director of budget and management</u> as compensation to an employee of the state who has, pursuant to section 124.151 of the Revised Code, designated a financial institution and account for the direct deposit of such payments shall be made by direct deposit to the account of the employee.	5738 5739 5740 5741 5742 5743 5744 5745 5746 5747 5748 5749 5750 5751 5752 5753 5754 5755

Payment to any other payee who has designated a financial 5756  
institution and account for the direct deposit of such payment may 5757  
be made by direct deposit to the account of the payee in the 5758  
financial institution as provided in section 9.37 of the Revised 5759  
Code. ~~The auditor of state shall contract with an authorized~~ 5760  
~~financial institution for the services necessary to make direct~~ 5761  
~~deposits or electronic benefit transfers under this division and~~ 5762  
~~draw lump sum warrants payable to that institution in the amount~~ 5763  
~~to be transferred.~~ Accounts maintained by the ~~auditor of state~~ 5764  
director of budget and management or the ~~auditor of state's~~ 5765  
director's agent in a financial institution for the purpose of 5766  
effectuating payment by direct deposit or electronic benefit 5767  
transfer shall be maintained in accordance with section 135.18 of 5768  
the Revised Code. 5769

(C) All other payments from the state treasury shall be made 5770  
by paper warrants or by direct deposit payable to the respective 5771  
payees. The ~~auditor of state~~ director of budget and management may 5772  
mail the paper warrants to the respective payees or distribute 5773  
them through other state agencies, whichever the ~~auditor of state~~ 5774  
director determines to be the better procedure. 5775

(D) If the average per transaction cost the ~~auditor of state~~ 5776  
director of budget and management incurs in making direct deposits 5777  
for a state agency exceeds the average per transaction cost the 5778  
~~auditor of state~~ director incurs in drawing paper warrants for all 5779  
public offices during the same period of time, the ~~auditor of~~ 5780  
~~state~~ director may certify the difference in cost and the number 5781  
of direct deposits for the agency to the director of 5782  
administrative services. The director of administrative services 5783  
shall reimburse the ~~auditor of state~~ director of budget and 5784  
management for such additional costs and add the amount to the 5785  
processing charge assessed upon the state agency. 5786

**Sec. ~~117.46~~ 126.36.** If the ~~auditor of state~~ director of 5787  
budget and management is satisfied, by affidavit or otherwise, 5788  
that any warrant on the state treasury drawn by ~~him~~ the director 5789  
has been lost or destroyed prior to its presentation for payment, 5790  
~~he~~ the director may issue to the proper person a replacement of 5791  
the lost or destroyed warrant; provided, that before issuing the 5792  
replacement, ~~he~~ the director shall require that the person making 5793  
application therefor execute a formal agreement to indemnify the 5794  
state for any loss or damage sustained on account of the issuance 5795  
of the replacement and the subsequent presentation and payment of 5796  
the original. The form of the agreement shall be prepared by the 5797  
attorney general. The agreement when executed shall be filed with 5798  
the ~~auditor of state~~ director. The treasurer of state shall not be 5799  
liable because of ~~his paying~~ the payment of any replacement 5800  
warrant drawn under this section. 5801

**Sec. ~~117.47~~ 126.37.** (A) The ~~auditor of state~~ director of 5802  
budget and management shall void any warrant ~~he~~ the director draws 5803  
on the state treasury pursuant to Chapter 5733. or 5747. of the 5804  
Revised Code that is not presented for payment to the treasurer of 5805  
state within two years after the date of issuance and shall void 5806  
any other warrant ~~he~~ the director draws on the state treasury that 5807  
is not presented to the treasurer of state within ninety days 5808  
after the date of issuance. 5809

(B) If a warrant voided pursuant to division (A) of this 5810  
section was drawn against an appropriation of the current fiscal 5811  
year and the holder of the voided warrant presents the warrant for 5812  
reissuance, in the same fiscal year, to the state agency that made 5813  
the payment originally, the agency shall prepare a voucher for the 5814  
holder of the voided warrant, in the amount shown on the warrant 5815  
that has been voided, against the same appropriation of the same 5816  
fiscal year if the agency is satisfied that payment is proper. 5817

(C) If a warrant was drawn against an appropriation of the 5818  
first fiscal year of the fiscal biennium and voided pursuant to 5819  
division (A) of this section in either fiscal year of the biennium 5820  
and if the holder of the voided warrant presents the warrant for 5821  
reissuance, in the second fiscal year of the biennium, to the 5822  
state agency that made the payment originally, the agency shall 5823  
prepare a voucher for the holder of the voided warrant, in the 5824  
amount shown on the warrant that has been voided, against funds 5825  
transferred to the agency by the director ~~of budget and management~~ 5826  
pursuant to section 131.33 of the Revised Code, if the agency is 5827  
satisfied that payment is proper. If no such funds are available 5828  
for transfer, the agency shall prepare the voucher against any 5829  
unexpended appropriations of the current fiscal year available to 5830  
it. 5831

(D) If a warrant was drawn against an appropriation and, 5832  
during the same biennium, was voided pursuant to division (A) of 5833  
this section, and if, after that biennium, the holder of the 5834  
voided warrant presents the warrant for reissuance to the state 5835  
agency that made the payment originally, the agency shall prepare 5836  
a voucher for the holder of the voided warrant, in the amount 5837  
shown on the warrant that has been voided, against any 5838  
appropriation of the current fiscal year made to the agency if the 5839  
agency is satisfied that payment is proper. 5840

(E) If a warrant voided pursuant to division (A) of this 5841  
section was drawn against an appropriation of a previous fiscal 5842  
year and voided after that fiscal biennium and if the holder of 5843  
the voided warrant presents the warrant for reissuance to the 5844  
state agency that made the payment originally, the agency shall 5845  
forward the warrant to the director ~~of budget and management~~ with 5846  
a request for reissuance. The director shall make payment to the 5847  
holder of the voided warrant, in the amount shown on the warrant 5848  
that has been voided, against an appropriation of the current 5849

fiscal year made to the director ~~of budget and management~~ for the 5850  
reissuance of voided warrants, if the director ~~of budget and~~ 5851  
~~management~~ is satisfied that reissuance of the warrant is proper. 5852

**Sec. ~~117.48~~ 126.38.** The ~~auditor of state~~ director of budget 5853  
and management shall furnish an earnings statement with each pay 5854  
warrant issued to a state employee paid on a payroll voucher. The 5855  
statement shall include a summary of the earnings information 5856  
provided to the ~~auditor of state~~ director pursuant to section 5857  
125.21 of the Revised Code. 5858

**Sec. 131.01.** As used in Chapters 113., 117., 123., 124., 5859  
125., 126., 127., and 131. of the Revised Code, and any statute 5860  
that uses the terms in connection with state accounting or 5861  
budgeting: 5862

(A) "Account" means any record, element, or summary in which 5863  
financial transactions are identified and recorded as debit or 5864  
credit transactions in order to summarize items of a similar 5865  
nature or classification. 5866

(B) "Accounting procedure" means the arrangement of all 5867  
processes which discover, record, and summarize financial 5868  
information to produce financial statements and reports and to 5869  
provide internal control. 5870

(C) "Accounting system" means the total structure of records 5871  
and procedures which discover, record, classify, and report 5872  
information on the financial position and operations of a 5873  
governmental unit or any of its funds and organizational 5874  
components. 5875

(D) "Allocation" means a portion of an appropriation which is 5876  
designated for expenditure by specific organizational units or for 5877  
special purposes, activities, or objects that do not relate to a 5878  
period of time. 5879

(E) "Allotment" means all or part of an appropriation which may be encumbered or expended within a specific period of time.	5880 5881
(F) "Appropriation" means an authorization granted by the general assembly to make expenditures and to incur obligations for specific purposes.	5882 5883 5884
(G) "Assets" means resources owned, controlled, or otherwise used or held by the state which have monetary value.	5885 5886
(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.	5887 5888 5889
(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.	5890 5891 5892
(J) "Disbursement" means a payment made for any purpose.	5893
(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.	5894 5895 5896 5897
(L) "Electronic funds transfer" means the electronic movement of funds via automated clearing house or wire transfer.	5898 5899
(M) "Encumbrancing document" means a document reserving all or part of an appropriation.	5900 5901
(N) "Expenditure" means a reduction of the balance of an appropriation after legal requirements have been met.	5902 5903
(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 of carrying on specific activities or attaining certain objectives in accordance with special rules, restrictions, or limitations.	5904 5905 5906 5907 5908 5909

(P) "Lapse" means the automatic termination of an 5910  
appropriation at the end of the fiscal period for which it was 5911  
appropriated. 5912

(Q) "Reappropriation" means an appropriation of a previous 5913  
appropriation that is continued in force in a succeeding 5914  
appropriation period. "Reappropriation" shall be equated with and 5915  
incorporated in the term "appropriation." 5916

(R) "Voucher" means the document used to transmit a claim for 5917  
payment and evidentiary matter related to the claim. 5918

(S) "Warrant" means an order drawn upon the treasurer of 5919  
state by the ~~auditor of state~~ director of budget and management 5920  
directing the treasurer of state to pay a specified amount, 5921  
including an order to make a lump-sum payment to a financial 5922  
institution for the transfer of funds by direct deposit or the 5923  
drawdown of funds by electronic benefit transfer, and the 5924  
resulting electronic transfer to or by the ultimate payees. 5925

The terms defined in this section shall be used, on all 5926  
accounting forms, reports, formal rules, and budget requests 5927  
produced by a state agency, only as defined in this section. 5928

**Sec. 131.02.** (A) ~~Whenever~~ Except as otherwise provided in 5929  
section 4123.37 and division (J) of section 4123.511 of the 5930  
Revised Code, whenever any amount is payable to the state, the 5931  
officer, employee, or agent responsible for administering the law 5932  
under which the amount is payable shall immediately proceed to 5933  
collect the amount or cause the amount to be collected and shall 5934  
pay the amount into the state treasury or into the appropriate 5935  
custodial fund in the manner set forth pursuant to section 113.08 5936  
of the Revised Code. Except as otherwise provided in this 5937  
division, if the amount is not paid within forty-five days after 5938  
payment is due, the officer, employee, or agent shall certify the 5939

amount due to the attorney general, in the form and manner 5940  
prescribed by the attorney general, and notify the director of 5941  
budget and management thereof. In the case of an amount payable by 5942  
a student enrolled in a state institution of higher education, the 5943  
amount shall be certified within the later of forty-five days 5944  
after the amount is due or the tenth day after the beginning of 5945  
the next academic semester, quarter, or other session following 5946  
the session for which the payment is payable. The attorney general 5947  
may assess the collection cost to the amount certified in such 5948  
manner and amount as prescribed by the attorney general. 5949

For the purposes of this section, the attorney general and 5950  
the officer, employee, or agent responsible for administering the 5951  
law under which the amount is payable shall agree on the time a 5952  
payment is due, and that agreed upon time shall be one of the 5953  
following times: 5954

(1) If a law, including an administrative rule, of this state 5955  
prescribes the time a payment is required to be made or reported, 5956  
when the payment is required by that law to be paid or reported. 5957

(2) If the payment is for services rendered, when the 5958  
rendering of the services is completed. 5959

(3) If the payment is reimbursement for a loss, when the loss 5960  
is incurred. 5961

(4) In the case of a fine or penalty for which a law or 5962  
administrative rule does not prescribe a time for payment, when 5963  
the fine or penalty is first assessed. 5964

(5) If the payment arises from a legal finding, judgment, or 5965  
adjudication order, when the finding, judgment, or order is 5966  
rendered or issued. 5967

(6) If the payment arises from an overpayment of money by the 5968  
state to another person, when the overpayment is discovered. 5969

(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. 5970  
5971  
5972

(8) Upon proof of claim being filed in a bankruptcy case. 5973

(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. 5974  
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(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. 5979  
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5981

(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: 5982  
5983  
5984

(a) The assessment or case number; 5985

(b) The tax pursuant to which the assessment is made; 5986

(c) The reason for the liability, including, if applicable, that a penalty or interest is due; 5987  
5988

(d) An explanation of how and when interest will be added to the amount assessed; 5989  
5990

(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. 5991  
5992  
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(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection. 5995  
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(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5997  
5998

5703.47 of the Revised Code. 5999

(E) The attorney general and the chief officer of the agency 6000  
reporting a claim, acting together, may do any of the following if 6001  
such action is in the best interests of the state: 6002

(1) Compromise the claim; 6003

(2) Extend for a reasonable period the time for payment of 6004  
the claim by agreeing to accept monthly or other periodic 6005  
payments. The agreement may require security for payment of the 6006  
claim. 6007

(3) Add fees to recover the cost of processing checks or 6008  
other draft instruments returned for insufficient funds and the 6009  
cost of providing electronic payment options. 6010

(F)(1) Except as provided in division (F)(2) of this section, 6011  
if the attorney general finds, after investigation, that any claim 6012  
due and owing to the state is uncollectible, the attorney general, 6013  
with the consent of the chief officer of the agency reporting the 6014  
claim, may do the following: 6015

(a) Sell, convey, or otherwise transfer the claim to one or 6016  
more private entities for collection; 6017

(b) Cancel the claim or cause it to be ~~cancelled~~ cancelled. 6018

(2) The attorney general shall cancel or cause to be 6019  
~~cancelled~~ cancelled an unsatisfied claim on the date that is forty 6020  
years after the date the claim is certified. 6021

(3) If information contained in a claim that is sold, 6022  
conveyed, or transferred to a private entity pursuant to this 6023  
section is confidential pursuant to federal law or a section of 6024  
the Revised Code that implements a federal law governing 6025  
confidentiality, such information remains subject to that law 6026  
during and following the sale, conveyance, or transfer. 6027

Sec. 131.022. (A) As used in this section: 6028

(1) "Final overdue claim" means a claim that has been 6029  
certified to the attorney general under section 131.02 of the 6030  
Revised Code, that has been final for at least one year, and for 6031  
which no arrangements have been made for the payment of the claim 6032  
or, if arrangements for the payment of the claim have been made, 6033  
the person owing the claim has failed to comply with the terms of 6034  
the arrangement for more than thirty days. 6035

"Final overdue claim" includes collection costs incurred with 6036  
respect to the claim that is the basis of the final overdue claim 6037  
and assessed by the attorney general under division (A) of section 6038  
131.02 of the Revised Code, interest accreting to the claim under 6039  
division (D) of that section, and fees added under division (E)(3) 6040  
of that section. 6041

(2) "Final" means a claim has been finalized under the law 6042  
providing for the imposition or determination of the amount due, 6043  
and any time provided for appeal of the amount, legality, or 6044  
validity of the claim has expired without an appeal having been 6045  
filed in the manner provided by law. "Final" includes, but is not 6046  
limited to, a final determination of the tax commissioner for 6047  
which the time for appeal has expired without a notice of appeal 6048  
having been filed. 6049

(B) If a claim is certified to the attorney general under 6050  
section 131.02 of the Revised Code, at any time after the claim is 6051  
a final overdue claim, the attorney general may, subject to the 6052  
approval of the chief officer of the agency reporting the claim 6053  
and of the controlling board, sell the claim to any person through 6054  
a competitive process. If federal funds comprise all or a part of 6055  
the claim, it may not be sold unless the chief officer determines 6056  
that the sale of the claim will not have an adverse financial 6057  
impact on the state due to any requirement of the state to repay 6058

the federal funds to the federal government. 6059

(C) The attorney general may consolidate any number of final 6060  
overdue claims for sale under this section. 6061

(D) Not less than sixty days before first offering a final 6062  
overdue claim for sale, the attorney general shall provide written 6063  
notice, by ordinary mail, to the person owing the claim at that 6064  
person's last known mailing address. The notice shall state the 6065  
following: 6066

(1) The nature and amount of the claim; 6067

(2) The manner in which the person may contact the office of 6068  
the attorney general to arrange terms for payment of the claim; 6069

(3) That if the person does not contact the office of the 6070  
attorney general within sixty days after the date the notice is 6071  
issued and arrange terms of payment of the claim all of the 6072  
following apply: 6073

(a) The attorney general will offer the claim for sale to a 6074  
private party for collection by that party by any legal means; 6075

(b) The person is deemed to be denied any right to seek and 6076  
obtain a refund of any amount from which the claim arises if the 6077  
applicable law otherwise allows for a refund of that nature; 6078

(c) Except as provided in division (I) of this section, the 6079  
person is deemed to waive any right the person may have to 6080  
confidentiality of information regarding the claim to the extent 6081  
confidentiality is provided under any other section of the Revised 6082  
Code. 6083

(E) Upon the sale of a final overdue claim under this 6084  
section, the claim becomes the property of the purchaser, and the 6085  
purchaser may sell or otherwise transfer the claim to any other 6086  
person or otherwise dispose of the claim. The owner of the claim 6087  
is entitled to all proceeds from the collection of the claim, 6088

except the owner of the claim shall reimburse the state for costs 6089  
it incurs after the sale of the claim in assisting or facilitating 6090  
the collection of the claim including, without limitation, costs 6091  
of time expended by state employees. Purchasers or transferees of 6092  
a final overdue claim are subject to any applicable laws governing 6093  
collection of debts of the kind represented by the claim. 6094

(F) Upon the sale or transfer of a final overdue claim under 6095  
this section, no refund shall be issued or paid to the person 6096  
owing the claim for any part of the amount from which the claim 6097  
arises. The sale or transfer of a claim under this section or 6098  
division (F) of section 131.02 of the Revised Code shall not 6099  
compromise any criminal, civil, or administrative action initiated 6100  
by the state against any person owing the claim. 6101

(G) Except as provided in division (I) of this section, and 6102  
notwithstanding any other section of the Revised Code, the 6103  
attorney general, solely for the purpose of effecting the sale or 6104  
transfer of a final overdue claim under this section, may disclose 6105  
information about the person owing the claim that otherwise would 6106  
be confidential under a section of the Revised Code, and the 6107  
person shall have no right of action against that disclosure to 6108  
the extent a right of that nature is available under that section. 6109

(H) The authority granted under this section is supplemental 6110  
to the authority granted under section 131.02 of the Revised Code. 6111

(I) If information contained in a claim that is sold, 6112  
conveyed, or transferred to a private entity pursuant to this 6113  
section is confidential pursuant to federal law or a section of 6114  
the Revised Code that implements a federal law governing 6115  
confidentiality, such information remains subject to that law 6116  
during and following the sale, conveyance, or transfer. A private 6117  
entity to which a claim is sold, conveyed, or transferred is bound 6118  
by all federal and state confidentiality requirements concerning 6119

such information.

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

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Except as provided in this section, appropriations made to a specific fiscal year shall be expended only to pay liabilities incurred within that fiscal year.

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

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

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

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(A) "Acquisition" as applied to real or personal property includes, among other forms of acquisition, acquisition by

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exercise of a purchase option, and acquisition of interests in 6150  
property, including, without limitation, easements and 6151  
rights-of-way, and leasehold and other lease interests initially 6152  
extending or extendable for a period of at least sixty months. 6153

(B) "Anticipatory securities" means securities, including 6154  
notes, issued in anticipation of the issuance of other securities. 6155

(C) "Board of elections" means the county board of elections 6156  
of the county in which the subdivision is located. If the 6157  
subdivision is located in more than one county, "board of 6158  
elections" means the county board of elections of the county that 6159  
contains the largest portion of the population of the subdivision 6160  
or that otherwise has jurisdiction in practice over and 6161  
customarily handles election matters relating to the subdivision. 6162

(D) "Bond retirement fund" means the bond retirement fund 6163  
provided for in section 5705.09 of the Revised Code, and also 6164  
means a sinking fund or any other special fund, regardless of the 6165  
name applied to it, established by or pursuant to law or the 6166  
proceedings for the payment of debt charges. Provision may be made 6167  
in the applicable proceedings for the establishment in a bond 6168  
retirement fund of separate accounts relating to debt charges on 6169  
particular securities, or on securities payable from the same or 6170  
common sources, and for the application of moneys in those 6171  
accounts only to specified debt charges on specified securities or 6172  
categories of securities. Subject to law and any provisions in the 6173  
applicable proceedings, moneys in a bond retirement fund or 6174  
separate account in a bond retirement fund may be transferred to 6175  
other funds and accounts. 6176

(E) "Capitalized interest" means all or a portion of the 6177  
interest payable on securities from their date to a date stated or 6178  
provided for in the applicable legislation, which interest is to 6179  
be paid from the proceeds of the securities. 6180

(F) "Chapter 133. securities" means securities authorized by 6181  
or issued pursuant to or in accordance with this chapter. 6182

(G) "County auditor" means the county auditor of the county 6183  
in which the subdivision is located. If the subdivision is located 6184  
in more than one county, "county auditor" means the county auditor 6185  
of the county that contains the highest amount of the tax 6186  
valuation of the subdivision or that otherwise has jurisdiction in 6187  
practice over and customarily handles property tax matters 6188  
relating to the subdivision. In the case of a county that has 6189  
adopted a charter, "county auditor" means the officer who 6190  
generally has the duties and functions provided in the Revised 6191  
Code for a county auditor. 6192

(H) "Credit enhancement facilities" means letters of credit, 6193  
lines of credit, stand-by, contingent, or firm securities purchase 6194  
agreements, insurance, or surety arrangements, guarantees, and 6195  
other arrangements that provide for direct or contingent payment 6196  
of debt charges, for security or additional security in the event 6197  
of nonpayment or default in respect of securities, or for making 6198  
payment of debt charges to and at the option and on demand of 6199  
securities holders or at the option of the issuer or upon certain 6200  
conditions occurring under put or similar arrangements, or for 6201  
otherwise supporting the credit or liquidity of the securities, 6202  
and includes credit, reimbursement, marketing, remarketing, 6203  
indexing, carrying, interest rate hedge, and subrogation 6204  
agreements, and other agreements and arrangements for payment and 6205  
reimbursement of the person providing the credit enhancement 6206  
facility and the security for that payment and reimbursement. 6207

(I) "Current operating expenses" or "current expenses" means 6208  
the lawful expenditures of a subdivision, except those for 6209  
permanent improvements and for payments of debt charges of the 6210  
subdivision. 6211

(J) "Debt charges" means the principal, including any 6212  
mandatory sinking fund deposits and mandatory redemption payments, 6213  
interest, and any redemption premium, payable on securities as 6214  
those payments come due and are payable. The use of "debt charges" 6215  
for this purpose does not imply that any particular securities 6216  
constitute debt within the meaning of the Ohio Constitution or 6217  
other laws. 6218

(K) "Financing costs" means all costs and expenses relating 6219  
to the authorization, including any required election, issuance, 6220  
sale, delivery, authentication, deposit, custody, clearing, 6221  
registration, transfer, exchange, fractionalization, replacement, 6222  
payment, and servicing of securities, including, without 6223  
limitation, costs and expenses for or relating to publication and 6224  
printing, postage, delivery, preliminary and final official 6225  
statements, offering circulars, and informational statements, 6226  
travel and transportation, underwriters, placement agents, 6227  
investment bankers, paying agents, registrars, authenticating 6228  
agents, remarketing agents, custodians, clearing agencies or 6229  
corporations, securities depositories, financial advisory 6230  
services, certifications, audits, federal or state regulatory 6231  
agencies, accounting and computation services, legal services and 6232  
obtaining approving legal opinions and other legal opinions, 6233  
credit ratings, redemption premiums, and credit enhancement 6234  
facilities. Financing costs may be paid from any moneys available 6235  
for the purpose, including, unless otherwise provided in the 6236  
proceedings, from the proceeds of the securities to which they 6237  
relate and, as to future financing costs, from the same sources 6238  
from which debt charges on the securities are paid and as though 6239  
debt charges. 6240

(L) "Fiscal officer" means the following, or, in the case of 6241  
absence or vacancy in the office, a deputy or assistant authorized 6242  
by law or charter to act in the place of the named officer, or if 6243

there is no such authorization then the deputy or assistant	6244
authorized by legislation to act in the place of the named officer	6245
for purposes of this chapter, in the case of the following	6246
subdivisions:	6247
(1) A county, the county auditor;	6248
(2) A municipal corporation, the city auditor or village	6249
clerk or clerk-treasurer, or the officer who, by virtue of a	6250
charter, has the duties and functions provided in the Revised Code	6251
for the city auditor or village clerk or clerk-treasurer;	6252
(3) A school district, the treasurer of the board of	6253
education;	6254
(4) A regional water and sewer district, the secretary of the	6255
board of trustees;	6256
(5) A joint township hospital district, the treasurer of the	6257
district;	6258
(6) A joint ambulance district, the clerk of the board of	6259
trustees;	6260
(7) A joint recreation district, the person designated	6261
pursuant to section 755.15 of the Revised Code;	6262
(8) A detention facility district or a district organized	6263
under section 2151.65 of the Revised Code or a combined district	6264
organized under sections 2152.41 and 2151.65 of the Revised Code,	6265
the county auditor of the county designated by law to act as the	6266
auditor of the district;	6267
(9) A township, a fire district organized under division (C)	6268
of section 505.37 of the Revised Code, or a township police	6269
district, the fiscal officer of the township;	6270
(10) A joint fire district, the clerk of the board of	6271
trustees of that district;	6272

(11) A regional or county library district, the person	6273
responsible for the financial affairs of that district;	6274
(12) A joint solid waste management district, the fiscal	6275
officer appointed by the board of directors of the district under	6276
section 343.01 of the Revised Code;	6277
(13) A joint emergency medical services district, the person	6278
appointed as fiscal officer pursuant to division (D) of section	6279
307.053 of the Revised Code;	6280
(14) A fire and ambulance district, the person appointed as	6281
fiscal officer under division (B) of section 505.375 of the	6282
Revised Code;	6283
(15) A subdivision described in division (MM)(17) of this	6284
section, the officer who is designated by law as or performs the	6285
functions of its chief fiscal officer.	6286
(M) "Fiscal year" has the same meaning as in section 9.34 of	6287
the Revised Code.	6288
(N) "Fractionalized interests in public obligations" means	6289
participations, certificates of participation, shares, or other	6290
instruments or agreements, separate from the public obligations	6291
themselves, evidencing ownership of interests in public	6292
obligations or of rights to receive payments of, or on account of,	6293
principal or interest or their equivalents payable by or on behalf	6294
of an obligor pursuant to public obligations.	6295
(O) "Fully registered securities" means securities in	6296
certificated or uncertificated form, registered as to both	6297
principal and interest in the name of the owner.	6298
(P) "Fund" means to provide for the payment of debt charges	6299
and expenses related to that payment at or prior to retirement by	6300
purchase, call for redemption, payment at maturity, or otherwise.	6301
(Q) "General obligation" means securities to the payment of	6302

debt charges on which the full faith and credit and the general  
property taxing power, including taxes within the tax limitation  
if available to the subdivision, of the subdivision are pledged.

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

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

(T) "Issuer" means any public issuer and any nonprofit  
corporation authorized to issue securities for or on behalf of any  
public issuer.

(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.

(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.

(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.

(X) "Net indebtedness" has the same meaning as in division 6334  
(A) of section 133.04 of the Revised Code. 6335

(Y) "Obligor," in the case of securities or fractionalized 6336  
interests in public obligations issued by another person the debt 6337  
charges or their equivalents on which are payable from payments 6338  
made by a public issuer, means that public issuer. 6339

(Z) "One purpose" relating to permanent improvements means 6340  
any one permanent improvement or group or category of permanent 6341  
improvements for the same utility, enterprise, system, or project, 6342  
development or redevelopment project, or for or devoted to the 6343  
same general purpose, function, or use or for which 6344  
self-supporting securities, based on the same or different sources 6345  
of revenues, may be issued or for which special assessments may be 6346  
levied by a single ordinance or resolution. "One purpose" 6347  
includes, but is not limited to, in any case any off-street 6348  
parking facilities relating to another permanent improvement, and: 6349

(1) Any number of roads, highways, streets, bridges, 6350  
sidewalks, and viaducts; 6351

(2) Any number of off-street parking facilities; 6352

(3) In the case of a county, any number of permanent 6353  
improvements for courthouse, jail, county offices, and other 6354  
county buildings, and related facilities; 6355

(4) In the case of a school district, any number of 6356  
facilities and buildings for school district purposes, and related 6357  
facilities. 6358

(AA) "Outstanding," referring to securities, means securities 6359  
that have been issued, delivered, and paid for, except any of the 6360  
following: 6361

(1) Securities canceled upon surrender, exchange, or 6362  
transfer, or upon payment or redemption; 6363

(2) Securities in replacement of which or in exchange for 6364  
which other securities have been issued; 6365

(3) Securities for the payment, or redemption or purchase for 6366  
cancellation prior to maturity, of which sufficient moneys or 6367  
investments, in accordance with the applicable legislation or 6368  
other proceedings or any applicable law, by mandatory sinking fund 6369  
redemption requirements, mandatory sinking fund requirements, or 6370  
otherwise, have been deposited, and credited for the purpose in a 6371  
bond retirement fund or with a trustee or paying or escrow agent, 6372  
whether at or prior to their maturity or redemption, and, in the 6373  
case of securities to be redeemed prior to their stated maturity, 6374  
notice of redemption has been given or satisfactory arrangements 6375  
have been made for giving notice of that redemption, or waiver of 6376  
that notice by or on behalf of the affected security holders has 6377  
been filed with the subdivision or its agent for the purpose. 6378

(BB) "Paying agent" means the one or more banks, trust 6379  
companies, or other financial institutions or qualified persons, 6380  
including an appropriate office or officer of the subdivision, 6381  
designated as a paying agent or place of payment of debt charges 6382  
on the particular securities. 6383

(CC) "Permanent improvement" or "improvement" means any 6384  
property, asset, or improvement certified by the fiscal officer, 6385  
which certification is conclusive, as having an estimated life or 6386  
period of usefulness of five years or more, and includes, but is 6387  
not limited to, real estate, buildings, and personal property and 6388  
interests in real estate, buildings, and personal property, 6389  
equipment, furnishings, and site improvements, and reconstruction, 6390  
rehabilitation, renovation, installation, improvement, 6391  
enlargement, and extension of property, assets, or improvements so 6392  
certified as having an estimated life or period of usefulness of 6393  
five years or more. The acquisition of all the stock ownership of 6394  
a corporation is the acquisition of a permanent improvement to the 6395

extent that the value of that stock is represented by permanent  
improvements. A permanent improvement for parking, highway, road,  
and street purposes includes resurfacing, but does not include  
ordinary repair.

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

(EE) "Proceedings" means the legislation, certifications,  
notices, orders, sale proceedings, trust agreement or indenture,  
mortgage, lease, lease-purchase agreement, assignment, credit  
enhancement facility agreements, and other agreements,  
instruments, and documents, as amended and supplemented, and any  
election proceedings, authorizing, or providing for the terms and  
conditions applicable to, or providing for the security or sale or  
award of, public obligations, and includes the provisions set  
forth or incorporated in those public obligations and proceedings.

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

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

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

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

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

(1) Securities;	6426
(2) Obligations of a public issuer to make payments under installment sale, lease, lease purchase, or similar agreements, which obligations bear interest or interest equivalent.	6427 6428 6429
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	6430 6431 6432
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	6433 6434 6435
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	6436 6437 6438
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section.	6439 6440 6441 6442 6443 6444 6445 6446
(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the enterprise, system, project, or category of improvements of which the improvements being financed are part, are estimated by the fiscal officer to be sufficient to pay the current expenses of that operation or of those improvements or enterprise, system,	6447 6448 6449 6450 6451 6452 6453 6454 6455 6456

project, or categories of improvements and the debt charges 6457  
payable from those receipts on securities issued for the purpose. 6458  
Until such time as the improvements or increases in rates and 6459  
charges have been in operation or effect for a period of at least 6460  
six months, the receipts therefrom, for purposes of this 6461  
definition, shall be those estimated by the fiscal officer, except 6462  
that those receipts may include, without limitation, payments made 6463  
and to be made to the subdivision under leases or agreements in 6464  
effect at the time the estimate is made. In the case of an 6465  
operation, improvements, or enterprise, system, project, or 6466  
category of improvements without at least a six-month history of 6467  
receipts, the estimate of receipts by the fiscal officer, other 6468  
than those to be derived under leases and agreements then in 6469  
effect, shall be confirmed by the taxing authority. 6470

(MM) "Subdivision" means any of the following: 6471

(1) A county, including a county that has adopted a charter 6472  
under Article X, Ohio Constitution; 6473

(2) A municipal corporation, including a municipal 6474  
corporation that has adopted a charter under Article XVIII, Ohio 6475  
Constitution; 6476

(3) A school district; 6477

(4) A regional water and sewer district organized under 6478  
Chapter 6119. of the Revised Code; 6479

(5) A joint township hospital district organized under 6480  
section 513.07 of the Revised Code; 6481

(6) A joint ambulance district organized under section 505.71 6482  
of the Revised Code; 6483

(7) A joint recreation district organized under division (C) 6484  
of section 755.14 of the Revised Code; 6485

(8) A detention facility district organized under section 6486

2152.41, a district organized under section 2151.65, or a combined	6487
district organized under sections 2152.41 and 2151.65 of the	6488
Revised Code;	6489
(9) A township police district organized under section 505.48	6490
of the Revised Code;	6491
(10) A township;	6492
(11) A joint fire district organized under section 505.371 of	6493
the Revised Code;	6494
(12) A county library district created under section 3375.19	6495
or a regional library district created under section 3375.28 of	6496
the Revised Code;	6497
(13) A joint solid waste management district organized under	6498
section 343.01 or 343.012 of the Revised Code;	6499
(14) A joint emergency medical services district organized	6500
under section 307.052 of the Revised Code;	6501
(15) A fire and ambulance district organized under section	6502
505.375 of the Revised Code;	6503
(16) A fire district organized under division (C) of section	6504
505.37 of the Revised Code;	6505
(17) Any other political subdivision or taxing district or	6506
other local public body or agency authorized by this chapter or	6507
other laws to issue Chapter 133. securities.	6508
(NN) "Taxing authority" means in the case of the following	6509
subdivisions:	6510
(1) A county, a county library district, or a regional	6511
library district, the board or boards of county commissioners, or	6512
other legislative authority of a county that has adopted a charter	6513
under Article X, Ohio Constitution, but with respect to such a	6514
library district acting solely as agent for the board of trustees	6515

of that district;	6516
(2) A municipal corporation, the legislative authority;	6517
(3) A school district, the board of education;	6518
(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;	6519 6520 6521 6522
(5) A joint township hospital district, the joint township hospital board;	6523 6524
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	6525 6526 6527 6528 6529
(7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees;	6530 6531 6532
(8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of directors of the district;	6533 6534 6535
(9) A subdivision described in division (MM)(17) of this section, the legislative or governing body or official.	6536 6537
(OO) "Tax limitation" means the "ten-mill limitation" as defined in section 5705.02 of the Revised Code without diminution by reason of section 5705.313 of the Revised Code or otherwise, or, in the case of a municipal corporation or county with a different charter limitation on property taxes levied to pay debt charges on unvoted securities, that charter limitation. Those limitations shall be respectively referred to as the "ten-mill limitation" and the "charter tax limitation."	6538 6539 6540 6541 6542 6543 6544 6545

(PP) "Tax valuation" means the aggregate of the valuations of property subject to ad valorem property taxation by the subdivision on the real property, personal property, and public utility property tax lists and duplicates most recently certified for collection, and shall be calculated without deductions of the valuations of otherwise taxable property exempt in whole or in part from taxation by reason of exemptions of certain amounts of taxable value under division (C) of section 5709.01 or section 323.152 of the Revised Code, or similar laws now or in the future in effect.

For purposes of section 133.06 of the Revised Code, "tax valuation" shall not include the valuation of tangible personal property used in business, telephone or telegraph property, interexchange telecommunications company property, or personal property owned or leased by a railroad company and used in railroad operations listed under or described in section 5711.22, division (B) or (F) of section 5727.111, or section 5727.12 of the Revised Code.

(QQ) "Year" means the calendar year.

(RR) "Administrative agent," "agent," "commercial paper," "floating rate interest structure," "indexing agent," "interest rate hedge," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code.

(SS) "Sales tax supported" means obligations to the payment of debt charges on which an additional sales tax or additional sales taxes have been pledged by the taxing authority of a county pursuant to section 133.081 of the Revised Code.

**Sec. 133.04.** (A) As used in this chapter, "net indebtedness" means, as determined pursuant to this section, the principal

amount of the outstanding securities of a subdivision less the 6576  
amount held in a bond retirement fund to the extent such amount is 6577  
not taken into account in determining the principal amount 6578  
outstanding under division (AA) of section 133.01 of the Revised 6579  
Code. For purposes of this definition, the principal amount of 6580  
outstanding securities includes the principal amount of 6581  
outstanding securities of another subdivision apportioned to the 6582  
subdivision as a result of acquisition of territory, and excludes 6583  
the principal amount of outstanding securities of the subdivision 6584  
apportioned to another subdivision as a result of loss of 6585  
territory and the payment or reimbursement obligations of the 6586  
subdivision under credit enhancement facilities relating to 6587  
outstanding securities. 6588

(B) In calculating the net indebtedness of a subdivision, 6589  
none of the following securities, including anticipatory 6590  
securities issued in anticipation of their issuance, shall be 6591  
considered: 6592

(1) Securities issued in anticipation of the levy or 6593  
collection of special assessments, either in original or refunded 6594  
form; 6595

(2) Securities issued in anticipation of the collection of 6596  
current revenues for the fiscal year or other period not to exceed 6597  
twelve consecutive months, or securities issued in anticipation of 6598  
the collection of the proceeds from a specifically identified 6599  
voter-approved tax levy; 6600

(3) Securities issued for purposes described in section 6601  
133.12 of the Revised Code; 6602

(4) Securities issued under Chapter 122., 140., 165., 725., 6603  
or 761. or section 131.23 of the Revised Code; 6604

(5) Securities issued to pay final judgments or 6605  
court-approved settlements under authorizing laws and securities 6606

issued under section 2744.081 of the Revised Code; 6607

(6) Securities issued to pay costs of permanent improvements 6608  
to the extent they are issued in anticipation of the receipt of, 6609  
and are payable as to principal from, federal or state grants or 6610  
distributions for, or legally available for, that principal or for 6611  
the costs of those permanent improvements; 6612

(7) Securities issued to evidence loans from the state 6613  
capital improvements fund pursuant to Chapter 164. of the Revised 6614  
Code or from the state infrastructure bank pursuant to section 6615  
5531.09 of the Revised Code; 6616

(8) That percentage of the principal amount of general 6617  
obligation securities issued by a county, township, or municipal 6618  
corporation to pay the costs of permanent improvements equal to 6619  
the percentage of the debt charges on those securities payable 6620  
during the current fiscal year that the fiscal officer estimates 6621  
can be paid during the current fiscal year from payments in lieu 6622  
of taxes under section 1728.11, 1728.111, 5709.42, 5709.74, or 6623  
5709.79 of the Revised Code, and that the legislation authorizing 6624  
the issuance of the securities pledges or covenants will be used 6625  
for the payment of those debt charges; provided that the amount 6626  
excluded from consideration under division (B)(8) of this section 6627  
shall not exceed the lesser of thirty million dollars or one-half 6628  
per cent of the subdivision's tax valuation in the case of a 6629  
county or township, or one and one-tenth per cent of the 6630  
subdivision's tax valuation in the case of a municipal 6631  
corporation; 6632

(9) Securities issued in an amount equal to the property tax 6633  
replacement payments received under section 5727.85 or 5727.86 of 6634  
the Revised Code; 6635

+9)(10) Securities issued in an amount equal to the property 6636  
tax replacement payments received under section 5751.21 or 5751.22 6637

<u>of the Revised Code;</u>	6638
<u>(11)</u> Other securities, including self-supporting securities, excepted by law from the calculation of net indebtedness or from the application of this chapter;	6639 6640 6641
<del>(10)</del> <u>(12)</u> Any other securities outstanding on October 30, 1989, and then excepted from the calculation of net indebtedness or from the application of this chapter, and securities issued at any time to fund or refund those securities.	6642 6643 6644 6645
<b>Sec. 133.06.</b> (A) A school district shall not incur, without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (C) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 of the Revised Code, or as provided in division (J) of this section.	6646 6647 6648 6649 6650 6651 6652
(B) Except as provided in divisions (E), (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation.	6653 6654 6655
(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least <del>thirty</del> <u>one hundred five</u> days prior to the election at which the question is to be submitted, <del>except</del> <del>that the superintendent of public instruction and the tax</del> <del>commissioner may waive this thirty day deadline or grant their</del> <del>consents after the election if the school district shows good</del>	6656 6657 6658 6659 6660 6661 6662 6663 6664 6665 6666 6667 6668

~~cause for such waiver or consent after the election.~~ 6669

The superintendent of public instruction shall certify to the 6670  
district the superintendent's and the tax commissioner's decisions 6671  
within thirty days after receipt of the request for consents. 6672

If the electors do not approve the issuance of securities at 6673  
the election for which the superintendent of public instruction 6674  
and tax commissioner consented to the submission of the question, 6675  
the school district may submit the same question to the electors 6676  
on the date that the next special election may be held under 6677  
section 3501.01 of the Revised Code without submitting a new 6678  
request for consent. If the school district seeks to submit the 6679  
same question at any other subsequent election, the district shall 6680  
first submit a new request for consent in accordance with this 6681  
division. 6682

(D) In calculating the net indebtedness of a school district, 6683  
none of the following shall be considered: 6684

(1) Securities issued to acquire school buses and other 6685  
equipment used in transporting pupils or issued pursuant to 6686  
division (D) of section 133.10 of the Revised Code; 6687

(2) Securities issued under division (F) of this section, 6688  
under section 133.301 of the Revised Code, and, to the extent in 6689  
excess of the limitation stated in division (B) of this section, 6690  
under division (E) of this section; 6691

(3) Indebtedness resulting from the dissolution of a joint 6692  
vocational school district under section 3311.217 of the Revised 6693  
Code, evidenced by outstanding securities of that joint vocational 6694  
school district; 6695

(4) Loans, evidenced by any securities, received under 6696  
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 6697  
Revised Code; 6698

(5) Debt incurred under section 3313.374 of the Revised Code;	6699
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	6700 6701 6702
(7) Debt incurred under section 3318.042 of the Revised Code.	6703
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	6704 6705
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	6706 6707 6708
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	6709 6710
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	6711 6712 6713 6714
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	6715 6716 6717
(a) A history of and a projection of the growth of the student population;	6718 6719
(b) The history of and a projection of the growth of the tax valuation;	6720 6721
(c) The projected needs;	6722
(d) The estimated cost of permanent improvements proposed to meet such projected needs.	6723 6724
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	6725 6726 6727

(a) The district does not have available sufficient 6728  
additional funds from state or federal sources to meet the 6729  
projected needs. 6730

(b) The projection of the potential average growth of tax 6731  
valuation during the next five years, according to the information 6732  
certified to the superintendent and any other information the 6733  
superintendent obtains, indicates a likelihood of potential 6734  
average growth of tax valuation of the district during the next 6735  
five years of an average of not less than three per cent per year. 6736  
The findings and certification of the superintendent shall be 6737  
conclusive. 6738

(4) An approved special needs district may incur net 6739  
indebtedness by the issuance of securities in accordance with the 6740  
provisions of this chapter in an amount that does not exceed an 6741  
amount equal to the greater of the following: 6742

(a) Nine per cent of the sum of its tax valuation plus an 6743  
amount that is the product of multiplying that tax valuation by 6744  
the percentage by which the tax valuation has increased over the 6745  
tax valuation on the first day of the sixtieth month preceding the 6746  
month in which its board determines to submit to the electors the 6747  
question of issuing the proposed securities; 6748

(b) Nine per cent of the sum of its tax valuation plus an 6749  
amount that is the product of multiplying that tax valuation by 6750  
the percentage, determined by the superintendent of public 6751  
instruction, by which that tax valuation is projected to increase 6752  
during the next ten years. 6753

(F) A school district may issue securities for emergency 6754  
purposes, in a principal amount that does not exceed an amount 6755  
equal to three per cent of its tax valuation, as provided in this 6756  
division. 6757

(1) A board of education, by resolution, may declare an 6758

emergency if it determines both of the following: 6759

(a) School buildings or other necessary school facilities in 6760  
the district have been wholly or partially destroyed, or condemned 6761  
by a constituted public authority, or that such buildings or 6762  
facilities are partially constructed, or so constructed or planned 6763  
as to require additions and improvements to them before the 6764  
buildings or facilities are usable for their intended purpose, or 6765  
that corrections to permanent improvements are necessary to remove 6766  
or prevent health or safety hazards. 6767

(b) Existing fiscal and net indebtedness limitations make 6768  
adequate replacement, additions, or improvements impossible. 6769

(2) Upon the declaration of an emergency, the board of 6770  
education may, by resolution, submit to the electors of the 6771  
district pursuant to section 133.18 of the Revised Code the 6772  
question of issuing securities for the purpose of paying the cost, 6773  
in excess of any insurance or condemnation proceeds received by 6774  
the district, of permanent improvements to respond to the 6775  
emergency need. 6776

(3) The procedures for the election shall be as provided in 6777  
section 133.18 of the Revised Code, except that: 6778

(a) The form of the ballot shall describe the emergency 6779  
existing, refer to this division as the authority under which the 6780  
emergency is declared, and state that the amount of the proposed 6781  
securities exceeds the limitations prescribed by division (B) of 6782  
this section; 6783

(b) The resolution required by division (B) of section 133.18 6784  
of the Revised Code shall be certified to the county auditor and 6785  
the board of elections at least seventy-five days prior to the 6786  
election; 6787

(c) The county auditor shall advise and, not later than 6788

sixty-five days before the election, confirm that advice by 6789  
certification to, the board of education of the information 6790  
required by division (C) of section 133.18 of the Revised Code; 6791

(d) The board of education shall then certify its resolution 6792  
and the information required by division (D) of section 133.18 of 6793  
the Revised Code to the board of elections not less than sixty 6794  
days prior to the election. 6795

(4) Notwithstanding division (B) of section 133.21 of the 6796  
Revised Code, the first principal payment of securities issued 6797  
under this division may be set at any date not later than sixty 6798  
months after the earliest possible principal payment otherwise 6799  
provided for in that division. 6800

(G) The board of education may contract with an architect, 6801  
professional engineer, or other person experienced in the design 6802  
and implementation of energy conservation measures for an analysis 6803  
and recommendations pertaining to installations, modifications of 6804  
installations, or remodeling that would significantly reduce 6805  
energy consumption in buildings owned by the district. The report 6806  
shall include estimates of all costs of such installations, 6807  
modifications, or remodeling, including costs of design, 6808  
engineering, installation, maintenance, repairs, and debt service, 6809  
and estimates of the amounts by which energy consumption and 6810  
resultant operational and maintenance costs, as defined by the 6811  
Ohio school facilities commission, would be reduced. 6812

If the board finds after receiving the report that the amount 6813  
of money the district would spend on such installations, 6814  
modifications, or remodeling is not likely to exceed the amount of 6815  
money it would save in energy and resultant operational and 6816  
maintenance costs over the ensuing fifteen years, the board may 6817  
submit to the commission a copy of its findings and a request for 6818  
approval to incur indebtedness to finance the making or 6819

modification of installations or the remodeling of buildings for 6820  
the purpose of significantly reducing energy consumption. 6821

If the commission determines that the board's findings are 6822  
reasonable, it shall approve the board's request. Upon receipt of 6823  
the commission's approval, the district may issue securities 6824  
without a vote of the electors in a principal amount not to exceed 6825  
nine-tenths of one per cent of its tax valuation for the purpose 6826  
of making such installations, modifications, or remodeling, but 6827  
the total net indebtedness of the district without a vote of the 6828  
electors incurred under this and all other sections of the Revised 6829  
Code, except section 3318.052 of the Revised Code, shall not 6830  
exceed one per cent of the district's tax valuation. 6831

So long as any securities issued under division (G) of this 6832  
section remain outstanding, the board of education shall monitor 6833  
the energy consumption and resultant operational and maintenance 6834  
costs of buildings in which installations or modifications have 6835  
been made or remodeling has been done pursuant to division (G) of 6836  
this section and shall maintain and annually update a report 6837  
documenting the reductions in energy consumption and resultant 6838  
operational and maintenance cost savings attributable to such 6839  
installations, modifications, or remodeling. The report shall be 6840  
certified by an architect or engineer independent of any person 6841  
that provided goods or services to the board in connection with 6842  
the energy conservation measures that are the subject of the 6843  
report. The resultant operational and maintenance cost savings 6844  
shall be certified by the school district treasurer. The report 6845  
shall be made available to the commission upon request. 6846

(H) With the consent of the superintendent of public 6847  
instruction, a school district may incur without a vote of the 6848  
electors net indebtedness that exceeds the amounts stated in 6849  
divisions (A) and (G) of this section for the purpose of paying 6850  
costs of permanent improvements, if and to the extent that both of 6851

the following conditions are satisfied:

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(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

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Revised Code, including the cost of items designated by the Ohio 6883  
school facilities commission as required locally funded 6884  
initiatives and the cost for site acquisition. The school 6885  
facilities commission shall notify the superintendent of public 6886  
instruction whenever a school district will exceed either limit 6887  
pursuant to this division. 6888

(J) A school district whose portion of the basic project cost 6889  
of its classroom facilities project under sections 3318.01 to 6890  
3318.20 of the Revised Code is greater than or equal to one 6891  
hundred million dollars may incur without a vote of the electors 6892  
net indebtedness in an amount up to two per cent of its tax 6893  
valuation through the issuance of general obligation securities in 6894  
order to generate all or part of the amount of its portion of the 6895  
basic project cost if the controlling board has approved the 6896  
school facilities commission's conditional approval of the project 6897  
under section 3318.04 of the Revised Code. The school district 6898  
board and the Ohio school facilities commission shall include the 6899  
dedication of the proceeds of such securities in the agreement 6900  
entered into under section 3318.08 of the Revised Code. No state 6901  
moneys shall be released for a project to which this section 6902  
applies until the proceeds of any bonds issued under this section 6903  
that are dedicated for the payment of the school district portion 6904  
of the project are first deposited into the school district's 6905  
project construction fund. 6906

**Sec. 133.12.** (A) If the tax commissioner determines that 6907  
funds are not otherwise available for the purpose, the taxing 6908  
authority of a subdivision having general property taxing power 6909  
may issue general obligation securities in case of any of the 6910  
following: 6911

(1) An epidemic or threatened epidemic, or during an unusual 6912  
prevalence of a dangerous communicable disease, to defray those 6913

expenses that the board of health having jurisdiction within the 6914  
subdivision considers necessary to prevent the spread of the 6915  
epidemic or disease; 6916

(2) The destruction of an essential permanent improvement by 6917  
fire, flood, or extraordinary catastrophe, to provide temporary 6918  
necessary facilities in place of that permanent improvement; 6919

(3) A special election called after the adoption of the 6920  
annual appropriation measure, to pay the costs of that election 6921  
payable by the subdivision; 6922

(4) Within a quarantined area, the outbreak or infestation of 6923  
the pest for which the quarantined area was established, to defray 6924  
those expenses that the subdivision considers necessary to combat 6925  
the pest, including removal or complete destruction of plants that 6926  
are dead or dying from the pest. 6927

(B) One-half of the principal amount of the securities issued 6928  
under this section prior to the effective date of this amendment 6929  
shall mature on the first day of June next following the next 6930  
February tax settlement at which, in accordance with the statutory 6931  
tax budget procedure, a property tax to pay the debt charges on 6932  
the securities can be included in the budget, and the other 6933  
one-half of the principal amount shall mature on the next 6934  
following first day of December. The last maturity of the 6935  
securities issued under this section on and after the effective 6936  
date of this amendment shall be not later than the last day of 6937  
December of the tenth year following the year in which the 6938  
securities are first issued. A property tax shall be levied to pay 6939  
debt charges on ~~these~~ any of those securities. 6940

(C) As used in this section: 6941

(1) "Pest" has the same meaning as in section 927.51 of the 6942  
Revised Code. 6943

(2) "Quarantined area" has the same meaning as in section 6944  
927.39 of the Revised Code. 6945

**Sec. 133.18.** (A) The taxing authority of a subdivision may by 6946  
legislation submit to the electors of the subdivision the question 6947  
of issuing any general obligation bonds, for one purpose, that the 6948  
subdivision has power or authority to issue. 6949

(B) When the taxing authority of a subdivision desires or is 6950  
required by law to submit the question of a bond issue to the 6951  
electors, it shall pass legislation that does all of the 6952  
following: 6953

(1) Declares the necessity and purpose of the bond issue; 6954

(2) States the date of the authorized election at which the 6955  
question shall be submitted to the electors; 6956

(3) States the amount, approximate date, estimated rate of 6957  
interest, and maximum number of years over which the principal of 6958  
the bonds may be paid; 6959

(4) Declares the necessity of levying a tax outside the tax 6960  
limitation to pay the debt charges on the bonds and any 6961  
anticipatory securities. 6962

The estimated rate of interest, and any statutory or charter 6963  
limit on interest ~~rate~~ rates that may then be in effect and that 6964  
is subsequently amended, shall not be a limitation on the actual 6965  
interest rate or rates on the securities when issued. 6966

(C)(1) The taxing authority shall certify a copy of the 6967  
legislation passed under division (B) of this section to the 6968  
county auditor. The county auditor shall promptly calculate and 6969  
advise and, not later than seventy-five days before the election, 6970  
confirm that advice by certification to, the taxing authority the 6971  
estimated average annual property tax levy, expressed in cents or 6972  
dollars and cents for each one hundred dollars of tax valuation 6973

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 obtain the assistance of the county auditors of the other counties, and those county auditors shall provide assistance, in establishing the tax valuation of the subdivision for purposes of certifying the estimated average annual property tax levy.

(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.

(D) After receiving the county auditor's advice under division (C) of this section, the taxing authority by legislation may determine to proceed with submitting the question of the issue of securities, and shall, not later than the seventy-fifth day before the day of the election, file the following with the board of elections:

(1) Copies of the legislation provided for in divisions (B) 7006  
and (D) of this section; 7007

(2) The amount of the estimated average annual property tax 7008  
levy, expressed in cents or dollars and cents for each one hundred 7009  
dollars of tax valuation and in mills for each one dollar of tax 7010  
valuation, as estimated and certified to the taxing authority by 7011  
the county auditor. 7012

(E)(1) The board of elections shall prepare the ballots and 7013  
make other necessary arrangements for the submission of the 7014  
question to the electors of the subdivision. If the subdivision is 7015  
located in more than one county, the board shall inform the boards 7016  
of elections of the other counties of the filings with it, and 7017  
those other boards shall if appropriate make the other necessary 7018  
arrangements for the election in their counties. The election 7019  
shall be conducted, canvassed, and certified in the manner 7020  
provided in Title XXXV of the Revised Code. 7021

(2) The election shall be held at the regular places for 7022  
voting in the subdivision. If the electors of only a part of a 7023  
precinct are qualified to vote at the election the board of 7024  
elections may assign the electors in that part to an adjoining 7025  
precinct, including an adjoining precinct in another county if the 7026  
board of elections of the other county consents to and approves 7027  
the assignment. Each elector so assigned shall be notified of that 7028  
fact prior to the election by notice mailed by the board of 7029  
elections, in such manner as it determines, prior to the election. 7030

(3) The board of elections shall publish a notice of the 7031  
election, in one or more newspapers of general circulation in the 7032  
subdivision, at least once no later than ten days prior to the 7033  
election. The notice shall state all of the following: 7034

(a) The principal amount of the proposed bond issue; 7035

(b) The stated purpose for which the bonds are to be issued; 7036

(c) The maximum number of years over which the principal of the bonds may be paid; 7037  
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(d) The estimated additional 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, to be levied outside the tax limitation, as estimated and certified to the taxing authority by the county auditor; 7039  
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(e) The first calendar year in which the tax is expected to be due. 7044  
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(F)(1) The form of the ballot to be used at the election shall be substantially either of the following, as applicable: 7046  
 7047

(a) "Shall bonds be issued by the ..... (name of subdivision) for the purpose of ..... (purpose of the bond issue) in the principal amount of ..... (principal amount of the bond issue), to be repaid annually over a maximum period of ..... (the maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ..... (as applicable, "ten-mill" or "...charter tax") limitation, estimated by the county auditor to average over the repayment period of the bond issue ..... (number of mills) mills for each one dollar of tax valuation, which amounts to ..... (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each one hundred dollars of tax valuation, commencing in ..... (first year the tax will be levied), first due in calendar year ..... (first calendar year in which the tax shall be due), to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds? 7048  
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	For the bond issue
	Against the bond issue

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(b) In the case of an election held pursuant to legislation 7069  
adopted under section 3375.43 or 3375.431 of the Revised Code: 7070

"Shall bonds be issued for ..... (name of library) for 7071  
the purpose of ..... (purpose of the bond issue), in the 7072  
principal amount of ..... (amount of the bond issue) by 7073  
..... (the name of the subdivision that is to issue the bonds 7074  
and levy the tax) as the issuer of the bonds, to be repaid 7075  
annually over a maximum period of ..... (the maximum number 7076  
of years over which the principal of the bonds may be paid) years, 7077  
and an annual levy of property taxes be made outside the ten-mill 7078  
limitation, estimated by the county auditor to average over the 7079  
repayment period of the bond issue ..... (number of mills) 7080  
mills for each one dollar of tax valuation, which amounts to 7081  
..... (rate expressed in cents or dollars and cents, such as 7082  
"36 cents" or "\$1.41") for each one hundred dollars of tax 7083  
valuation, commencing in ..... (first year the tax will be 7084  
levied), first due in calendar year ..... (first calendar 7085  
year in which the tax shall be due), to pay the annual debt 7086  
charges on the bonds, and to pay debt charges on any notes issued 7087  
in anticipation of those bonds? 7088

	For the bond issue
	Against the bond issue

"

7089

(2) The purpose for which the bonds are to be issued shall be 7093  
printed in the space indicated, in boldface type. 7094

(G) The board of elections shall promptly certify the results 7095  
of the election to the tax commissioner, the county auditor of 7096  
each county in which any part of the subdivision is located, and 7097  
the fiscal officer of the subdivision. The election, including the 7098

proceedings for and result of the election, is incontestable other 7099  
than in a contest filed under section 3515.09 of the Revised Code 7100  
in which the plaintiff prevails. 7101

(H) If a majority of the electors voting upon the question 7102  
vote for it, the taxing authority of the subdivision may proceed 7103  
under sections 133.21 to 133.33 of the Revised Code with the 7104  
issuance of the securities and with the levy and collection of a 7105  
property tax outside the tax limitation during the period the 7106  
securities are outstanding sufficient in amount to pay the debt 7107  
charges on the securities, including debt charges on any 7108  
anticipatory securities required to be paid from that tax. If 7109  
legislation passed under section 133.22 or 133.23 of the Revised 7110  
Code authorizing those securities is filed with the county auditor 7111  
on or before the last day of November, the amount of the voted 7112  
property tax levy required to pay debt charges or estimated debt 7113  
charges on the securities payable in the following year shall if 7114  
requested by the taxing authority be included in the taxes levied 7115  
for collection in the following year under section 319.30 of the 7116  
Revised Code. 7117

(I)(1) If, before any securities authorized at an election 7118  
under this section are issued, the net indebtedness of the 7119  
subdivision exceeds that applicable to that subdivision or those 7120  
securities, then and so long as that is the case none of the 7121  
securities may be issued. 7122

(2) No securities authorized at an election under this 7123  
section may be initially issued after the first day of the sixth 7124  
January following the election, but this period of limitation 7125  
shall not run for any time during which any part of the permanent 7126  
improvement for which the securities have been authorized, or the 7127  
issuing or validity of any part of the securities issued or to be 7128  
issued, or the related proceedings, is involved or questioned 7129  
before a court or a commission or other tribunal, administrative 7130

agency, or board.

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(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.

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(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.

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(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 amount of the securities, including anticipatory securities, authorized has theretofore been issued, or if the securities are to be issued for the purpose of participating in any federally or state-assisted program.

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(6) The certificate of the fiscal officer of the subdivision is conclusive proof of the facts referred to in this division.

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**Sec. 141.08.** The chief justice of the supreme court shall receive ~~his~~ the actual and necessary expenses incurred while performing ~~his~~ official duties under the law and the constitution in determining the disqualification or disability of any judge of the court of common pleas or of the court of appeals, to be paid from the state treasury upon the warrant of the ~~auditor of state~~ director of budget and management.

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**Sec. 141.10.** (A) In addition to the annual salary and expenses provided for in sections 141.04 and 2501.15 of the Revised Code, each judge of a court of appeals who holds court in a county in which ~~he~~ the judge does not reside shall receive ~~his~~

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the judge's actual and necessary expenses incurred while so 7161  
holding court. Those expenses shall be paid by the treasurer of 7162  
state upon the warrant of the ~~auditor of state~~ director of budget 7163  
and management. 7164

(B) In addition to the annual salary and expenses provided 7165  
for in sections 141.04 and 2501.15 of the Revised Code, each judge 7166  
of a court of appeals who is assigned by the chief justice of the 7167  
supreme court to aid in disposing of business of a district other 7168  
than that in which ~~he~~ the judge is elected or appointed, shall 7169  
receive fifty dollars per day for each day of the assignment. The 7170  
per diem compensation shall be paid from the treasury of the 7171  
county to which the judge is so assigned upon the warrant of the 7172  
auditor of that county. 7173

**Sec. 145.70.** All amounts due the public employees retirement 7174  
system from the state treasury pursuant to this chapter shall be 7175  
promptly paid upon warrant of the ~~auditor of state~~ director of 7176  
budget and management pursuant to a voucher approved by the 7177  
director ~~of budget and management~~. 7178

**Sec. 173.14.** As used in sections 173.14 to ~~173.26~~ 173.27 of 7179  
the Revised Code: 7180

(A)(1) Except as otherwise provided in division (A)(2) of 7181  
this section, "long-term care facility" includes any residential 7182  
facility that provides personal care services for more than 7183  
twenty-four hours for two or more unrelated adults, including all 7184  
of the following: 7185

(a) A "nursing home," "residential care facility," or "home 7186  
for the aging" as defined in section 3721.01 of the Revised Code; 7187

(b) A facility authorized to provide extended care services 7188  
under Title XVIII of the "Social Security Act," 49 Stat. 620 7189  
(1935), 42 U.S.C. 301, as amended; 7190

(c) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;	7191 7192
(d) An "adult care facility" as defined in section 3722.01 of the Revised Code;	7193 7194
(e) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;	7195 7196 7197 7198
(f) An adult foster home certified under section 173.36 of the Revised Code.	7199 7200
(2) "Long-term care facility" does not include a "residential facility" as defined in section 5119.22 of the Revised Code or a "residential facility" as defined in section 5123.19 of the Revised Code.	7201 7202 7203 7204
(B) "Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility.	7205 7206 7207
(C) "Community-based long-term care services" means health and social services provided to persons in their own homes or in community care settings, and includes any of the following:	7208 7209 7210
(1) Case management;	7211
(2) Home health care;	7212
(3) Homemaker services;	7213
(4) Chore services;	7214
(5) Respite care;	7215
(6) Adult day care;	7216
(7) Home-delivered meals;	7217
(8) Personal care;	7218

(9) Physical, occupational, and speech therapy;	7219
(10) <u>Transportation</u> ;	7220
(11) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings.	7221 7222 7223
(D) "Recipient" means a recipient of community-based long-term care services and, where appropriate, includes a prospective, previous, or deceased recipient of community-based long-term care services.	7224 7225 7226 7227
(E) "Sponsor" means an adult relative, friend, or guardian who has an interest in or responsibility for the welfare of a resident or a recipient.	7228 7229 7230
(F) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.	7231 7232
(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.	7233 7234 7235 7236
(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.	7237 7238 7239 7240 7241
(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.	7242 7243 7244
<b><u>Sec. 173.27.</u></b> (A) As used in this section:	7245
(1) <u>"Applicant" means a person who is under final consideration for employment with the office of the state</u>	7246 7247

long-term care ombudsperson program in a full-time, part-time, or 7248  
temporary position that involves providing ombudsperson services 7249  
to residents and recipients. "Applicant" includes a person who is 7250  
under final consideration for employment as the state long-term 7251  
care ombudsperson or the head of a regional long-term care 7252  
ombudsperson program. "Applicant" does not include a person who 7253  
provides ombudsperson services to residents and recipients as a 7254  
volunteer without receiving or expecting to receive any form of 7255  
remuneration other than reimbursement for actual expenses. 7256

(2) "Criminal records check" has the same meaning as in 7257  
section 109.572 of the Revised Code. 7258

(B)(1) The state long-term care ombudsperson or the 7259  
ombudsperson's designee shall request that the superintendent of 7260  
the bureau of criminal identification and investigation conduct a 7261  
criminal records check with respect to each applicant. However, if 7262  
the applicant is under final consideration for employment as the 7263  
state long-term care ombudsperson, the director of aging shall 7264  
request that the superintendent conduct the criminal records 7265  
check. If an applicant for whom a criminal records check request 7266  
is required under this division does not present proof of having 7267  
been a resident of this state for the five-year period immediately 7268  
prior to the date the criminal records check is requested or 7269  
provide evidence that within that five-year period the 7270  
superintendent has requested information about the applicant from 7271  
the federal bureau of investigation in a criminal records check, 7272  
the ombudsperson, designee, or director shall request that the 7273  
superintendent obtain information from the federal bureau of 7274  
investigation as part of the criminal records check of the 7275  
applicant. Even if an applicant for whom a criminal records check 7276  
request is required under this division presents proof of having 7277  
been a resident of this state for the five-year period, the 7278  
ombudsperson, designee, or director may request that the 7279

superintendent include information from the federal bureau of 7280  
investigation in the criminal records check. 7281

(2) A person required by division (B)(1) of this section to 7282  
request a criminal records check shall do both of the following: 7283

(a) Provide to each applicant for whom a criminal records 7284  
check request is required under that division a copy of the form 7285  
prescribed pursuant to division (C)(1) of section 109.572 of the 7286  
Revised Code and a standard fingerprint impression sheet 7287  
prescribed pursuant to division (C)(2) of that section, and obtain 7288  
the completed form and impression sheet from the applicant; 7289

(b) Forward the completed form and impression sheet to the 7290  
superintendent of the bureau of criminal identification and 7291  
investigation. 7292

(3) An applicant provided the form and fingerprint impression 7293  
sheet under division (B)(2)(a) of this section who fails to 7294  
complete the form or provide fingerprint impressions shall not be 7295  
employed in any position for which a criminal records check is 7296  
required by this section. 7297

(C)(1) Except as provided in rules adopted by the director of 7298  
aging in accordance with division (F) of this section and subject 7299  
to division (C)(2) of this section, the office of the state 7300  
long-term care ombudsperson may not employ a person in a position 7301  
that involves providing ombudsperson services to residents and 7302  
recipients if the person has been convicted of or pleaded guilty 7303  
to any of the following: 7304

(a) A violation of section 2903.01, 2903.02, 2903.03, 7305  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7306  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 7307  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 7308  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 7309  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 7310

2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 7311  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 7312  
2925.22, 2925.23, or 3716.11 of the Revised Code. 7313

(b) A violation of an existing or former law of this state, 7314  
any other state, or the United States that is substantially 7315  
equivalent to any of the offenses listed in division (C)(1)(a) of 7316  
this section. 7317

(2)(a) The office of the state long-term care ombudsperson 7318  
program may employ conditionally an applicant for whom a criminal 7319  
records check request is required under division (B) of this 7320  
section prior to obtaining the results of a criminal records check 7321  
regarding the individual, provided that the state long-term care 7322  
ombudsperson, ombudsperson's designee, or director of aging shall 7323  
request a criminal records check regarding the individual in 7324  
accordance with division (B)(1) of this section not later than 7325  
five business days after the individual begins conditional 7326  
employment. 7327

(b) The office of the state long-term care ombudsperson 7328  
program shall terminate the employment of an individual employed 7329  
conditionally under division (C)(2)(a) of this section if the 7330  
results of the criminal records check request under division (B) 7331  
of this section, other than the results of any request for 7332  
information from the federal bureau of investigation, are not 7333  
obtained within the period ending sixty days after the date the 7334  
request is made. Regardless of when the results of the criminal 7335  
records check are obtained, if the results indicate that the 7336  
individual has been convicted of or pleaded guilty to any of the 7337  
offenses listed or described in division (C)(1) of this section, 7338  
the office shall terminate the individual's employment unless the 7339  
office chooses to employ the individual pursuant to division (F) 7340  
of this section. Termination of employment under this division 7341  
shall be considered just cause for discharge for purposes of 7342

division (D)(2) of section 4141.29 of the Revised Code if the 7343  
individual makes any attempt to deceive the office about the 7344  
individual's criminal record. 7345

(D)(1) The office of the state long-term care ombudsperson 7346  
program shall pay to the bureau of criminal identification and 7347  
investigation the fee prescribed pursuant to division (C)(3) of 7348  
section 109.572 of the Revised Code for each criminal records 7349  
check conducted pursuant to a request made under division (B) of 7350  
this section. 7351

(2) The office of the state long-term care ombudsperson 7352  
program may charge an applicant a fee not exceeding the amount the 7353  
office pays under division (D)(1) of this section. The office may 7354  
collect a fee only if the office notifies the applicant at the 7355  
time of initial application for employment of the amount of the 7356  
fee. 7357

(E) The report of any criminal records check conducted 7358  
pursuant to a request made under this section is not a public 7359  
record for the purposes of section 149.43 of the Revised Code and 7360  
shall not be made available to any person other than the 7361  
following: 7362

(1) The individual who is the subject of the criminal records 7363  
check or the individual's representative; 7364

(2) The state long-term care ombudsperson, ombudsperson's 7365  
designee, director of health, or the ombudsperson, designee, or 7366  
director's representative; 7367

(3) If the state long-term care ombudsperson designates the 7368  
head or other employee of a regional long-term care ombudsperson 7369  
program to request a criminal records check under this section, a 7370  
representative of the office of the state long-term care 7371  
ombudsperson program who is responsible for monitoring the 7372  
regional program's compliance with this section; 7373

(4) A court, hearing officer, or other necessary individual 7374  
involved in a case dealing with a denial of employment of the 7375  
applicant or dealing with employment or unemployment benefits of 7376  
the applicant. 7377

(F) The director of aging shall adopt rules in accordance 7378  
with Chapter 119. of the Revised Code to implement this section. 7379  
The rules shall specify circumstances under which the office of 7380  
the state long-term care ombudsperson program may employ a person 7381  
who has been convicted of or pleaded guilty to an offense listed 7382  
or described in division (C)(1) of this section but meets personal 7383  
character standards set by the director. 7384

(G) The office of the state long-term care ombudsperson 7385  
program shall inform each person, at the time of initial 7386  
application for a position that involves providing ombudsperson 7387  
services to residents and recipients, that the person is required 7388  
to provide a set of fingerprint impressions and that a criminal 7389  
records check is required to be conducted if the person comes 7390  
under final consideration for employment. 7391

(H) In a tort or other civil action for damages that is 7392  
brought as the result of an injury, death, or loss to person or 7393  
property caused by an individual who the office of the state 7394  
long-term care ombudsperson program employs in a position that 7395  
involves providing ombudsperson services to residents and 7396  
recipients, all of the following shall apply: 7397

(1) If the office employed the individual in good faith and 7398  
reasonable reliance on the report of a criminal records check 7399  
requested under this section, the office shall not be found 7400  
negligent solely because of its reliance on the report, even if 7401  
the information in the report is determined later to have been 7402  
incomplete or inaccurate. 7403

(2) If the office employed the individual in good faith on a 7404

conditional basis pursuant to division (C)(2) of this section, the 7405  
office shall not be found negligent solely because it employed the 7406  
individual prior to receiving the report of a criminal records 7407  
check requested under this section. 7408

(3) If the office in good faith employed the individual 7409  
according to the personal character standards established in rules 7410  
adopted under division (F) of this section, the office shall not 7411  
be found negligent solely because the individual prior to being 7412  
employed had been convicted of or pleaded guilty to an offense 7413  
listed or described in division (C)(1) of this section. 7414

**Sec. 173.39.** (A) As used in sections 173.39 to ~~173.393~~ 7415  
173.394 of the Revised Code, "community-based:" 7416

(1) "Community-based long-term care agency" means a person or 7417  
government entity that provides community-based long-term care 7418  
services under a program the department of aging administers, 7419  
regardless of whether the person or government entity is certified 7420  
under section 173.391 or authorized to receive payment for the 7421  
services from the department under section 173.392 of the Revised 7422  
Code. "Community-based long-term care agency" includes a person or 7423  
government entity that provides home and community-based services 7424  
to older adults through the PASSPORT program created under section 7425  
173.40 of the Revised Code. 7426

(2) "Community-based long-term care services" has the same 7427  
meaning as in section 173.14 of the Revised Code. 7428

(B) Except as provided in section 173.392 of the Revised 7429  
Code, the department of aging may not pay a person or government 7430  
entity for providing community-based long-term care services under 7431  
a program the department administers unless the person or 7432  
government entity is certified under section 173.391 of the 7433  
Revised Code and provides the services. 7434

Sec. 173.391. (A) The department of aging or its designee 7435  
shall do all of the following in accordance with Chapter 119. of 7436  
the Revised Code: 7437

(1) Certify a person or government entity to provide 7438  
community-based long-term care services under a program the 7439  
department administers if the person or government entity 7440  
satisfies the requirements for certification established by rules 7441  
adopted under division (B) of this section; 7442

(2) When required to do so by rules adopted under division 7443  
(B) of this section, take one or more of the following 7444  
disciplinary actions against a person or government entity issued 7445  
a certificate under division (A)(1) of this section: 7446

(a) Issue a written warning; 7447

(b) Require the submission of a plan of correction; 7448

(c) Suspend referrals; 7449

(d) Remove clients; 7450

(e) Impose a fiscal sanction such as a civil monetary penalty 7451  
or an order that unearned funds be repaid; 7452

(f) Revoke the certificate; 7453

(g) Impose another sanction. 7454

(3) Hold hearings when there is a dispute between the 7455  
department or its designee and a person or government entity 7456  
concerning actions the department or its designee takes or does 7457  
not take under division (A)(1) or (2)(c) to (g) of this section. 7458

(B) The director of aging shall adopt rules in accordance 7459  
with Chapter 119. of the Revised Code establishing certification 7460  
requirements and standards for determining which type of 7461  
disciplinary action to take under division (A)(2) of this section 7462  
in individual situations. The rules shall establish procedures for 7463

all of the following: 7464

(1) Ensuring that ~~PASSPORT~~ community-based long-term care 7465  
agencies, ~~as defined in section 173.41 of the Revised Code,~~ comply 7466  
with ~~that~~ section 173.394 of the Revised Code; 7467

(2) Evaluating the services provided to ensure that they are 7468  
provided in a quality manner advantageous to the individual 7469  
receiving the services; 7470

(3) Determining when to take disciplinary action under 7471  
division (A)(2) of this section and which disciplinary action to 7472  
take. 7473

(C) The procedures established in rules adopted under 7474  
division (B)(2) of this section shall require that all of the 7475  
following be considered as part of an evaluation: 7476

(1) The service provider's experience and financial 7477  
responsibility; 7478

(2) The service provider's ability to comply with standards 7479  
for the community-based long-term care services that the provider 7480  
provides under a program the department administers; 7481

(3) The service provider's ability to meet the needs of the 7482  
individuals served; 7483

(4) Any other factor the director considers relevant. 7484

(D) The rules adopted under division (B)(3) of this section 7485  
shall specify that the reasons disciplinary action may be taken 7486  
under division (A)(2) of this section include good cause, 7487  
including misfeasance, malfeasance, nonfeasance, confirmed abuse 7488  
or neglect, financial irresponsibility, or other conduct the 7489  
director determines is injurious to the health or safety of 7490  
individuals being served. 7491

**Sec. ~~173.41~~ 173.394.** (A) As used in this section: 7492

(1) "Applicant" means a person who is under final 7493  
consideration for employment with a ~~PASSPORT~~ community-based 7494  
long-term care agency in a full-time, part-time, or temporary 7495  
position that involves providing direct care to an ~~elder adult~~ 7496  
individual. "Applicant" does not include a person who provides 7497  
direct care as a volunteer without receiving or expecting to 7498  
receive any form of remuneration other than reimbursement for 7499  
actual expenses. 7500

(2) "Criminal records check" ~~and "elder adult" have~~ has the 7501  
same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 7502

~~(3) "PASSPORT agency" means a public or private entity that~~ 7503  
~~provides home and community-based services to older adults through~~ 7504  
~~the PASSPORT program created under section 173.40 of the Revised~~ 7505  
~~Code.~~ 7506

(B)(1) Except as provided in division (I) of this section, 7507  
the chief administrator of a ~~PASSPORT~~ community-based long-term 7508  
care agency shall request that the superintendent of the bureau of 7509  
criminal identification and investigation conduct a criminal 7510  
records check with respect to each applicant. If an applicant for 7511  
whom a criminal records check request is required under this 7512  
division does not present proof of having been a resident of this 7513  
state for the five-year period immediately prior to the date the 7514  
criminal records check is requested or provide evidence that 7515  
within that five-year period the superintendent has requested 7516  
information about the applicant from the federal bureau of 7517  
investigation in a criminal records check, the chief administrator 7518  
shall request that the superintendent obtain information from the 7519  
federal bureau of investigation as part of the criminal records 7520  
check of the applicant. Even if an applicant for whom a criminal 7521  
records check request is required under this division presents 7522  
proof of having been a resident of this state for the five-year 7523  
period, the chief administrator may request that the 7524

superintendent include information from the federal bureau of 7525  
investigation in the criminal records check. 7526

(2) A person required by division (B)(1) of this section to 7527  
request a criminal records check shall do both of the following: 7528

(a) Provide to each applicant for whom a criminal records 7529  
check request is required under that division a copy of the form 7530  
prescribed pursuant to division (C)(1) of section 109.572 of the 7531  
Revised Code and a standard fingerprint impression sheet 7532  
prescribed pursuant to division (C)(2) of that section, and obtain 7533  
the completed form and impression sheet from the applicant; 7534

(b) Forward the completed form and impression sheet to the 7535  
superintendent of the bureau of criminal identification and 7536  
investigation. 7537

(3) An applicant provided the form and fingerprint impression 7538  
sheet under division (B)(2)(a) of this section who fails to 7539  
complete the form or provide fingerprint impressions shall not be 7540  
employed in any position for which a criminal records check is 7541  
required by this section. 7542

(C)(1) Except as provided in rules adopted by the department 7543  
of aging in accordance with division (F) of this section and 7544  
subject to division (C)(2) of this section, no ~~PASSPORT~~ 7545  
community-based long-term care agency shall employ a person in a 7546  
position that involves providing direct care to an ~~elder adult~~ 7547  
individual if the person has been convicted of or pleaded guilty 7548  
to any of the following: 7549

(a) A violation of section 2903.01, 2903.02, 2903.03, 7550  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7551  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 7552  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 7553  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 7554  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 7555

2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 7556  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 7557  
2925.22, 2925.23, or 3716.11 of the Revised Code. 7558

(b) A violation of an existing or former law of this state, 7559  
any other state, or the United States that is substantially 7560  
equivalent to any of the offenses listed in division (C)(1)(a) of 7561  
this section. 7562

(2)(a) A ~~PASSPORT~~ community-based long-term care agency may 7563  
employ conditionally an applicant for whom a criminal records 7564  
check request is required under division (B) of this section prior 7565  
to obtaining the results of a criminal records check regarding the 7566  
individual, provided that the agency shall request a criminal 7567  
records check regarding the individual in accordance with division 7568  
(B)(1) of this section not later than five business days after the 7569  
individual begins conditional employment. In the circumstances 7570  
described in division (I)(2) of this section, a ~~PASSPORT~~ 7571  
community-based long-term care agency may employ conditionally an 7572  
applicant who has been referred to the ~~PASSPORT~~ agency by an 7573  
employment service that supplies full-time, part-time, or 7574  
temporary staff for positions involving the direct care of ~~elder~~ 7575  
~~adults~~ individuals and for whom, pursuant to that division, a 7576  
criminal records check is not required under division (B) of this 7577  
section. 7578

(b) A ~~PASSPORT~~ community-based long-term care agency that 7579  
employs an individual conditionally under authority of division 7580  
(C)(2)(a) of this section shall terminate the individual's 7581  
employment if the results of the criminal records check request 7582  
under division (B) of this section or described in division (I)(2) 7583  
of this section, other than the results of any request for 7584  
information from the federal bureau of investigation, are not 7585  
obtained within the period ending sixty days after the date the 7586  
request is made. Regardless of when the results of the criminal 7587

records check are obtained, if the results indicate that the 7588  
individual has been convicted of or pleaded guilty to any of the 7589  
offenses listed or described in division (C)(1) of this section, 7590  
the agency shall terminate the individual's employment unless the 7591  
agency chooses to employ the individual pursuant to division (F) 7592  
of this section. Termination of employment under this division 7593  
shall be considered just cause for discharge for purposes of 7594  
division (D)(2) of section 4141.29 of the Revised Code if the 7595  
individual makes any attempt to deceive the agency about the 7596  
individual's criminal record. 7597

(D)(1) Each ~~PASSPORT~~ community-based long-term care agency 7598  
shall pay to the bureau of criminal identification and 7599  
investigation the fee prescribed pursuant to division (C)(3) of 7600  
section 109.572 of the Revised Code for each criminal records 7601  
check conducted pursuant to a request made under division (B) of 7602  
this section. 7603

(2) A ~~PASSPORT~~ community-based long-term care agency may 7604  
charge an applicant a fee not exceeding the amount the agency pays 7605  
under division (D)(1) of this section. An agency may collect a fee 7606  
only if both of the following apply: 7607

(a) The agency notifies the person at the time of initial 7608  
application for employment of the amount of the fee and that, 7609  
unless the fee is paid, the person will not be considered for 7610  
employment; 7611

(b) The ~~medical assistance~~ medicaid program established under 7612  
Chapter 5111. of the Revised Code does not reimburse the agency 7613  
the fee it pays under division (D)(1) of this section. 7614

(E) The report of any criminal records check conducted 7615  
pursuant to a request made under this section is not a public 7616  
record for the purposes of section 149.43 of the Revised Code and 7617  
shall not be made available to any person other than the 7618

following: 7619

(1) The individual who is the subject of the criminal records check or the individual's representative; 7620 7621

(2) The chief administrator of the agency requesting the criminal records check or the administrator's representative; 7622 7623

(3) The administrator of any other facility, agency, or program that provides direct care to ~~elder adults~~ individuals that is owned or operated by the same entity that owns or operates the ~~PASSPORT~~ community-based long-term care agency; 7624 7625 7626 7627

(4) The director of aging or a person authorized by the director to monitor a community-based long-term care agency's compliance with this section; 7628 7629 7630

(5) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant; 7631 7632 7633 7634

~~(5)~~(6) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section. 7635 7636

(F) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a ~~PASSPORT~~ community-based long-term care agency may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the department. 7637 7638 7639 7640 7641 7642 7643

(G) The chief administrator of a ~~PASSPORT~~ community-based long-term care agency shall inform each person, at the time of initial application for a position that involves providing direct care to an ~~elder adult~~ individual, that the person is required to provide a set of fingerprint impressions and that a criminal 7644 7645 7646 7647 7648

records check is required to be conducted if the person comes 7649  
under final consideration for employment. 7650

(H) In a tort or other civil action for damages that is 7651  
brought as the result of an injury, death, or loss to person or 7652  
property caused by an individual who a ~~PASSPORT~~ community-based 7653  
long-term care agency employs in a position that involves 7654  
providing direct care to ~~elder adults~~ individuals, all of the 7655  
following shall apply: 7656

(1) If the agency employed the individual in good faith and 7657  
reasonable reliance on the report of a criminal records check 7658  
requested under this section, the agency shall not be found 7659  
negligent solely because of its reliance on the report, even if 7660  
the information in the report is determined later to have been 7661  
incomplete or inaccurate; 7662

(2) If the agency employed the individual in good faith on a 7663  
conditional basis pursuant to division (C)(2) of this section, the 7664  
agency shall not be found negligent solely because it employed the 7665  
individual prior to receiving the report of a criminal records 7666  
check requested under this section; 7667

(3) If the agency in good faith employed the individual 7668  
according to the personal character standards established in rules 7669  
adopted under division (F) of this section, the agency shall not 7670  
be found negligent solely because the individual prior to being 7671  
employed had been convicted of or pleaded guilty to an offense 7672  
listed or described in division (C)(1) of this section. 7673

(I)(1) The chief administrator of a ~~PASSPORT~~ community-based 7674  
long-term care agency is not required to request that the 7675  
superintendent of the bureau of criminal identification and 7676  
investigation conduct a criminal records check of an applicant if 7677  
the applicant has been referred to the agency by an employment 7678  
service that supplies full-time, part-time, or temporary staff for 7679

positions involving the direct care of ~~elder adults~~ individuals 7680  
and both of the following apply: 7681

(a) The chief administrator receives from the employment 7682  
service or the applicant a report of the results of a criminal 7683  
records check regarding the applicant that has been conducted by 7684  
the superintendent within the one-year period immediately 7685  
preceding the applicant's referral; 7686

(b) The report of the criminal records check demonstrates 7687  
that the person has not been convicted of or pleaded guilty to an 7688  
offense listed or described in division (C)(1) of this section, or 7689  
the report demonstrates that the person has been convicted of or 7690  
pleaded guilty to one or more of those offenses, but the ~~PASSPORT~~ 7691  
community-based long-term care agency chooses to employ the 7692  
individual pursuant to division (F) of this section. 7693

(2) The chief administrator of a ~~PASSPORT~~ community-based 7694  
long-term care agency is not required to request that the 7695  
superintendent of the bureau of criminal identification and 7696  
investigation conduct a criminal records check of an applicant and 7697  
may employ the applicant conditionally as described in this 7698  
division, if the applicant has been referred to the agency by an 7699  
employment service that supplies full-time, part-time, or 7700  
temporary staff for positions involving the direct care of ~~elder~~ 7701  
~~adults~~ individuals and if the chief administrator receives from 7702  
the employment service or the applicant a letter from the 7703  
employment service that is on the letterhead of the employment 7704  
service, dated, and signed by a supervisor or another designated 7705  
official of the employment service and that states that the 7706  
employment service has requested the superintendent to conduct a 7707  
criminal records check regarding the applicant, that the requested 7708  
criminal records check will include a determination of whether the 7709  
applicant has been convicted of or pleaded guilty to any offense 7710  
listed or described in division (C)(1) of this section, that, as 7711

of the date set forth on the letter, the employment service had 7712  
not received the results of the criminal records check, and that, 7713  
when the employment service receives the results of the criminal 7714  
records check, it promptly will send a copy of the results to the 7715  
~~PASSPORT~~ community-based long-term care agency. If a ~~PASSPORT~~ 7716  
community-based long-term care agency employs an applicant 7717  
conditionally in accordance with this division, the employment 7718  
service, upon its receipt of the results of the criminal records 7719  
check, promptly shall send a copy of the results to the ~~PASSPORT~~ 7720  
community-based long-term care agency, and division (C)(2)(b) of 7721  
this section applies regarding the conditional employment. 7722

**Sec. 184.20.** ~~(A)~~ A member of the third frontier commission or 7723  
a member of the third frontier advisory board shall not ~~do either~~ 7724  
~~of the following:~~ 7725

~~(1) Receive~~ receive support under section 184.11 of the 7726  
Revised Code. 7727

~~(2) Receive any financial gain from an entity that is awarded~~ 7728  
~~support under section 184.11 of the Revised Code if that financial~~ 7729  
~~gain is directly related to, or is the direct result of, the~~ 7730  
~~awarding of such support.~~ 7731

~~(B)~~ A member who violates ~~division (A)~~ of this section shall 7732  
forfeit the support ~~or financial gain~~ received and shall pay the 7733  
amount forfeited to the third frontier commission. 7734

**Sec. 307.761.** A board of county commissioners may maintain 7735  
and operate a facility to encourage the study of and promote the 7736  
sciences and natural history, or it may contract with or 7737  
contribute to a nonprofit corporation to develop, maintain, and 7738  
operate such a facility if the nonprofit corporation is organized, 7739  
in whole or in part, for the purpose of encouraging the study of 7740  
and to promote the sciences and natural history. 7741

Sec. 319.301. (A) This section does not apply to any of the	7742
following:	7743
(1) Taxes levied at whatever rate is required to produce a	7744
specified amount of tax money, <u>including a tax levied under</u>	7745
<u>section 5705.211 of the Revised Code</u> , or an amount to pay debt	7746
charges;	7747
(2) Taxes levied within the one per cent limitation imposed	7748
by Section 2 of Article XII, Ohio Constitution;	7749
(3) Taxes provided for by the charter of a municipal	7750
corporation.	7751
(B) As used in this section:	7752
(1) "Real property" includes real property owned by a	7753
railroad.	7754
(2) "Carryover property" means all real property on the	7755
current year's tax list except:	7756
(a) Land and improvements that were not taxed by the district	7757
in both the preceding year and the current year;	7758
(b) Land and improvements that were not in the same class in	7759
both the preceding year and the current year.	7760
(3) "Effective tax rate" means with respect to each class of	7761
property:	7762
(a) The sum of the total taxes that would have been charged	7763
and payable for current expenses against real property in that	7764
class if each of the district's taxes were reduced for the current	7765
year under division (D)(1) of this section without regard to the	7766
application of division (E)(3) of this section divided by	7767
(b) The taxable value of all real property in that class.	7768
(4) "Taxes charged and payable" means the taxes charged and	7769

payable prior to any reduction required by section 319.302 of the Revised Code. 7770  
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(C) The tax commissioner shall make the determinations 7772  
required by this section each year, without regard to whether a 7773  
taxing district has territory in a county to which section 5715.24 7774  
of the Revised Code applies for that year. Separate determinations 7775  
shall be made for each of the two classes established pursuant to 7776  
section 5713.041 of the Revised Code. 7777

(D) With respect to each tax authorized to be levied by each 7778  
taxing district, the tax commissioner, annually, shall do both of 7779  
the following: 7780

(1) Determine by what percentage, if any, the sums levied by 7781  
such tax against the carryover property in each class would have 7782  
to be reduced for the tax to levy the same number of dollars 7783  
against such property in that class in the current year as were 7784  
charged against such property by such tax in the preceding year 7785  
subsequent to the reduction made under this section but before the 7786  
reduction made under section 319.302 of the Revised Code. In the 7787  
case of a tax levied for the first time that is not a renewal of 7788  
an existing tax, the commissioner shall determine by what 7789  
percentage the sums that would otherwise be levied by such tax 7790  
against carryover property in each class would have to be reduced 7791  
to equal the amount that would have been levied if the full rate 7792  
thereof had been imposed against the total taxable value of such 7793  
property in the preceding tax year. A tax or portion of a tax that 7794  
is designated a replacement levy under section 5705.192 of the 7795  
Revised Code is not a renewal of an existing tax for purposes of 7796  
this division. 7797

(2) Certify each percentage determined in division (D)(1) of 7798  
this section, as adjusted under division (E) of this section, and 7799  
the class of property to which that percentage applies to the 7800

auditor of each county in which the district has territory. The 7801  
auditor, after complying with section 319.30 of the Revised Code, 7802  
shall reduce the sum to be levied by such tax against each parcel 7803  
of real property in the district by the percentage so certified 7804  
for its class. Certification shall be made by the first day of 7805  
September except in the case of a tax levied for the first time, 7806  
in which case certification shall be made within fifteen days of 7807  
the date the county auditor submits the information necessary to 7808  
make the required determination. 7809

(E)(1) As used in division (E)(2) of this section, "pre-1982 7810  
joint vocational taxes" means, with respect to a class of 7811  
property, the difference between the following amounts: 7812

(a) The taxes charged and payable in tax year 1981 against 7813  
the property in that class for the current expenses of the joint 7814  
vocational school district of which the school district is a part 7815  
after making all reductions under this section; 7816

(b) The following percentage of the taxable value of all real 7817  
property in that class: 7818

(i) In 1987, five one-hundredths of one per cent; 7819

(ii) In 1988, one-tenth of one per cent; 7820

(iii) In 1989, fifteen one-hundredths of one per cent; 7821

(iv) In 1990 and each subsequent year, two-tenths of one per 7822  
cent. 7823

If the amount in division (E)(1)(b) of this section exceeds 7824  
the amount in division (E)(1)(a) of this section, the pre-1982 7825  
joint vocational taxes shall be zero. 7826

As used in divisions (E)(2) and (3) of this section, "taxes 7827  
charged and payable" has the same meaning as in division (B)(4) of 7828  
this section and excludes any tax charged and payable in 1985 or 7829  
thereafter under sections 5705.194 to 5705.197 or section 5705.213 7830

of the Revised Code. 7831

(2) If in the case of a school district other than a joint 7832  
vocational or cooperative education school district any percentage 7833  
required to be used in division (D)(2) of this section for either 7834  
class of property could cause the total taxes charged and payable 7835  
for current expenses to be less than two per cent of the taxable 7836  
value of all real property in that class that is subject to 7837  
taxation by the district, the commissioner shall determine what 7838  
percentages would cause the district's total taxes charged and 7839  
payable for current expenses against that class, after all 7840  
reductions that would otherwise be made under this section, to 7841  
equal, when combined with the pre-1982 joint vocational taxes 7842  
against that class, the lesser of the following: 7843

(a) The sum of the rates at which those taxes are authorized 7844  
to be levied; 7845

(b) Two per cent of the taxable value of the property in that 7846  
class. The auditor shall use such percentages in making the 7847  
reduction required by this section for that class. 7848

(3)(a) If in the case of a joint vocational school district 7849  
any percentage required to be used in division (D)(2) of this 7850  
section for either class of property could cause the total taxes 7851  
charged and payable for current expenses for that class to be less 7852  
than the designated amount, the commissioner shall determine what 7853  
percentages would cause the district's total taxes charged and 7854  
payable for current expenses for that class, after all reductions 7855  
that would otherwise be made under this section, to equal the 7856  
designated amount. The auditor shall use such percentages in 7857  
making the reductions required by this section for that class. 7858

(b) As used in division (E)(3)(a) of this section, the 7859  
designated amount shall equal the taxable value of all real 7860  
property in the class that is subject to taxation by the district 7861

times the lesser of the following: 7862

(i) Two-tenths of one per cent; 7863

(ii) The district's effective rate plus the following 7864  
percentage for the year indicated: 7865

WHEN COMPUTING THE 7866

TAXES CHARGED FOR ADD THE FOLLOWING PERCENTAGE: 7867

1987	0.025%	7868
1988	0.05%	7869
1989	0.075%	7870
1990	0.1%	7871
1991	0.125%	7872
1992	0.15%	7873
1993	0.175%	7874
1994 and thereafter	0.2%	7875

(F) No reduction shall be made under this section in the rate 7876  
at which any tax is levied. 7877

(G) The commissioner may order a county auditor to furnish 7878  
any information ~~he~~ the commissioner needs to make the 7879  
determinations required under division (D) or (E) of this section, 7880  
and the auditor shall supply the information in the form and by 7881  
the date specified in the order. If the auditor fails to comply 7882  
with an order issued under this division, except for good cause as 7883  
determined by the commissioner, the commissioner shall withhold 7884  
from such county or taxing district therein fifty per cent of 7885  
state revenues to local governments pursuant to section 5747.50 of 7886  
the Revised Code or shall direct the department of education to 7887  
withhold therefrom fifty per cent of state revenues to school 7888  
districts pursuant to Chapter 3317. of the Revised Code. The 7889  
commissioner shall withhold the distribution of such revenues 7890  
until the county auditor has complied with this division, and the 7891  
department shall withhold the distribution of such revenues until 7892

the commissioner has notified the department that the county auditor has complied with this division.

(H) If the commissioner is unable to certify a tax reduction factor for either class of property in a taxing district located in more than one county by the last day of November because information required under division (G) of this section is unavailable, ~~he~~ the commissioner may compute and certify an estimated tax reduction factor for that district for that class. The estimated factor shall be based upon an estimate of the unavailable information. Upon receipt of the actual information for a taxing district that received an estimated tax reduction factor, the commissioner shall compute the actual tax reduction factor and use that factor to compute the taxes that should have been charged and payable against each parcel of property for the year for which the estimated reduction factor was used. The amount by which the estimated factor resulted in an overpayment or underpayment in taxes on any parcel shall be added to or subtracted from the amount due on that parcel in the ensuing tax year.

A percentage or a tax reduction factor determined or computed by the commissioner under this section shall be used solely for the purpose of reducing the sums to be levied by the tax to which it applies for the year for which it was determined or computed. It shall not be used in making any tax computations for any ensuing tax year.

(I) In making the determinations under division (D)(1) of this section, the tax commissioner shall take account of changes in the taxable value of carryover property resulting from complaints filed under section 5715.19 of the Revised Code for determinations made for the tax year in which such changes are reported to the commissioner. Such changes shall be reported to the commissioner on the first abstract of real property filed with

the commissioner under section 5715.23 of the Revised Code 7925  
following the date on which the complaint is finally determined by 7926  
the board of revision or by a court or other authority with 7927  
jurisdiction on appeal. The tax commissioner shall account for 7928  
such changes in making the determinations only for the tax year in 7929  
which the change in valuation is reported. Such a valuation change 7930  
shall not be used to recompute the percentages determined under 7931  
division (D)(1) of this section for any prior tax year. 7932

Sec. 333.01. As used in this chapter: 7933

(A) "County sales and use tax" means the tax levied by a 7934  
county under division (A) of section 5739.021 or division (A) of 7935  
section 5741.021 of the Revised Code that is returned or 7936  
distributed to the county under section 5739.21 or 5741.03 of the 7937  
Revised Code. 7938

(B) "Impact facility" means a permanent structure, including 7939  
all interior or exterior square footage used for educational or 7940  
exhibition activities, that meets all of the following criteria: 7941

(1) It is used for the sale of tangible personal property or 7942  
services; 7943

(2) At least ten per cent of the facility's total square 7944  
footage is dedicated to educational or exhibition activities; 7945

(3) At least fifty million dollars is invested in land, 7946  
buildings, infrastructure, and equipment for the facility at the 7947  
site of the facility over a period of not more than two years; 7948

(4) An annualized average of at least one hundred fifty new 7949  
full-time equivalent positions will be created and maintained at 7950  
the facility; 7951

(5) More than fifty per cent of the visitors to the facility 7952  
are reasonably anticipated to live at least one hundred miles from 7953  
the facility. 7954

(C) "Qualifying investment" means a person's investment in 7955  
land, buildings, infrastructure, and equipment for creating an 7956  
impact facility. 7957

(D) "Full-time equivalent positions" means the total number 7958  
of hours worked at a facility in a work week, divided by forty 7959  
hours per week. 7960

Sec. 333.02. Before December 1, 2006, a board of county 7961  
commissioners of a county that levies a county sales and use tax 7962  
may enter into an agreement with any person that proposes to 7963  
construct an impact facility in the county to provide payments to 7964  
that person of up to seventy-five per cent of the county sales and 7965  
use tax collected on each retail sale made by that person at the 7966  
facility, for a term of up to ten years, or until the person's 7967  
qualifying investment in the impact facility has been realized 7968  
through the payments, whichever occurs first. 7969

Sec. 333.03. (A) A person seeking to enter into an agreement 7970  
and obtain payments under section 333.02 of the Revised Code shall 7971  
provide both of the following to the board of county 7972  
commissioners: 7973

(1) A certification by the person's chief financial officer, 7974  
or the equivalent if that position does not exist, that the 7975  
criteria listed in division (B) of section 333.01 of the Revised 7976  
Code will be met; and 7977

(2) An application on a form or in a format acceptable to the 7978  
board that describes the proposed impact facility, including the 7979  
projected level of investment in and new jobs to be created at the 7980  
facility, the rationale used for determining that more than fifty 7981  
per cent of the facility's visitors live at least one hundred 7982  
miles from the facility, the types of activities to be conducted 7983  
at the facility, the projected levels of sales to occur at the 7984

facility, a calculation of the facility's square footage that will 7985  
be dedicated to educational or exhibition activities, and any 7986  
other information the board of county commissioners reasonably 7987  
requests about the expected operations of the facility. 7988

(B) The board of county commissioners shall request the 7989  
director of development to certify that the proposed facility 7990  
meets the criteria for an impact facility listed in division (B) 7991  
of section 333.01 of the Revised Code. The board of county 7992  
commissioners may, but need not, make findings of fact that a 7993  
proposed facility meets the criteria for an impact facility listed 7994  
in division (B) of section 333.01 of the Revised Code before or 7995  
after requesting the certification. If the director of development 7996  
certifies a proposed facility as an impact facility under this 7997  
section, and if the board makes such findings, the findings and 7998  
certification are conclusive and not subject to reopening at any 7999  
time. 8000

Sec. 333.04. (A) After review of the items submitted under 8001  
division (A) of section 333.03 of the Revised Code, and after 8002  
receipt of the certification from the director of development 8003  
under division (B) of that section, a board of county 8004  
commissioners, before December 1, 2006, may enter into an 8005  
agreement under section 333.02 of the Revised Code, provided that 8006  
the board has determined all of the following: 8007

(1) The proposed impact facility is economically sound; 8008

(2) Construction of the proposed impact facility has not 8009  
begun prior to the day the agreement is entered into; 8010

(3) The impact facility will benefit the county by increasing 8011  
employment opportunities and strengthening the local and regional 8012  
economy; and 8013

(4) Receiving payments from the board of county commissioners 8014

is a major factor in the person's decision to go forward with 8015  
construction of the impact facility. 8016

(B) An agreement entered into under this section shall 8017  
include all of the following: 8018

(1) A description of the impact facility that is the subject 8019  
of the agreement, including the existing investment level, if any, 8020  
the proposed amount of investments, the scheduled starting and 8021  
completion dates for the facility, and the number and type of 8022  
full-time equivalent positions to be created at the facility; 8023

(2) The percentage of the county sales and use tax collected 8024  
at the impact facility that will be used to make payments to the 8025  
person entering into the agreement; 8026

(3) The term of the payments and the first calendar quarter 8027  
in which the person may apply for a payment under section 333.06 8028  
of the Revised Code; 8029

(4) A requirement that the amount of payments made to the 8030  
person during the term established under division (B)(3) of this 8031  
section shall not exceed the person's qualifying investment, and 8032  
that all payments cease when that amount is reached; 8033

(5) A requirement that the person maintain operations at the 8034  
impact facility for at least the term established under division 8035  
(B)(3) of this section; 8036

(6) A requirement that the person annually certify to the 8037  
board of county commissioners, on or before a date established by 8038  
the board in the agreement, the level of investment in, the number 8039  
of employees and type of full-time equivalent positions at, and 8040  
the amount of county sales and use tax collected and remitted to 8041  
the tax commissioner or treasurer of state from sales made at, the 8042  
facility; 8043

(7) A provision stating that the creation of the proposed 8044

impact facility does not involve the relocation of more than ten 8045  
full-time equivalent positions and two million dollars in taxable 8046  
assets to the impact facility from another facility owned by the 8047  
person, or a related member of the person, that is located in 8048  
another political subdivision of this state, other than the 8049  
political subdivision in which the impact facility is or will be 8050  
located; 8051

(8) A provision stating that the person will not relocate 8052  
more than ten full-time equivalent positions and two million 8053  
dollars in taxable assets to the impact facility from another 8054  
facility in another political subdivision of this state during the 8055  
term of the payments without the written approval of the director 8056  
of development; 8057

(9) A detailed explanation of how the person determined that 8058  
more than fifty per cent of the visitors to the facility live at 8059  
least one hundred miles from the facility. 8060

(C) For purposes of this section, the transfer of a full-time 8061  
equivalent position or taxable asset from another political 8062  
subdivision in this state to the political subdivision in which 8063  
the impact facility is or will be located shall be considered a 8064  
relocation, unless the person refills the full-time equivalent 8065  
position, or replaces the taxable asset with an asset of equal or 8066  
greater taxable value, within six months after the transfer. The 8067  
person may not receive a payment under this chapter for any year 8068  
in which more than ten relocations occurred without the written 8069  
consent of the board of county commissioners. 8070

**Sec. 333.05.** (A) If a person fails to meet or comply with any 8071  
provision of an agreement entered into under section 333.02 of the 8072  
Revised Code, the board of county commissioners may amend the 8073  
agreement to reduce the percentage or term, or both, of the 8074  
payments the person is entitled to receive under the agreement. 8075

The reduction shall commence in the calendar quarter immediately following the calendar quarter in which the board amends the agreement. 8076  
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(B) A board of county commissioners shall submit to the department of development and to the tax commissioner a copy of each agreement entered into under section 333.02 of the Revised Code and any modifications to an agreement within thirty days after finalization or modification of the agreement. 8079  
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Sec. 333.06. (A) A person who has entered into an agreement 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. 8084  
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(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: 8095  
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(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 8099  
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notify the board or the commissioner, or both, of the amount 8106  
certified and the date the payment will be made. 8107

(2) If the amount of the payment is less than that claimed on 8108  
the application, the county auditor shall notify the applicant and 8109  
provide to the applicant the reasons why the payment is less than 8110  
that claimed. If the applicant disagrees with the amount of the 8111  
payment, the applicant may file an appeal with the tax 8112  
commissioner pursuant to, and within the time prescribed by, 8113  
section 333.07 of the Revised Code. To assist in reviewing the 8114  
amount under appeal, the county auditor shall provide to the tax 8115  
commissioner any information the commissioner requests. 8116

(C) A payment made under this section or under section 333.07 8117  
of the Revised Code shall not include interest. The amount of the 8118  
payment shall be subject to adjustment by the county auditor, 8119  
based on any refunds of the county sales and use tax that were 8120  
made to the person arising from retail sales at the impact 8121  
facility, including for calendar quarters in which such sales were 8122  
made before the calendar quarter for which the person is 8123  
requesting a payment under this section. 8124

**Sec. 333.07.** (A) An applicant who intends to file an appeal 8125  
with the tax commissioner under division (B)(2) of section 333.06 8126  
of the Revised Code shall have sixty days from the date the county 8127  
auditor mails the notice under that section, as shown by the 8128  
United States postal service postmark, to file with the 8129  
commissioner a notice of objection and to request a hearing. The 8130  
notice of objection shall state the reasons why the applicant 8131  
objects to the amount of the payment to be paid to the applicant 8132  
by the county auditor. 8133

(B)(1) If an applicant who files an appeal with the tax 8134  
commissioner under division (B)(2) of section 333.06 of the 8135  
Revised Code does not file a notice of objection within the time 8136

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. 8137  
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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 shall issue a final determination thereon. 8140  
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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. 8148  
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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. 8155  
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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. 8161  
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**Sec. 340.021.** (A) In an alcohol, drug addiction, and mental 8166

health service district comprised of a county with a population of 8167  
two hundred fifty thousand or more on October 10, 1989, the board 8168  
of county commissioners shall, within thirty days of October 10, 8169  
1989, establish an alcohol and drug addiction services board as 8170  
the entity responsible for providing alcohol and drug addiction 8171  
services in the county, unless, prior to that date, the board 8172  
adopts a resolution providing that the entity responsible for 8173  
providing the services is a board of alcohol, drug addiction, and 8174  
mental health services. If the board of county commissioners 8175  
establishes an alcohol and drug addiction services board, the 8176  
community mental health board established under former section 8177  
340.02 of the Revised Code shall serve as the entity responsible 8178  
for providing mental health services in the county. A community 8179  
mental health board has all the powers, duties, and obligations of 8180  
a board of alcohol, drug addiction, and mental health services 8181  
with regard to mental health services. An alcohol and drug 8182  
addiction services board has all the powers, duties, and 8183  
obligations of a board of alcohol, drug addiction, and mental 8184  
health services with regard to alcohol and drug addiction 8185  
services. Any provision of the Revised Code that refers to a board 8186  
of alcohol, drug addiction, and mental health services with regard 8187  
to mental health services also refers to a community mental health 8188  
board and any provision that refers to a board of alcohol, drug 8189  
addiction, and mental health services with regard to alcohol and 8190  
drug addiction services also refers to an alcohol and drug 8191  
addiction services board. 8192

An alcohol and drug addiction services board shall consist of 8193  
eighteen members, six of whom shall be appointed by the director 8194  
of alcohol and drug addiction services and twelve of whom shall be 8195  
appointed by the board of county commissioners. Of the members 8196  
appointed by the director, one shall be a person who has received 8197  
or is receiving services for alcohol or drug addiction, one shall 8198  
be a parent or relative of such a person, one shall be a 8199

professional in the field of alcohol or drug addiction services, 8200  
and one shall be an advocate for persons receiving treatment for 8201  
alcohol or drug addiction. The membership of the board shall, as 8202  
nearly as possible, reflect the composition of the population of 8203  
the service district as to race and sex. Members shall be 8204  
residents of the service district and shall be interested in 8205  
alcohol and drug addiction services. Requirements for membership, 8206  
including prohibitions against certain family and business 8207  
relationships, and terms of office shall be the same as those for 8208  
members of boards of alcohol, drug addiction, and mental health 8209  
services. 8210

A community mental health board shall consist of eighteen 8211  
members, six of whom shall be appointed by the director of mental 8212  
health and twelve of whom shall be appointed by the board of 8213  
county commissioners. Of the members appointed by the director, 8214  
one shall be a person who has received or is receiving mental 8215  
health services, one shall be a parent or relative of such a 8216  
person, one shall be a psychiatrist or a physician, and one shall 8217  
be a mental health professional. The membership of the board as 8218  
nearly as possible shall reflect the composition of the population 8219  
of the service district as to race and sex. Members shall be 8220  
residents of the service district and shall be interested in 8221  
mental health services. Requirements for membership, including 8222  
prohibitions against certain family and business relationships, 8223  
and terms of office shall be the same as those for members of 8224  
boards of alcohol, drug addiction, and mental health services. 8225

(B) If a board of county commissioners subject to division 8226  
(A) of this section did not adopt a resolution providing for a 8227  
board of alcohol, drug addiction, and mental health services, the 8228  
board of county commissioners may ~~adopt a resolution providing for~~ 8229  
establish such a board, ~~subject to both of~~ in accordance with the 8230  
following procedures: 8231

(1) ~~The resolution shall be adopted not later than January 1, 2004.~~ 8232  
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~~(2) Before adopting the resolution, the board of county commissioners shall provide notice of the proposed resolution to the alcohol and drug services board and the community mental health board and shall provide both boards an opportunity to comment on the proposed resolution. Not later than January 1, 2007, the board of county commissioners shall adopt a resolution expressing its intent to establish a board of alcohol, drug addiction, and mental health services.~~ 8234  
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(2) After adopting a resolution under division (B)(1) of this section, the board of county commissioners shall instruct the county's community mental health board and 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. 8242  
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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. 8250  
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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.~~ 8255  
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**Sec. 901.23.** (A) There is hereby created the farmland preservation advisory board consisting of twelve voting members- 8260  
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~~Not later than sixty days after the effective date of this~~ 8262  
~~section, appointed by the director of agriculture shall appoint~~ 8263  
~~all of the following members to the board as follows:~~ 8264

(1) One member who is a county commissioner or a 8265  
representative of a statewide organization that represents county 8266  
commissioners; 8267

(2) One member who is a township trustee or a representative 8268  
of a statewide organization that represents township trustees; 8269

(3) One representative of the Ohio state university; 8270

(4) One representative of a national nonprofit organization 8271  
dedicated to the preservation of farmland; 8272

~~(5) One representative of the natural resources conservation~~ 8273  
~~service in the United States department of agriculture;~~ 8274

~~(6)~~ One representative each of development, environmental, 8275  
~~and~~ planning, and soil and water conservation interests; 8276

~~(7)~~(6) One farmer from each of the state's four quadrants. 8277

~~Of the initial appointments to the board, four shall serve~~ 8278  
~~for a one year term, four shall serve for a two year term, and~~ 8279  
~~four shall serve for a three year term. Thereafter, terms~~ Terms of 8280  
office shall be staggered and shall be for three years, with each 8281  
term ending on the same day of the same month as did the term that 8282  
it succeeds. Each member shall hold office from the date of 8283  
appointment until the end of the term for which the member was 8284  
appointed, except that the term of any member who is a county 8285  
commissioner or township trustee shall end when the member ceases 8286  
to serve as a county commissioner or township trustee. 8287

Members may be reappointed. Vacancies shall be filled in the 8288  
manner provided for original appointments. Any member appointed to 8289  
fill a vacancy occurring prior to the expiration date of the term 8290  
for which the member was appointed shall serve for the remainder 8291

of that term. A member shall continue to serve subsequent to the 8292  
expiration date of the member's term until the member's successor 8293  
takes office or until a period of sixty days has elapsed, 8294  
whichever occurs first. Members shall serve at the pleasure of the 8295  
director. 8296

The executive director of the office of farmland preservation 8297  
in the department of agriculture or another employee of the 8298  
department who is designated by the director shall serve as the 8299  
nonvoting chairperson of the board. The director annually shall 8300  
designate one member of the board to serve as its 8301  
vice-chairperson. The board may adopt bylaws governing its 8302  
operation and shall meet at a time when the director, or the 8303  
director's designee, considers it appropriate in order for the 8304  
board to provide advice as required under division (B) of this 8305  
section. 8306

(B) The board shall provide advice to the director regarding 8307  
all of the following: 8308

(1) The design and implementation of an agricultural easement 8309  
purchase program; 8310

(2) The selection of applications that will be awarded 8311  
matching grants under division (D) of section 901.22 of the 8312  
Revised Code for the purchase of agricultural easements; 8313

(3) The design and implementation of any other statewide 8314  
farmland protection measures that the director considers 8315  
appropriate. 8316

(C) Serving as a member of the board does not constitute 8317  
holding a public office or position of employment under the laws 8318  
of this state and does not constitute grounds for removal of 8319  
public officers or employees from their offices or positions of 8320  
employment. 8321

(D) A board member shall be reimbursed for actual and 8322  
necessary expenses incurred in the discharge of duties as a board 8323  
member. 8324

**Sec. 927.39.** (A) As used in this section and in sections 8325  
927.40 to 927.42 of the Revised Code: 8326

(1) "Pest" has the same meaning as in section 927.51 of the 8327  
Revised Code. 8328

(2) "Quarantined area" means an area that is quarantined by 8329  
the director of agriculture under section 927.71 of the Revised 8330  
Code or by the United States department of agriculture. 8331

(B) Counties, townships, and municipal corporations may, upon 8332  
the vote of the board of county commissioners, the board of 8333  
township trustees, or the legislative authority of any municipal 8334  
corporation, purchase or rent ~~spraying~~ equipment and may purchase 8335  
supplies designed to combat ~~dutch elm disease and phloem necrosis,~~ 8336  
~~commonly known as "elmblight,"~~ a pest for which a quarantined area 8337  
is established and may contract for the hire of necessary 8338  
employees to operate such equipment and carry out sections 927.39 8339  
to 927.42, ~~inclusive,~~ of the Revised Code. Payment for such 8340  
equipment or its use, supplies, and wages as are contracted for 8341  
may be provided out of the general fund of such subdivision. 8342

Any two or more counties, townships, municipal corporations, 8343  
or any combination of such subdivisions, may jointly contract for 8344  
the purchase or renting of such ~~spraying~~ equipment, the purchase 8345  
of such supplies, and for the hiring of such employees to conduct 8346  
a joint effort to combat ~~dutch elm disease and phloem necrosis~~ a 8347  
pest for which a quarantined area is established; the payment for 8348  
such equipment, supplies, and labor may be made jointly, in such 8349  
proportions as the board of county commissioners, the board of 8350  
township trustees, or the legislative authority of a municipal 8351

corporation may agree upon, out of the general fund of any such 8352  
subdivision. 8353

**Sec. 927.40.** The board of county commissioners, board of 8354  
township trustees, or legislative authority of a municipal 8355  
corporation may authorize an agent to enter upon any lands in a 8356  
quarantined area within the subdivisions for the sole purpose of 8357  
inspecting such lands for the existence of ~~dutch elm disease or~~ 8358  
~~phloem necrosis~~ the pest for which the quarantined area has been 8359  
established. Such powers of inspection may be exercised by any 8360  
such subdivision, through its agent, solely to prepare a campaign 8361  
within the subdivision against ~~such plant diseases~~ a pest for 8362  
which a quarantined area is established. 8363

**Sec. 927.41.** Upon the purchase or rental of ~~spraying~~ 8364  
equipment and the purchase of supplies to combat ~~dutch elm disease~~ 8365  
~~and phloem necrosis~~ a pest for which a quarantined area is 8366  
established, the agents of the board of county commissioners, 8367  
board of township trustees, or legislative authority of a 8368  
municipal corporation may contact the owners of land in the 8369  
quarantined area within the subdivision, to obtain permission to 8370  
enter upon such lands to ~~spray and treat trees upon such land~~ 8371  
combat that pest. After obtaining such permission, such agents may 8372  
enter upon such land and ~~spray and treat such trees~~ combat that 8373  
pest as the owner agrees ~~shall be so treated~~, and the board of 8374  
county commissioners, board of township trustees, or legislative 8375  
authority of the municipal corporation may charge ~~such~~ fees for 8376  
such ~~treatment efforts~~ as will cover the actual costs of such 8377  
~~treatment~~ the efforts. 8378

In the same manner, plants that are dead or dying ~~trees~~ 8379  
~~infested with the carrier beetles of the dutch elm disease~~ from a 8380  
pest may be removed or completely destroyed ~~by burning~~ at the cost 8381  
of the landowner. 8382

**Sec. 927.42.** (A) The board of county commissioners, the board of township trustees, or the legislative authority of any municipal corporation may obtain the assistance of the ~~departments~~ department of agriculture ~~of Ohio~~ or ~~of~~ the United States department of agriculture upon any problem ~~which~~ that arises in connection with combating dutch elm disease and phloem necrosis.

(B) If the board of county commissioners, the board of township trustees, or the legislative authority of a municipal corporation issues general obligation securities under division (A)(4) of section 133.12 of the Revised Code, that board of county commissioners, board of township trustees, or legislative authority, whichever is applicable, shall do both of the following:

(1) Notify the director of agriculture of that fact;

(2) Coordinate and comply with the protocols and directives established by the director with respect to the quarantined area or the pest for which a quarantined area is established.

**Sec. 955.011.** (A) When an application is made for registration of a an assistance dog ~~that is in training to become or serves as a guide or leader for a blind person or as a listener for a deaf person, that is in training to provide or provides support or assistance for a mobility impaired person, or that is in training to become or serves as a seizure assistance, seizure response, or seizure alert dog for a person with a seizure disorder,~~ and the owner can show proof by certificate or other means that the dog is ~~in training or has been trained for that purpose by a nonprofit special agency engaged in such work~~ an assistance dog, the owner of ~~such a guide, leader, hearing, support, seizure assistance, seizure response, or seizure alert~~ the dog shall be exempt from any fee for ~~such~~ the registration.

Registration for ~~such a~~ an assistance dog in training or serving 8413  
as a ~~guide or leader for a blind person, as a listener for a deaf~~ 8414  
~~person, as a support dog for a mobility impaired person, or as a~~ 8415  
~~seizure assistance, seizure response, or seizure alert dog for a~~ 8416  
person with a seizure disorder shall be permanent and not subject 8417  
to annual renewal so long as the dog is ~~in training or so~~ serves 8418  
an assistance dog. Certificates and tags stamped "Ohio ~~Service~~ 8419  
Assistance Dog-Permanent Registration," with registration number, 8420  
shall be issued upon registration of such a dog. Any certificate 8421  
and tag stamped "Ohio Guide Dog-Permanent Registration" or "Ohio 8422  
Hearing Dog-Permanent Registration," with registration number, 8423  
that was issued for a dog in accordance with this section as it 8424  
existed prior to July 4, 1984, ~~and~~ any certificate and tag stamped 8425  
"Ohio Handicapped Assistance Dog-Permanent Registration," with 8426  
registration number, that was issued for a dog in accordance with 8427  
this section as it existed on and after July 5, 1984, ~~and but~~ 8428  
prior to ~~the effective date of this amendment~~ November 26, 2004, 8429  
and any certificate and tag stamped "Ohio Service Dog-Permanent 8430  
Registration," with registration number, that was issued for a dog 8431  
in accordance with this section as it existed on and after 8432  
November 26, 2004, but prior to the effective date of this 8433  
amendment shall remain in effect as valid proof of the 8434  
registration of the dog on and after ~~the effective date of this~~ 8435  
~~amendment~~ November 26, 2004. Duplicate certificates and tags for a 8436  
dog registered in accordance with this section, upon proper proof 8437  
of loss, shall be issued and no fee required. Each duplicate 8438  
certificate and tag that is issued shall be stamped "Ohio ~~Service~~ 8439  
Assistance Dog-Permanent Registration." 8440

(B) As used in this section and in sections 955.16 and 955.43 8441  
of the Revised Code: 8442

(1) "Mobility impaired person" means any person, regardless 8443  
of age, who is subject to a physiological defect or deficiency 8444

regardless of its cause, nature, or extent that renders the person  
unable to move about without the aid of crutches, a wheelchair, or  
any other form of support, or that limits the person's functional  
ability to ambulate, climb, descend, sit, rise, or ~~to~~ perform any  
related function. "Mobility impaired person" includes a person  
with a neurological or psychological disability that limits the  
person's functional ability to ambulate, climb, descend, sit,  
rise, or perform any related function. "Mobility impaired person"  
also includes a person with a seizure disorder.

(2) "Blind" means either of the following:

(a) Vision twenty/two hundred or less in the better eye with  
proper correction-*i*

(b) Field defect in the better eye with proper correction  
~~which~~ that contracts the peripheral field so that the diameter of  
the visual field subtends an angle no greater than twenty degrees.

(3) "Assistance dog" means a guide dog, hearing dog, or  
service dog that has been trained by a nonprofit special agency.

(4) "Guide dog" means a dog that has been trained or is in  
training to assist a blind person.

(5) "Hearing dog" means a dog that has been trained or is in  
training to assist a deaf or hearing-impaired person.

(6) "Service dog" means a dog that has been trained or is in  
training to assist a mobility impaired person.

**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:

(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 8474  
registration list maintained by the warden and the county auditor 8475  
of the county where the dog is registered, the necessity of 8476  
destroying the dog shall be certified by a licensed veterinarian 8477  
or a registered veterinary technician. If the dog is not 8478  
registered, the decision to destroy it shall be made by the 8479  
warden. 8480

(2) The dog is currently registered on the registration list 8481  
maintained by the warden and the auditor of the county where the 8482  
dog is registered and the attempts to notify the owner, keeper, or 8483  
harborer under section 955.12 of the Revised Code have failed, in 8484  
which case the dog shall be kept, housed, and fed for fourteen 8485  
days for the purpose of redemption. 8486

(3) The warden has contacted the owner, keeper, or harborer 8487  
under section 955.12 of the Revised Code, and the owner, keeper, 8488  
or harborer has requested that the dog remain in the pound or 8489  
animal shelter until the owner, harborer, or keeper redeems the 8490  
dog. The time for such redemption shall be not more than 8491  
forty-eight hours following the end of the appropriate redemption 8492  
period. 8493

At any time after such periods of redemption, any dog not 8494  
redeemed shall be donated to any nonprofit special agency that is 8495  
engaged in the training of any type of assistance dogs ~~to serve as~~ 8496  
~~guide or leader dogs for blind persons, hearing dogs for deaf~~ 8497  
~~persons, or support dogs for mobility impaired persons~~ and that 8498  
requests that the dog be donated to it. Any dog not redeemed that 8499  
is not requested by such an agency may be sold, except that no dog 8500  
sold to a person other than a nonprofit teaching or research 8501  
institution or organization of the type described in division (B) 8502  
of this section shall be discharged from the pound or animal 8503  
shelter until the animal has been registered and furnished with a 8504  
valid registration tag. 8505

(B) Any dog that is not redeemed within the applicable period 8506  
as specified in this section or section 955.12 of the Revised Code 8507  
from the time notice is mailed to its owner, keeper, or harborer 8508  
or is posted at the pound or animal shelter, as required by 8509  
section 955.12 of the Revised Code, and that is not required to be 8510  
donated to a nonprofit special agency engaged in the training of 8511  
~~guide, leader, hearing, or support~~ any type of assistance dogs 8512  
may, upon payment to the dog warden or poundkeeper of the sum of 8513  
three dollars, be sold to any nonprofit Ohio institution or 8514  
organization that is certified by the Ohio public health council 8515  
as being engaged in teaching or research concerning the prevention 8516  
and treatment of diseases of human beings or animals. Any dog that 8517  
is donated to a nonprofit special agency engaged in the training 8518  
of ~~guide, leader, hearing, or support~~ any type of assistance dogs, 8519  
in accordance with division (A) of this section and any dog that 8520  
is sold to any nonprofit teaching or research institution or 8521  
organization shall be discharged from the pound or animal shelter 8522  
without registration and may be kept by the agency or by the 8523  
institution or organization without registration so long as the 8524  
dog is being trained, or is being used for teaching and research 8525  
purposes. 8526

Any institution or organization certified by the Ohio public 8527  
health council that obtains dogs for teaching and research 8528  
purposes pursuant to this section shall, at all reasonable times, 8529  
make the dogs available for inspection by agents of the Ohio 8530  
humane society, appointed pursuant to section 1717.04 of the 8531  
Revised Code, and agents of county humane societies, appointed 8532  
pursuant to section 1717.06 of the Revised Code, in order that the 8533  
agents may prevent the perpetration of any act of cruelty, as 8534  
defined in section 1717.01 of the Revised Code, to the dogs. 8535

(C) Any dog that the dog warden or poundkeeper is unable to 8536  
dispose of, in the manner provided by this section and section 8537

955.18 of the Revised Code, may be humanely destroyed, except that  
no dog shall be destroyed until twenty-four hours after it has  
been offered to a nonprofit teaching or research institution or  
organization, as provided in this section, that has made a request  
for dogs to the dog warden or poundkeeper.

(D) An owner of a dog that is wearing a valid registration  
tag who presents the dog to the dog warden or poundkeeper may  
specify in writing that the dog shall not be offered to a  
nonprofit teaching or research institution or organization, as  
provided in this section.

(E) A record of all dogs impounded, the disposition of the  
same, the owner's name and address, if known, and a statement of  
costs assessed against the dogs shall be kept by the poundkeeper,  
and ~~he~~ the poundkeeper shall furnish a transcript thereof to the  
county treasurer quarterly.

A record of all dogs received and the source that supplied  
them shall be kept, for a period of three years from the date of  
acquiring the dogs, by all institutions or organizations engaged  
in teaching or research concerning the prevention and treatment of  
diseases of human beings or animals.

(F) No person shall destroy any dog by the use of a high  
altitude decompression chamber or by any method other than a  
method that immediately and painlessly renders the dog initially  
unconscious and subsequently dead.

**Sec. 955.43.** (A) When either a blind, deaf or hearing  
impaired, or mobility impaired person or a trainer of an  
assistance dog is accompanied by a an assistance dog that serves  
~~as or is in training to become a guide, leader, listener, or~~  
~~support dog for the person, and the person can show proof by~~  
~~certificate or other means that the dog leading the person,~~

~~listening for the person, or providing support or assistance for~~ 8568  
~~the person has been or is being trained for that purpose by a~~ 8569  
~~nonprofit special agency engaged in such work, the person or the~~ 8570  
~~trainer, as applicable,~~ is entitled to the full and equal 8571  
accommodations, advantages, facilities, and privileges of all 8572  
public conveyances, hotels, lodging places, all places of public 8573  
accommodation, amusement, or resort, all institutions of 8574  
education, and other places to which the general public is 8575  
invited, and may take the dog into such conveyances and places, 8576  
subject only to the conditions and limitations applicable to all 8577  
persons not so accompanied, except that: 8578

(1) The dog shall not occupy a seat in any public conveyance. 8579

(2) The dog shall be upon a leash while using the facilities 8580  
of a common carrier. 8581

(3) Any dog in training to become ~~a guide, leader, listener,~~ 8582  
~~or support~~ an assistance dog shall be covered by a liability 8583  
insurance policy provided by the nonprofit special agency engaged 8584  
in such work protecting members of the public against personal 8585  
injury or property damage caused by the dog. 8586

(B) No person shall deprive a blind, deaf or hearing 8587  
impaired, or mobility impaired person or a trainer of an 8588  
assistance dog who is accompanied by an assistance dog of any of 8589  
the advantages, facilities, or privileges provided in division (A) 8590  
of this section, nor charge the ~~blind, deaf, or mobility impaired~~ 8591  
person or trainer a fee or charge for the dog. 8592

(C) As used in this section, "institutions of education" 8593  
means: 8594

(1) Any state university or college as defined in section 8595  
3345.32 of the Revised Code; 8596

(2) Any private college or university that holds a 8597  
certificate of authorization issued by the Ohio board of regents 8598

pursuant to Chapter 1713. of the Revised Code;	8599
(3) Any elementary or secondary school operated by a board of education;	8600 8601
(4) Any chartered or nonchartered nonpublic elementary or secondary school;	8602 8603
(5) Any school issued a certificate of registration by the state board of career colleges and schools.	8604 8605
<b>Sec. 1309.102.</b> (A) As used in this chapter, unless the context requires otherwise:	8606 8607
(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.	8608 8609 8610
(2)(a) "Account," except as used in "account for," means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state.	8611 8612 8613 8614 8615 8616 8617 8618 8619 8620 8621 8622 8623 8624
(b) "Account" includes health-care insurance receivables.	8625
(c) "Account" does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v)	8626 8627 8628

letter-of-credit rights or letters of credit, or (vi) rights to  
payment for money or funds advanced or sold, other than rights  
arising out of the use of a credit or charge card or information  
contained on or for use with the card.

(3) "Account debtor" means a person who is obligated on an  
account, chattel paper, or general intangible. "Account debtor"  
does not include a person who is obligated to pay a negotiable  
instrument, even if the instrument constitutes part of chattel  
paper.

(4) "Accounting," except as used in "accounting for," means a  
record:

(a) Authenticated by a secured party;

(b) Indicating the aggregate unpaid secured obligations as of  
a date not more than thirty-five days earlier or thirty-five days  
later than the date of the record; and

(c) Identifying the components of the obligations in  
reasonable detail.

(5) "Agricultural lien" means an interest, other than a  
security interest, in farm products:

(a) That secures payment or performance of an obligation for:

(i) Goods or services furnished in connection with a debtor's  
farming operation; or

(ii) Rent on real property leased by a debtor in connection  
with its farming operation.

(b) That is created by statute in favor of a person who:

(i) In the ordinary course of business, furnished goods or  
services to a debtor in connection with the debtor's farming  
operation; or

(ii) Leased real property to a debtor in connection with the

debtor's farming operation; and	8658
(c) Whose effectiveness does not depend on the person's possession of the personal property.	8659 8660
(6) "As-extracted collateral" means:	8661
(a) Oil, gas, or other minerals that are subject to a security interest that:	8662 8663
(i) Is created by a debtor having an interest in the minerals before extraction; and	8664 8665
(ii) Attaches to the minerals as extracted; or	8666
(b) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.	8667 8668 8669
(7) "Authenticate" means:	8670
(a) To sign; or	8671
(b) To execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the present intent of the authenticating person to identify the person and adopt or accept a record.	8672 8673 8674 8675
(8) "Bank" means an organization that is engaged in the business of banking. "Bank" includes savings banks, savings and loan associations, credit unions, and trust companies.	8676 8677 8678
(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.	8679 8680
(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.	8681 8682 8683 8684 8685
(11)(a) "Chattel paper" means a record that evidences both a	8686

monetary obligation and a security interest in specific goods, a 8687  
security interest in specific goods and software used in the 8688  
goods, a security interest in specific goods and license of 8689  
software used in the goods, a lease of specific goods, or a lease 8690  
of specific goods and license of software used in the goods. 8691

As used in division (A)(11)(a) of this section, "monetary 8692  
obligation" means a monetary obligation secured by the goods or 8693  
owed under a lease of the goods and includes a monetary obligation 8694  
with respect to software used in the goods. 8695

(b) If a transaction is evidenced by records that include an 8696  
instrument or series of instruments, the group of records taken 8697  
together constitutes chattel paper. 8698

(c) "Chattel paper" does not include (i) charters or other 8699  
contracts involving the use or hire of a vessel or (ii) records 8700  
that evidence a right to payment arising out of the use of a 8701  
credit or charge card or information contained on or for use with 8702  
the card. 8703

(12) "Collateral" means the property subject to a security 8704  
interest or agricultural lien, including: 8705

(a) Proceeds to which a security interest attaches; 8706

(b) Accounts, chattel paper, payment intangibles, and 8707  
promissory notes that have been sold; and 8708

(c) Goods that are the subject of a consignment. 8709

(13) "Commercial tort claim" means a claim arising in tort 8710  
with respect to which: 8711

(a) The claimant is an organization; or 8712

(b) The claimant is an individual, and the claim: 8713

(i) Arose in the course of the claimant's business or 8714  
profession; and 8715

(ii) Does not include damages arising out of personal injury 8716  
to or the death of an individual. 8717

(14) "Commodity account" means an account maintained by a 8718  
commodity intermediary in which a commodity contract is carried 8719  
for a commodity customer. 8720

(15) "Commodity contract" means a commodity futures contract, 8721  
an option on a commodity futures contract, a commodity option, or 8722  
another contract if the contract or option is: 8723

(a) Traded on or subject to the rules of a board of trade 8724  
that has been designated as a contract market for such a contract 8725  
pursuant to the federal commodities laws; or 8726

(b) Traded on a foreign commodity board of trade, exchange, 8727  
or market and is carried on the books of a commodity intermediary 8728  
for a commodity customer. 8729

(16) "Commodity customer" means a person for whom a commodity 8730  
intermediary carries a commodity contract on its books. 8731

(17) "Commodity intermediary" means a person that: 8732

(a) Is registered as a futures commission merchant under the 8733  
federal commodities laws; or 8734

(b) In the ordinary course of its business provides clearance 8735  
or settlement services for a board of trade that has been 8736  
designated as a contract market pursuant to the federal 8737  
commodities laws. 8738

(18) "Communicate" means: 8739

(a) To send a written or other tangible record; 8740

(b) To transmit a record by any means agreed upon by the 8741  
persons sending and receiving the record; or 8742

(c) In the case of transmission of a record to or by a filing 8743  
office, to transmit a record by any means prescribed by 8744

filing-office rule.	8745
(19) "Consignee" means a merchant to whom goods are delivered in a consignment.	8746 8747
(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:	8748 8749 8750
(a) The merchant:	8751
(i) Deals in goods of that kind under a name other than the name of the person making delivery;	8752 8753
(ii) Is not an auctioneer; and	8754
(iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;	8755 8756
(b) With respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery.	8757 8758
(c) The goods are not consumer goods immediately before delivery; and	8759 8760
(d) The transaction does not create a security interest that secures an obligation.	8761 8762
(21) "Consignor" means a person that delivers goods to a consignee in a consignment.	8763 8764
(22) "Consumer debtor" means a debtor in a consumer transaction.	8765 8766
(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.	8767 8768
(24) "Consumer-goods transaction" means a consumer transaction in which:	8769 8770
(a) An individual incurs an obligation primarily for personal, family, or household purposes; and	8771 8772

(b) A security interest in consumer goods secures the obligation. 8773  
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(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. 8775  
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(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. 8778  
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(27) "Continuation statement" means an amendment of a financing statement that: 8784  
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(a) Identifies, by its file number, the initial financing statement to which it relates; and 8786  
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(b) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement. 8788  
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(28) "Debtor" means: 8791

(a) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor; 8792  
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(b) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or 8795  
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(c) A consignee. 8797

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank but does not include investment property or accounts evidenced by an instrument. 8798  
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(30) "Document" means a document of title or a receipt of the type described in division (B) of section 1307.06 of the Revised Code.	8802 8803 8804
(31) "Electronic chattel paper" means chattel paper evidenced by a record consisting of information stored in an electronic medium.	8805 8806 8807
(32) "Encumbrance" means a right, other than an ownership interest, in real property. "Encumbrance" includes mortgages and other liens on real property.	8808 8809 8810
(33) "Equipment" means goods other than inventory, farm products, or consumer goods.	8811 8812
(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and that are:	8813 8814 8815
(a) Crops grown, growing, or to be grown, including:	8816
(i) Crops produced on trees, vines, and bushes; and	8817
(ii) Aquatic goods produced in aquacultural operations;	8818
(b) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;	8819 8820
(c) Supplies used or produced in a farming operation; or	8821
(d) Products of crops or livestock in their unmanufactured states.	8822 8823
(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.	8824 8825 8826
(36) "File number" means the number assigned to an initial financing statement under division (A) of section 1309.519 of the Revised Code.	8827 8828 8829
(37) "Filing office" means an office designated in section	8830

1309.501 of the Revised Code as the place to file a financing statement. 8831  
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(38) "Filing-office rule" means a rule adopted under section 1309.526 of the Revised Code. 8833  
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(39) "Financing statement" means a record composed of an initial financing statement and any filed record or records relating to the initial financing statement. 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. 8835  
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(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. 8841  
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(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law. 8847  
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(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. "General intangible" includes payment intangibles and software. 8850  
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(43) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing. 8857  
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(44)(a) "Goods" means all things that are movable when a security interest attaches. "Goods" includes (i) fixtures, (ii) 8859  
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standing timber that is to be cut and removed under a conveyance 8861  
or contract for sale, (iii) the unborn young of animals, (iv) 8862  
crops grown, growing, or to be grown, even if the crops are 8863  
produced on trees, vines, or bushes, and (v) manufactured homes. 8864

(b) "Goods" also includes a computer program embedded in 8865  
goods and any supporting information provided in connection with a 8866  
transaction relating to the program if (i) the program is 8867  
associated with the goods in such a manner that it customarily is 8868  
considered part of the goods, or (ii) by becoming the owner of the 8869  
goods, a person acquires a right to use the program in connection 8870  
with the goods. 8871

(c) "Goods" does not include a computer program embedded in 8872  
goods that consist solely of the medium in which the program is 8873  
embedded. "Goods" does not include accounts, chattel paper, 8874  
commercial tort claims, deposit accounts, documents, general 8875  
intangibles, instruments, investment property, letter-of-credit 8876  
rights, letters of credit, money, or oil, gas, or other minerals 8877  
before extraction. 8878

(45) "Governmental unit" means a subdivision, agency, 8879  
department, county, parish, municipal corporation, or other unit 8880  
of the government of the United States, a state, or a foreign 8881  
country. "Governmental unit" includes an organization having a 8882  
separate corporate existence if the organization is eligible to 8883  
issue debt on which interest is exempt from income taxation under 8884  
the laws of the United States. 8885

(46) "Health-care-insurance receivable" means an interest in 8886  
or claim under a policy of insurance that is a right to payment of 8887  
a monetary obligation for health-care goods or services provided. 8888

(47)(a) "Instrument" means a negotiable instrument or any 8889  
other writing that evidences a right to the payment of a monetary 8890  
obligation, is not itself a security agreement or lease, and is of 8891

a type that in ordinary course of business is transferred by 8892  
delivery with any necessary indorsement or assignment. 8893

(b) "Instrument" does not include (i) investment property, 8894  
(ii) letters of credit, or (iii) writings that evidence a right to 8895  
payment arising out of the use of a credit or charge card or 8896  
information contained on or for use with the card. 8897

(48) "Inventory" means goods, other than farm products, that: 8898

(a) Are leased by a person as lessor; 8899

(b) Are held by a person for sale or lease or to be furnished 8900  
under a contract of service; 8901

(c) Are furnished by a person under a contract of service; or 8902

(d) Consist of raw materials, work in process, or materials 8903  
used or consumed in a business. 8904

(49) "Investment property" means a security, whether 8905  
certificated or uncertificated, a security entitlement, a 8906  
securities account, a commodity contract, or a commodity account. 8907

(50) "Jurisdiction of organization," with respect to a 8908  
registered organization, means the jurisdiction under whose law 8909  
the organization is organized. 8910

(51) "Letter-of-credit right" means a right to payment or 8911  
performance under a letter of credit, whether or not the 8912  
beneficiary has demanded or is at the time entitled to demand 8913  
payment or performance. "Letter-of-credit right" does not include 8914  
the right of a beneficiary to demand payment or performance under 8915  
a letter of credit. 8916

(52) "Lien creditor" means: 8917

(a) A creditor who has acquired a lien on the property 8918  
involved by attachment, levy or the like; 8919

(b) An assignee for benefit of creditors from the time of 8920

assignment;	8921
(c) A trustee in bankruptcy from the date of the filing of the petition; or	8922 8923
(d) A receiver in equity from the time of appointment.	8924
(53) "Manufactured home" means a structure, transportable in one or more sections, that, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. "Manufactured home" includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under Title 42 of the United States Code.	8925 8926 8927 8928 8929 8930 8931 8932 8933 8934 8935 8936 8937 8938
(54) "Manufactured-home transaction" means a secured transaction:	8939 8940
(a) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or	8941 8942 8943
(b) In which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.	8944 8945
(55) "Mortgage" means a consensual interest in real property, including fixtures, that secures payment or performance of an obligation.	8946 8947 8948
(56) "New debtor" means a person that becomes bound as debtor under division (D) of section 1309.203 of the Revised Code by a	8949 8950

security agreement previously entered into by another person.	8951
(57)(a) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee.	8952 8953 8954 8955
(b) "New value" does not include an obligation substituted for another obligation.	8956 8957
(58) "Noncash proceeds" means proceeds other than cash proceeds.	8958 8959
(59)(a) "Obligor" means a person who, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation.	8960 8961 8962 8963 8964 8965 8966
(b) "Obligor" does not include issuers or nominated persons under a letter of credit.	8967 8968
(60) "Original debtor," except as used in division (C) of section 1309.310 of the Revised Code, means a person who, as debtor, entered into a security agreement to which a new debtor has become bound under division (D) of section 1309.203 of the Revised Code.	8969 8970 8971 8972 8973
(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.	8974 8975 8976
(62) "Person related to," with respect to an individual, means:	8977 8978
(a) The spouse of the individual;	8979
(b) A brother, brother-in-law, sister, or sister-in-law of	8980

the individual;	8981
(c) An ancestor or lineal descendant of the individual or the individual's spouse; or	8982 8983
(d) Any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.	8984 8985 8986
(63) "Person related to," with respect to an organization, means:	8987 8988
(a) A person directly or indirectly controlling, controlled by, or under common control with the organization;	8989 8990
(b) An officer or director of, or a person performing similar functions with respect to, the organization;	8991 8992
(c) An officer or director of, or a person performing similar functions with respect to, a person described in division (A)(63)(a) of this section;	8993 8994 8995
(d) The spouse of an individual described in division (A)(63)(a), (b), or (c) of this section; or	8996 8997
(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.	8998 8999 9000
(64) "Proceeds," except as used in division (B) of section 1309.609 of the Revised Code, means the following property:	9001 9002
(a) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;	9003 9004
(b) Whatever is collected on, or distributed on account of, collateral;	9005 9006
(c) Rights arising out of collateral;	9007
(d) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of,	9008 9009

defects or infringement of rights in, or damage to the collateral; 9010  
or 9011

(e) To the extent of the value of collateral and to the 9012  
extent payable to the debtor or the secured party, insurance 9013  
payable by reason of the loss or nonconformity of, defects or 9014  
infringement of rights in, or damage to the collateral. 9015

(65) "Promissory note" means an instrument that evidences a 9016  
promise to pay a monetary obligation, does not evidence an order 9017  
to pay, and does not contain an acknowledgment by a bank that the 9018  
bank has received for deposit a sum of money or funds. 9019

(66) "Proposal" means a record authenticated by a secured 9020  
party that includes the terms on which the secured party is 9021  
willing to accept collateral in full or partial satisfaction of 9022  
the obligation it secures pursuant to sections 1309.620, 1309.621, 9023  
and 1309.622 of the Revised Code. 9024

(67) "Public-finance transaction" means a secured transaction 9025  
in connection with which: 9026

(a) Debt securities are issued; 9027

(b) All or a portion of the securities issued have an initial 9028  
stated maturity of at least twenty years; and 9029

(c) The debtor, obligor, secured party, account debtor or 9030  
other person obligated on collateral, assignor or assignee of a 9031  
secured obligation, or assignor or assignee of a security interest 9032  
is a state or a governmental unit of a state. 9033

(68) "Pursuant to commitment," with respect to an advance 9034  
made or other value given by a secured party, means pursuant to 9035  
the secured party's obligation, whether or not a subsequent event 9036  
of default or other event not within the secured party's control 9037  
has relieved or may relieve the secured party from its obligation. 9038

(69) "Record," except as used in "for record," "of record," 9039

"record or legal title," and "record owner," means information	9040
that is inscribed on a tangible medium or that is stored in an	9041
electronic or other medium and is retrievable in perceivable form.	9042
(70) "Registered organization" means an organization	9043
organized solely under the law of a single state or the United	9044
States and as to which the state or the United States must	9045
maintain a public record showing the organization to have been	9046
organized.	9047
(71) "Secondary obligor" means an obligor to the extent that:	9048
(a) The obligor's obligation is secondary; or	9049
(b) The obligor has a right of recourse with respect to an	9050
obligation secured by collateral against the debtor, another	9051
obligor, or property of either.	9052
(72) "Secured party" means:	9053
(a) A person in whose favor a security interest is created or	9054
provided for under a security agreement, whether or not any	9055
obligation to be secured is outstanding;	9056
(b) A person that holds an agricultural lien;	9057
(c) A consignor;	9058
(d) A person to whom accounts, chattel paper, payment	9059
intangibles, or promissory notes have been sold;	9060
(e) A trustee, indenture trustee, agent, collateral agent, or	9061
other representative in whose favor a security interest or	9062
agricultural lien is created or provided for; or	9063
(f) A person who holds a security interest arising under	9064
section 1302.42, 1302.49, 1302.85, 1304.20, 1305.18, or 1310.54 of	9065
the Revised Code.	9066
(73) "Security agreement" means an agreement that creates or	9067
provides for a security interest.	9068

(74) "Send," in connection with a record or notification,	9069
means:	9070
(a) To deposit in the mail, deliver for transmission, or	9071
transmit by any other usual means of communication, with postage	9072
or cost of transmission provided for, addressed to any address	9073
reasonable under the circumstances; or	9074
(b) To cause the record or notification to be received within	9075
the time that it would have been received if properly sent under	9076
division (A)(74)(a) of this section.	9077
(75) "Software" means a computer program and any supporting	9078
information provided in connection with a transaction relating to	9079
the program. "Software" does not include a computer program that	9080
is included in the definition of goods.	9081
(76) "State" means a state of the United States, the District	9082
of Columbia, Puerto Rico, the United States Virgin Islands, or any	9083
territory or insular possession subject to the jurisdiction of the	9084
United States.	9085
(77) "Supporting obligation" means a letter-of-credit right	9086
or secondary obligation that supports the payment or performance	9087
of an account, chattel paper, a document, a general intangible, an	9088
instrument, or investment property.	9089
(78) "Tangible chattel paper" means chattel paper evidenced	9090
by a record consisting of information that is inscribed on a	9091
tangible medium.	9092
(79) "Termination statement" means an amendment of a	9093
financing statement that:	9094
(a) Identifies, by its file number, the initial financing	9095
statement to which it relates; and	9096
(b) Indicates either that it is a termination statement or	9097
that the identified financing statement is no longer effective.	9098

(80) "Transmitting utility" means a person primarily engaged	9099
in the business of:	9100
(a) Operating a railroad, subway, street railway, or trolley	9101
bus;	9102
(b) Transmitting communications electrically,	9103
electromagnetically, or by light;	9104
(c) Transmitting goods by pipeline or sewer; or	9105
(d) Transmitting or producing and transmitting electricity,	9106
steam, gas, or water.	9107
(B) Other definitions applying to this chapter are:	9108
(1) "Applicant" has the same meaning as in section 1305.01 of	9109
the Revised Code.	9110
(2) "Beneficiary" has the same meaning as in section 1305.01	9111
of the Revised Code.	9112
(3) "Broker" has the same meaning as in section 1308.01 of	9113
the Revised Code.	9114
(4) "Certificated security" has the same meaning as in	9115
section 1308.01 of the Revised Code.	9116
(5) "Check" has the same meaning as in section 1303.03 of the	9117
Revised Code.	9118
(6) "Clearing corporation" has the same meaning as in section	9119
1308.01 of the Revised Code.	9120
(7) "Contract for sale" has the same meaning as in section	9121
1302.01 of the Revised Code.	9122
(8) "Customer" has the same meaning as in section 1304.01 of	9123
the Revised Code.	9124
(9) "Entitlement holder" has the same meaning as in section	9125
1308.01 of the Revised Code.	9126

(10) "Financial asset" has the same meaning as in section 1308.01 of the Revised Code.	9127 9128
(11) "Holder in due course" has the same meaning as in section 1303.32 of the Revised Code.	9129 9130
(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.	9131 9132 9133
(13) "Issuer," with respect to a security, has the same meaning as in section 1308.08 of the Revised Code.	9134 9135
(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.	9136 9137 9138 9139
(15) "Letter of credit" has the same meaning as in section 1305.01 of the Revised Code.	9140 9141
(16) "Merchant" has the same meaning as in section 1302.01 of the Revised Code.	9142 9143
(17) "Negotiable instrument" has the same meaning as in section 1303.03 of the Revised Code.	9144 9145
(18) "Nominated person" has the same meaning as in section 1305.01 of the Revised Code.	9146 9147
(19) "Note" has the same meaning as in section 1303.03 of the Revised Code.	9148 9149
(20) "Proceeds of a letter of credit" has the same meaning as in section 1305.13 of the Revised Code.	9150 9151
(21) "Prove" has the same meaning as in section 1303.01 of the Revised Code.	9152 9153
(22) "Sale" has the same meaning as in division (A)(11) of section 1302.01 of the Revised Code.	9154 9155

(23) "Securities account" has the same meaning as in section 1308.51 of the Revised Code. 9156  
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(24) "Securities intermediary," "security," "security certificate," "security entitlement," and "uncertificated security" have the same meanings as in section 1308.01 of the Revised Code. 9158  
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(C) The terms and principles of construction and interpretations set forth in sections 1301.01 to 1301.14 of the Revised Code are applicable to this chapter. 9162  
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**Sec. 1309.520.** (A) A filing office shall refuse to accept a record for filing for a reason specified in division (B) of section 1309.516 of the Revised Code and may refuse to accept a record for filing only for a reason specified in that division. 9165  
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However, the secretary of state's office shall redact social security and employer identification numbers from filings posted on its web site. 9169  
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(B) If a filing office refuses to accept a record for filing, it shall communicate to the person who presented the record the fact of and reason for the refusal and the date and time the record would have been filed had the filing office accepted it. The communication must be made at the time and in the manner prescribed by the applicable filing-office rule but, in the case of a filing office described in division (A)(2) of section 1309.501 of the Revised Code, in no event more than two business days after the filing office receives the record. 9172  
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(C) A filed financing statement that satisfies divisions (A) and (B) of section 1309.502 of the Revised Code is effective, even if the filing office is required to refuse to accept it for filing under division (A) of this section. However, section 1309.338 of the Revised Code applies to a filed financing statement that 9181  
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provides information described in division (B)(5) of section 1309.516 of the Revised Code that is incorrect at the time the financing statement is filed.

(D) If a record communicated to a filing office provides information that relates to more than one debtor, sections 1309.501 to 1309.527 of the Revised Code apply as to each debtor separately.

**Sec. 1309.521.** (A) A filing office that accepts written records may not refuse to accept a written initial financing statement in the following form and format except for a reason prescribed in division (B) of section 1309.516 of the Revised Code:

UCC FINANCING STATEMENT

Follow instructions (front and back) carefully.

- A. Name and phone of contact at filer (optional) .....
- B. Send acknowledgment to: (name and address) .....
- ..... The above space is for filing office use only. .....
- 1. DEBTOR'S EXACT FULL LEGAL NAME  
(Insert only one debtor name [1a or 1b]. Do not abbreviate or combine names.)
  - 1a. Organization's name .....
  - or .....
  - 1b. Individual's last name ..... First name .....
  - Middle name ..... Suffix .....
  - 1c. Mailing address .....
  - City ..... State ..... Postal code ..... Country .....
  - ~~1d. Tax ID Number: SSN or EIN .....~~
- Additional information regarding organization debtor

<del>1e</del> 1d. Type of organization .....	9217
<del>1f</del> 1e. Jurisdiction of organization .....	9218
2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME	9219
(Insert only one debtor name [2a or 2b]. Do not abbreviate or combine names.)	9220
2a. Organization's name .....	9221
or	9222
2b. Individual's last name ..... First name .....	9223
Middle name ..... Suffix .....	9224
2c. Mailing address .....	9225
City ..... State ..... Postal code ..... Country .....	9226
<del>2d. Tax ID Number: SSN or EIN .....</del>	9227
Additional information regarding organization debtor	9228
<del>2e</del> 2d. Type of organization .....	9229
<del>2f</del> 2e. Jurisdiction of organization .....	9230
3. SECURED PARTY'S NAME (or name of total assignee of assignor S/P). Insert only one secured party name (3a or 3b).	9231
3a. Organization's name .....	9232
or	9233
3b. Individual's last name ..... First name .....	9234
Middle name ..... Suffix .....	9235
3c. Mailing address .....	9236
City ..... State ..... Postal code ..... Country .....	9237
4. This FINANCING STATEMENT covers the following collateral:	9238
.....	9239
.....	9240
.....	9241
.....	9242
.....	9243
.....	9244
5. ALTERNATIVE DESIGNATION (if applicable):	9245

[ ] Lessee/lessor [ ] Consignee/consignor [ ] Bailee/bailor	9246
[ ] Seller/buyer [ ] Ag. lien [ ] Non-UCC filing	9247
6. [ ] This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. Attach addendum .....	9248
[if applicable].	9249
7. Check to REQUEST SEARCH REPORT(S) on debtor(s)	9250
[ADDITIONAL FEE] ..... [optional]	9251
[ ] All debtors [ ] Debtor 1 [ ] Debtor 2	9252
8. OPTIONAL FILER REFERENCE DATA	9253
.....	9254
.....	9255
UCC FINANCING STATEMENT ADDENDUM	9256
Follow instructions (front and back) carefully.	9257
9. NAME OF FIRST DEBTOR (1a OR 1b) ON RELATED FINANCING STATEMENT	9258
9a. Organization's name .....	9259
or	9260
9b. Individual's last name ..... First name .....	9261
Middle name ..... Suffix .....	9262
10. MISCELLANEOUS	9263
.....	9264
.....	9265
.....	9266
.....	9267
11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME	9268
(Insert only one name [11a or 11b]. Do not abbreviate or combine names.)	9269
11a. Organization's name .....	9270
or	9271
11b. Individual's last name ..... First name .....	9272
Middle name ..... Suffix .....	9273
11c. Mailing address .....	9274
City ..... State ..... Postal code ..... Country .....	9275
<del>11d. Tax ID Number: SSN or EIN .....</del>	9276
Additional information regarding organization debtor	9277

<del>11e</del> 11d. Type of organization .....	9279
<del>11f</del> 11e. Jurisdiction of organization .....	9280
12. [ ] ADDITIONAL SECURED PARTY'S or [ ] ASSIGNOR S/P'S NAME (Insert only one name [12a or 12b].)	9281 9282
12a. Organization's name .....	9283
or	9284
12b. Individual's last name ..... First name .....	9285
Middle name ..... Suffix .....	9286
12c. Mailing address .....	9287
City ..... State ..... Postal code ..... Country .....	9288
13. This FINANCING STATEMENT covers [ ] timber to be cut or [ ] as-extracted collateral, or is filed as a [ ] fixture filing.	9289 9290
14. DESCRIPTION OF REAL ESTATE: ..... ..... ..... .....	9291 9292 9293 9294 9295
15. Name and address of a RECORD OWNER of above-described real estate (if debtor does not have a record interest): ..... ..... .....	9296 9297 9298 9299 9300
16. Additional collateral description: ..... ..... ..... .....	9301 9302 9303 9304 9305
17. Check only if applicable and check only one box. Debtor is a [ ] Trust or [ ] Trustee acting with respect to property held in trust or [ ] Decedent's estate	9306 9307 9308
18. Check only if applicable and check only one box.	9309

[ ] Debtor is a transmitting utility	9310
[ ] Filed in connection with a manufactured-home transaction - effective 30 years	9311 9312
[ ] Filed in connection with a public-finance transaction - effective 30 years	9313 9314
(B) A filing office that accepts written records may not refuse to accept a written record in the following form and format except for a reason prescribed in division (B) of section 1309.516 of the Revised Code:	9315 9316 9317 9318
UCC FINANCING STATEMENT AMENDMENT	9319
Follow instructions (front and back) carefully.	9320
A. Name and phone of contact at filer (optional) .....	9321 9322
B. Send acknowledgment to: (name and address) ..... ..... ..... The above space is for filing office use only. .....	9323 9324 9325 9326
1a. INITIAL FINANCING STATEMENT FILE NUMBER .....	9327
1b. [ ] This financing statement amendment is to be filed [for record] (or recorded) in the real estate records.	9328 9329
2. [ ] TERMINATION: Effectiveness of the financing statement identified above is terminated with respect to security interest(s) of the secured party authorizing this termination statement.	9330
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.	9331
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.	9332
5. AMENDMENT (PARTY INFORMATION): This amendment affects [ ] Debtor	9333

or [ ] Secured Party of record. Check only one of these two boxes.	9334
Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.	
[ ] 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:	9339
6a. Organization's name .....	9340
or	9341
6b. Individual's last name ..... First name .....	9342
Middle name ..... Suffix .....	9343
7. CHANGED (NEW) OR ADDED INFORMATION:	9344
7a. Organization's name .....	9345
or	9346
7b. Individual's last name ..... First name .....	9347
Middle name ..... Suffix .....	9348
7c. Mailing address .....	9349
City ..... State ..... Postal code ..... Country .....	9350
<del>7d. Tax ID Number: SSN or EIN .....</del>	9351
Additional information regarding organization debtor	9352
<del>7e</del> 7d. Type of organization	9353
.....	
<del>7e</del> 7e. Jurisdiction of organization	9354
.....	
8. AMENDMENT (COLLATERAL CHANGE). Check only one box.	9355
Describe collateral [ ] deleted or [ ] added, or give entire	9356
[ ] restated collateral description, or describe collateral	9357
[ ] assigned.	9358
.....	9359
.....	9360

.....	9361
.....	9362
9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT	9363
(name of assignor, if this is an assignment). If this is an	9364
amendment authorized by a debtor that adds collateral or adds	9365
the authorizing debtor, or if this is a termination authorized	9366
by a debtor, check here [ ] and enter name of debtor	9367
authorizing this amendment.	9368
9a. Organization's name .....	9369
or	9370
9b. Individual's last name ..... First name .....	9371
Middle name ..... Suffix .....	9372
10. OPTIONAL FILER REFERENCE DATA	9373
.....	9374
UCC FINANCING STATEMENT AMENDMENT ADDENDUM	9375
Follow instructions (front and back) carefully.	9376
11. INITIAL FINANCING STATEMENT FILE NUMBER (same as item 1a	9377
on amendment form) .....	9378
12. NAME OF PARTY AUTHORIZING	9379
THIS AMENDMENT (same as item 9	9380
on amendment form)	9381
12a. Organization's name	9382
.....	9383
or	9384
12b. Individual's last name	9385
.....	9386
First name .....	9387
Middle name ..... Suffix ...	9388
<small>The above space is for filing office use only.</small>	
13. Use this space for additional information.	9389
.....	9390
.....	9391
.....	9392
.....	9393

**Sec. 1317.07.** No retail installment contract authorized by 9394  
section 1317.03 of the Revised Code that is executed in connection 9395  
with any retail installment sale shall evidence any indebtedness 9396  
in excess of the time balance fixed in the written instrument in 9397  
compliance with section 1317.04 of the Revised Code, but it may 9398  
evidence in addition any agreements of the parties for the payment 9399  
of delinquent charges, as provided for in section 1317.06 of the 9400  
Revised Code, taxes, and any lawful fee actually paid out, or to 9401  
be paid out, by the retail seller to any public officer for 9402  
filing, recording, or releasing any instrument securing the 9403  
payment of the obligation owed on any retail installment contract. 9404  
No retail seller, directly or indirectly, shall charge, contract 9405  
for, or receive from any retail buyer, any further or other amount 9406  
for examination, service, brokerage, commission, expense, fee, or 9407  
other thing of value. A documentary service charge customarily and 9408  
presently being paid on May 9, 1949, in a particular business and 9409  
area may be charged if the charge does not exceed ~~one~~ two hundred 9410  
fifty dollars per sale. 9411

No retail seller shall use multiple agreements with respect 9412  
to a single item or related items purchased at the same time, with 9413  
intent to obtain a higher charge than would otherwise be permitted 9414  
by Chapter 1317. of the Revised Code or to avoid disclosure of an 9415  
annual percentage rate, nor by use of such agreements make any 9416  
charge greater than that which would be permitted by Chapter 1317. 9417  
of the Revised Code had a single agreement been used. 9418

**Sec. 1321.02.** No person shall engage in the business of 9419  
lending money, credit, or choses in action in amounts of five 9420  
thousand dollars or less, or exact, contract for, or receive, 9421  
directly or indirectly, on or in connection with any such loan, 9422  
any interest and charges that in the aggregate are greater than 9423  
the interest and charges that the lender would be permitted to 9424

charge for a loan of money if the lender were not a licensee, 9425  
without first having obtained a license from the division of 9426  
financial institutions under sections 1321.01 to 1321.19 of the 9427  
Revised Code. 9428

Sections 1321.01 to 1321.19 of the Revised Code do not apply 9429  
to any person doing business under and as permitted by any law of 9430  
this state, another state, or the United States relating to banks, 9431  
savings banks, savings societies, trust companies, credit unions, 9432  
savings and loan associations substantially all the business of 9433  
which is confined to loans on real estate mortgages and evidences 9434  
of their own indebtedness; to registrants conducting business 9435  
pursuant to sections 1321.51 to 1321.60 of the Revised Code; to 9436  
licensees conducting business pursuant to sections 1321.71 to 9437  
1321.83 of the Revised Code; ~~or~~ to licensees doing business 9438  
pursuant to sections 1315.35 to 1315.44 of the Revised Code; or to 9439  
any entity who is licensed pursuant to Title XXXIX of the Revised 9440  
Code, who makes advances or loans to any person who is licensed to 9441  
sell insurance pursuant to that Title, and who is authorized in 9442  
writing by that entity to sell insurance. No person engaged in the 9443  
business of selling tangible goods or services related thereto may 9444  
receive or retain a license under sections 1321.01 to 1321.19 of 9445  
the Revised Code for such place of business. 9446

The first paragraph of this section applies to any person, 9447  
who by any device, subterfuge, or pretense, charges, contracts 9448  
for, or receives greater interest, consideration, or charges than 9449  
that authorized by this section for any such loan or use of money 9450  
or for any such loan, use, or sale of credit, or who for a fee or 9451  
any manner of compensation arranges or offers to find or arrange 9452  
for another person to make any such loan, use, or sale of credit. 9453  
This section does not preclude the acquiring, directly or 9454  
indirectly, by purchase or discount, of a bona fide obligation for 9455  
goods or services when such obligation is payable directly to the 9456

person who provided the goods or services. 9457

Any contract of loan in the making or collection of which an 9458  
act is done by the lender that violates this section is void and 9459  
the lender has no right to collect, receive, or retain any 9460  
principal, interest, or charges. 9461

**Sec. 1333.11.** As used in sections 1333.11 to 1333.21 of the 9462  
Revised Code: 9463

(A) "Cost to the retailer" means the invoice cost of 9464  
cigarettes to the retailer, or the replacement cost of cigarettes 9465  
to the retailer within thirty days prior to the date of sale, in 9466  
the quantity last purchased, whichever is lower, less all trade 9467  
discounts except customary discounts for cash, to which shall be 9468  
added the cost of doing business by the retailer as evidenced by 9469  
the standards and the methods of accounting regularly employed by 9470  
the retailer in the retailer's allocation of overhead costs and 9471  
expenses, paid or incurred. "Cost to the retailer" must include, 9472  
without limitation, labor, including salaries of executives and 9473  
officers, rent, depreciation, selling costs, maintenance of 9474  
equipment, delivery costs, all types of licenses, insurance, 9475  
advertising, and taxes, exclusive of county cigarette taxes paid 9476  
or payable on the cigarettes. Where the sale to the retailer is on 9477  
a cash and carry basis, the cartage to the retail outlet, if 9478  
performed or paid for by the retailer, shall be added to the 9479  
invoice cost of the cigarettes to the retailer. In the absence of 9480  
proof of a lesser or higher cost by the retailer, the cartage cost 9481  
shall be three-fourths of one per cent of the invoice cost of the 9482  
cigarettes to the retailer, not including the amount added thereto 9483  
by the wholesaler for the face value of state and county cigarette 9484  
tax stamps affixed to each package of cigarettes. 9485

(B) In the absence of proof of a lesser or higher cost of 9486  
doing business by the retailer making the sale, the cost of doing 9487

business to the retailer shall be eight per cent of the invoice 9488  
cost of the cigarettes to the retailer exclusive of the face value 9489  
of county cigarette taxes paid on the cigarettes or of the 9490  
replacement cost of the cigarettes to the retailer within thirty 9491  
days prior to the date of sale in the quantity last purchased 9492  
exclusive of the face value of county cigarette taxes paid on the 9493  
cigarettes, whichever is lower, less all trade discounts except 9494  
customary discounts for cash. 9495

(C) "Cost to the wholesaler" means the invoice cost of the 9496  
cigarettes to the wholesaler, or the replacement cost of the 9497  
cigarettes to the wholesaler within thirty days prior to the date 9498  
of sale, in the quantity last purchased, whichever is lower, less 9499  
all trade discounts except customary discounts for cash, to which 9500  
shall be added a wholesaler's markup to cover in part the cost of 9501  
doing business, which wholesaler's markup, in the absence of proof 9502  
of a lesser or higher cost of doing business by the wholesaler as 9503  
evidenced by the standards and methods of accounting regularly 9504  
employed by the wholesaler in the wholesaler's allocation of 9505  
overhead costs and expenses, paid or incurred, including without 9506  
limitation, labor, salaries of executives and officers, rent, 9507  
depreciation, selling costs, maintenance of equipment, delivery, 9508  
delivery costs, all types of licenses, taxes, insurance, and 9509  
advertising, shall be three and five-tenths per cent of such 9510  
invoice cost of the cigarettes to the wholesaler, to which shall 9511  
be added the full face value of state and county cigarette tax 9512  
stamps affixed by the wholesaler to each package of cigarettes, or 9513  
of the replacement cost of the cigarettes to the wholesaler within 9514  
thirty days prior to the date of sale in the quantity last 9515  
purchased, whichever is lower, less all trade discounts except 9516  
customary discounts for cash. Where the sale by the wholesaler to 9517  
the retailer is on a cash and carry basis, the wholesaler may, in 9518  
the absence of proof of a lesser or higher cost, allow to the 9519

retailer an amount not to exceed three-fourths of one per cent of 9520  
the "cost to the wholesaler" excluding the amount added thereto 9521  
for the face value of state and county cigarette tax stamps 9522  
affixed to each package of cigarettes. 9523

(D) Any person licensed to sell cigarettes as both a 9524  
wholesaler and a retailer, who does sell cigarettes at retail, 9525  
shall, in determining "cost to the retailer", first compute "cost 9526  
to the wholesaler" as provided in division (C) of this section; 9527  
that "cost to the wholesaler" shall then be used in lieu of the 9528  
lower of either invoice cost or replacement cost less all trade 9529  
discounts except customary discounts for cash in computing "cost 9530  
to the retailer" as provided in divisions (A) and (B) of this 9531  
section. 9532

(E) In all advertisements, offers for sale, or sales 9533  
involving two or more items at a combined price and in all 9534  
advertisements, offers for sale, or sales involving the giving of 9535  
any concession of any kind, whether it be coupons or otherwise, 9536  
the retailer's or wholesaler's selling price shall not be below 9537  
the "cost to the retailer" or the "cost to wholesaler", 9538  
respectively, of all articles, products, commodities, and 9539  
concessions included in such transactions. 9540

(F)(1) "Sell at retail," "sales at retail," and "retail 9541  
sales" include any transfer of title to tangible personal property 9542  
for a valuable consideration made, in the ordinary course of trade 9543  
or usual prosecution of the seller's business, to the purchaser 9544  
for consumption or use. 9545

(2) "Sell at wholesale," "sales at wholesale," and "wholesale 9546  
sales" include any such transfer of title to tangible personal 9547  
property for the purpose of resale. 9548

(G) "Retailer" includes any person who is permitted to sell 9549  
cigarettes at retail within this state under section 5743.15 of 9550

the Revised Code. 9551

(H) "Wholesaler" includes any person who is permitted to sell 9552  
cigarettes at wholesale within this state under that section. 9553

(I) "Person" includes individuals, corporations, 9554  
partnerships, associations, joint-stock companies, business 9555  
trusts, unincorporated organizations, receivers, or trustees. 9556

(J) "County cigarette taxes" means the taxes levied under 9557  
section 5743.021, 5743.024, or 5743.026 of the Revised Code. 9558

**Sec. 1333.82.** As used in sections 1333.82 to 1333.87 of the 9559  
Revised Code: 9560

(A) "Alcoholic beverages" means beer and wine as defined in 9561  
section 4301.01 of the Revised Code. 9562

(B) "Manufacturer" means a person, whether located in this 9563  
state or elsewhere, ~~who~~ that manufactures or supplies alcoholic 9564  
beverages to distributors in this state. 9565

(C) "Distributor" means a person ~~who~~ that sells or 9566  
distributes alcoholic beverages to retail permit holders in ~~the~~ 9567  
this state, but does not include the state or any of its political 9568  
subdivisions. 9569

(D) "Franchise" means a contract or any other legal device 9570  
used to establish a contractual relationship between a 9571  
manufacturer and a distributor. 9572

(E) "Good faith" means the duty of any party to any 9573  
franchise, and all officers, employees, or agents of any party to 9574  
any franchise, to act in a fair and equitable manner toward each 9575  
other so as to guarantee each party freedom from coercion or 9576  
intimidation; except that recommendation, endorsement, exposition, 9577  
persuasion, urging, or argument shall not be considered to 9578  
constitute a lack of good faith or coercion. 9579

(F) "Brand," as applied to wine, means a wine different from 9580  
any other wine in respect to type, brand, trade name, or container 9581  
size. 9582

(G) "Sales area or territory" means an exclusive geographic 9583  
area or territory that is assigned to a particular A or B permit 9584  
holder and that either has one or more political subdivisions as 9585  
its boundaries or consists of an area of land with readily 9586  
identifiable geographic boundaries. "Sales area or territory" does 9587  
not include, however, any particular retail location in an 9588  
exclusive geographic area or territory that ~~is~~ had been assigned 9589  
to another A or B permit holder before April 9, 2001. 9590

**Sec. 1523.02.** If the governor approves the plans, 9591  
specifications, and estimates authorized by section 1523.01 of the 9592  
Revised Code, the chief of the division of water shall thereupon 9593  
proceed, as provided in sections 1523.02 to 1523.13 of the Revised 9594  
Code, to construct the improvements or to make alterations in or 9595  
to enlarge those already existing, in such manner and form as is 9596  
shown by such plans and specifications. In order to provide the 9597  
funds for such construction, alteration, or enlargement, the chief 9598  
shall issue and sell bonds of the state, not in excess of the 9599  
estimated cost of such improvements. The bonds shall be issued in 9600  
denominations of not less than one hundred dollars payable as a 9601  
whole or in series on or before fifty years from the date thereof, 9602  
with interest not to exceed the rate provided in section 9.95 of 9603  
the Revised Code, payable either annually or semiannually. 9604

The bonds shall show on their face the purpose for which 9605  
issued and shall create no liability upon or be considered an 9606  
indebtedness of the state, but both the principal and interest 9607  
shall be paid solely out of the proceeds arising from the 9608  
improvements constructed, altered, or enlarged by the chief, or 9609  
from the proceeds of the sale or foreclosure of the lien securing 9610

the bonds on such improvement or such part thereof as is 9611  
constructed from the money realized from the sale of the bonds. 9612

The form of the bonds shall be approved by the attorney 9613  
general, and they shall be signed by the governor and attested by 9614  
the director of natural resources and the chief. The bonds may be 9615  
issued as coupon bonds, payable to bearer only, or upon demand of 9616  
the owner or holder thereof as registered bonds. 9617

Such bonds shall be sold by the chief to the highest bidder 9618  
therefor, but for not less than the par value thereof, with 9619  
accrued interest thereon, after thirty days' notice in at least 9620  
two newspapers of general circulation in the county where such 9621  
improvements are to be constructed, altered, or enlarged, setting 9622  
forth the nature, amount, rate of interest, and length of time the 9623  
bonds have to run, with the time and place of sale. 9624

The treasurer of state shall be the treasurer of the fund 9625  
realized from the sale of such bonds, and the auditor of state 9626  
shall be the auditor of such fund. The proceeds of such sale shall 9627  
be turned over to the treasurer of state and shall be deposited by 9628  
~~him~~ the treasurer of state in a solvent bank, located either in 9629  
Columbus or in the county in which such improvements are located. 9630  
Such proceeds shall be kept by such bank in a fund to be known as 9631  
the water conservation improvement fund. Such fund shall be used 9632  
to acquire the necessary real estate and to construct such new 9633  
improvements and for no other purpose, except that the treasurer 9634  
of state may pay the interest on the bonds during the period of 9635  
condemnation and the construction, alteration, or enlargement of 9636  
such improvements out of the proceeds arising from the sale of the 9637  
bonds for a term not exceeding three years from the date on which 9638  
the bonds are issued. The bank shall give bond to the state in 9639  
such amount as the treasurer of state considers advisable, and 9640  
with surety to ~~his~~ the satisfaction of the treasurer of state, for 9641  
the benefit of the holders of the bonds, and for the benefit of 9642

any contractors performing labor or furnishing material for such 9643  
improvements, as provided by law, conditioned that it will safely 9644  
keep the money and will make no payments or disbursements 9645  
therefrom except as provided in sections 1523.01 to 1523.13 of the 9646  
Revised Code. 9647

The treasurer of state shall hold such fund as trustee for 9648  
the holders of the bonds and for all persons performing labor or 9649  
furnishing material for the construction, alteration, or 9650  
enlargement of any improvement made under such sections. Such 9651  
funds shall not be turned into the state treasury, but shall be 9652  
deposited and disbursed by the treasurer of state as provided in 9653  
such sections. The interest coupons attached to such bonds shall 9654  
bear the signature of the treasurer of state, executed by ~~him~~ the 9655  
treasurer of state or printed or lithographed thereon. 9656

Both the interest and principal of such bonds shall be made 9657  
payable at the office of the treasurer of state in Columbus, and 9658  
shall be paid by the treasurer of state, without warrant ~~of the~~ 9659  
~~auditor of state~~ or authority of the director of budget and 9660  
management, to the owner or holder of such bonds upon presentation 9661  
by the owner or holder of matured interest coupons or bonds. 9662

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 9663  
court shall be selected, be compensated, give bond, and have 9664  
powers and duties as follows: 9665

(A) There shall be a clerk of the court who is appointed or 9666  
elected as follows: 9667

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, 9668  
Toledo, Hamilton county, Portage county, and Wayne county 9669  
municipal courts, if the population of the territory equals or 9670  
exceeds one hundred thousand at the regular municipal election 9671  
immediately preceding the expiration of the term of the present 9672  
clerk, the clerk shall be nominated and elected by the qualified 9673

electors of the territory in the manner that is provided for the 9674  
nomination and election of judges in section 1901.07 of the 9675  
Revised Code. 9676

The clerk so elected shall hold office for a term of six 9677  
years, which term shall commence on the first day of January 9678  
following the clerk's election and continue until the clerk's 9679  
successor is elected and qualified. 9680

(b) In the Hamilton county municipal court, the clerk of 9681  
courts of Hamilton county shall be the clerk of the municipal 9682  
court and may appoint an assistant clerk who shall receive the 9683  
compensation, payable out of the treasury of Hamilton county in 9684  
semimonthly installments, that the board of county commissioners 9685  
prescribes. The clerk of courts of Hamilton county, acting as the 9686  
clerk of the Hamilton county municipal court and assuming the 9687  
duties of that office, shall receive compensation at one-fourth 9688  
the rate that is prescribed for the clerks of courts of common 9689  
pleas as determined in accordance with the population of the 9690  
county and the rates set forth in sections 325.08 and 325.18 of 9691  
the Revised Code. This compensation shall be paid from the county 9692  
treasury in semimonthly installments and is in addition to the 9693  
annual compensation that is received for the performance of the 9694  
duties of the clerk of courts of Hamilton county, as provided in 9695  
sections 325.08 and 325.18 of the Revised Code. 9696

(c) In the Portage county and Wayne county municipal courts, 9697  
the clerks of courts of Portage county and Wayne county shall be 9698  
the clerks, respectively, of the Portage county and Wayne county 9699  
municipal courts and may appoint a chief deputy clerk for each 9700  
branch that is established pursuant to section 1901.311 of the 9701  
Revised Code and assistant clerks as the judges of the municipal 9702  
court determine are necessary, all of whom shall receive the 9703  
compensation that the legislative authority prescribes. The clerks 9704  
of courts of Portage county and Wayne county, acting as the clerks 9705

of the Portage county and Wayne county municipal courts and 9706  
assuming the duties of these offices, shall receive compensation 9707  
payable from the county treasury in semimonthly installments at 9708  
one-fourth the rate that is prescribed for the clerks of courts of 9709  
common pleas as determined in accordance with the population of 9710  
the county and the rates set forth in sections 325.08 and 325.18 9711  
of the Revised Code. 9712

(d) Except as otherwise provided in division (A)(1)(d) of 9713  
this section, in the Akron municipal court, candidates for 9714  
election to the office of clerk of the court shall be nominated by 9715  
primary election. The primary election shall be held on the day 9716  
specified in the charter of the city of Akron for the nomination 9717  
of municipal officers. Notwithstanding any contrary provision of 9718  
section 3513.05 or 3513.257 of the Revised Code, the declarations 9719  
of candidacy and petitions of partisan candidates and the 9720  
nominating petitions of independent candidates for the office of 9721  
clerk of the Akron municipal court shall be signed by at least 9722  
fifty qualified electors of the territory of the court. 9723

The candidates shall file a declaration of candidacy and 9724  
petition, or a nominating petition, whichever is applicable, not 9725  
later than four p.m. of the seventy-fifth day before the day of 9726  
the primary election, in the form prescribed by section 3513.07 or 9727  
3513.261 of the Revised Code. The declaration of candidacy and 9728  
petition, or the nominating petition, shall conform to the 9729  
applicable requirements of section 3513.05 or 3513.257 of the 9730  
Revised Code. 9731

If no valid declaration of candidacy and petition is filed by 9732  
any person for nomination as a candidate of a particular political 9733  
party for election to the office of clerk of the Akron municipal 9734  
court, a primary election shall not be held for the purpose of 9735  
nominating a candidate of that party for election to that office. 9736  
If only one person files a valid declaration of candidacy and 9737

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 Akron 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.

(e) Except as otherwise provided in division (A)(1)(e) of this section, in the Barberton 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 Barberton 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 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 9802  
on the day specified in the charter of the city of Cuyahoga Falls 9803  
for the nomination of municipal officers. Notwithstanding any 9804  
contrary provision of section 3513.05 or 3513.257 of the Revised 9805  
Code, the declarations of candidacy and petitions of partisan 9806  
candidates and the nominating petitions of independent candidates 9807  
for the office of clerk of the Cuyahoga Falls municipal court 9808  
shall be signed by at least fifty qualified electors of the 9809  
territory of the court. 9810

The candidates shall file a declaration of candidacy and 9811  
petition, or a nominating petition, whichever is applicable, not 9812  
later than four p.m. of the seventy-fifth day before the day of 9813  
the primary election, in the form prescribed by section 3513.07 or 9814  
3513.261 of the Revised Code. The declaration of candidacy and 9815  
petition, or the nominating petition, shall conform to the 9816  
applicable requirements of section 3513.05 or 3513.257 of the 9817  
Revised Code. 9818

If no valid declaration of candidacy and petition is filed by 9819  
any person for nomination as a candidate of a particular political 9820  
party for election to the office of clerk of the Cuyahoga Falls 9821  
municipal court, a primary election shall not be held for the 9822  
purpose of nominating a candidate of that party for election to 9823  
that office. If only one person files a valid declaration of 9824  
candidacy and petition for nomination as a candidate of a 9825  
particular political party for election to that office, a primary 9826  
election shall not be held for the purpose of nominating a 9827  
candidate of that party for election to that office, and the 9828  
candidate shall be issued a certificate of nomination in the 9829  
manner set forth in section 3513.02 of the Revised Code. 9830

Declarations of candidacy and petitions, nominating 9831  
petitions, and certificates of nomination for the office of clerk 9832  
of the Cuyahoga Falls municipal court shall contain a designation 9833

of the term for which the candidate seeks election. At the 9834  
following regular municipal election, all candidates for the 9835  
office shall be submitted to the qualified electors of the 9836  
territory of the court in the manner that is provided in section 9837  
1901.07 of the Revised Code for the election of the judges of the 9838  
court. The clerk so elected shall hold office for a term of six 9839  
years, which term shall commence on the first day of January 9840  
following the clerk's election and continue until the clerk's 9841  
successor is elected and qualified. 9842

(g) Except as otherwise provided in division (A)(1)(g) of 9843  
this section, in the Toledo municipal court, candidates for 9844  
election to the office of clerk of the court shall be nominated by 9845  
primary election. The primary election shall be held on the day 9846  
specified in the charter of the city of Toledo for the nomination 9847  
of municipal officers. Notwithstanding any contrary provision of 9848  
section 3513.05 or 3513.257 of the Revised Code, the declarations 9849  
of candidacy and petitions of partisan candidates and the 9850  
nominating petitions of independent candidates for the office of 9851  
clerk of the Toledo municipal court shall be signed by at least 9852  
fifty qualified electors of the territory of the court. 9853

The candidates shall file a declaration of candidacy and 9854  
petition, or a nominating petition, whichever is applicable, not 9855  
later than four p.m. of the seventy-fifth day before the day of 9856  
the primary election, in the form prescribed by section 3513.07 or 9857  
3513.261 of the Revised Code. The declaration of candidacy and 9858  
petition, or the nominating petition, shall conform to the 9859  
applicable requirements of section 3513.05 or 3513.257 of the 9860  
Revised Code. 9861

If no valid declaration of candidacy and petition is filed by 9862  
any person for nomination as a candidate of a particular political 9863  
party for election to the office of clerk of the Toledo municipal 9864  
court, a primary election shall not be held for the purpose of 9865

nominating a candidate of that party for election to that office. 9866  
If only one person files a valid declaration of candidacy and 9867  
petition for nomination as a candidate of a particular political 9868  
party for election to that office, a primary election shall not be 9869  
held for the purpose of nominating a candidate of that party for 9870  
election to that office, and the candidate shall be issued a 9871  
certificate of nomination in the manner set forth in section 9872  
3513.02 of the Revised Code. 9873

Declarations of candidacy and petitions, nominating 9874  
petitions, and certificates of nomination for the office of clerk 9875  
of the Toledo municipal court shall contain a designation of the 9876  
term for which the candidate seeks election. At the following 9877  
regular municipal election, all candidates for the office shall be 9878  
submitted to the qualified electors of the territory of the court 9879  
in the manner that is provided in section 1901.07 of the Revised 9880  
Code for the election of the judges of the court. The clerk so 9881  
elected shall hold office for a term of six years, which term 9882  
shall commence on the first day of January following the clerk's 9883  
election and continue until the clerk's successor is elected and 9884  
qualified. 9885

(2)(a) Except for the Alliance, Auglaize county, Brown 9886  
county, Columbiana county, Lorain, Massillon, and Youngstown 9887  
municipal courts, in a municipal court for which the population of 9888  
the territory is less than one hundred thousand, the clerk shall 9889  
be appointed by the court, and the clerk shall hold office until 9890  
the clerk's successor is appointed and qualified. 9891

(b) In the Alliance, Lorain, Massillon, and Youngstown 9892  
municipal courts, the clerk shall be elected for a term of office 9893  
as described in division (A)(1)(a) of this section. 9894

(c) In the Auglaize county and Brown county municipal courts, 9895  
the clerks of courts of Auglaize county and Brown county shall be 9896

the clerks, respectively, of the Auglaize county and Brown county  
municipal courts and may appoint a chief deputy clerk for each  
branch that is established pursuant to section 1901.311 of the  
Revised Code, and assistant clerks as the judge of the court  
determines are necessary, all of whom shall receive the  
compensation that the legislative authority prescribes. The clerks  
of courts of Auglaize county and Brown county, acting as the  
clerks of the Auglaize county and Brown county municipal courts  
and assuming the duties of these offices, shall receive  
compensation payable from the county treasury in semimonthly  
installments at one-fourth the rate that is prescribed for the  
clerks of courts of common pleas as determined in accordance with  
the population of the county and the rates set forth in sections  
325.08 and 325.18 of the Revised Code.

(d) In the Columbiana county municipal court, the clerk of  
courts of Columbiana county shall be the clerk of the municipal  
court, may appoint a chief deputy clerk for each branch office  
that is established pursuant to section 1901.311 of the Revised  
Code, and may appoint any assistant clerks that the judges of the  
court determine are necessary. All of the chief deputy clerks and  
assistant clerks shall receive the compensation that the  
legislative authority prescribes. The clerk of courts of  
Columbiana county, acting as the clerk of the Columbiana county  
municipal court and assuming the duties of that office, shall  
receive in either biweekly installments or semimonthly  
installments, as determined by the payroll administrator,  
compensation payable from the county treasury ~~in semimonthly~~  
~~installments~~ at one-fourth the rate that is prescribed for the  
clerks of courts of common pleas as determined in accordance with  
the population of the county and the rates set forth in sections  
325.08 and 325.18 of the Revised Code.

(3) During the temporary absence of the clerk due to illness,

vacation, or other proper cause, the court may appoint a temporary 9929  
clerk, who shall be paid the same compensation, have the same 9930  
authority, and perform the same duties as the clerk. 9931

(B) Except in the Hamilton county, Portage county, and Wayne 9932  
county municipal courts, if a vacancy occurs in the office of the 9933  
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 9934  
court or occurs in the office of the clerk of a municipal court 9935  
for which the population of the territory equals or exceeds one 9936  
hundred thousand because the clerk ceases to hold the office 9937  
before the end of the clerk's term or because a clerk-elect fails 9938  
to take office, the vacancy shall be filled, until a successor is 9939  
elected and qualified, by a person chosen by the residents of the 9940  
territory of the court who are members of the county central 9941  
committee of the political party by which the last occupant of 9942  
that office or the clerk-elect was nominated. Not less than five 9943  
nor more than fifteen days after a vacancy occurs, those members 9944  
of that county central committee shall meet to make an appointment 9945  
to fill the vacancy. At least four days before the date of the 9946  
meeting, the chairperson or a secretary of the county central 9947  
committee shall notify each such member of that county central 9948  
committee by first class mail of the date, time, and place of the 9949  
meeting and its purpose. A majority of all such members of that 9950  
county central committee constitutes a quorum, and a majority of 9951  
the quorum is required to make the appointment. If the office so 9952  
vacated was occupied or was to be occupied by a person not 9953  
nominated at a primary election, or if the appointment was not 9954  
made by the committee members in accordance with this division, 9955  
the court shall make an appointment to fill the vacancy. A 9956  
successor shall be elected to fill the office for the unexpired 9957  
term at the first municipal election that is held more than one 9958  
hundred twenty days after the vacancy occurred. 9959

(C)(1) In a municipal court, other than the Auglaize county, 9960

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 and paid to the city treasury or, in a county-operated municipal court, the county treasury in relation to the costs and fees under division (G) of this section.

(2) In a municipal court, other than the Hamilton county, Portage county, and Wayne county municipal courts, for which the population of the territory is one hundred thousand or more, and in the Lorain municipal court, the clerk of the municipal court

shall receive annual compensation in a sum equal to eighty-five 9993  
per cent of the salary of a judge of the court. 9994

(3) The compensation of a clerk described in division (C)(1) 9995  
or (2) of this section is payable in semimonthly installments from 9996  
the same sources and in the same manner as provided in section 9997  
1901.11 of the Revised Code. 9998

(D) Before entering upon the duties of the clerk's office, 9999  
the clerk of a municipal court shall give bond of not less than 10000  
six thousand dollars to be determined by the judges of the court, 10001  
conditioned upon the faithful performance of the clerk's duties. 10002

(E) The clerk of a municipal court may do all of the 10003  
following: administer oaths, take affidavits, and issue executions 10004  
upon any judgment rendered in the court, including a judgment for 10005  
unpaid costs; issue, sign, and attach the seal of the court to all 10006  
writs, process, subpoenas, and papers issuing out of the court; 10007  
and approve all bonds, sureties, recognizances, and undertakings 10008  
fixed by any judge of the court or by law. The clerk may refuse to 10009  
accept for filing any pleading or paper submitted for filing by a 10010  
person who has been found to be a vexatious litigator under 10011  
section 2323.52 of the Revised Code and who has failed to obtain 10012  
leave to proceed under that section. The clerk shall do all of the 10013  
following: file and safely keep all journals, records, books, and 10014  
papers belonging or appertaining to the court; record the 10015  
proceedings of the court; perform all other duties that the judges 10016  
of the court may prescribe; and keep a book showing all receipts 10017  
and disbursements, which book shall be open for public inspection 10018  
at all times. 10019

The clerk shall prepare and maintain a general index, a 10020  
docket, and other records that the court, by rule, requires, all 10021  
of which shall be the public records of the court. In the docket, 10022  
the clerk shall enter, at the time of the commencement of an 10023

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

10056 fines received for violation of township resolutions adopted  
10057 pursuant to Chapter 504. of the Revised Code into the treasury of  
10058 the county. Subject to sections 3375.50, 3375.53, 4511.19, and  
10059 5503.04 of the Revised Code and to any other section of the  
10060 Revised Code that requires a specific manner of disbursement of  
10061 any moneys received by a municipal court, the clerk shall pay all  
10062 fines collected for the violation of state laws into the county  
10063 treasury. Except in a county-operated municipal court, the clerk  
10064 shall pay all costs and fees the disbursement of which is not  
10065 otherwise provided for in the Revised Code into the city treasury.  
10066 The clerk of a county-operated municipal court shall pay the costs  
10067 and fees the disbursement of which is not otherwise provided for  
10068 in the Revised Code into the county treasury. Moneys deposited as  
10069 security for costs shall be retained pending the litigation. The  
10070 clerk shall keep a separate account of all receipts and  
10071 disbursements in civil and criminal cases, which shall be a  
10072 permanent public record of the office. On the expiration of the  
10073 term of the clerk, the clerk shall deliver the records to the  
10074 clerk's successor. The clerk shall have other powers and duties as  
10075 are prescribed by rule or order of the court.

10076 (G) All moneys paid into a municipal court shall be noted on  
10077 the record of the case in which they are paid and shall be  
10078 deposited in a state or national bank, or a domestic savings and  
10079 loan association, as defined in section 1151.01 of the Revised  
10080 Code, that is selected by the clerk. Any interest received upon  
10081 the deposits shall be paid into the city treasury, except that, in  
10082 a county-operated municipal court, the interest shall be paid into  
10083 the treasury of the county in which the court is located.

10084 On the first Monday in January of each year, the clerk shall  
10085 make a list of the titles of all cases in the court that were  
10086 finally determined more than one year past in which there remains  
10087 unclaimed in the possession of the clerk any funds, or any part of

a deposit for security of costs not consumed by the costs in the 10088  
case. The clerk shall give notice of the moneys to the parties who 10089  
are entitled to the moneys or to their attorneys of record. All 10090  
the moneys remaining unclaimed on the first day of April of each 10091  
year shall be paid by the clerk to the city treasurer, except 10092  
that, in a county-operated municipal court, the moneys shall be 10093  
paid to the treasurer of the county in which the court is located. 10094  
The treasurer shall pay any part of the moneys at any time to the 10095  
person who has the right to the moneys upon proper certification 10096  
of the clerk. 10097

(H) Deputy clerks may be appointed by the clerk and shall 10098  
receive the compensation, payable in either biweekly installments 10099  
or semimonthly installments, as determined by the payroll 10100  
administrator, out of the city treasury, that the clerk may 10101  
prescribe, except that the compensation of any deputy clerk of a 10102  
county-operated municipal court shall be paid out of the treasury 10103  
of the county in which the court is located. Each deputy clerk 10104  
shall take an oath of office before entering upon the duties of 10105  
the deputy clerk's office and, when so qualified, may perform the 10106  
duties appertaining to the office of the clerk. The clerk may 10107  
require any of the deputy clerks to give bond of not less than 10108  
three thousand dollars, conditioned for the faithful performance 10109  
of the deputy clerk's duties. 10110

(I) For the purposes of this section, whenever the population 10111  
of the territory of a municipal court falls below one hundred 10112  
thousand but not below ninety thousand, and the population of the 10113  
territory prior to the most recent regular federal census exceeded 10114  
one hundred thousand, the legislative authority of the municipal 10115  
corporation may declare, by resolution, that the territory shall 10116  
be considered to have a population of at least one hundred 10117  
thousand. 10118

(J) The clerk or a deputy clerk shall be in attendance at all 10119

sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts.

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**Sec. 1901.311.** A municipal court may establish one or more branch offices and may appoint a special deputy clerk to administer each branch office. Each special deputy clerk shall take an oath of office before entering upon the duties of his office, and, when so qualified, may perform any one or more of the duties appertaining to the office of clerk, as the court prescribes. Special deputy clerks appointed by the court pursuant to this section shall receive such compensation payable in either biweekly installments or semimonthly installments, as determined by the payroll administrator, out of the city treasury as the court may prescribe, except that the compensation of any special deputy clerk of a county-operated municipal court shall be payable out of the treasury of the county in which the court is located. The court may require any of the special deputy clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of his duties.

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**Sec. 1901.32.** (A) The bailiffs and deputy bailiffs of a municipal court shall be provided for, and their duties are, as follows:

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(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

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bailiff of the court. Before entering upon ~~his~~ the duties of 10150  
office, the bailiff shall take an oath to faithfully perform the 10151  
duties of the office and shall give a bond of not less than three 10152  
thousand dollars, as the legislative authority prescribes, 10153  
conditioned for the faithful performance ~~of his~~ the duties ~~as~~ of 10154  
chief bailiff. 10155

(2) Except for the Hamilton county municipal court, deputy 10156  
bailiffs may be appointed by the court. Deputy bailiffs shall 10157  
receive the compensation payable in semimonthly installments out 10158  
of the city treasury that the court prescribes, except that the 10159  
compensation of deputy bailiffs in a county-operated municipal 10160  
court shall be paid out of the treasury of the county in which the 10161  
court is located. Each deputy bailiff shall give a bond in an 10162  
amount not less than one thousand dollars, and, when so qualified, 10163  
~~he~~ may perform the duties pertaining to the office of chief 10164  
bailiff of the court. 10165

(3) The bailiff and all deputy bailiffs of the Hamilton 10166  
county municipal court shall be appointed by the clerk and shall 10167  
receive the compensation payable in semimonthly installments out 10168  
of the treasury of Hamilton county that the clerk prescribes. Each 10169  
judge of the Hamilton county municipal court may appoint a 10170  
courtroom bailiff, each of whom shall receive the compensation 10171  
payable in semimonthly installments out of the treasury of 10172  
Hamilton county that the court prescribes. 10173

(4) The legislative authority may purchase motor vehicles for 10174  
the use of the bailiffs and deputy bailiffs as the court 10175  
determines they need to perform the duties of their office. All 10176  
expenses, maintenance, and upkeep of the vehicles shall be paid by 10177  
the legislative authority upon approval by the court. Any 10178  
allowances, costs, and expenses for the operation of private motor 10179  
vehicles by bailiffs and deputy bailiffs for official duties, 10180  
including the cost of oil, gasoline, and maintenance, shall be 10181

prescribed by the court and, subject to the approval of the  
legislative authority, shall be paid from the city treasury,  
except that the allowances, costs, and expenses for the bailiffs  
and deputy bailiffs of a county-operated municipal court shall be  
paid from the treasury of the county in which the court is  
located.

(5) Every police officer of any municipal corporation and  
police constable of a township within the territory of the court  
is ex officio a deputy bailiff of the court in and for the  
municipal corporation or township ~~within~~ in which ~~he is~~  
commissioned as a police officer or police constable, and shall  
perform any duties in respect to cases within ~~his~~ the officer or  
constable's jurisdiction that are required ~~of him~~ by a judge of  
the court, or by the clerk or a bailiff or deputy bailiff of the  
court, without additional compensation.

(6) The bailiff and deputy bailiffs shall perform for the  
court services similar to those performed by the sheriff for the  
court of common pleas and shall perform any other duties that are  
requested by rule of court.

The bailiff or deputy bailiff may administer oaths to  
witnesses and jurors and receive verdicts in the same manner and  
form and to the same extent as the clerk or deputy clerks of the  
court. The bailiff may approve all undertakings and bonds given in  
actions of replevin and all redelivery bonds in attachments.

(B) In the Cleveland municipal court, the chief clerks and  
all deputy clerks are in the classified civil service of the city  
of Cleveland. The clerk, the chief deputy clerks, the probation  
officers, one private secretary, one personal stenographer to the  
clerk, and one personal bailiff to each judge are in the  
unclassified civil service of the city of Cleveland. Upon demand  
of the clerk, the civil service commission of the city of

Cleveland shall certify a list of those eligible for the position of deputy clerk. From the list, the clerk shall designate chief clerks and the number of deputy clerks that the legislative authority determines are necessary.

Except as otherwise provided in this division, the bailiff, chief deputy bailiffs, and all deputy bailiffs of the Cleveland municipal court appointed after January 1, 1968, and the chief housing specialist, housing specialists, and housing division referees of the housing division of the Cleveland municipal court appointed under section 1901.331 of the Revised Code are in the unclassified civil service of the city of Cleveland. All deputy bailiffs of the housing division of the Cleveland municipal court appointed pursuant to that section are in the classified civil service of the city of Cleveland. Upon the demand of the judge of the housing division of the Cleveland municipal court, the civil service commission of the city of Cleveland shall certify a list of those eligible for the position of deputy bailiff of the housing division. From the list, the judge of the housing division shall designate the number of deputy bailiffs that ~~he~~ the judge determines are necessary.

The chief deputy clerks, the chief clerks, and all other deputy clerks of the Cleveland municipal court shall receive the compensation that the clerk prescribes. Except as provided in division (A)(4)(a) of section 1901.331 of the Revised Code with respect to officers and employees of the housing division of the Cleveland municipal court, the bailiff, all deputy bailiffs, and assignment room personnel of the Cleveland municipal court shall receive the compensation that the court prescribes.

Any appointee under sections 1901.01 to 1901.37 of the Revised Code may be dismissed or discharged by the same power that appointed ~~him~~ the appointee. In the case of the removal of any civil service appointee under those sections, an appeal may be

taken from the decision of the civil service commission to the 10245  
court of common pleas of Cuyahoga county to determine the 10246  
sufficiency of the cause of removal. The appeal shall be taken 10247  
within ten days of the finding of the commission. 10248

In the Cleveland municipal court, the presiding judge may 10249  
appoint on a full-time, per diem, or contractual basis any 10250  
official court reporters for the civil branch of the court that 10251  
the business of the court requires. The compensation of official 10252  
court reporters shall be determined by the presiding judge of the 10253  
court. The compensation shall be payable from the city treasury 10254  
and from the treasury of Cuyahoga county in the same proportion as 10255  
designated in section 1901.11 of the Revised Code for the payment 10256  
of compensation of municipal judges. In every trial in which the 10257  
services of a court reporter so appointed are requested by the 10258  
judge, any party, or the attorney for any party, there shall be 10259  
taxed for each day's services of the court reporter a fee in the 10260  
same amount as may be taxed for similar services in the court of 10261  
common pleas under section 2301.21 of the Revised Code, to be 10262  
collected as other costs in the case. The fees so collected shall 10263  
be paid quarterly by the clerk into the city treasury and the 10264  
treasury of Cuyahoga county in the same proportion as the 10265  
compensation for the court reporters is paid from the city and 10266  
county treasuries and shall be credited to the general funds of 10267  
the city and county treasuries. 10268

(C) In the Hamilton county municipal court, all employees, 10269  
including the bailiff, deputy bailiff, and courtroom bailiffs, are 10270  
in the unclassified civil service. 10271

**Sec. 1901.33.** (A) The judge or judges of a municipal court 10272  
may appoint one or more interpreters, one or more mental health 10273  
professionals, one or more probation officers, an assignment 10274  
commissioner, deputy assignment commissioners, and other court 10275

aides on a full-time, part-time, hourly, or other basis. Each 10276  
appointee shall receive the compensation out of the city treasury 10277  
that the legislative authority prescribes in either biweekly 10278  
installments or semimonthly installments, as determined by the 10279  
payroll administrator, except that in a county-operated municipal 10280  
court they shall receive the compensation out of the treasury of 10281  
the county in which the court is located that the board of county 10282  
commissioners prescribes. Probation officers have all the powers 10283  
of regular police officers and shall perform any duties that are 10284  
designated by the judge or judges of the court. Assignment 10285  
commissioners shall assign cases for trial and perform any other 10286  
duties that the court directs. 10287

The judge or judges may appoint one or more typists, 10288  
stenographers, statistical clerks, and official court reporters, 10289  
each of whom shall be paid the compensation out of the city 10290  
treasury that the legislative authority prescribes, except that in 10291  
a county-operated municipal court they shall be paid the 10292  
compensation out of the treasury of the county in which the court 10293  
is located that the board of county commissioners prescribes. 10294

(B) If a municipal court appoints one or more probation 10295  
officers, those officers shall constitute the municipal court 10296  
department of probation unless the court designates other 10297  
employees as the department of probation for the court. 10298

(C) The chief probation officer may grant permission to a 10299  
probation officer to carry firearms when required in the discharge 10300  
of the probation officer's official duties if the probation 10301  
officer has successfully completed a basic firearm training 10302  
program that is approved by the executive director of the Ohio 10303  
peace officer training commission. A probation officer who has 10304  
been granted permission to carry a firearm in the discharge of the 10305  
probation officer's official duties annually shall successfully 10306  
complete a firearms requalification program in accordance with 10307

section 109.801 of the Revised Code.

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(D) The judge or judges of a municipal court in which the clerk of the court is elected as provided in division (A)(1)(a) or (d) or (A)(2)(b) of section 1901.31 of the Revised Code may appoint an administrative assistant. The administrative assistant shall have charge of personnel related matters of the court and shall perform any other administrative duties assigned by the court. The administrative assistant shall receive the compensation out of the city treasury that the court prescribes, except that, in a county-operated municipal court, the administrative assistant shall receive the compensation out of the treasury of the county in which the court is located that the court prescribes.

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**Sec. 2151.357.** (A)(1) In the manner prescribed by division (C)(1) or (2) of section 3313.64 of the Revised Code, as applicable, the court, at the time of making any order that removes a child from the child's own home or that vests legal or permanent custody of the child in a person other than the child's parent or a government agency, shall determine the school district that is to bear the cost of educating the child. The court shall make the determination a part of the order that provides for the child's placement or commitment. That school district shall bear the cost of educating the child unless and until the court modifies its order pursuant to division (A)(2) of this section.

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(2) If, while the child is in the custody of a person other than the child's parent or a government agency, the department of education notifies the court that the place of residence of the child's parent has changed since the court issued its initial order, the court may modify its order to name a different school district to bear the cost of educating the child. The department may submit the notice to the court upon receipt, from the school district initially ordered to bear the cost of educating the

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child, of evidence acceptable to the department that the residence of the child's parent has changed since the court issued its initial order. In the notice to the court, the department shall recommend to the court whether a different district should be ordered to bear the cost of educating the child and, if so, which district should be so ordered. The department shall recommend to the court the district in which the child's parent currently resides or, if the parent's residence is not known, the district in which the parent's last known residence is located. If the department cannot determine any Ohio district in which the parent currently resides or has resided, the school district designated in the initial court order shall continue to bear the cost of educating the child.

The court may consider the content of a notice by the department of education under division (A)(2) of this section as conclusive evidence as to which school district should bear the cost of educating the child and may amend its order accordingly.

(B) Whenever a child is placed in a detention facility established under section 2152.41 of the Revised Code or a juvenile facility established under section 2151.65 of the Revised Code, the child's school district as determined by the court shall pay the cost of educating the child based on the per capita cost of the educational facility within the detention home or juvenile facility.

(C) Whenever a child is placed by the court in a private institution, school, or residential treatment center or any other private facility, the state shall pay to the court a subsidy to help defray the expense of educating the child in an amount equal to the product of the daily per capita educational cost of the private facility, as determined pursuant to this section, and the number of days the child resides at the private facility, provided that the subsidy shall not exceed twenty-five hundred dollars per

year per child. The daily per capita educational cost of a private 10371  
facility shall be determined by dividing the actual program cost 10372  
of the private facility or twenty-five hundred dollars, whichever 10373  
is less, by three hundred sixty-five days or by three hundred 10374  
sixty-six days for years that include February twenty-ninth. The 10375  
state shall pay seventy-five per cent of the total subsidy for 10376  
each year quarterly to the court. The state may adjust the 10377  
remaining twenty-five per cent of the total subsidy to be paid to 10378  
the court for each year to an amount that is less than twenty-five 10379  
per cent of the total subsidy for that year based upon the 10380  
availability of funds appropriated to the department of education 10381  
for the purpose of subsidizing courts that place a child in a 10382  
private institution, school, or residential treatment center or 10383  
any other private facility and shall pay that adjusted amount to 10384  
the court at the end of the year. 10385

**Sec. 2152.44.** (A) As soon as practical after the organization 10386  
of the joint board of county commissioners as provided by section 10387  
2152.41 of the Revised Code, the joint board shall appoint a board 10388  
of not less than five trustees. The board shall hold office until 10389  
the first annual meeting after the choice of an established site 10390  
and buildings, or after the selection and purchase of a building 10391  
site. At that time, the joint board of county commissioners shall 10392  
appoint a board of not less than five trustees, one of whom shall 10393  
hold office for a term of one year, one for a term of two years, 10394  
one for a term of three years, half of the remaining number for a 10395  
term of four years, and the remainder for a term of five years. 10396  
Annually thereafter, the joint board of county commissioners shall 10397  
appoint one or more trustees, each of whom shall hold office for a 10398  
term of five years, to succeed the trustee or trustees whose term 10399  
of office expires. A trustee may be appointed to successive terms. 10400  
Any person appointed as a trustee shall be recommended and 10401  
approved by the juvenile court judge or judges of the county of 10402

which the person resides. 10403

At least one trustee shall reside in each county in the 10404  
district. In districts composed of two counties, each county shall 10405  
be entitled to not less than two trustees. In districts composed 10406  
of more than four counties, the number of trustees shall be 10407  
sufficiently increased, provided that there shall always be an 10408  
uneven number of trustees on the board. The county in which a 10409  
district detention facility is located shall have not less than 10410  
two trustees, who, in the interim period between the regular 10411  
meetings of the trustees, shall act as an executive committee in 10412  
the discharge of all business pertaining to the facility. 10413

The joint board of county commissioners may remove any 10414  
trustee for good cause. The trustee appointed to fill any vacancy 10415  
shall hold the office for the unexpired term of the predecessor 10416  
trustee. 10417

(B) The annual meeting of the board of trustees shall be held 10418  
on the first Tuesday in May in each year. 10419

A majority of the board constitutes a quorum. Other board 10420  
meetings shall be held at least quarterly. The juvenile court 10421  
judge of each county of the district, or the judge's designee, 10422  
shall attend the meetings. The members of the board shall receive 10423  
no compensation for their services, except their actual and 10424  
necessary expenses. The treasurer shall pay the member's traveling 10425  
expenses when properly certified. 10426

(C) When the board of trustees does not choose an established 10427  
institution in one of the counties of the district, it may select 10428  
a suitable site for the erection of a district detention facility. 10429  
The site must be easily accessible, conducive to health, economy 10430  
in purchasing or in building, and the general interest of the 10431  
facility and its residents, and be as near as practicable to the 10432  
geographical center of the district. 10433

In the interim between the selection and purchase of a site, 10434  
and the erection and occupancy of the district detention facility, 10435  
the joint board of county commissioners provided under section 10436  
~~2151.41~~ 2152.41 of the Revised Code may delegate to the board of 10437  
trustees any powers and duties that, in its judgment, will be of 10438  
general interest or aid to the institution. The joint board of 10439  
county commissioners may appropriate a trustees' fund, to be 10440  
expended by the trustees for contracts, purchases, or other 10441  
necessary expenses of the facility. The trustees shall make a 10442  
complete settlement with the joint board of county commissioners 10443  
once each six months, or quarterly if required, and shall make to 10444  
the board of county commissioners and to the juvenile court of 10445  
each of the counties a full report of the condition of the 10446  
facility and residents. 10447

(D) The choice of an established site and buildings, or the 10448  
purchase of a site, stock, implements, and general farm equipment, 10449  
should there be a farm, the erection of buildings, and the 10450  
completion and furnishing of the district detention facility for 10451  
occupancy, shall be in the hands of the joint board of county 10452  
commissioners organized under section 2152.41 of the Revised Code. 10453  
The joint board of county commissioners may delegate all or a 10454  
portion of these duties to the board of trustees, under any 10455  
restrictions that the joint board of county commissioners imposes. 10456

When an established site and buildings are used for a 10457  
district detention facility, the joint board of county 10458  
commissioners shall cause the value of that site and those 10459  
buildings to be properly appraised. This appraisal value, or in 10460  
case of the purchase of a site, the purchase price and the cost of 10461  
all improvements thereto, shall be paid by the counties comprising 10462  
the district, in proportion to the taxable property of each 10463  
county, as shown by its tax duplicate. 10464

(E) Once a district is established, the trustees shall 10465

operate, maintain, and manage the facility as provided in sections 10466  
2152.41 to 2152.43 of the Revised Code and, on and after the 10467  
effective date of this amendment and notwithstanding any provision 10468  
of the Revised Code to the contrary, may adopt bylaws regarding 10469  
the daily operation, maintenance, and management of the facility. 10470  
No bylaw adopted pursuant to this division may supersede any 10471  
provision of the Revised Code. 10472

**Sec. 2305.2341.** (A) The medical liability insurance 10473  
reimbursement program is hereby established. Free clinics, 10474  
including the clinics' staff and volunteer health care 10475  
professionals and volunteer health care workers, may participate 10476  
in the medical liability insurance reimbursement program 10477  
established by this section. The coverage provided under the 10478  
program shall be limited to claims that arise out of the 10479  
diagnosis, treatment, and care of patients of free clinics, as 10480  
defined in division (D)(1) of this section. 10481

(B) A free clinic is eligible to receive reimbursement under 10482  
the medical liability insurance reimbursement program for the 10483  
premiums that the clinic pays for medical liability insurance 10484  
coverage for the clinic, its staff, and volunteer health care 10485  
professionals and health care workers. Free clinics shall register 10486  
with the department of health by the thirty-first day of January 10487  
of each year in order to participate in and to obtain 10488  
reimbursement under the program. Free clinics shall provide all of 10489  
the following to the department of health at the time of 10490  
registration: 10491

(1) A statement of the number of volunteer and paid health 10492  
care professionals and health care workers providing health care 10493  
services at the free clinic at that time; 10494

(2) A statement of the number of health care services 10495  
rendered by the free clinic during the previous fiscal year; 10496

(3) A signed form acknowledging that the free clinic agrees to follow its medical liability insurer's risk management and loss prevention policies;

(4) A copy of the medical liability insurance policy purchased by the free clinic, or the policy's declaration page, and documentation of the premiums paid by the clinic.

(C) The department of health shall reimburse free clinics participating in the professional liability insurance reimbursement program for up to eighty per cent of the premiums that the free clinic pays for medical liability insurance coverage up to twenty thousand dollars. Appropriations to the department of health may be made from the general fund of the state for this purpose.

(D) As used in this section:

(1) "Free clinic" means a nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal 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. 10527  
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A clinic is not a free clinic if the clinic bills medicaid, 10529  
medicare, or other third-party payers for health care services 10530  
rendered at the clinic, and receives twenty-five per cent or more 10531  
of the clinic's annual revenue from the third-party payments. 10532

(2) "Health care professional" and "health care worker" have 10533  
the same meanings as in section 2305.234 of the Revised Code. 10534

**Sec. 2503.20.** When requested by the supreme court, the 10535  
reporter of the supreme court shall attend its sessions and 10536  
consultations and shall report and prepare its decisions for 10537  
publication under its direction. The reporter shall prepare for 10538  
publication and edit, tabulate, and index those opinions and 10539  
decisions of any court of appeals furnished ~~him~~ the reporter for 10540  
publication by any such court, and such opinions and decisions of 10541  
any of the inferior courts, as may be designated by ~~him~~ the 10542  
reporter and approved by the chief justice of the supreme court. 10543  
No cases in any court of appeals shall be reported for publication 10544  
except those selected by that court of appeals, or by a majority 10545  
of the judges thereof. 10546

The supreme court may appoint assistants necessary to carry 10547  
on the work of the reporter's office. The court shall fix the 10548  
compensation of each assistant, which compensation shall be paid 10549  
out of the state treasury upon the warrant of the ~~auditor of state~~ 10550  
director of budget and management. 10551

Whenever a case is reported for publication, the syllabus of 10552  
such case shall be prepared by the judge delivering the opinion, 10553  
and approved by a majority of the members of the court. Such 10554  
report may be per curiam, or if an opinion is reported, such 10555  
opinion shall be written in as concise form as may be consistent 10556

with a clear presentation of the law of the case. Opinions for 10557  
permanent publication in book form shall be furnished to the 10558  
reporter and to no other person. All such cases shall be reported 10559  
in accordance with this section before they are recognized by and 10560  
receive the official sanction of any court. 10561

**Sec. 2913.01.** As used in this chapter, unless the context 10562  
requires that a term be given a different meaning: 10563

(A) "Deception" means knowingly deceiving another or causing 10564  
another to be deceived by any false or misleading representation, 10565  
by withholding information, by preventing another from acquiring 10566  
information, or by any other conduct, act, or omission that 10567  
creates, confirms, or perpetuates a false impression in another, 10568  
including a false impression as to law, value, state of mind, or 10569  
other objective or subjective fact. 10570

(B) "Defraud" means to knowingly obtain, by deception, some 10571  
benefit for oneself or another, or to knowingly cause, by 10572  
deception, some detriment to another. 10573

(C) "Deprive" means to do any of the following: 10574

(1) Withhold property of another permanently, or for a period 10575  
that appropriates a substantial portion of its value or use, or 10576  
with purpose to restore it only upon payment of a reward or other 10577  
consideration; 10578

(2) Dispose of property so as to make it unlikely that the 10579  
owner will recover it; 10580

(3) Accept, use, or appropriate money, property, or services, 10581  
with purpose not to give proper consideration in return for the 10582  
money, property, or services, and without reasonable justification 10583  
or excuse for not giving proper consideration. 10584

(D) "Owner" means, unless the context requires a different 10585  
meaning, any person, other than the actor, who is the owner of, 10586

who has possession or control of, or who has any license or  
interest in property or services, even though the ownership,  
possession, control, license, or interest is unlawful. 10587  
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(E) "Services" include labor, personal services, professional  
services, public utility services including wireless service as  
defined in division (F)(1) of section 4931.40 of the Revised Code,  
common carrier services, and food, drink, transportation,  
entertainment, and cable television services and, for purposes of  
section 2913.04 of the Revised Code, include cable services as  
defined in that section. 10590  
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(F) "Writing" means any computer software, document, letter,  
memorandum, note, paper, plate, data, film, or other thing having  
in or upon it any written, typewritten, or printed matter, and any  
token, stamp, seal, credit card, badge, trademark, label, or other  
symbol of value, right, privilege, license, or identification. 10597  
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(G) "Forge" means to fabricate or create, in whole or in part  
and by any means, any spurious writing, or to make, execute,  
alter, complete, reproduce, or otherwise purport to authenticate  
any writing, when the writing in fact is not authenticated by that  
conduct. 10602  
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(H) "Utter" means to issue, publish, transfer, use, put or  
send into circulation, deliver, or display. 10607  
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(I) "Coin machine" means any mechanical or electronic device  
designed to do both of the following: 10609  
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(1) Receive a coin, bill, or token made for that purpose; 10611

(2) In return for the insertion or deposit of a coin, bill,  
or token, automatically dispense property, provide a service, or  
grant a license. 10612  
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(J) "Slug" means an object that, by virtue of its size,  
shape, composition, or other quality, is capable of being inserted 10615  
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or deposited in a coin machine as an improper substitute for a  
genuine coin, bill, or token made for that purpose.

(K) "Theft offense" means any of the following:

(1) A violation of section 2911.01, 2911.02, 2911.11,  
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04,  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32,  
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45,  
2913.47, former section 2913.47 or 2913.48, or section 2913.51,  
2915.05, or 2921.41 of the Revised Code;

(2) A violation of an existing or former municipal ordinance  
or law of this or any other state, or of the United States,  
substantially equivalent to any section listed in division (K)(1)  
of this section or a violation of section 2913.41, 2913.81, or  
2915.06 of the Revised Code as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal  
ordinance or law of this or any other state, or of the United  
States, involving robbery, burglary, breaking and entering, theft,  
embezzlement, wrongful conversion, forgery, counterfeiting,  
deceit, or fraud;

(4) A conspiracy or attempt to commit, or complicity in  
committing, any offense under division (K)(1), (2), or (3) of this  
section.

(L) "Computer services" includes, but is not limited to, the  
use of a computer system, computer network, computer program, data  
that is prepared for computer use, or data that is contained  
within a computer system or computer network.

(M) "Computer" means an electronic device that performs  
logical, arithmetic, and memory functions by the manipulation of  
electronic or magnetic impulses. "Computer" includes, but is not  
limited to, all input, output, processing, storage, computer

program, or communication facilities that are connected, or 10647  
related, in a computer system or network to an electronic device 10648  
of that nature. 10649

(N) "Computer system" means a computer and related devices, 10650  
whether connected or unconnected, including, but not limited to, 10651  
data input, output, and storage devices, data communications 10652  
links, and computer programs and data that make the system capable 10653  
of performing specified special purpose data processing tasks. 10654

(O) "Computer network" means a set of related and remotely 10655  
connected computers and communication facilities that includes 10656  
more than one computer system that has the capability to transmit 10657  
among the connected computers and communication facilities through 10658  
the use of computer facilities. 10659

(P) "Computer program" means an ordered set of data 10660  
representing coded instructions or statements that, when executed 10661  
by a computer, cause the computer to process data. 10662

(Q) "Computer software" means computer programs, procedures, 10663  
and other documentation associated with the operation of a 10664  
computer system. 10665

(R) "Data" means a representation of information, knowledge, 10666  
facts, concepts, or instructions that are being or have been 10667  
prepared in a formalized manner and that are intended for use in a 10668  
computer, computer system, or computer network. For purposes of 10669  
section 2913.47 of the Revised Code, "data" has the additional 10670  
meaning set forth in division (A) of that section. 10671

(S) "Cable television service" means any services provided by 10672  
or through the facilities of any cable television system or other 10673  
similar closed circuit coaxial cable communications system, or any 10674  
microwave or similar transmission service used in connection with 10675  
any cable television system or other similar closed circuit 10676  
coaxial cable communications system. 10677

(T) "Gain access" means to approach, instruct, communicate 10678  
with, store data in, retrieve data from, or otherwise make use of 10679  
any resources of a computer, computer system, or computer network, 10680  
or any cable service or cable system both as defined in section 10681  
2913.04 of the Revised Code. 10682

(U) "Credit card" includes, but is not limited to, a card, 10683  
code, device, or other means of access to a customer's account for 10684  
the purpose of obtaining money, property, labor, or services on 10685  
credit, or for initiating an electronic fund transfer at a 10686  
point-of-sale terminal, an automated teller machine, or a cash 10687  
dispensing machine. It also includes a county procurement card 10688  
issued under section 301.29 of the Revised Code. 10689

(V) "Electronic fund transfer" has the same meaning as in 92 10690  
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 10691

(W) "Rented property" means personal property in which the 10692  
right of possession and use of the property is for a short and 10693  
possibly indeterminate term in return for consideration; the 10694  
rentee generally controls the duration of possession of the 10695  
property, within any applicable minimum or maximum term; and the 10696  
amount of consideration generally is determined by the duration of 10697  
possession of the property. 10698

(X) "Telecommunication" means the origination, emission, 10699  
dissemination, transmission, or reception of data, images, 10700  
signals, sounds, or other intelligence or equivalence of 10701  
intelligence of any nature over any communications system by any 10702  
method, including, but not limited to, a fiber optic, electronic, 10703  
magnetic, optical, digital, or analog method. 10704

(Y) "Telecommunications device" means any instrument, 10705  
equipment, machine, or other device that facilitates 10706  
telecommunication, including, but not limited to, a computer, 10707  
computer network, computer chip, computer circuit, scanner, 10708

telephone, cellular telephone, pager, personal communications 10709  
device, transponder, receiver, radio, modem, or device that 10710  
enables the use of a modem. 10711

(Z) "Telecommunications service" means the providing, 10712  
allowing, facilitating, or generating of any form of 10713  
telecommunication through the use of a telecommunications device 10714  
over a telecommunications system. 10715

(AA) "Counterfeit telecommunications device" means a 10716  
telecommunications device that, alone or with another 10717  
telecommunications device, has been altered, constructed, 10718  
manufactured, or programmed to acquire, intercept, receive, or 10719  
otherwise facilitate the use of a telecommunications service or 10720  
information service without the authority or consent of the 10721  
provider of the telecommunications service or information service. 10722  
"Counterfeit telecommunications device" includes, but is not 10723  
limited to, a clone telephone, clone microchip, tumbler telephone, 10724  
or tumbler microchip; a wireless scanning device capable of 10725  
acquiring, intercepting, receiving, or otherwise facilitating the 10726  
use of telecommunications service or information service without 10727  
immediate detection; or a device, equipment, hardware, or software 10728  
designed for, or capable of, altering or changing the electronic 10729  
serial number in a wireless telephone. 10730

(BB)(1) "Information service" means, subject to division 10731  
(BB)(2) of this section, the offering of a capability for 10732  
generating, acquiring, storing, transforming, processing, 10733  
retrieving, utilizing, or making available information via 10734  
telecommunications, including, but not limited to, electronic 10735  
publishing. 10736

(2) "Information service" does not include any use of a 10737  
capability of a type described in division (BB)(1) of this section 10738  
for the management, control, or operation of a telecommunications 10739

system or the management of a telecommunications service. 10740

(CC) "Elderly person" means a person who is sixty-five years 10741  
of age or older. 10742

(DD) "Disabled adult" means a person who is eighteen years of 10743  
age or older and has some impairment of body or mind that makes 10744  
the person unable to work at any substantially remunerative 10745  
employment that the person otherwise would be able to perform and 10746  
that will, with reasonable probability, continue for a period of 10747  
at least twelve months without any present indication of recovery 10748  
from the impairment, or who is eighteen years of age or older and 10749  
has been certified as permanently and totally disabled by an 10750  
agency of this state or the United States that has the function of 10751  
so classifying persons. 10752

(EE) "Firearm" and "dangerous ordnance" have the same 10753  
meanings as in section 2923.11 of the Revised Code. 10754

(FF) "Motor vehicle" has the same meaning as in section 10755  
4501.01 of the Revised Code. 10756

(GG) "Dangerous drug" has the same meaning as in section 10757  
4729.01 of the Revised Code. 10758

(HH) "Drug abuse offense" has the same meaning as in section 10759  
2925.01 of the Revised Code. 10760

(II)(1) "Computer hacking" means any of the following: 10761

(a) Gaining access or attempting to gain access to all or 10762  
part of a computer, computer system, or a computer network without 10763  
express or implied authorization with the intent to defraud or 10764  
with intent to commit a crime; 10765

(b) Misusing computer or network services including, but not 10766  
limited to, mail transfer programs, file transfer programs, proxy 10767  
servers, and web servers by performing functions not authorized by 10768  
the owner of the computer, computer system, or computer network or 10769

other person authorized to give consent. As used in this division, 10770  
"misuse of computer and network services" includes, but is not 10771  
limited to, the unauthorized use of any of the following: 10772

(i) Mail transfer programs to send mail to persons other than 10773  
the authorized users of that computer or computer network; 10774

(ii) File transfer program proxy services or proxy servers to 10775  
access other computers, computer systems, or computer networks; 10776

(iii) Web servers to redirect users to other web pages or web 10777  
servers. 10778

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 10779  
using a group of computer programs commonly known as "port 10780  
scanners" or "probes" to intentionally access any computer, 10781  
computer system, or computer network without the permission of the 10782  
owner of the computer, computer system, or computer network or 10783  
other person authorized to give consent. The group of computer 10784  
programs referred to in this division includes, but is not limited 10785  
to, those computer programs that use a computer network to access 10786  
a computer, computer system, or another computer network to 10787  
determine any of the following: the presence or types of computers 10788  
or computer systems on a network; the computer network's 10789  
facilities and capabilities; the availability of computer or 10790  
network services; the presence or versions of computer software 10791  
including, but not limited to, operating systems, computer 10792  
services, or computer contaminants; the presence of a known 10793  
computer software deficiency that can be used to gain unauthorized 10794  
access to a computer, computer system, or computer network; or any 10795  
other information about a computer, computer system, or computer 10796  
network not necessary for the normal and lawful operation of the 10797  
computer initiating the access. 10798

(ii) The group of computer programs referred to in division 10799  
(II)(1)(c)(i) of this section does not include standard computer 10800

software used for the normal operation, administration, 10801  
management, and test of a computer, computer system, or computer 10802  
network including, but not limited to, domain name services, mail 10803  
transfer services, and other operating system services, computer 10804  
programs commonly called "ping," "tcpdump," and "traceroute" and 10805  
other network monitoring and management computer software, and 10806  
computer programs commonly known as "nslookup" and "whois" and 10807  
other systems administration computer software. 10808

(d) The intentional use of a computer, computer system, or a 10809  
computer network in a manner that exceeds any right or permission 10810  
granted by the owner of the computer, computer system, or computer 10811  
network or other person authorized to give consent. 10812

(2) "Computer hacking" does not include the introduction of a 10813  
computer contaminant, as defined in section 2909.02 of the Revised 10814  
Code, into a computer, computer system, computer program, or 10815  
computer network. 10816

(JJ) "Police dog or horse" ~~and "service dog" have~~ has the 10817  
same ~~meanings~~ meaning as in section 2921.321 of the Revised Code. 10818

(KK) "Anhydrous ammonia" is a compound formed by the 10819  
combination of two gaseous elements, nitrogen and hydrogen, in the 10820  
manner described in this division. Anhydrous ammonia is one part 10821  
nitrogen to three parts hydrogen (NH<sub>3</sub>). Anhydrous ammonia by 10822  
weight is fourteen parts nitrogen to three parts hydrogen, which 10823  
is approximately eighty-two per cent nitrogen to eighteen per cent 10824  
hydrogen. 10825

(LL) "Assistance dog" has the same meaning as in section 10826  
955.011 of the Revised Code. 10827

**Sec. 2913.02.** (A) No person, with purpose to deprive the 10828  
owner of property or services, shall knowingly obtain or exert 10829  
control over either the property or services in any of the 10830

following ways:	10831
(1) Without the consent of the owner or person authorized to give consent;	10832 10833
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	10834 10835
(3) By deception;	10836
(4) By threat;	10837
(5) By intimidation.	10838
(B)(1) Whoever violates this section is guilty of theft.	10839
(2) Except as otherwise provided in this division or division (B)(3), (4), (5), (6), (7), or (8) of this section, a violation of this section is petty theft, a misdemeanor of the first degree. If the value of the property or services stolen is five hundred dollars or more and is less than five thousand dollars or if the property stolen is any of the property listed in section 2913.71 of the Revised Code, a violation of this section is theft, a 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.	10840 10841 10842 10843 10844 10845 10846 10847 10848 10849 10850 10851 10852 10853 10854 10855 10856 10857 10858 10859
(3) Except as otherwise provided in division (B)(4), (5),	10860

(6), (7), or (8) of this section, if the victim of the offense is 10861  
an elderly person or disabled adult, a violation of this section 10862  
is theft from an elderly person or disabled adult, and division 10863  
(B)(3) of this section applies. Except as otherwise provided in 10864  
this division, theft from an elderly person or disabled adult is a 10865  
felony of the fifth degree. If the value of the property or 10866  
services stolen is five hundred dollars or more and is less than 10867  
five thousand dollars, theft from an elderly person or disabled 10868  
adult is a felony of the fourth degree. If the value of the 10869  
property or services stolen is five thousand dollars or more and 10870  
is less than twenty-five thousand dollars, theft from an elderly 10871  
person or disabled adult is a felony of the third degree. If the 10872  
value of the property or services stolen is twenty-five thousand 10873  
dollars or more and is less than one hundred thousand dollars, 10874  
theft from an elderly person or disabled adult is a felony of the 10875  
second degree. If the value of the property or services stolen is 10876  
one hundred thousand dollars or more, theft from an elderly person 10877  
or disabled adult is a felony of the first degree. 10878

(4) If the property stolen is a firearm or dangerous 10879  
ordnance, a violation of this section is grand theft, a felony of 10880  
the third degree, and there is a presumption in favor of the court 10881  
imposing a prison term for the offense. The offender shall serve 10882  
the prison term consecutively to any other prison term or 10883  
mandatory prison term previously or subsequently imposed upon the 10884  
offender. 10885

(5) If the property stolen is a motor vehicle, a violation of 10886  
this section is grand theft of a motor vehicle, a felony of the 10887  
fourth degree. 10888

(6) If the property stolen is any dangerous drug, a violation 10889  
of this section is theft of drugs, a felony of the fourth degree, 10890  
or, if the offender previously has been convicted of a felony drug 10891  
abuse offense, a felony of the third degree. 10892

(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. 10893  
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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. 10899  
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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: 10902  
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(a) Unless division (B)(9)(b) of this section applies, suspend for not more than six months the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege; 10909  
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(b) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to division (B)(9)(a) of this section, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code, provided that the suspension shall be for at least six months. 10914  
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(C) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under division (B)(9) 10922  
10923

of this section may grant the offender limited driving privileges 10924  
during the period of the suspension in accordance with Chapter 10925  
4510. of the Revised Code. 10926

**Sec. 2921.321.** (A) No person shall knowingly cause, or 10927  
attempt to cause, physical harm to a police dog or horse in either 10928  
of the following circumstances: 10929

(1) The police dog or horse is assisting a law enforcement 10930  
officer in the performance of the officer's official duties at the 10931  
time the physical harm is caused or attempted. 10932

(2) The police dog or horse is not assisting a law 10933  
enforcement officer in the performance of the officer's official 10934  
duties at the time the physical harm is caused or attempted, but 10935  
the offender has actual knowledge that the dog or horse is a 10936  
police dog or horse. 10937

(B) No person shall recklessly do any of the following: 10938

(1) Taunt, torment, or strike a police dog or horse; 10939

(2) Throw an object or substance at a police dog or horse; 10940

(3) Interfere with or obstruct a police dog or horse, or 10941  
interfere with or obstruct a law enforcement officer who is being 10942  
assisted by a police dog or horse, in a manner that does any of 10943  
the following: 10944

(a) Inhibits or restricts the law enforcement officer's 10945  
control of the police dog or horse; 10946

(b) Deprives the law enforcement officer of control of the 10947  
police dog or horse; 10948

(c) Releases the police dog or horse from its area of 10949  
control; 10950

(d) Enters the area of control of the police dog or horse 10951  
without the consent of the law enforcement officer, including 10952

placing food or any other object or substance into that area;	10953
(e) Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.	10954 10955
(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse;	10956 10957
(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.	10958 10959 10960 10961 10962 10963 10964
(C) No person shall knowingly cause, or attempt to cause, physical harm to a <del>service</del> <u>an assistance</u> dog in either of the following circumstances:	10965 10966 10967
(1) The <del>service</del> dog is assisting or serving a blind, deaf <u>or hearing impaired</u> , or mobility impaired person <del>or person with a seizure disorder</del> at the time the physical harm is caused or attempted.	10968 10969 10970 10971
(2) The <del>service</del> dog is not assisting or serving a blind, deaf <u>or hearing impaired</u> , or mobility impaired person <del>or person with a seizure disorder</del> at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is a <del>service</del> <u>an assistance</u> dog.	10972 10973 10974 10975 10976
(D) No person shall recklessly do any of the following:	10977
(1) Taunt, torment, or strike a <del>service</del> <u>an assistance</u> dog;	10978
(2) Throw an object or substance at a <del>service</del> <u>an assistance</u> dog;	10979 10980
(3) Interfere with or obstruct a <del>service</del> <u>an assistance</u> dog, or interfere with or obstruct a blind, deaf <u>or hearing impaired</u> ,	10981 10982

or mobility impaired person ~~or person with a seizure disorder~~ who 10983  
is being assisted or served by a ~~service~~ an assistance dog, in a 10984  
manner that does any of the following: 10985

(a) Inhibits or restricts the assisted or served person's 10986  
control of the ~~service~~ dog; 10987

(b) Deprives the assisted or served person of control of the 10988  
~~service~~ dog; 10989

(c) Releases the ~~service~~ dog from its area of control; 10990

(d) Enters the area of control of the ~~service~~ dog without the 10991  
consent of the assisted or served person, including placing food 10992  
or any other object or substance into that area; 10993

(e) Inhibits or restricts the ability of the ~~service~~ dog to 10994  
assist the assisted or served person. 10995

(4) Engage in any conduct that is likely to cause serious 10996  
physical injury or death to a ~~service~~ an assistance dog; 10997

(5) If the person is the owner, keeper, or harbinger of a dog, 10998  
fail to reasonably restrain the dog from taunting, tormenting, 10999  
chasing, approaching in a menacing fashion or apparent attitude of 11000  
attack, or attempting to bite or otherwise endanger a ~~service~~ an 11001  
assistance dog that at the time of the conduct is assisting or 11002  
serving a blind, deaf or hearing impaired, or mobility impaired 11003  
person ~~or person with a seizure disorder~~ or that the person knows 11004  
is a ~~service~~ an assistance dog. 11005

(E)(1) Whoever violates division (A) of this section is 11006  
guilty of assaulting a police dog or horse. Except as otherwise 11007  
provided in this division, assaulting a police dog or horse is a 11008  
misdemeanor of the second degree. If the violation results in the 11009  
death of the police dog or horse, assaulting a police dog or horse 11010  
is a felony of the third degree. If the violation results in 11011  
serious physical harm to the police dog or horse other than its 11012

death, assaulting a police dog or horse is a felony of the fourth 11013  
degree. If the violation results in physical harm to the police 11014  
dog or horse other than death or serious physical harm, assaulting 11015  
a police dog or horse is a misdemeanor of the first degree. 11016

(2) Whoever violates division (B) of this section is guilty 11017  
of harassing a police dog or horse. Except as otherwise provided 11018  
in this division, harassing a police dog or horse is a misdemeanor 11019  
of the second degree. If the violation results in the death of the 11020  
police dog or horse, harassing a police dog or horse is a felony 11021  
of the third degree. If the violation results in serious physical 11022  
harm to the police dog or horse, but does not result in its death, 11023  
harassing a police dog or horse, is a felony of the fourth degree. 11024  
If the violation results in physical harm to the police dog or 11025  
horse, but does not result in its death or in serious physical 11026  
harm to it, harassing a police dog or horse is a misdemeanor of 11027  
the first degree. 11028

(3) Whoever violates division (C) of this section is guilty 11029  
of assaulting a ~~service~~ an assistance dog. Except as otherwise 11030  
provided in this division, assaulting a ~~service~~ an assistance dog 11031  
is a misdemeanor of the second degree. If the violation results in 11032  
the death of the ~~service~~ assistance dog, assaulting a ~~service~~ an 11033  
assistance dog is a felony of the third degree. If the violation 11034  
results in serious physical harm to the ~~service~~ assistance dog 11035  
other than its death, assaulting a ~~service~~ an assistance dog is a 11036  
felony of the fourth degree. If the violation results in physical 11037  
harm to the ~~service~~ assistance dog other than death or serious 11038  
physical harm, assaulting a ~~service~~ an assistance dog is a 11039  
misdemeanor of the first degree. 11040

(4) Whoever violates division (D) of this section is guilty 11041  
of harassing a ~~service~~ an assistance dog. Except as otherwise 11042  
provided in this division, harassing a ~~service~~ an assistance dog 11043  
is a misdemeanor of the second degree. If the violation results in 11044

the death of the ~~service~~ assistance dog, harassing a ~~service~~ an 11045  
assistance dog is a felony of the third degree. If the violation 11046  
results in serious physical harm to the ~~service~~ assistance dog, 11047  
but does not result in its death, harassing a ~~service~~ an 11048  
assistance dog is a felony of the fourth degree. If the violation 11049  
results in physical harm to the ~~service~~ assistance dog, but does 11050  
not result in its death or in serious physical harm to it, 11051  
harassing a ~~service~~ an assistance dog is a misdemeanor of the 11052  
first degree. 11053

(5) In addition to any other sanction or penalty imposed for 11054  
the offense under this section, Chapter 2929., or any other 11055  
provision of the Revised Code, whoever violates division (A), (B), 11056  
(C), or (D) of this section is responsible for the payment of all 11057  
of the following: 11058

(a) Any veterinary bill or bill for medication incurred as a 11059  
result of the violation by the police department regarding a 11060  
violation of division (A) or (B) of this section or by the blind, 11061  
deaf or hearing impaired, or mobility impaired person ~~or person~~ 11062  
~~with a seizure disorder~~ assisted or served by the ~~service~~ 11063  
assistance dog regarding a violation of division (C) or (D) of 11064  
this section; 11065

(b) The cost of any damaged equipment that results from the 11066  
violation; 11067

(c) If the violation did not result in the death of the 11068  
police dog or horse or the ~~service~~ assistance dog that was the 11069  
subject of the violation and if, as a result of that dog or horse 11070  
being the subject of the violation, the dog or horse needs further 11071  
training or retraining to be able to continue in the capacity of a 11072  
police dog or horse or a ~~service~~ an assistance dog, the cost of 11073  
any further training or retraining of that dog or horse by a law 11074  
enforcement officer or by the blind, deaf or hearing impaired, or 11075  
mobility impaired person ~~or person with a seizure disorder~~ 11076

assisted or served by the ~~service~~ assistance dog; 11077

(d) If the violation resulted in the death of the police dog 11078  
or horse or the ~~service~~ assistance dog that was the subject of the 11079  
violation or resulted in serious physical harm to that dog or 11080  
horse to the extent that the dog or horse needs to be replaced on 11081  
either a temporary or a permanent basis, the cost of replacing 11082  
that dog or horse and of any further training of a new police dog 11083  
or horse or a new ~~service~~ assistance dog by a law enforcement 11084  
officer or by the blind, deaf or hearing impaired, or mobility 11085  
impaired person ~~or person with a seizure disorder~~ assisted or 11086  
served by the ~~service~~ assistance dog, which replacement or 11087  
training is required because of the death of or the serious 11088  
physical harm to the dog or horse that was the subject of the 11089  
violation. 11090

(F) This section does not apply to a licensed veterinarian 11091  
whose conduct is in accordance with Chapter 4741. of the Revised 11092  
Code. 11093

(G) This section only applies to an offender who knows or 11094  
should know at the time of the violation that the police dog or 11095  
horse or ~~service~~ assistance dog that is the subject of a violation 11096  
under this section is a police dog or horse or ~~service~~ an 11097  
assistance dog. 11098

(H) As used in this section: 11099

(1) "Physical harm" means any injury, illness, or other 11100  
physiological impairment, regardless of its gravity or duration. 11101

(2) "Police dog or horse" means a dog or horse that has been 11102  
trained, and may be used, to assist law enforcement officers in 11103  
the performance of their official duties. 11104

(3) "Serious physical harm" means any of the following: 11105

(a) Any physical harm that carries a substantial risk of 11106

death;	11107
(b) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;	11108 11109
(c) Any physical harm that causes acute pain of a duration that results in substantial suffering.	11110 11111
(4) " <del>Service Assistance dog,</del> " <del>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.</del>	11112 11113 11114 11115 11116 11117
(5) <del>"Blind</del> <u>"blind,</u> " and "mobility impaired person" have the same meanings as in section 955.011 of the Revised Code.	11118 11119
<b>Sec. 2923.46.</b> (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 respect to that property prior to its disposition in accordance with division (A)(4) or (B) of this section:	11120 11121 11122 11123 11124 11125
(1) Place the property under seal;	11126
(2) Remove the property to a place that the head of that agency designates;	11127 11128
(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;	11129 11130 11131 11132 11133 11134 11135

(4)(a) Seek forfeiture of the property pursuant to federal 11136  
law. If the head of that agency seeks its forfeiture pursuant to 11137  
federal law, the law enforcement agency shall deposit, use, and 11138  
account for proceeds from a sale of the property upon its 11139  
forfeiture, proceeds from another disposition of the property upon 11140  
its forfeiture, or forfeited moneys it receives, in accordance 11141  
with the applicable federal law and otherwise shall comply with 11142  
that law. 11143

(b) If the state highway patrol seized the property and if 11144  
the superintendent of the state highway patrol seeks its 11145  
forfeiture pursuant to federal law, the appropriate governmental 11146  
officials shall deposit ~~into the highway patrol federal~~ 11147  
~~contraband, forfeiture, and other fund~~ all interest or other 11148  
earnings derived from the investment of the proceeds from a sale 11149  
of the property upon its forfeiture, the proceeds from another 11150  
disposition of the property upon its forfeiture, or the forfeited 11151  
moneys into the highway patrol justice contraband fund or the 11152  
highway patrol treasury contraband fund, as applicable. The state 11153  
highway patrol shall use and account for that interest or other 11154  
earnings in accordance with the applicable federal law. 11155

(c) Division (B) of this section and divisions (D)(1) to (3) 11156  
of section 2933.43 of the Revised Code do not apply to proceeds or 11157  
forfeited moneys received pursuant to federal law or to the 11158  
interest or other earnings that are derived from the investment of 11159  
proceeds or forfeited moneys received pursuant to federal law and 11160  
that are described in division (A)(4)(b) of this section. 11161

(B) In addition to complying with any requirements imposed by 11162  
a court pursuant to section 2923.44 or 2923.45 of the Revised 11163  
Code, and the requirements imposed by those sections, in relation 11164  
to the disposition of property forfeited to the state under either 11165  
of those sections, the prosecuting attorney who is responsible for 11166  
its disposition shall dispose of the property as follows: 11167

(1) Any vehicle that was used in a violation of section 11168  
2923.42 of the Revised Code or in an act of a juvenile that is a 11169  
violation of section 2923.42 of the Revised Code shall be given to 11170  
the law enforcement agency of the municipal corporation or county 11171  
in which the offense or act occurred if that agency desires to 11172  
have the vehicle, except that, if the offense or act occurred in a 11173  
township or in a park district created pursuant to section 511.18 11174  
or 1545.01 of the Revised Code and a law enforcement officer 11175  
employed by the township or the park district was involved in the 11176  
seizure of the vehicle, the vehicle may be given to the law 11177  
enforcement agency of that township or park district if that 11178  
agency desires to have the vehicle, and except that, if the state 11179  
highway patrol made the seizure of the vehicle, the vehicle may be 11180  
given to the state highway patrol if it desires to have the 11181  
vehicle. 11182

(2) Drugs shall be disposed of pursuant to section 3719.11 of 11183  
the Revised Code or placed in the custody of the secretary of the 11184  
treasury of the United States for disposal or use for medical or 11185  
scientific purposes under applicable federal law. 11186

(3) Firearms and dangerous ordnance suitable for police work 11187  
may be given to a law enforcement agency for that purpose. 11188  
Firearms suitable for sporting use, or as museum pieces or 11189  
collectors' items, may be disposed of by sale pursuant to division 11190  
(B)(7) of this section. Other firearms and dangerous ordnance 11191  
shall be destroyed by a law enforcement agency or shall be sent to 11192  
the bureau of criminal identification and investigation for 11193  
destruction by it. 11194

(4) Computers, computer networks, computer systems, and 11195  
computer software suitable for police work may be given to a law 11196  
enforcement agency for that purpose. Other computers, computer 11197  
networks, computer systems, and computer software shall be 11198  
disposed of by sale pursuant to division (B)(7) of this section or 11199

disposed of in another manner that the court that issued the order 11200  
of forfeiture considers proper under the circumstances. 11201

(5) Obscene materials shall be destroyed. 11202

(6) Beer, intoxicating liquor, and alcohol shall be disposed 11203  
of in accordance with division (D)(4) of section 2933.41 of the 11204  
Revised Code. 11205

(7) In the case of property not described in divisions (B)(1) 11206  
to (6) of this section and of property described in those 11207  
divisions but not disposed of pursuant to them, the property shall 11208  
be sold in accordance with division (B)(7) of this section or, in 11209  
the case of forfeited moneys, disposed of in accordance with 11210  
division (B)(7) of this section. If the property is to be sold, 11211  
the prosecuting attorney shall cause a notice of the proposed sale 11212  
of the property to be given in accordance with law, and the 11213  
property shall be sold, without appraisal, at a public auction to 11214  
the highest bidder for cash. The proceeds of a sale and forfeited 11215  
moneys shall be applied in the following order: 11216

(a) First, to the payment of the costs incurred in connection 11217  
with the seizure of, storage of, maintenance of, and provision of 11218  
security for the property, the forfeiture proceeding or civil 11219  
action, and, if any, the sale; 11220

(b) Second, the remaining proceeds or forfeited moneys after 11221  
compliance with division (B)(7)(a) of this section, to the payment 11222  
of the value of any legal right, title, or interest in the 11223  
property that is possessed by a person who, pursuant to division 11224  
(F) of section 2923.44 of the Revised Code or division (E) of 11225  
section 2923.45 of the Revised Code, established the validity of 11226  
and consequently preserved that legal right, title, or interest, 11227  
including, but not limited to, any mortgage, perfected or other 11228  
security interest, or other lien in the property. The value of 11229  
these rights, titles, or interests shall be paid according to 11230

their record or other order of priority. 11231

(c) Third, the remaining proceeds or forfeited moneys after 11232  
compliance with divisions (B)(7)(a) and (b) of this section, as 11233  
follows: 11234

(i) If the forfeiture was ordered in a juvenile court, ten 11235  
per cent to one or more alcohol and drug addiction treatment 11236  
programs that are certified by the department of alcohol and drug 11237  
addiction services under section 3793.06 of the Revised Code and 11238  
that are specified in the order of forfeiture. A juvenile court 11239  
shall not specify an alcohol or drug addiction treatment program 11240  
in the order of forfeiture unless the program is a certified 11241  
alcohol and drug addiction treatment program and, except as 11242  
provided in division (B)(7)(c)(i) of this section, unless the 11243  
program is located in the county in which the court that orders 11244  
the forfeiture is located or in a contiguous county. If no 11245  
certified alcohol and drug addiction treatment program is located 11246  
in any of those counties, the juvenile court may specify in the 11247  
order a certified alcohol and drug addiction treatment program 11248  
located anywhere within this state. 11249

(ii) If the forfeiture was ordered in a juvenile court, 11250  
ninety per cent, and if the forfeiture was ordered in a court 11251  
other than a juvenile court, one hundred per cent to appropriate 11252  
funds in accordance with divisions (D)(1)(c) and (2) of section 11253  
2933.43 of the Revised Code. The remaining proceeds or forfeited 11254  
moneys so deposited shall be used only for the purposes authorized 11255  
by those divisions and division (D)(3)(a)(ii) of that section. 11256

(C)(1) Sections 2923.44 to 2923.47 of the Revised Code do not 11257  
preclude a financial institution that possessed a valid mortgage, 11258  
security interest, or lien that is not satisfied prior to a sale 11259  
under division (B)(7) of this section or following a sale by 11260  
application of division (B)(7)(b) of this section, from commencing 11261

a civil action in any appropriate court in this or another state 11262  
to obtain a deficiency judgment against the debtor if the 11263  
financial institution otherwise would have been entitled to do so 11264  
in this or another state. 11265

(2) Any law enforcement agency that obtains any vehicle 11266  
pursuant to division (B)(1) of this section shall take the vehicle 11267  
subject to the outstanding amount of any security interest or lien 11268  
that attaches to the vehicle. 11269

(3) Nothing in this section impairs a mortgage, security 11270  
interest, lien, or other interest of a financial institution in 11271  
property that was the subject of a forfeiture order under section 11272  
2923.44 or 2923.45 of the Revised Code and that was sold or 11273  
otherwise disposed of in a manner that does not conform to the 11274  
requirements of division (B) of this section, or any right of a 11275  
financial institution of that nature to commence a civil action in 11276  
any appropriate court in this or another state to obtain a 11277  
deficiency judgment against the debtor. 11278

(4) Following the sale under division (B)(7) of this section 11279  
of any property that is required to be titled or registered under 11280  
the law of this state, the prosecuting attorney responsible for 11281  
the disposition of the property shall cause the state to issue an 11282  
appropriate certificate of title or registration to the purchaser 11283  
of the property. If, in a disposition of property pursuant to 11284  
division (B) of this section, the state or a political subdivision 11285  
is given any property that is required to be titled or registered 11286  
under the law of this state, the prosecuting attorney responsible 11287  
for the disposition of the property shall cause the state to issue 11288  
an appropriate certificate of title or registration to itself or 11289  
to the political subdivision. 11290

(D) Property that has been forfeited to the state pursuant to 11291  
an order of criminal forfeiture under section 2923.44 of the 11292

Revised Code or an order of civil forfeiture under section 2923.45 11293  
of the Revised Code shall not be available for use to pay any fine 11294  
imposed upon a person who is convicted of or pleads guilty to a 11295  
violation of section 2923.42 of the Revised Code or upon a 11296  
juvenile who is found by a juvenile court to be a delinquent child 11297  
for an act that is a violation of section 2923.42 of the Revised 11298  
Code. 11299

(E) Sections 2923.44 to 2923.47 of the Revised Code do not 11300  
prohibit a law enforcement officer from seeking the forfeiture of 11301  
contraband associated with a violation of section 2923.42 of the 11302  
Revised Code pursuant to section 2933.43 of the Revised Code. 11303

**Sec. 2925.44.** (A) If property is seized pursuant to section 11304  
2925.42 or 2925.43 of the Revised Code, it is deemed to be in the 11305  
custody of the head of the law enforcement agency that seized it, 11306  
and the head of that agency may do any of the following with 11307  
respect to that property prior to its disposition in accordance 11308  
with division (A)(4) or (B) of this section: 11309

(1) Place the property under seal; 11310

(2) Remove the property to a place that the head of that 11311  
agency designates; 11312

(3) Request the issuance of a court order that requires any 11313  
other appropriate municipal corporation, county, township, park 11314  
district created pursuant to section 511.18 or 1545.01 of the 11315  
Revised Code, or state law enforcement officer or other officer to 11316  
take custody of the property and, if practicable, remove it to an 11317  
appropriate location for eventual disposition in accordance with 11318  
division (B) of this section; 11319

(4)(a) Seek forfeiture of the property pursuant to federal 11320  
law. If the head of that agency seeks its forfeiture pursuant to 11321  
federal law, the law enforcement agency shall deposit, use, and 11322

account for proceeds from a sale of the property upon its 11323  
forfeiture, proceeds from another disposition of the property upon 11324  
its forfeiture, or forfeited moneys it receives, in accordance 11325  
with the applicable federal law and otherwise shall comply with 11326  
that law. 11327

(b) If the state highway patrol seized the property and if 11328  
the superintendent of the state highway patrol seeks its 11329  
forfeiture pursuant to federal law, the appropriate governmental 11330  
officials shall deposit ~~into the highway patrol federal~~ 11331  
~~contraband, forfeiture, and other fund~~ all interest or other 11332  
earnings derived from the investment of the proceeds from a sale 11333  
of the property upon its forfeiture, the proceeds from another 11334  
disposition of the property upon its forfeiture, or the forfeited 11335  
moneys into the highway patrol justice contraband fund or the 11336  
highway patrol treasury contraband fund, as applicable. The state 11337  
highway patrol shall use and account for that interest or other 11338  
earnings in accordance with the applicable federal law. 11339

(c) If the investigative unit of the department of public 11340  
safety seized the property and if the director of public safety 11341  
seeks its forfeiture pursuant to federal law, the appropriate 11342  
governmental officials shall deposit into the department of public 11343  
safety investigative unit federal equitable share account fund all 11344  
interest or other earnings derived from the investment of the 11345  
proceeds from a sale of the property upon its forfeiture, the 11346  
proceeds from another disposition of the property upon its 11347  
forfeiture, or the forfeited moneys. The department shall use and 11348  
account for that interest or other earnings in accordance with the 11349  
applicable federal law. 11350

(d) If the enforcement division of the department of taxation 11351  
seized the property and if the tax commissioner seeks its 11352  
forfeiture pursuant to federal law, the appropriate governmental 11353  
officials shall deposit into the department of taxation 11354

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. 11387

(2) Any drug paraphernalia that was used, possessed, sold, or 11388  
manufactured in a violation of section 2925.14 of the Revised Code 11389  
that would be a felony drug abuse offense or in a violation of 11390  
that section committed by a juvenile that, if committed by an 11391  
adult, would be a felony drug abuse offense, may be given to the 11392  
law enforcement agency of the municipal corporation or county in 11393  
which the offense occurred if that agency desires to have and can 11394  
use the drug paraphernalia, except that, if the offense occurred 11395  
in a township or in a park district created pursuant to section 11396  
511.18 or 1545.01 of the Revised Code and a law enforcement 11397  
officer employed by the township or the park district was involved 11398  
in the seizure of the drug paraphernalia, the drug paraphernalia 11399  
may be given to the law enforcement agency of that township or 11400  
park district if that agency desires to have and can use the drug 11401  
paraphernalia. If the drug paraphernalia is not so given, it shall 11402  
be disposed of by sale pursuant to division (B)(8) of this section 11403  
or disposed of in another manner that the court that issued the 11404  
order of forfeiture considers proper under the circumstances. 11405

(3) Drugs shall be disposed of pursuant to section 3719.11 of 11406  
the Revised Code or placed in the custody of the secretary of the 11407  
treasury of the United States for disposal or use for medical or 11408  
scientific purposes under applicable federal law. 11409

(4) Firearms and dangerous ordnance suitable for police work 11410  
may be given to a law enforcement agency for that purpose. 11411  
Firearms suitable for sporting use, or as museum pieces or 11412  
collectors' items, may be disposed of by sale pursuant to division 11413  
(B)(8) of this section. Other firearms and dangerous ordnance 11414  
shall be destroyed by a law enforcement agency or shall be sent to 11415  
the bureau of criminal identification and investigation for 11416  
destruction by it. As used in this division, "firearms" and 11417  
"dangerous ordnance" have the same meanings as in section 2923.11 11418

of the Revised Code. 11419

(5) Computers, computer networks, computer systems, and 11420  
computer software suitable for police work may be given to a law 11421  
enforcement agency for that purpose. Other computers, computer 11422  
networks, computer systems, and computer software shall be 11423  
disposed of by sale pursuant to division (B)(8) of this section or 11424  
disposed of in another manner that the court that issued the order 11425  
of forfeiture considers proper under the circumstances. As used in 11426  
this division, "computers," "computer networks," "computer 11427  
systems," and "computer software" have the same meanings as in 11428  
section 2913.01 of the Revised Code. 11429

(6) Obscene materials shall be destroyed. 11430

(7) Beer, intoxicating liquor, and alcohol shall be disposed 11431  
of in accordance with division (D)(4) of section 2933.41 of the 11432  
Revised Code. 11433

(8) In the case of property not described in divisions (B)(1) 11434  
to (7) of this section and of property described in those 11435  
divisions but not disposed of pursuant to them, the property shall 11436  
be sold in accordance with division (B)(8) of this section or, in 11437  
the case of forfeited moneys, disposed of in accordance with 11438  
division (B)(8) of this section. If the property is to be sold, 11439  
the prosecuting attorney shall cause a notice of the proposed sale 11440  
of the property to be given in accordance with law, and the 11441  
property shall be sold, without appraisal, at a public auction to 11442  
the highest bidder for cash. The proceeds of a sale and forfeited 11443  
moneys shall be applied in the following order: 11444

(a) First, to the payment of the costs incurred in connection 11445  
with the seizure of, storage of, maintenance of, and provision of 11446  
security for the property, the forfeiture proceeding or civil 11447  
action, and, if any, the sale; 11448

(b) Second, the remaining proceeds or forfeited moneys after 11449

compliance with division (B)(8)(a) of this section, to the payment 11450  
of the value of any legal right, title, or interest in the 11451  
property that is possessed by a person who, pursuant to division 11452  
(F) of section 2925.42 of the Revised Code or division (E) of 11453  
section 2925.43 of the Revised Code, established the validity of 11454  
and consequently preserved that legal right, title, or interest, 11455  
including, but not limited to, any mortgage, perfected or other 11456  
security interest, or other lien in the property. The value of 11457  
these rights, titles, or interests shall be paid according to 11458  
their record or other order of priority. 11459

(c) Third, the remaining proceeds or forfeited moneys after 11460  
compliance with divisions (B)(8)(a) and (b) of this section, as 11461  
follows: 11462

(i) If the forfeiture was ordered in a juvenile court, ten 11463  
per cent to one or more alcohol and drug addiction treatment 11464  
programs that are certified by the department of alcohol and drug 11465  
addiction services under section 3793.06 of the Revised Code and 11466  
that are specified in the order of forfeiture. A juvenile court 11467  
shall not specify an alcohol or drug addiction treatment program 11468  
in the order of forfeiture unless the program is a certified 11469  
alcohol and drug addiction treatment program and, except as 11470  
provided in division (B)(8)(c)(i) of this section, unless the 11471  
program is located in the county in which the court that orders 11472  
the forfeiture is located or in a contiguous county. If no 11473  
certified alcohol and drug addiction treatment program is located 11474  
in any of those counties, the juvenile court may specify in the 11475  
order a certified alcohol and drug addiction treatment program 11476  
located anywhere within this state. 11477

(ii) If the forfeiture was ordered in a juvenile court, 11478  
ninety per cent, and if the forfeiture was ordered in a court 11479  
other than a juvenile court, one hundred per cent to appropriate 11480  
funds in accordance with divisions (D)(1)(c) and (2) of section 11481

2933.43 of the Revised Code. The remaining proceeds or forfeited 11482  
moneys so deposited shall be used only for the purposes authorized 11483  
by those divisions and division (D)(3)(a)(ii) of that section. 11484

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not 11485  
preclude a financial institution that possessed a valid mortgage, 11486  
security interest, or lien that is not satisfied prior to a sale 11487  
under division (B)(8) of this section or following a sale by 11488  
application of division (B)(8)(b) of this section, from commencing 11489  
a civil action in any appropriate court in this or another state 11490  
to obtain a deficiency judgment against the debtor if the 11491  
financial institution otherwise would have been entitled to do so 11492  
in this or another state. 11493

(2) Any law enforcement agency that obtains any vehicle 11494  
pursuant to division (B)(1) of this section shall take the vehicle 11495  
subject to the outstanding amount of any security interest or lien 11496  
that attaches to the vehicle. 11497

(3) Nothing in this section impairs a mortgage, security 11498  
interest, lien, or other interest of a financial institution in 11499  
property that was the subject of a forfeiture order under section 11500  
2925.42 or 2925.43 of the Revised Code and that was sold or 11501  
otherwise disposed of in a manner that does not conform to the 11502  
requirements of division (B) of this section, or any right of a 11503  
financial institution of that nature to commence a civil action in 11504  
any appropriate court in this or another state to obtain a 11505  
deficiency judgment against the debtor. 11506

(4) Following the sale under division (B)(8) of this section 11507  
of any property that is required to be titled or registered under 11508  
the law of this state, the prosecuting attorney responsible for 11509  
the disposition of the property shall cause the state to issue an 11510  
appropriate certificate of title or registration to the purchaser 11511  
of the property. Additionally, if, in a disposition of property 11512

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.

**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.

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 11544  
2933.42 of the Revised Code if the underlying offense involved in 11545  
the violation of division (A) of that section that resulted in the 11546  
watercraft, motor vehicle, aircraft, or personal property being 11547  
classified as contraband, is a felony. 11548

(2) If a law enforcement officer seizes property that is 11549  
titled or registered under law, including a motor vehicle, 11550  
pursuant to division (A)(1) of this section, the officer or the 11551  
officer's employing law enforcement agency shall notify the owner 11552  
of the seizure. The notification shall be given to the owner at 11553  
the owner's last known address within seventy-two hours after the 11554  
seizure, and may be given orally by any means, including 11555  
telephone, or by certified mail, return receipt requested. 11556

If the officer or the officer's agency is unable to provide 11557  
the notice required by this division despite reasonable, good 11558  
faith efforts to do so, the exercise of the reasonable, good faith 11559  
efforts constitutes fulfillment of the notice requirement imposed 11560  
by this division. 11561

(B)(1) A motor vehicle seized pursuant to division (A)(1) of 11562  
this section and the contents of the vehicle may be retained for a 11563  
reasonable period of time, not to exceed seventy-two hours, for 11564  
the purpose of inspection, investigation, and the gathering of 11565  
evidence of any offense or illegal use. 11566

At any time prior to the expiration of the seventy-two-hour 11567  
period, the law enforcement agency that seized the motor vehicle 11568  
may petition the court of common pleas of the county that has 11569  
jurisdiction over the underlying criminal case or administrative 11570  
proceeding involved in the forfeiture for an extension of the 11571  
seventy-two-hour period if the motor vehicle or its contents are 11572  
needed as evidence or if additional time is needed for the 11573  
inspection, investigation, or gathering of evidence. Upon the 11574

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.

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 custody and control of the owner at the time of its seizure, and if, at the end of that seventy-two-hour period, the owner of the vehicle has not been charged with an offense or administrative violation that includes the use of the vehicle as an element and has not been charged with any other offense or administrative violation in the actual commission of which the motor vehicle was used, the vehicle and its contents shall be released to its owner or the owner's agent, provided that the law enforcement agency that seized the vehicle may require proof of ownership of the vehicle, proof of ownership or legal possession of the contents, and an affidavit of the owner that the owner neither knew of nor expressly or impliedly consented to the use of the vehicle that resulted in its forfeiture as conditions precedent to release. If a petition for the extension of the initial seventy-two-hour

period has been filed, prior to the expiration of that period, 11607  
under this division but the court does not grant the petition, if 11608  
the vehicle was not in the custody and control of the owner at the 11609  
time of its seizure, and if, at the end of that seventy-two-hour 11610  
period, the owner of the vehicle has not been charged with an 11611  
offense or administrative violation that includes the use of the 11612  
vehicle as an element and has not been charged with any other 11613  
offense or administrative violation in the actual commission of 11614  
which the motor vehicle was used, the vehicle and its contents 11615  
shall be released to its owner or the owner's agent, provided that 11616  
the court may require the proof and affidavit described in the 11617  
preceding sentence as conditions precedent to release. If the 11618  
initial seventy-two-hour period has been extended under this 11619  
division, the vehicle and its contents to which the extension 11620  
applies may be retained in accordance with the extension order. 11621  
If, at the end of that extended period, the owner of the vehicle 11622  
has not been charged with an offense or administrative violation 11623  
that includes the use of the vehicle as an element and has not 11624  
been charged with any other offense or administrative violation in 11625  
the actual commission of which the motor vehicle was used, and if 11626  
the vehicle was not in the custody and control of the owner at the 11627  
time of its seizure, the vehicle and its contents shall be 11628  
released to its owner or the owner's agent, provided that the 11629  
court may require the proof and affidavit described in the third 11630  
preceding sentence as conditions precedent to release. In cases in 11631  
which the court may require proof and affidavits as conditions 11632  
precedent to release, the court also may require the posting of a 11633  
bond, with sufficient sureties approved by the court, in an amount 11634  
equal to the value of the property to be released, as determined 11635  
by the court, and conditioned upon the return of the property to 11636  
the court if it is forfeited under this section, as a further 11637  
condition to release. If, at the end of the initial 11638  
seventy-two-hour period or at the end of any extended period 11639

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  
division (A)(1) of this section shall be determined in accordance  
with division (C) of this section.

(2) Pending a hearing pursuant to division (C) of this  
section, and subject to divisions (B)(1) and (C) of this section,  
any property lawfully seized pursuant to division (A) of this  
section because it was contraband of a type described in division  
(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section  
2901.01 of the Revised Code shall not be subject to replevin or  
other action in any court and shall not be subject to release upon  
request of the owner, and no judgment shall be enforced against  
the property. Pending the hearing, and subject to divisions (B)(1)  
and (C) of this section, the property shall be kept in the custody

of the law enforcement agency responsible for its seizure. 11672

Pending a hearing pursuant to division (C) of this section, 11673  
and notwithstanding any provisions of division (B)(1) or (C) of 11674  
this section to the contrary, any property lawfully seized 11675  
pursuant to division (A) of this section because it was contraband 11676  
of a type described in division (A)(13)(a) or (c) of section 11677  
2901.01 of the Revised Code shall not be subject to replevin or 11678  
other action in any court and shall not be subject to release upon 11679  
request of the owner, and no judgment shall be enforced against 11680  
the property. Pending the hearing, and notwithstanding any 11681  
provisions of division (B)(1) or (C) of this section to the 11682  
contrary, the property shall be kept in the custody of the law 11683  
enforcement agency responsible for its seizure. 11684

A law enforcement agency that seizes property under division 11685  
(A) of this section because it was contraband of any type 11686  
described in division (A)(13) of section 2901.01 or division (B) 11687  
of section 2933.42 of the Revised Code shall maintain an accurate 11688  
record of each item of property so seized, which record shall 11689  
include the date on which each item was seized, the manner and 11690  
date of its disposition, and if applicable, the name of the person 11691  
who received the item; however, the record shall not identify or 11692  
enable the identification of the individual officer who seized the 11693  
item. The record of property of that nature that no longer is 11694  
needed as evidence shall be open to public inspection during the 11695  
agency's regular business hours. Each law enforcement agency that, 11696  
during any calendar year, seizes property under division (A) of 11697  
this section because it was contraband shall prepare a report 11698  
covering the calendar year that cumulates all of the information 11699  
contained in all of the records kept by the agency pursuant to 11700  
this division for that calendar year, and shall send a copy of the 11701  
cumulative report, no later than the first day of March in the 11702  
calendar year following the calendar year covered by the report, 11703

to the attorney general. Each report received by the attorney  
general is a public record open for inspection under section  
149.43 of the Revised Code. Not later than the fifteenth day of  
April in the calendar year in which the reports are received, the  
attorney general shall send to the president of the senate and the  
speaker of the house of representatives a written notification  
that does all of the following:

(a) Indicates that the attorney general has received from law  
enforcement agencies reports of the type described in this  
division that cover the previous calendar year and indicates that  
the reports were received under this division;

(b) Indicates that the reports are open for inspection under  
section 149.43 of the Revised Code;

(c) Indicates that the attorney general will provide a copy  
of any or all of the reports to the president of the senate or the  
speaker of the house of representatives upon request.

(C) The prosecuting attorney, village solicitor, city  
director of law, or similar chief legal officer who has  
responsibility for the prosecution of the underlying criminal case  
or administrative proceeding, or the attorney general if the  
attorney general has that responsibility, shall file a petition  
for the forfeiture, to the seizing law enforcement agency of the  
contraband seized pursuant to division (A) of this section. The  
petition shall be filed in the court that has jurisdiction over  
the underlying criminal case or administrative proceeding involved  
in the forfeiture. If the property was seized on the basis of both  
a criminal violation and an administrative regulation violation,  
the petition shall be filed by the officer and in the court that  
is appropriate in relation to the criminal case.

The petitioner shall conduct or cause to be conducted a  
search of the appropriate public records that relate to the seized

property for the purpose of determining, and shall make or cause  
to be made reasonably diligent inquiries for the purpose of  
determining, any person having an ownership or security interest  
in the property. The petitioner then shall give notice of the  
forfeiture proceedings by personal service or by certified mail,  
return receipt requested, to any persons known, because of the  
conduct of the search, the making of the inquiries, or otherwise,  
to have an ownership or security interest in the property, and  
shall publish notice of the proceedings once each week for two  
consecutive weeks in a newspaper of general circulation in the  
county in which the seizure occurred. The notices shall be  
personally served, mailed, and first published at least four weeks  
before the hearing. They shall describe the property seized; state  
the date and place of seizure; name the law enforcement agency  
that seized the property and, if applicable, that is holding the  
property; list the time, date, and place of the hearing; and state  
that any person having an ownership or security interest in the  
property may contest the forfeiture.

If the property seized was determined by the seizing law  
enforcement officer to be contraband because of its relationship  
to an underlying criminal offense or administrative violation, no  
forfeiture hearing shall be held under this section unless the  
person pleads guilty to or is convicted of the commission of, or  
an attempt or conspiracy to commit, the offense or a different  
offense arising out of the same facts and circumstances or unless  
the person admits or is adjudicated to have committed the  
administrative violation or a different violation arising out of  
the same facts and circumstances; a forfeiture hearing shall be  
held in a case of that nature no later than forty-five days after  
the conviction or the admission or adjudication of the violation,  
unless the time for the hearing is extended by the court for good  
cause shown. The owner of any property seized because of its

relationship to an underlying criminal offense or administrative 11767  
violation may request the court to release the property to the 11768  
owner. Upon receipt of a request of that nature, if the court 11769  
determines that the property is not needed as evidence in the 11770  
underlying criminal case or administrative proceeding, the court 11771  
may permit the release of the property to the owner. As a 11772  
condition precedent to a release of that nature, the court may 11773  
require the owner to execute a bond with the court. Any bond so 11774  
required shall have sufficient sureties approved by the court, 11775  
shall be in a sum equal to the value of the property, as 11776  
determined by the court, and shall be conditioned upon the return 11777  
of the property to the court if the property is forfeited under 11778  
this section. Any property seized because of its relationship to 11779  
an underlying criminal offense or administrative violation shall 11780  
be returned to its owner if charges are not filed in relation to 11781  
that underlying offense or violation within thirty days after the 11782  
seizure, if charges of that nature are filed and subsequently are 11783  
dismissed, or if charges of that nature are filed and the person 11784  
charged does not plead guilty to and is not convicted of the 11785  
offense or does not admit and is not found to have committed the 11786  
violation. 11787

If the property seized was determined by the seizing law 11788  
enforcement officer to be contraband other than because of a 11789  
relationship to an underlying criminal offense or administrative 11790  
violation, the forfeiture hearing under this section shall be held 11791  
no later than forty-five days after the seizure, unless the time 11792  
for the hearing is extended by the court for good cause shown. 11793

Where possible, a court holding a forfeiture hearing under 11794  
this section shall follow the Rules of Civil Procedure. When a 11795  
hearing is conducted under this section, property shall be 11796  
forfeited upon a showing, by a preponderance of the evidence, by 11797  
the petitioner that the person from which the property was seized 11798

was in violation of division (A) of section 2933.42 of the Revised Code. If that showing is made, the court shall issue an order of forfeiture. If an order of forfeiture is issued in relation to contraband that was released to the owner or the owner's agent pursuant to this division or division (B)(1) of this section, the order shall require the owner to deliver the property, by a specified date, to the law enforcement agency that employed the law enforcement officer who made the seizure of the property, and the court shall deliver a copy of the order to the owner or send a copy of it by certified mail, return receipt requested, to the owner at the address to which notice of the seizure was given under division (A)(2) of this section. Except as otherwise provided in this division, all rights, interest, and title to the forfeited contraband vests in the state, effective from the date of seizure.

No property shall be forfeited pursuant to this division if the owner of the property establishes, by a preponderance of the evidence, that the owner neither knew, nor should have known after a reasonable inquiry, that the property was used, or was likely to be used, in a crime or administrative violation. No bona fide security interest shall be forfeited pursuant to this division if the holder of the interest establishes, by a preponderance of the evidence, that the holder of the interest neither knew, nor should have known after a reasonable inquiry, that the property was used, or likely to be used, in a crime or administrative violation, that the holder of the interest did not expressly or impliedly consent to the use of the property in a crime or administrative violation, and that the security interest was perfected pursuant to law prior to the seizure. If the holder of the interest satisfies the court that these requirements are met, the interest shall be preserved by the court. In a case of that nature, the court shall either order that the agency to which the property is forfeited reimburse

the holder of the interest to the extent of the preserved interest 11831  
or order that the holder be paid for the interest from the 11832  
proceeds of any sale pursuant to division (D) of this section. 11833

(D)(1) Contraband ordered forfeited pursuant to this section 11834  
shall be disposed of pursuant to divisions (D)(1) to (7) of 11835  
section 2933.41 of the Revised Code or, if the contraband is not 11836  
described in those divisions, may be used, with the approval of 11837  
the court, by the law enforcement agency that has custody of the 11838  
contraband pursuant to division (D)(8) of that section. In the 11839  
case of contraband not described in any of those divisions and of 11840  
contraband not disposed of pursuant to any of those divisions, the 11841  
contraband shall be sold in accordance with this division or, in 11842  
the case of forfeited moneys, disposed of in accordance with this 11843  
division. If the contraband is to be sold, the prosecuting 11844  
attorney shall cause a notice of the proposed sale of the 11845  
contraband to be given in accordance with law, and the property 11846  
shall be sold, without appraisal, at a public auction to the 11847  
highest bidder for cash. The proceeds of a sale and forfeited 11848  
moneys shall be applied in the following order: 11849

(a) First, to the payment of the costs incurred in connection 11850  
with the seizure of, storage of, maintenance of, and provision of 11851  
security for the contraband, the forfeiture proceeding, and, if 11852  
any, the sale; 11853

(b) Second, the remaining proceeds or forfeited moneys after 11854  
compliance with division (D)(1)(a) of this section, to the payment 11855  
of the balance due on any security interest preserved pursuant to 11856  
division (C) of this section; 11857

(c) Third, the remaining proceeds or forfeited moneys after 11858  
compliance with divisions (D)(1)(a) and (b) of this section, as 11859  
follows: 11860

(i) If the forfeiture was ordered in a juvenile court, ten 11861

per cent to one or more alcohol and drug addiction treatment 11862  
programs that are certified by the department of alcohol and drug 11863  
addiction services under section 3793.06 of the Revised Code and 11864  
that are specified in the order of forfeiture. A juvenile court 11865  
shall not certify an alcohol or drug addiction treatment program 11866  
in the order of forfeiture unless the program is a certified 11867  
alcohol and drug addiction treatment program and, except as 11868  
provided in division (D)(1)(c)(i) of this section, unless the 11869  
program is located in the county in which the court that orders 11870  
the forfeiture is located or in a contiguous county. If no 11871  
certified alcohol and drug addiction treatment program is located 11872  
in any of those counties, the juvenile court may specify in the 11873  
order a certified alcohol and drug addiction treatment program 11874  
located anywhere within this state. 11875

(ii) If the forfeiture was ordered in a juvenile court, 11876  
ninety per cent, and if the forfeiture was ordered in a court 11877  
other than a juvenile court, one hundred per cent to the law 11878  
enforcement trust fund of the prosecuting attorney and to the law 11879  
enforcement trust fund of the county sheriff if the county sheriff 11880  
made the seizure, to the law enforcement trust fund of a municipal 11881  
corporation if its police department made the seizure, to the law 11882  
enforcement trust fund of a township if the seizure was made by a 11883  
township police department, township police district police force, 11884  
or office of a township constable, to the law enforcement trust 11885  
fund of a park district created pursuant to section 511.18 or 11886  
1545.01 of the Revised Code if the seizure was made by the park 11887  
district police force or law enforcement department, to the 11888  
highway patrol state contraband, forfeiture, and other fund if the 11889  
state highway patrol made the seizure, to the department of public 11890  
safety investigative unit contraband, forfeiture, and other fund 11891  
if the investigative unit of the department of public safety made 11892  
the seizure, to the department of taxation enforcement fund if the 11893

department of taxation made the seizure, to the board of pharmacy 11894  
drug law enforcement fund created by division (B)(1) of section 11895  
4729.65 of the Revised Code if the board made the seizure, or to 11896  
the treasurer of state for deposit into the peace officer training 11897  
commission fund if a state law enforcement agency, other than the 11898  
state highway patrol, the investigative unit of the department of 11899  
public safety, the enforcement division of the department of 11900  
taxation, or the state board of pharmacy, made the seizure. The 11901  
prosecuting attorney may decline to accept any of the remaining 11902  
proceeds or forfeited moneys, and, if the prosecuting attorney so 11903  
declines, the remaining proceeds or forfeited moneys shall be 11904  
applied to the fund described in this division that relates to the 11905  
law enforcement agency that made the seizure. 11906

A law enforcement trust fund shall be established by the 11907  
prosecuting attorney of each county who intends to receive any 11908  
remaining proceeds or forfeited moneys pursuant to this division, 11909  
by the sheriff of each county, by the legislative authority of 11910  
each municipal corporation, by the board of township trustees of 11911  
each township that has a township police department, township 11912  
police district police force, or office of the constable, and by 11913  
the board of park commissioners of each park district created 11914  
pursuant to section 511.18 or 1545.01 of the Revised Code that has 11915  
a park district police force or law enforcement department, for 11916  
the purposes of this division. There is hereby created in the 11917  
state treasury the highway patrol state contraband, forfeiture, 11918  
and other fund, the department of public safety investigative unit 11919  
contraband, forfeiture, and other fund, the department of taxation 11920  
enforcement fund, and the peace officer training commission fund, 11921  
for the purposes described in this division. 11922

Proceeds or forfeited moneys distributed to any municipal 11923  
corporation, township, or park district law enforcement trust fund 11924  
shall be allocated from the fund by the legislative authority only 11925

to the police department of the municipal corporation, by the 11926  
board of township trustees only to the township police department, 11927  
township police district police force, or office of the constable, 11928  
and by the board of park commissioners only to the park district 11929  
police force or law enforcement department. 11930

Additionally, no proceeds or forfeited moneys shall be 11931  
allocated to or used by the state highway patrol, the department 11932  
of public safety, the department of taxation, the state board of 11933  
pharmacy, or a county sheriff, prosecuting attorney, municipal 11934  
corporation police department, township police department, 11935  
township police district police force, office of the constable, or 11936  
park district police force or law enforcement department unless 11937  
the state highway patrol, department of public safety, department 11938  
of taxation, state board of pharmacy, sheriff, prosecuting 11939  
attorney, municipal corporation police department, township police 11940  
department, township police district police force, office of the 11941  
constable, or park district police force or law enforcement 11942  
department has adopted a written internal control policy under 11943  
division (D)(3) of this section that addresses the use of moneys 11944  
received from the highway patrol state contraband, forfeiture, and 11945  
other fund, the department of public safety investigative unit 11946  
contraband, forfeiture, and other fund, the department of taxation 11947  
enforcement fund, the board of pharmacy drug law enforcement fund, 11948  
or the appropriate law enforcement trust fund. 11949

The highway patrol state contraband, forfeiture, and other 11950  
fund, the department of public safety investigative unit 11951  
contraband, forfeiture, and other fund, the department of taxation 11952  
enforcement fund, and a law enforcement trust fund shall be 11953  
expended only in accordance with the written internal control 11954  
policy so adopted by the recipient, and, subject to the 11955  
requirements specified in division (D)(3)(a)(ii) of this section, 11956  
only to pay the costs of protracted or complex investigations or 11957

prosecutions, to provide reasonable technical training or 11958  
expertise, to provide matching funds to obtain federal grants to 11959  
aid law enforcement, in the support of DARE programs or other 11960  
programs designed to educate adults or children with respect to 11961  
the dangers associated with the use of drugs of abuse, to pay the 11962  
costs of emergency action taken under section 3745.13 of the 11963  
Revised Code relative to the operation of an illegal 11964  
methamphetamine laboratory if the forfeited property or money 11965  
involved was that of a person responsible for the operation of the 11966  
laboratory, or for other law enforcement purposes that the 11967  
superintendent of the state highway patrol, department of public 11968  
safety, department of taxation, prosecuting attorney, county 11969  
sheriff, legislative authority, board of township trustees, or 11970  
board of park commissioners determines to be appropriate. The 11971  
board of pharmacy drug law enforcement fund shall be expended only 11972  
in accordance with the written internal control policy so adopted 11973  
by the board and only in accordance with section 4729.65 of the 11974  
Revised Code, except that it also may be expended to pay the costs 11975  
of emergency action taken under section 3745.13 of the Revised 11976  
Code relative to the operation of an illegal methamphetamine 11977  
laboratory if the forfeited property or money involved was that of 11978  
a person responsible for the operation of the laboratory. The 11979  
highway patrol state contraband, forfeiture, and other fund, the 11980  
department of public safety investigative unit contraband, 11981  
forfeiture, and other fund, the department of taxation enforcement 11982  
fund, the board of pharmacy drug law enforcement fund, and a law 11983  
enforcement trust fund shall not be used to meet the operating 11984  
costs of the state highway patrol, of the investigative unit of 11985  
the department of public safety, of the department of taxation 11986  
enforcement division, of the state board of pharmacy, of any 11987  
political subdivision, or of any office of a prosecuting attorney 11988  
or county sheriff that are unrelated to law enforcement. 11989

Proceeds and forfeited moneys that are paid into the state 11990  
treasury to be deposited into the peace officer training 11991  
commission fund shall be used by the commission only to pay the 11992  
costs of peace officer training. 11993

Any sheriff or prosecuting attorney who receives proceeds or 11994  
forfeited moneys pursuant to this division during any calendar 11995  
year shall file a report with the county auditor, no later than 11996  
the thirty-first day of January of the next calendar year, 11997  
verifying that the proceeds and forfeited moneys were expended 11998  
only for the purposes authorized by this division and division 11999  
(D)(3)(a)(ii) of this section and specifying the amounts expended 12000  
for each authorized purpose. Any municipal corporation police 12001  
department that is allocated proceeds or forfeited moneys from a 12002  
municipal corporation law enforcement trust fund pursuant to this 12003  
division during any calendar year shall file a report with the 12004  
legislative authority of the municipal corporation, no later than 12005  
the thirty-first day of January of the next calendar year, 12006  
verifying that the proceeds and forfeited moneys were expended 12007  
only for the purposes authorized by this division and division 12008  
(D)(3)(a)(ii) of this section and specifying the amounts expended 12009  
for each authorized purpose. Any township police department, 12010  
township police district police force, or office of the constable 12011  
that is allocated proceeds or forfeited moneys from a township law 12012  
enforcement trust fund pursuant to this division during any 12013  
calendar year shall file a report with the board of township 12014  
trustees of the township, no later than the thirty-first day of 12015  
January of the next calendar year, verifying that the proceeds and 12016  
forfeited moneys were expended only for the purposes authorized by 12017  
this division and division (D)(3)(a)(ii) of this section and 12018  
specifying the amounts expended for each authorized purpose. Any 12019  
park district police force or law enforcement department that is 12020  
allocated proceeds or forfeited moneys from a park district law 12021

enforcement trust fund pursuant to this division during any 12022  
calendar year shall file a report with the board of park 12023  
commissioners of the park district, no later than the thirty-first 12024  
day of January of the next calendar year, verifying that the 12025  
proceeds and forfeited moneys were expended only for the purposes 12026  
authorized by this division and division (D)(3)(a)(ii) of this 12027  
section and specifying the amounts expended for each authorized 12028  
purpose. The superintendent of the state highway patrol shall file 12029  
a report with the attorney general, no later than the thirty-first 12030  
day of January of each calendar year, verifying that proceeds and 12031  
forfeited moneys paid into the highway patrol state contraband, 12032  
forfeiture, and other fund pursuant to this division during the 12033  
prior calendar year were used by the state highway patrol during 12034  
the prior calendar year only for the purposes authorized by this 12035  
division and specifying the amounts expended for each authorized 12036  
purpose. The executive director of the state board of pharmacy 12037  
shall file a report with the attorney general, no later than the 12038  
thirty-first day of January of each calendar year, verifying that 12039  
proceeds and forfeited moneys paid into the board of pharmacy drug 12040  
law enforcement fund during the prior calendar year were used only 12041  
in accordance with section 4729.65 of the Revised Code and 12042  
specifying the amounts expended for each authorized purpose. The 12043  
peace officer training commission shall file a report with the 12044  
attorney general, no later than the thirty-first day of January of 12045  
each calendar year, verifying that proceeds and forfeited moneys 12046  
paid into the peace officer training commission fund pursuant to 12047  
this division during the prior calendar year were used by the 12048  
commission during the prior calendar year only to pay the costs of 12049  
peace officer training and specifying the amount used for that 12050  
purpose. 12051

The tax commissioner shall file a report with the attorney 12052  
general, not later than the thirty-first day of January of each 12053

calendar year, verifying that proceeds and forfeited moneys paid 12054  
into the department of taxation enforcement fund pursuant to this 12055  
division during the prior calendar year were used by the 12056  
enforcement division during the prior calendar year to pay only 12057  
the costs of enforcing the tax laws and specifying the amount used 12058  
for that purpose. 12059

(2) If more than one law enforcement agency is substantially 12060  
involved in the seizure of contraband that is forfeited pursuant 12061  
to this section, the court ordering the forfeiture shall equitably 12062  
divide the proceeds or forfeited moneys, after calculating any 12063  
distribution to the law enforcement trust fund of the prosecuting 12064  
attorney pursuant to division (D)(1)(c) of this section, among any 12065  
county sheriff whose office is determined by the court to be 12066  
substantially involved in the seizure, any legislative authority 12067  
of a municipal corporation whose police department is determined 12068  
by the court to be substantially involved in the seizure, any 12069  
board of township trustees whose law enforcement agency is 12070  
determined by the court to be substantially involved in the 12071  
seizure, any board of park commissioners of a park district whose 12072  
police force or law enforcement department is determined by the 12073  
court to be substantially involved in the seizure, the state board 12074  
of pharmacy if it is determined by the court to be substantially 12075  
involved in the seizure, the investigative unit of the department 12076  
of public safety if it is determined by the court to be 12077  
substantially involved in the seizure, the enforcement division of 12078  
the department of taxation if it is determined by the court to be 12079  
substantially involved in the seizure and the state highway patrol 12080  
if it is determined by the court to be substantially involved in 12081  
the seizure. The proceeds or forfeited moneys shall be deposited 12082  
in the respective law enforcement trust funds of the county 12083  
sheriff, municipal corporation, township, and park district, the 12084  
board of pharmacy drug law enforcement fund, the department of 12085

public safety investigative unit contraband, forfeiture, and other 12086  
fund, the department of taxation enforcement fund, or the highway 12087  
patrol state contraband, forfeiture, and other fund, in accordance 12088  
with division (D)(1)(c) of this section. If a state law 12089  
enforcement agency, other than the state highway patrol, the 12090  
investigative unit of the department of public safety, the 12091  
department of taxation, or the state board of pharmacy, is 12092  
determined by the court to be substantially involved in the 12093  
seizure, the state agency's equitable share of the proceeds and 12094  
forfeited moneys shall be paid to the treasurer of state for 12095  
deposit into the peace officer training commission fund. 12096

(3)(a)(i) Prior to being allocated or using any proceeds or 12097  
forfeited moneys out of the highway patrol state contraband, 12098  
forfeiture, and other fund, the department of public safety 12099  
investigative unit contraband, forfeiture, and other fund, the 12100  
department of taxation enforcement fund, the board of pharmacy 12101  
drug law enforcement fund, or a law enforcement trust fund under 12102  
division (D)(1)(c) of this section, the state highway patrol, the 12103  
department of public safety, the department of taxation, the state 12104  
board of pharmacy, and a county sheriff, prosecuting attorney, 12105  
municipal corporation police department, township police 12106  
department, township police district police force, office of the 12107  
constable, or park district police force or law enforcement 12108  
department shall adopt a written internal control policy that 12109  
addresses the state highway patrol's, department of public 12110  
safety's, department of taxation's, state board of pharmacy's, 12111  
sheriff's, prosecuting attorney's, police department's, police 12112  
force's, office of the constable's, or law enforcement 12113  
department's use and disposition of all the proceeds and forfeited 12114  
moneys received and that provides for the keeping of detailed 12115  
financial records of the receipts of the proceeds and forfeited 12116  
moneys, the general types of expenditures made out of the proceeds 12117

and forfeited moneys, the specific amount of each general type of  
expenditure, and the amounts, portions, and programs described in  
division (D)(3)(a)(ii) of this section. The policy shall not  
provide for or permit the identification of any specific  
expenditure that is made in an ongoing investigation.

All financial records of the receipts of the proceeds and  
forfeited moneys, the general types of expenditures made out of  
the proceeds and forfeited moneys, the specific amount of each  
general type of expenditure by the state highway patrol, by the  
department of public safety, by the department of taxation, by the  
state board of pharmacy, and by a sheriff, prosecuting attorney,  
municipal corporation police department, township police  
department, township police district police force, office of the  
constable, or park district police force or law enforcement  
department, and the amounts, portions, and programs described in  
division (D)(3)(a)(ii) of this section are public records open for  
inspection under section 149.43 of the Revised Code. Additionally,  
a written internal control policy adopted under this division is a  
public record of that nature, and the state highway patrol, the  
department of public safety, the department of taxation, the state  
board of pharmacy, or the sheriff, prosecuting attorney, municipal  
corporation police department, township police department,  
township police district police force, office of the constable, or  
park district police force or law enforcement department that  
adopted it shall comply with it.

(ii) The written internal control policy of a county sheriff,  
prosecuting attorney, municipal corporation police department,  
township police department, township police district police force,  
office of the constable, or park district police force or law  
enforcement department shall provide that at least ten per cent of  
the first one hundred thousand dollars of proceeds and forfeited  
moneys deposited during each calendar year in the sheriff's,

prosecuting attorney's, municipal corporation's, township's, or 12150  
park district's law enforcement trust fund pursuant to division 12151  
(B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of 12152  
section 2925.44 of the Revised Code, and at least twenty per cent 12153  
of the proceeds and forfeited moneys exceeding one hundred 12154  
thousand dollars that are so deposited, shall be used in 12155  
connection with community preventive education programs. The 12156  
manner in which the described percentages are so used shall be 12157  
determined by the sheriff, prosecuting attorney, department, 12158  
police force, or office of the constable after the receipt and 12159  
consideration of advice on appropriate community preventive 12160  
education programs from the county's board of alcohol, drug 12161  
addiction, and mental health services, from the county's alcohol 12162  
and drug addiction services board, or through appropriate 12163  
community dialogue. The financial records described in division 12164  
(D)(3)(a)(i) of this section shall specify the amount of the 12165  
proceeds and forfeited moneys deposited during each calendar year 12166  
in the sheriff's, prosecuting attorney's, municipal corporation's, 12167  
township's, or park district's law enforcement trust fund pursuant 12168  
to division (B)(7)(c)(ii) of section 2923.46 or division 12169  
(B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion 12170  
of that amount that was used pursuant to the requirements of this 12171  
division, and the community preventive education programs in 12172  
connection with which the portion of that amount was so used. 12173

As used in this division, "community preventive education 12174  
programs" includes, but is not limited to, DARE programs and other 12175  
programs designed to educate adults or children with respect to 12176  
the dangers associated with the use of drugs of abuse. 12177

(b) Each sheriff, prosecuting attorney, municipal corporation 12178  
police department, township police department, township police 12179  
district police force, office of the constable, or park district 12180  
police force or law enforcement department that receives in any 12181

calendar year any proceeds or forfeited moneys out of a law 12182  
enforcement trust fund under division (D)(1)(c) of this section or 12183  
uses any proceeds or forfeited moneys in its law enforcement trust 12184  
fund in any calendar year shall prepare a report covering the 12185  
calendar year that cumulates all of the information contained in 12186  
all of the public financial records kept by the sheriff, 12187  
prosecuting attorney, municipal corporation police department, 12188  
township police department, township police district police force, 12189  
office of the constable, or park district police force or law 12190  
enforcement department pursuant to division (D)(3)(a) of this 12191  
section for that calendar year, and shall send a copy of the 12192  
cumulative report, no later than the first day of March in the 12193  
calendar year following the calendar year covered by the report, 12194  
to the attorney general. 12195

The superintendent of the state highway patrol shall prepare 12196  
a report covering each calendar year in which the state highway 12197  
patrol uses any proceeds or forfeited moneys in the highway patrol 12198  
state contraband, forfeiture, and other fund under division 12199  
(D)(1)(c) of this section, that cumulates all of the information 12200  
contained in all of the public financial records kept by the state 12201  
highway patrol pursuant to division (D)(3)(a) of this section for 12202  
that calendar year, and shall send a copy of the cumulative 12203  
report, no later than the first day of March in the calendar year 12204  
following the calendar year covered by the report, to the attorney 12205  
general. 12206

The department of public safety shall prepare a report 12207  
covering each fiscal year in which the department uses any 12208  
proceeds or forfeited moneys in the department of public safety 12209  
investigative unit contraband, forfeiture, and other fund under 12210  
division (D)(1)(c) of this section that cumulates all of the 12211  
information contained in all of the public financial records kept 12212  
by the department pursuant to division (D)(3)(a) of this section 12213

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.

The executive director of the state board of pharmacy shall  
prepare a report covering each calendar year in which the board  
uses any proceeds or forfeited moneys in the board of pharmacy  
drug law 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 board pursuant to  
division (D)(3)(a) of this section for 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. Each report

received by the attorney general is a public record open for 12246  
inspection under section 149.43 of the Revised Code. Not later 12247  
than the fifteenth day of April in the calendar year in which the 12248  
reports are received, the attorney general shall send to the 12249  
president of the senate and the speaker of the house of 12250  
representatives a written notification that does all of the 12251  
following: 12252

(i) Indicates that the attorney general has received from 12253  
entities or persons specified in this division reports of the type 12254  
described in this division that cover the previous calendar year 12255  
and indicates that the reports were received under this division; 12256

(ii) Indicates that the reports are open for inspection under 12257  
section 149.43 of the Revised Code; 12258

(iii) Indicates that the attorney general will provide a copy 12259  
of any or all of the reports to the president of the senate or the 12260  
speaker of the house of representatives upon request. 12261

(4)(a) A law enforcement agency that receives pursuant to 12262  
federal law proceeds from a sale of forfeited contraband, proceeds 12263  
from another disposition of forfeited contraband, or forfeited 12264  
contraband moneys shall deposit, use, and account for the proceeds 12265  
or forfeited moneys in accordance with, and otherwise comply with, 12266  
the applicable federal law. 12267

(b)(i) If the state highway patrol receives from the United 12268  
States department of justice pursuant to federal law proceeds from 12269  
a sale of forfeited contraband, proceeds from another disposition 12270  
of forfeited contraband, or forfeited contraband moneys, the 12271  
appropriate governmental officials shall deposit the proceeds into 12272  
the highway patrol ~~federal contraband, forfeiture, and other fund~~ 12273  
justice contraband fund, which is hereby created in the state 12274  
treasury. All interest or other earnings derived from the 12275  
investment of the proceeds or forfeited moneys shall be credited 12276

to the fund. The state highway patrol shall use and account for 12277  
that interest or other earnings in accordance with the applicable 12278  
federal law. 12279

(ii) If the state highway patrol receives from the United 12280  
States department of the treasury pursuant to federal law proceeds 12281  
from a sale of forfeited contraband, proceeds from another 12282  
disposition of forfeited contraband, or forfeited contraband 12283  
moneys, the appropriate governmental officials shall deposit the 12284  
proceeds into the highway patrol treasury contraband fund, which 12285  
is hereby created in the state treasury. All interest or other 12286  
earnings derived from the investment of the proceeds or forfeited 12287  
moneys shall be credited to the fund. The state highway patrol 12288  
shall use and account for that interest or other earnings in 12289  
accordance with the applicable federal law. 12290

(c) If the investigative unit of the department of public 12291  
safety receives pursuant to federal law proceeds from a sale of 12292  
forfeited contraband, proceeds from another disposition of 12293  
forfeited contraband, or forfeited contraband moneys, the 12294  
appropriate governmental officials shall deposit the proceeds into 12295  
the department of public safety investigative unit federal 12296  
equitable share account fund, which is hereby created in the state 12297  
treasury. All interest or other earnings derived from the 12298  
investment of the proceeds or forfeited moneys shall be credited 12299  
to the fund. The department shall use and account for that 12300  
interest or other earnings in accordance with the applicable 12301  
federal law. 12302

(d) If the tax commissioner receives pursuant to federal law 12303  
proceeds from a sale of forfeited contraband, proceeds from 12304  
another disposition of forfeited contraband, or forfeited 12305  
contraband moneys, the appropriate governmental officials shall 12306  
deposit into the department of taxation enforcement fund all 12307  
interest or other earnings derived from the investment of the 12308

proceeds or forfeited moneys. The department shall use and account 12309  
for that interest or other earnings in accordance with the 12310  
applicable federal law. 12311

(e) Divisions (D)(1) to (3) of this section do not apply to 12312  
proceeds or forfeited moneys received pursuant to federal law or 12313  
to the interest or other earnings that are derived from the 12314  
investment of proceeds or forfeited moneys received pursuant to 12315  
federal law and that are described in division (D)(4)(b) of this 12316  
section. 12317

(E) Upon the sale pursuant to this section of any property 12318  
that is required to be titled or registered under law, the state 12319  
shall issue an appropriate certificate of title or registration to 12320  
the purchaser. If the state is vested with title pursuant to 12321  
division (C) of this section and elects to retain property that is 12322  
required to be titled or registered under law, the state shall 12323  
issue an appropriate certificate of title or registration. 12324

(F) Notwithstanding any provisions of this section to the 12325  
contrary, any property that is lawfully seized in relation to a 12326  
violation of section 2923.32 of the Revised Code shall be subject 12327  
to forfeiture and disposition in accordance with sections 2923.32 12328  
to 2923.36 of the Revised Code; any property that is forfeited 12329  
pursuant to section 2923.44 or 2923.45 of the Revised Code in 12330  
relation to a violation of section 2923.42 of the Revised Code or 12331  
in relation to an act of a juvenile that is a violation of section 12332  
2923.42 of the Revised Code may be subject to forfeiture and 12333  
disposition in accordance with sections 2923.44 to 2923.47 of the 12334  
Revised Code; and any property that is forfeited pursuant to 12335  
section 2925.42 or 2925.43 of the Revised Code in relation to a 12336  
felony drug abuse offense, as defined in section 2925.01 of the 12337  
Revised Code, or in relation to an act that, if committed by an 12338  
adult, would be a felony drug abuse offense of that nature, may be 12339  
subject to forfeiture and disposition in accordance with sections 12340

2925.41 to 2925.45 of the Revised Code or this section. 12341

(G) Any failure of a law enforcement officer or agency, a 12342  
prosecuting attorney, village solicitor, city director of law, or 12343  
similar chief legal officer, a court, or the attorney general to 12344  
comply with any duty imposed by this section in relation to any 12345  
property seized or with any other provision of this section in 12346  
relation to any property seized does not affect the validity of 12347  
the seizure of the property, provided the seizure itself was made 12348  
in accordance with law, and is not and shall not be considered to 12349  
be the basis for the suppression of any evidence resulting from 12350  
the seizure of the property, provided the seizure itself was made 12351  
in accordance with law. 12352

(H) Contraband that has been forfeited pursuant to division 12353  
(C) of this section shall not be available for use to pay any fine 12354  
imposed upon a person who is convicted of or pleads guilty to an 12355  
underlying criminal offense or a different offense arising out of 12356  
the same facts and circumstances. 12357

**Sec. 3109.14.** (A) As used in this section, "birth record" and 12358  
"certification of birth" have the meanings given in section 12359  
3705.01 of the Revised Code. 12360

(B)(1) The director of health, a person authorized by the 12361  
director, a local commissioner of health, or a local registrar of 12362  
vital statistics shall charge and collect a fee for each certified 12363  
copy of a birth record, for each certification of birth, and for 12364  
each copy of a death record. ~~Until October 1, 2001, the fee shall~~ 12365  
~~be two dollars. On and after October 1, 2001, the~~ The fee shall be 12366  
three dollars. The fee is in addition to the fee imposed by 12367  
section 3705.24 or any other section of the Revised Code. A local 12368  
commissioner of health or a local registrar of vital statistics 12369  
may retain an amount of each additional fee collected, not to 12370  
exceed three per cent of the amount of the additional fee, to be 12371

used for costs directly related to the collection of the fee and 12372  
the forwarding of the fee to the treasurer of state. The 12373  
additional fees collected, but not retained, under division (B)(1) 12374  
of this section shall be forwarded to the treasurer of state not 12375  
later than thirty days following the end of each quarter. 12376

(2) Upon the filing for a divorce decree under section 12377  
3105.10 or a decree of dissolution under section 3105.65 of the 12378  
Revised Code, a court of common pleas shall charge and collect a 12379  
fee. ~~Until October 1, 2001, the fee shall be ten dollars. On and~~ 12380  
~~after October 1, 2001, the~~ The fee shall be eleven dollars. The 12381  
fee is in addition to any other court costs or fees. The county 12382  
clerk of courts may retain an amount of each additional fee 12383  
collected, not to exceed three per cent of the amount of the 12384  
additional fee, to be used for costs directly related to the 12385  
collection of the fee and the forwarding of the fee to the 12386  
treasurer of state. The additional fees collected, but not 12387  
retained, under division (B)(2) of this section shall be forwarded 12388  
to the treasurer of state not later than twenty days following the 12389  
end of each month. 12390

(C) ~~The additional fees collected, but not retained, under~~ 12391  
~~this section during each month shall be forwarded not later than~~ 12392  
~~the tenth day of the immediately following month to the treasurer~~ 12393  
~~of state, who shall deposit the fees~~ forwarded under this section 12394  
in the state treasury to the credit of the children's trust fund, 12395  
which is hereby created. A person or government entity that fails 12396  
to forward the fees in a timely manner, as determined by the 12397  
treasurer of state, shall forward to the treasurer of state, in 12398  
addition to the fees, a penalty equal to ten per cent of the fees. 12399

The treasurer of state shall invest the moneys in the fund, 12400  
and all earnings resulting from investment of the fund shall be 12401  
credited to the fund, except that actual administrative costs 12402  
incurred by the treasurer of state in administering the fund may 12403

be deducted from the earnings resulting from investments. The  
amount that may be deducted shall not exceed three per cent of the  
total amount of fees credited to the fund in each fiscal year,  
except that the children's trust fund board may approve an amount  
for actual administrative costs exceeding three per cent but not  
exceeding four per cent of such amount. The balance of the  
investment earnings shall be credited to the fund. Moneys credited  
to the fund shall be used only for the purposes described in  
sections 3109.13 to 3109.18 of the Revised Code.

**Sec. 3301.0714.** (A) The state board of education shall adopt  
rules for a statewide education management information system. The  
rules shall require the state board to establish guidelines for  
the establishment and maintenance of the system in accordance with  
this section and the rules adopted under this section. The  
guidelines shall include:

(1) Standards identifying and defining the types of data in  
the system in accordance with divisions (B) and (C) of this  
section;

(2) Procedures for annually collecting and reporting the data  
to the state board in accordance with division (D) of this  
section;

(3) Procedures for annually compiling the data in accordance  
with division (G) of this section;

(4) Procedures for annually reporting the data to the public  
in accordance with division (H) of this section.

(B) The guidelines adopted under this section shall require  
the data maintained in the education management information system  
to include at least the following:

(1) Student participation and performance data, for each  
grade in each school district as a whole and for each grade in

each school building in each school district, that includes: 12434

(a) The numbers of students receiving each category of 12435  
instructional service offered by the school district, such as 12436  
regular education instruction, vocational education instruction, 12437  
specialized instruction programs or enrichment instruction that is 12438  
part of the educational curriculum, instruction for gifted 12439  
students, instruction for handicapped students, and remedial 12440  
instruction. The guidelines shall require instructional services 12441  
under this division to be divided into discrete categories if an 12442  
instructional service is limited to a specific subject, a specific 12443  
type of student, or both, such as regular instructional services 12444  
in mathematics, remedial reading instructional services, 12445  
instructional services specifically for students gifted in 12446  
mathematics or some other subject area, or instructional services 12447  
for students with a specific type of handicap. The categories of 12448  
instructional services required by the guidelines under this 12449  
division shall be the same as the categories of instructional 12450  
services used in determining cost units pursuant to division 12451  
(C)(3) of this section. 12452

(b) The numbers of students receiving support or 12453  
extracurricular services for each of the support services or 12454  
extracurricular programs offered by the school district, such as 12455  
counseling services, health services, and extracurricular sports 12456  
and fine arts programs. The categories of services required by the 12457  
guidelines under this division shall be the same as the categories 12458  
of services used in determining cost units pursuant to division 12459  
(C)(4)(a) of this section. 12460

(c) Average student grades in each subject in grades nine 12461  
through twelve; 12462

(d) Academic achievement levels as assessed by the testing of 12463  
student achievement under sections 3301.0710 and 3301.0711 of the 12464

Revised Code;	12465
(e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	12466 12467 12468
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	12469 12470 12471
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	12472 12473 12474 12475
(h) Expulsion rates;	12476
(i) Suspension rates;	12477
(j) The percentage of students receiving corporal punishment;	12478
(k) Dropout rates;	12479
(l) Rates of retention in grade;	12480
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	12481 12482 12483
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	12484 12485 12486 12487 12488
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment	12489 12490 12491 12492 12493

administered to a kindergarten student if the parent of that	12494
student requests the district not to report those results.	12495
(2) Personnel and classroom enrollment data for each school	12496
district, including:	12497
(a) The total numbers of licensed employees and nonlicensed	12498
employees and the numbers of full-time equivalent licensed	12499
employees and nonlicensed employees providing each category of	12500
instructional service, instructional support service, and	12501
administrative support service used pursuant to division (C)(3) of	12502
this section. The guidelines adopted under this section shall	12503
require these categories of data to be maintained for the school	12504
district as a whole and, wherever applicable, for each grade in	12505
the school district as a whole, for each school building as a	12506
whole, and for each grade in each school building.	12507
(b) The total number of employees and the number of full-time	12508
equivalent employees providing each category of service used	12509
pursuant to divisions (C)(4)(a) and (b) of this section, and the	12510
total numbers of licensed employees and nonlicensed employees and	12511
the numbers of full-time equivalent licensed employees and	12512
nonlicensed employees providing each category used pursuant to	12513
division (C)(4)(c) of this section. The guidelines adopted under	12514
this section shall require these categories of data to be	12515
maintained for the school district as a whole and, wherever	12516
applicable, for each grade in the school district as a whole, for	12517
each school building as a whole, and for each grade in each school	12518
building.	12519
(c) The total number of regular classroom teachers teaching	12520
classes of regular education and the average number of pupils	12521
enrolled in each such class, in each of grades kindergarten	12522
through five in the district as a whole and in each school	12523
building in the school district.	12524

(d) The number of master teachers employed by each school district and each school building, once a definition of master teacher has been developed by the educator standards board pursuant to section 3319.61 of the Revised Code.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4) Any data required to be collected pursuant to federal law.

(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:

(1) Administrative costs for the school district as a whole. 12556  
The guidelines shall require the cost units under this division 12557  
(C)(1) to be designed so that each of them may be compiled and 12558  
reported in terms of average expenditure per pupil in formula ADM 12559  
in the school district, as determined pursuant to section 3317.03 12560  
of the Revised Code. 12561

(2) Administrative costs for each school building in the 12562  
school district. The guidelines shall require the cost units under 12563  
this division (C)(2) to be designed so that each of them may be 12564  
compiled and reported in terms of average expenditure per 12565  
full-time equivalent pupil receiving instructional or support 12566  
services in each building. 12567

(3) Instructional services costs for each category of 12568  
instructional service provided directly to students and required 12569  
by guidelines adopted pursuant to division (B)(1)(a) of this 12570  
section. The guidelines shall require the cost units under 12571  
division (C)(3) of this section to be designed so that each of 12572  
them may be compiled and reported in terms of average expenditure 12573  
per pupil receiving the service in the school district as a whole 12574  
and average expenditure per pupil receiving the service in each 12575  
building in the school district and in terms of a total cost for 12576  
each category of service and, as a breakdown of the total cost, a 12577  
cost for each of the following components: 12578

(a) The cost of each instructional services category required 12579  
by guidelines adopted under division (B)(1)(a) of this section 12580  
that is provided directly to students by a classroom teacher; 12581

(b) The cost of the instructional support services, such as 12582  
services provided by a speech-language pathologist, classroom 12583  
aide, multimedia aide, or librarian, provided directly to students 12584  
in conjunction with each instructional services category; 12585

(c) The cost of the administrative support services related 12586

to each instructional services category, such as the cost of 12587  
personnel that develop the curriculum for the instructional 12588  
services category and the cost of personnel supervising or 12589  
coordinating the delivery of the instructional services category. 12590

(4) Support or extracurricular services costs for each 12591  
category of service directly provided to students and required by 12592  
guidelines adopted pursuant to division (B)(1)(b) of this section. 12593  
The guidelines shall require the cost units under division (C)(4) 12594  
of this section to be designed so that each of them may be 12595  
compiled and reported in terms of average expenditure per pupil 12596  
receiving the service in the school district as a whole and 12597  
average expenditure per pupil receiving the service in each 12598  
building in the school district and in terms of a total cost for 12599  
each category of service and, as a breakdown of the total cost, a 12600  
cost for each of the following components: 12601

(a) The cost of each support or extracurricular services 12602  
category required by guidelines adopted under division (B)(1)(b) 12603  
of this section that is provided directly to students by a 12604  
licensed employee, such as services provided by a guidance 12605  
counselor or any services provided by a licensed employee under a 12606  
supplemental contract; 12607

(b) The cost of each such services category provided directly 12608  
to students by a nonlicensed employee, such as janitorial 12609  
services, cafeteria services, or services of a sports trainer; 12610

(c) The cost of the administrative services related to each 12611  
services category in division (C)(4)(a) or (b) of this section, 12612  
such as the cost of any licensed or nonlicensed employees that 12613  
develop, supervise, coordinate, or otherwise are involved in 12614  
administering or aiding the delivery of each services category. 12615

(D)(1) The guidelines adopted under this section shall 12616  
require school districts to collect information about individual 12617

students, staff members, or both in connection with any data 12618  
required by division (B) or (C) of this section or other reporting 12619  
requirements established in the Revised Code. The guidelines may 12620  
also require school districts to report information about 12621  
individual staff members in connection with any data required by 12622  
division (B) or (C) of this section or other reporting 12623  
requirements established in the Revised Code. The guidelines shall 12624  
not authorize school districts to request social security numbers 12625  
of individual students. The guidelines shall prohibit the 12626  
reporting under this section of a student's name, address, and 12627  
social security number to the state board of education or the 12628  
department of education. The guidelines shall also prohibit the 12629  
reporting under this section of any personally identifiable 12630  
information about any student, except for the purpose of assigning 12631  
the data verification code required by division (D)(2) of this 12632  
section, to any other person unless such person is employed by the 12633  
school district or the data acquisition site operated under 12634  
section 3301.075 of the Revised Code and is authorized by the 12635  
district or acquisition site to have access to such information or 12636  
is employed by an entity with which the department contracts for 12637  
the scoring of tests administered under section 3301.0711 or 12638  
3301.0712 of the Revised Code. The guidelines may require school 12639  
districts to provide the social security numbers of individual 12640  
staff members. 12641

(2) The guidelines shall provide for each school district or 12642  
community school to assign a data verification code that is unique 12643  
on a statewide basis over time to each student whose initial Ohio 12644  
enrollment is in that district or school and to report all 12645  
required individual student data for that student utilizing such 12646  
code. The guidelines shall also provide for assigning data 12647  
verification codes to all students enrolled in districts or 12648  
community schools on the effective date of the guidelines 12649

established under this section. 12650

Individual student data shall be reported to the department 12651  
through the data acquisition sites utilizing the code but, except 12652  
as provided in section 3310.11 of the Revised Code, at no time 12653  
shall the state board or the department have access to information 12654  
that would enable any data verification code to be matched to 12655  
personally identifiable student data. 12656

Each school district shall ensure that the data verification 12657  
code is included in the student's records reported to any 12658  
subsequent school district or community school in which the 12659  
student enrolls. Any such subsequent district or school shall 12660  
utilize the same identifier in its reporting of data under this 12661  
section. 12662

(E) The guidelines adopted under this section may require 12663  
school districts to collect and report data, information, or 12664  
reports other than that described in divisions (A), (B), and (C) 12665  
of this section for the purpose of complying with other reporting 12666  
requirements established in the Revised Code. The other data, 12667  
information, or reports may be maintained in the education 12668  
management information system but are not required to be compiled 12669  
as part of the profile formats required under division (G) of this 12670  
section or the annual statewide report required under division (H) 12671  
of this section. 12672

(F) Beginning with the school year that begins July 1, 1991, 12673  
the board of education of each school district shall annually 12674  
collect and report to the state board, in accordance with the 12675  
guidelines established by the board, the data required pursuant to 12676  
this section. A school district may collect and report these data 12677  
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 12678

(G) The state board shall, in accordance with the procedures 12679  
it adopts, annually compile the data reported by each school 12680

district pursuant to division (D) of this section. The state board shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall:

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the

school district, at least twice during the two weeks prior to the 12712  
week in which the reports will first be available, a notice 12713  
containing the address where the reports are available and the 12714  
date on which the reports will be available. 12715

(I) Any data that is collected or maintained pursuant to this 12716  
section and that identifies an individual pupil is not a public 12717  
record for the purposes of section 149.43 of the Revised Code. 12718

(J) As used in this section: 12719

(1) "School district" means any city, local, exempted 12720  
village, or joint vocational school district. 12721

(2) "Cost" means any expenditure for operating expenses made 12722  
by a school district excluding any expenditures for debt 12723  
retirement except for payments made to any commercial lending 12724  
institution for any loan approved pursuant to section 3313.483 of 12725  
the Revised Code. 12726

(K) Any person who removes data from the information system 12727  
established under this section for the purpose of releasing it to 12728  
any person not entitled under law to have access to such 12729  
information is subject to section 2913.42 of the Revised Code 12730  
prohibiting tampering with data. 12731

(L) Any time the department of education determines that a 12732  
school district has taken any of the actions described under 12733  
division (L)(1), (2), or (3) of this section, it shall make a 12734  
report of the actions of the district, send a copy of the report 12735  
to the superintendent of such school district, and maintain a copy 12736  
of the report in its files: 12737

(1) The school district fails to meet any deadline 12738  
established pursuant to this section for the reporting of any data 12739  
to the education management information system; 12740

(2) The school district fails to meet any deadline 12741

established pursuant to this section for the correction of any 12742  
data reported to the education management information system; 12743

(3) The school district reports data to the education 12744  
management information system in a condition, as determined by the 12745  
department, that indicates that the district did not make a good 12746  
faith effort in reporting the data to the system. 12747

Any report made under this division shall include 12748  
recommendations for corrective action by the school district. 12749

Upon making a report for the first time in a fiscal year, the 12750  
department shall withhold ten per cent of the total amount due 12751  
during that fiscal year under Chapter 3317. of the Revised Code to 12752  
the school district to which the report applies. Upon making a 12753  
second report in a fiscal year, the department shall withhold an 12754  
additional twenty per cent of such total amount due during that 12755  
fiscal year to the school district to which the report applies. 12756  
The department shall not release such funds unless it determines 12757  
that the district has taken corrective action. However, no such 12758  
release of funds shall occur if the district fails to take 12759  
corrective action within forty-five days of the date upon which 12760  
the report was made by the department. 12761

(M) No data acquisition site or school district shall 12762  
acquire, change, or update its student administration software 12763  
package to manage and report data required to be reported to the 12764  
department unless it converts to a student software package that 12765  
is certified by the department. 12766

(N) The state board of education, in accordance with sections 12767  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 12768  
license as defined under division (A) of section 3319.31 of the 12769  
Revised Code that has been issued to any school district employee 12770  
found to have willfully reported erroneous, inaccurate, or 12771  
incomplete data to the education management information system. 12772

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(o) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code.

(Q) If the department cannot compile any of the information required by division (C)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

**Sec. 3302.021.** (A) Not earlier than July 1, 2005, and not later than July 1, 2007, the department of education shall implement a value-added progress dimension for school districts and buildings and shall incorporate the value-added progress dimension into the report cards and performance ratings issued for districts and buildings under section 3302.03 of the Revised Code.

The state board of education shall adopt rules, pursuant to Chapter 119. of the Revised Code, for the implementation of the value-added progress dimension. In adopting rules, the state board shall consult with the Ohio accountability task force established under division (D) of this section. The rules adopted under this division shall specify both of the following:

(1) A scale for describing the levels of academic progress in reading and mathematics relative to a standard year of academic growth in those subjects for each of grades three through eight;

(2) That the department shall maintain the confidentiality of individual student test scores and individual student reports in

accordance with sections 3301.0711, 3301.0714, and 3319.321 of the Revised Code and federal law. The department may require school districts to use a unique identifier for each student for this purpose. Individual student test scores and individual student reports shall be made available only to a student's classroom teacher and other appropriate educational personnel and to the student's parent or guardian.

(B) The department shall use a system designed for collecting necessary data, calculating the value-added progress dimension, analyzing data, and generating reports, which system has been used previously by a non-profit organization led by the Ohio business community for at least one year in the operation of a pilot program in cooperation with school districts to collect and report student achievement data via electronic means and to provide information to the districts regarding the academic performance of individual students, grade levels, school buildings, and the districts as a whole.

(C) The department shall not pay more than two dollars per student for data analysis and reporting to implement the value-added progress dimension in the same manner and with the same services as under the pilot program described by division (B) 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	12834
house of representatives and senate standing committees primarily	12835
responsible for education legislation, who shall be nonvoting	12836
members;	12837
(b) One representative of the governor's office, appointed by	12838
the governor;	12839
(c) The superintendent of public instruction, or the	12840
superintendent's designee;	12841
(d) One representative of teacher employee organizations	12842
formed pursuant to Chapter 4117. of the Revised Code, appointed by	12843
the speaker of the house of representatives;	12844
(e) One representative of school district boards of	12845
education, appointed by the president of the senate;	12846
(f) One school district superintendent, appointed by the	12847
speaker of the house of representatives;	12848
(g) One representative of business, appointed by the	12849
president of the senate;	12850
(h) One representative of a non-profit organization led by	12851
the Ohio business community, appointed by the governor;	12852
(i) One school building principal, appointed by the president	12853
of the senate;	12854
(j) A member of the state board of education, appointed by	12855
the speaker of the house of representatives.	12856
Initial appointed members of the task force shall serve until	12857
January 1, 2005. Thereafter, terms of office for appointed members	12858
shall be for two years, each term ending on the same day of the	12859
same month as did the term that it succeeds. Each appointed member	12860
shall hold office from the date of appointment until the end of	12861
the term for which the member was appointed. Members may be	12862
reappointed. Vacancies shall be filled in the same manner as the	12863

original appointment. Any member appointed to fill a vacancy 12864  
occurring prior to the expiration of the term for which the 12865  
member's predecessor was appointed shall hold office for the 12866  
remainder of that term. 12867

The task force shall select from among its members a 12868  
chairperson. The task force shall meet at least six times each 12869  
calendar year and at other times upon the call of the chairperson 12870  
to conduct its business. Members of the task force shall serve 12871  
without compensation. 12872

(2) The task force shall do all of the following: 12873

(a) Examine the implementation of the value-added progress 12874  
dimension by the department, including the system described in 12875  
division (B) of this section, the reporting of performance data to 12876  
school districts and buildings, and the provision of professional 12877  
development on the interpretation of the data to classroom 12878  
teachers and administrators; 12879

(b) Periodically review any fees for data analysis and 12880  
reporting paid by the department pursuant to division (C) of this 12881  
section and determine if the fees are appropriate based upon the 12882  
level of services provided; 12883

(c) Periodically report to the department and the state board 12884  
on all issues related to the school district and building 12885  
accountability system established under this chapter; 12886

(d) Not later than seven years after its initial meeting, 12887  
make recommendations to improve the school district and building 12888  
accountability system established under this chapter. The task 12889  
force shall adopt recommendations by a majority vote of its 12890  
members. Copies of the recommendations shall be provided to the 12891  
state board, the governor, the speaker of the house of 12892  
representatives, and the president of the senate. 12893

(e) Determine starting dates for the implementation of the value-added progress dimension and its incorporation into school district and building report cards and performance ratings.

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**Sec. 3307.32.** All amounts due the state teachers retirement system 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~~.

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**Sec. 3309.68.** All amounts due the school employees retirement system 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~~.

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**Sec. 3310.03.** (A) A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student satisfies both of the following conditions:

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(1) The student either:

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(a) Is enrolled in a school building that is operated by the student's resident district and that the department of education declared, in the most recent rating of school buildings published prior to the first day of July of the school year for which a scholarship is sought and in the two preceding school years, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code;

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(b) Is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1)(a) of this section;

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(c) Is enrolled in a community school established under

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Chapter 3314. of the Revised Code but otherwise would be assigned	12923
under section 3319.01 of the Revised Code to a building described	12924
in division (A)(1)(a) of this section;	12925
<u>(d) Is eligible to enroll in kindergarten in the school year</u>	12926
<u>for which a scholarship is sought, or is enrolled in a community</u>	12927
<u>school established under Chapter 3314. of the Revised Code, and</u>	12928
<u>the student's resident district both:</u>	12929
<u>(i) Has in force an intradistrict open enrollment policy</u>	12930
<u>under which no student in kindergarten or the community school</u>	12931
<u>student's grade level, respectively, is automatically assigned to</u>	12932
<u>a particular school building;</u>	12933
<u>(ii) In the most recent rating of school districts published</u>	12934
<u>prior to the first day of July of the school year for which a</u>	12935
<u>scholarship is sought and in the preceding two school years, was</u>	12936
<u>declared to be in a state of academic emergency under section</u>	12937
<u>3302.03 of the Revised Code.</u>	12938
(2) The student's resident district is not a school district	12939
in which the pilot project scholarship program is operating under	12940
sections 3313.974 to 3313.979 of the Revised Code.	12941
(B) A student who receives a scholarship under the	12942
educational choice scholarship pilot program remains an eligible	12943
student and may continue to receive scholarships in subsequent	12944
school years until the student completes grade twelve, so long as	12945
all of the following apply:	12946
(1) The student's resident district remains the same;	12947
(2) The student takes each state test prescribed for the	12948
student's grade level under section 3301.0710 or 3301.0712 of the	12949
Revised Code while enrolled in a chartered nonpublic school;	12950
(3) In each school year that the student is enrolled in a	12951
chartered nonpublic school, the student is absent from school for	12952

not more than twenty days that the school is open for instruction, 12953  
not including absences due to illness or injury confirmed in 12954  
writing by a physician. 12955

(C) The superintendent shall cease awarding first-time 12956  
scholarships with respect to a school building that, in the most 12957  
recent ratings of school buildings published under section 3302.03 12958  
of the Revised Code prior to the first day of July of the school 12959  
year, ceases to be in a state of academic emergency or academic 12960  
watch. However, students who have received scholarships in the 12961  
prior school year remain eligible students pursuant to division 12962  
(B) of this section. 12963

**Sec. 3310.06.** It is the policy adopted by the general 12964  
assembly that the educational choice scholarship pilot program 12965  
shall be construed as one of several educational options available 12966  
for students enrolled in academic emergency or academic watch 12967  
school buildings. Students may be enrolled in the schools of the 12968  
student's resident district, in a community school established 12969  
under Chapter 3314. of the Revised Code, in the schools of another 12970  
school district pursuant to an open enrollment policy adopted 12971  
under section 3313.98 of the Revised Code, in a chartered 12972  
nonpublic school with or without a scholarship under the 12973  
educational choice scholarship pilot program, or in other schools 12974  
as the law may provide. 12975

**Sec. 3310.08.** (A) The amount paid for an eligible student 12976  
under the educational choice scholarship pilot program shall be 12977  
the lesser of the tuition of the chartered nonpublic school in 12978  
which the student is enrolled or the maximum amount prescribed in 12979  
section 3310.09 of the Revised Code. 12980

(B)(1) The department shall pay to the parent of each 12981  
eligible student for whom a scholarship is awarded under the 12982

program, or to the student if at least eighteen years of age, 12983  
periodic partial payments of the scholarship. 12984

(2) The department shall proportionately reduce or terminate 12985  
the payments for any student who withdraws from a chartered 12986  
nonpublic school prior to the end of the school year. 12987

(C)(1) The department shall deduct from the payments made to 12988  
each school district under Chapter 3317. and, if necessary, 12989  
sections 321.24 and 323.156 of the Revised Code the amount of five 12990  
thousand two hundred dollars for each eligible student awarded a 12991  
scholarship under the educational choice scholarship pilot program 12992  
who is entitled under section 3313.64 or 3313.65 of the Revised 12993  
Code to attend school in the district. The amount deducted under 12994  
this division funds scholarships for students under both the 12995  
educational choice scholarship pilot program and the pilot project 12996  
scholarship program under sections 3313.974 to 3313.979 of the 12997  
Revised Code. 12998

(2) If the department reduces or terminates payments to a 12999  
parent or a student, as prescribed in division (B)(2) of this 13000  
section, and the student ~~re-enrolls~~ enrolls in the schools of the 13001  
student's resident district or in a community school, established 13002  
under Chapter 3314. of the Revised Code, before the end of the 13003  
school year, the department shall proportionally restore to the 13004  
resident district the amount deducted for that student under 13005  
division (C)(1) of this section. 13006

(D) In the case of any school district from which a deduction 13007  
is made under division (C) of this section, the department shall 13008  
disclose on the district's SF-3 form, or any successor to that 13009  
form used to calculate a district's state funding for operating 13010  
expenses, a comparison of the following: 13011

(1) The district's state base-cost payment, as calculated 13012  
under division (A)(1) of section 3317.022 of the Revised Code 13013

prior to making the adjustments under divisions (A)(2) and (3) of that section, with the scholarship students included in the district's formula ADM; 13014  
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(2) What the district's state base-cost payment would have been, as calculated under division (A)(1) of that section prior to making the adjustments under divisions (A)(2) and (3) of that section, if the scholarship students were not included in the district's formula ADM. 13017  
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This comparison shall display both the aggregate difference between the amounts described in divisions (D)(1) and (2) of this section, and the quotient of that aggregate difference divided by the number of eligible students for whom deductions are made under division (C) of this section. 13022  
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Sec. 3310.11. (A) Only for the purpose of administering the educational choice scholarship pilot program, the department of education may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program: 13027  
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(1) The student's resident district; 13033

(2) If applicable, the community school in which that student is enrolled; 13034  
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(3) The independent contractor engaged to create and maintain student data verification codes. 13036  
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(B) Upon a request by the department under division (A) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because 13038  
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the student will be entering kindergarten during the school year 13044  
for which the scholarship is sought, the district shall assign a 13045  
code to that student and submit the code to the department or 13046  
parent by a date specified by the department. If the district does 13047  
not assign a code to the student by the specified date, the 13048  
department shall assign a code to that student. 13049

The department annually shall submit to each school district 13050  
the name and data verification code of each student residing in 13051  
the district who is entering kindergarten, who has been awarded a 13052  
scholarship under the program, and for whom the department has 13053  
assigned a code under this division. 13054

(C) For the purpose of administering the applicable tests 13055  
prescribed under sections 3301.0710 and 3301.0712 of the Revised 13056  
Code, as required by section 3310.14 of the Revised Code, the 13057  
department shall provide to each chartered nonpublic school that 13058  
enrolls a scholarship student the data verification code for that 13059  
student. 13060

(D) The department and each chartered nonpublic school that 13061  
receives a data verification code under this section shall not 13062  
release that code to any person except as provided by law. 13063

Any document relative to this program that the department 13064  
holds in its files that contains both a student's name or other 13065  
personally identifiable information and the student's data 13066  
verification code shall not be a public record under section 13067  
149.43 of the Revised Code. 13068

Sec. 3310.12. Except as provided in division (D) of section 13069  
3310.11 of the Revised Code, documents relative to the educational 13070  
choice scholarship pilot program that the department holds in its 13071  
files are public records under section 149.43 of the Revised Code 13072  
and may be released pursuant to that section subject to the 13073

provisions of section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended. 13074  
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**Sec. 3310.16.** (A) The state board of education shall adopt 13077  
rules in accordance with Chapter 119. of the Revised Code 13078  
prescribing procedures for the administration of the educational 13079  
choice scholarship pilot program. 13080

(B) The state board and the department of education shall not 13081  
require chartered nonpublic schools to comply with any education 13082  
laws or rules or other requirements that are not specified in 13083  
sections 3310.01 to 3310.17 of the Revised Code or in rules 13084  
necessary for the administration of the program, adopted under 13085  
division (A) of this section, and that otherwise would not apply 13086  
to a chartered nonpublic school. 13087

**Sec. 3311.057.** (A) Any educational service center that is 13088  
formed by merging two or more educational service centers or 13089  
former county school districts ~~after July 1, 1995, but prior to~~ 13090  
~~July 1, 2003,~~ may determine the number of members of its governing 13091  
board and whether the members are to be elected at large or by 13092  
subdistrict, provided each board shall have an odd number of 13093  
members. 13094

(B) ~~If an educational service center described in division~~ 13095  
~~(A) of this section is formed on or after the effective date of~~ 13096  
~~this section, the~~ The governing board of each service center that 13097  
is merging to form the new service center shall include identical 13098  
provisions for electing the new service center's governing board 13099  
in its resolution adopted pursuant to division (A) of section 13100  
3311.053 of the Revised Code. If there is any transition period 13101  
between the effective date of the merger of the service centers 13102  
and the assumption of control of the new service center by the new 13103

board, the resolutions shall include provisions for an interim 13104  
governing board which shall be appointed to govern the service 13105  
center until the time the new board is elected and assumes control 13106  
of the service center. 13107

~~(C) If an educational service center described in division 13108  
(A) of this section was formed prior to the effective date of this 13109  
section, the governing board of the service center may adopt at 13110  
any time prior to July 1, 2003, a resolution setting forth 13111  
provisions for changing the number of members and the manner of 13112  
electing its board and provisions for any transitional period 13113  
between the abolition of the existing board and the assumption of 13114  
control by the new board. 13115~~

~~(D)~~ Any provisions for electing a governing board adopted 13116  
pursuant to division (B) ~~or (C)~~ of this section may provide for 13117  
the election of members at large, may provide for the 13118  
establishment of subdistricts within the district, or may require 13119  
some members to be elected at large and some to be elected from 13120  
subdistricts. If subdistricts are included, the resolutions shall 13121  
specify the manner in which their boundaries are to be drawn. The 13122  
provisions shall attempt to ensure that each elected member of the 13123  
board represents an equal number of residents of the service 13124  
center. To accomplish this, any subdistrict containing a multiple 13125  
of the number of electors in another subdistrict, may elect 13126  
at-large within that subdistrict, a number of board members equal 13127  
to the multiple that its population is of the population of the 13128  
other subdistrict. 13129

~~(E)~~(D) The provisions for selecting board members set forth 13130  
in the latest resolution adopted pursuant to ~~division (B) or (C)~~ 13131  
~~of this section prior to July 1, 2003,~~ shall remain the method of 13132  
electing board members within that educational service center. 13133

**Sec. 3313.29.** The treasurer of each board of education shall 13134

keep an account of all school funds of the district. The treasurer 13135  
shall receive all vouchers for payments and disbursements made to 13136  
and by the board and preserve such vouchers for a period of ten 13137  
years unless copied or reproduced according to the procedure 13138  
prescribed in section 9.01 of the Revised Code. Thereafter, such 13139  
vouchers may be destroyed by the treasurer upon applying to and 13140  
obtaining an order from the school district records commission in 13141  
the manner prescribed by section 149.41 of the Revised Code, 13142  
except that it shall not be necessary to copy or reproduce such 13143  
vouchers before their destruction. The treasurer shall render a 13144  
statement to the board and to the superintendent of the school 13145  
district, monthly, or more often if required, showing the revenues 13146  
and receipts from whatever sources derived, the various 13147  
appropriations made by the board, the expenditures and 13148  
disbursements therefrom, the purposes thereof, the balances 13149  
remaining in each appropriation, and the assets and liabilities of 13150  
the school district. At the end of the fiscal year such statement 13151  
shall be a complete exhibit of the financial affairs of the school 13152  
district which may be published and distributed with the approval 13153  
of the board. All monthly and yearly statements as required in 13154  
this section shall be available for examination by the public. 13155

On request of the principal or other chief administrator of 13156  
any nonpublic school located within the school district's 13157  
territory, the treasurer shall provide such principal or 13158  
administrator with an account of the moneys received by the 13159  
district under division ~~(E)~~(I) of section 3317.024 of the Revised 13160  
Code as reported to the district's board in the treasurer's most 13161  
recent monthly statement. 13162

**Sec. 3313.372.** (A) As used in this section, "energy 13163  
conservation measure" means an installation or modification of an 13164  
installation in, or remodeling of, a building, to reduce energy 13165  
consumption. It includes: 13166

(1) Insulation of the building structure and systems within the building;	13167 13168
(2) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;	13169 13170 13171 13172 13173
(3) Automatic energy control systems;	13174
(4) Heating, ventilating, or air conditioning system modifications or replacements;	13175 13176
(5) Caulking and weatherstripping;	13177
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	13178 13179 13180 13181 13182
(7) Energy recovery systems;	13183
(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;	13184 13185 13186
(9) Any other modification, installation, or remodeling approved by the Ohio school facilities commission as an energy conservation measure.	13187 13188 13189
(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:	13190 13191 13192 13193 13194 13195 13196

(1) Not less than one-fifteenth of the costs thereof shall be 13197  
paid within two years from the date of purchase. 13198

(2) The remaining balance of the costs thereof shall be paid 13199  
within fifteen years from the date of purchase. 13200

An installment payment contract entered into by a board of 13201  
education under this section shall require the board to contract 13202  
in accordance with division (A) of section 3313.46 of the Revised 13203  
Code for the installation, modification, or remodeling of energy 13204  
conservation measures unless division (A) of section 3313.46 of 13205  
the Revised Code does not apply pursuant to division (B)(3) of 13206  
that section. 13207

(C) The board may issue the notes of the school district 13208  
signed by the president and the treasurer of the board and 13209  
specifying the terms of the purchase and securing the deferred 13210  
payments provided in this section, payable at the times provided 13211  
and bearing interest at a rate not exceeding the rate determined 13212  
as provided in section 9.95 of the Revised Code. The notes may 13213  
contain an option for prepayment and shall not be subject to 13214  
Chapter 133. of the Revised Code. In the resolution authorizing 13215  
the notes, the board may provide, without the vote of the electors 13216  
of the district, for annually levying and collecting taxes in 13217  
amounts sufficient to pay the interest on and retire the notes, 13218  
except that the total net indebtedness of the district without a 13219  
vote of the electors incurred under this and all other sections of 13220  
the Revised Code, except section 3318.052 of the Revised Code, 13221  
shall not exceed one per cent of the district's tax valuation. 13222  
Revenues derived from local taxes or otherwise, for the purpose of 13223  
conserving energy or for defraying the current operating expenses 13224  
of the district, may be applied to the payment of interest and the 13225  
retirement of such notes. The notes may be sold at private sale or 13226  
given to the contractor under the installment payment contract 13227  
authorized by division (B) of this section. 13228

(D) Debt incurred under this section shall not be included in 13229  
the calculation of the net indebtedness of a school district under 13230  
section 133.06 of the Revised Code. 13231

(E) No school district board shall enter into an installment 13232  
payment contract under division (B) of this section unless it 13233  
first obtains a report of the costs of the energy conservation 13234  
measures and the savings thereof as described under division (G) 13235  
of section 133.06 of the Revised Code as a requirement for issuing 13236  
energy securities, makes a finding that the amount spent on such 13237  
measures is not likely to exceed the amount of money it would save 13238  
in energy costs and resultant operational and maintenance costs as 13239  
described in that division, except that that finding shall cover 13240  
the ensuing fifteen years, and the Ohio school facilities 13241  
commission determines that the district board's findings are 13242  
reasonable and approves the contract as described in that 13243  
division. 13244

The district board shall monitor the savings and maintain a 13245  
report of those savings, which shall be available to the 13246  
commission in the same manner as required by division (G) of 13247  
section 133.06 of the Revised Code in the case of energy 13248  
securities. 13249

**Sec. 3313.61.** (A) A diploma shall be granted by the board of 13250  
education of any city, exempted village, or local school district 13251  
that operates a high school to any person to whom all of the 13252  
following apply: 13253

(1) The person has successfully completed the curriculum in 13254  
any high school or the individualized education program developed 13255  
for the person by any high school pursuant to section 3323.08 of 13256  
the Revised Code, provided that no school district shall require a 13257  
student to remain in school for any specific number of semesters 13258  
or other terms if the student completes the required curriculum 13259

<u>early;</u>	13260
(2) Subject to section 3313.614 of the Revised Code, the person either:	13261
	13262
(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;	13263
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(b) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.	13269
	13270
(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.	13271
	13272
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.	13273
	13274
	13275
(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	13276
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than one honors diploma shall be granted to any student under this 13291  
division. 13292

The state board shall adopt rules prescribing the granting of 13293  
honors diplomas under this division. These rules may prescribe the 13294  
granting of honors diplomas that recognize a student's achievement 13295  
as a whole or that recognize a student's achievement in one or 13296  
more specific subjects or both. In any case, the rules shall 13297  
designate two or more criteria for the granting of each type of 13298  
honors diploma the board establishes under this division and the 13299  
number of such criteria that must be met for the granting of that 13300  
type of diploma. The number of such criteria for any type of 13301  
honors diploma shall be at least one less than the total number of 13302  
criteria designated for that type and no one or more particular 13303  
criteria shall be required of all persons who are to be granted 13304  
that type of diploma. 13305

(C) Any such district board administering any of the tests 13306  
required by section 3301.0710 or 3301.0712 of the Revised Code to 13307  
any person requesting to take such test pursuant to division 13308  
(B)(8)(b) of section 3301.0711 of the Revised Code shall award a 13309  
diploma to such person if the person attains at least the 13310  
applicable scores designated under division (B) of section 13311  
3301.0710 of the Revised Code on all the tests administered and if 13312  
the person has previously attained the applicable scores on all 13313  
the other tests required by division (B) of that section or has 13314  
been exempted or excused from attaining the applicable score on 13315  
any such test pursuant to division (H) or (L) of this section or 13316  
from taking any such test pursuant to section 3313.532 of the 13317  
Revised Code. 13318

(D) Each diploma awarded under this section shall be signed 13319  
by the president and treasurer of the issuing board, the 13320  
superintendent of schools, and the principal of the high school. 13321  
Each diploma shall bear the date of its issue, be in such form as 13322

the district board prescribes, and be paid for out of the 13323  
district's general fund. 13324

(E) A person who is a resident of Ohio and is eligible under 13325  
state board of education minimum standards to receive a high 13326  
school diploma based in whole or in part on credits earned while 13327  
an inmate of a correctional institution operated by the state or 13328  
any political subdivision thereof, shall be granted such diploma 13329  
by the correctional institution operating the programs in which 13330  
such credits were earned, and by the board of education of the 13331  
school district in which the inmate resided immediately prior to 13332  
the inmate's placement in the institution. The diploma granted by 13333  
the correctional institution shall be signed by the director of 13334  
the institution, and by the person serving as principal of the 13335  
institution's high school and shall bear the date of issue. 13336

(F) Persons who are not residents of Ohio but who are inmates 13337  
of correctional institutions operated by the state or any 13338  
political subdivision thereof, and who are eligible under state 13339  
board of education minimum standards to receive a high school 13340  
diploma based in whole or in part on credits earned while an 13341  
inmate of the correctional institution, shall be granted a diploma 13342  
by the correctional institution offering the program in which the 13343  
credits were earned. The diploma granted by the correctional 13344  
institution shall be signed by the director of the institution and 13345  
by the person serving as principal of the institution's high 13346  
school and shall bear the date of issue. 13347

(G) The state board of education shall provide by rule for 13348  
the administration of the tests required by section 3301.0710 of 13349  
the Revised Code to inmates of correctional institutions. 13350

(H) Any person to whom all of the following apply shall be 13351  
exempted from attaining the applicable score on the test in social 13352  
studies designated under division (B) of section 3301.0710 of the 13353

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  
under that section, the board of education receiving the notice  
may grant a high school diploma under this section to the student,  
except that such board shall grant the student a diploma if the  
student meets the graduation requirements that the student would  
otherwise have had to meet to receive a diploma from the district.  
The diploma granted under this section shall be of the same type  
the notice indicates the student received under section 3325.08 of  
the Revised Code.

(K) As used in this division, "limited English proficient  
student" has the same meaning as in division (C)(3) of section  
3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the  
Revised Code, no limited English proficient student who has not  
attained the applicable scores designated under division (B) of

section 3301.0710 of the Revised Code on all the tests required by 13384  
that division shall be awarded a diploma under this section. 13385

(L) Any student described by division (A)(1) of this section 13386  
may be awarded a diploma without attaining the applicable scores 13387  
designated on the tests prescribed under division (B) of section 13388  
3301.0710 of the Revised Code provided an individualized education 13389  
program specifically exempts the student from attaining such 13390  
scores. This division does not negate the requirement for such a 13391  
student to take all such tests or alternate assessments required 13392  
by division (C)(1) of section 3301.0711 of the Revised Code for 13393  
the purpose of assessing student progress as required by federal 13394  
law. 13395

**Sec. 3313.64.** (A) As used in this section and in section 13396  
3313.65 of the Revised Code: 13397

(1)(a) Except as provided in division (A)(1)(b) of this 13398  
section, "parent" means either parent, unless the parents are 13399  
separated or divorced or their marriage has been dissolved or 13400  
annulled, in which case "parent" means the parent who is the 13401  
residential parent and legal custodian of the child. When a child 13402  
is in the legal custody of a government agency or a person other 13403  
than the child's natural or adoptive parent, "parent" means the 13404  
parent with residual parental rights, privileges, and 13405  
responsibilities. When a child is in the permanent custody of a 13406  
government agency or a person other than the child's natural or 13407  
adoptive parent, "parent" means the parent who was divested of 13408  
parental rights and responsibilities for the care of the child and 13409  
the right to have the child live with the parent and be the legal 13410  
custodian of the child and all residual parental rights, 13411  
privileges, and responsibilities. 13412

(b) When a child is the subject of a power of attorney 13413  
executed under sections 3109.51 to 3109.62 of the Revised Code, 13414

"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.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(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.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(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 13445  
temporary or permanent custody of children through commitment, 13446  
agreement, or surrender, and places children in family homes for 13447  
the purpose of adoption; 13448

(c) Comparable agencies of other states or countries that 13449  
have complied with applicable requirements of section 2151.39, or 13450  
sections 5103.20 to 5103.28 of the Revised Code. 13451

(6) A child is placed for adoption if either of the following 13452  
occurs: 13453

(a) An agency to which the child has been permanently 13454  
committed or surrendered enters into an agreement with a person 13455  
pursuant to section 5103.16 of the Revised Code for the care and 13456  
adoption of the child. 13457

(b) The child's natural parent places the child pursuant to 13458  
section 5103.16 of the Revised Code with a person who will care 13459  
for and adopt the child. 13460

(7) "Handicapped preschool child" means a handicapped child, 13461  
as defined by division (A) of section 3323.01 of the Revised Code, 13462  
who is at least three years of age but is not of compulsory school 13463  
age, as defined in section 3321.01 of the Revised Code, and who is 13464  
not currently enrolled in kindergarten. 13465

(8) "Child," unless otherwise indicated, includes handicapped 13466  
preschool children. 13467

(9) "Active duty" means active duty pursuant to an executive 13468  
order of the president of the United States, an act of the 13469  
congress of the United States, or section 5919.29 or 5923.21 of 13470  
the Revised Code. 13471

(B) Except as otherwise provided in section 3321.01 of the 13472  
Revised Code for admittance to kindergarten and first grade, a 13473  
child who is at least five but under twenty-two years of age and 13474

any handicapped preschool child shall be admitted to school as  
provided in this division. 13475  
13476

(1) A child shall be admitted to the schools of the school  
district in which the child's parent resides. 13477  
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(2) A child who does not reside in the district where the  
child's parent resides shall be admitted to the schools of the  
district in which the child resides if any of the following  
applies: 13479  
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(a) The child is in the legal or permanent custody of a  
government agency or a person other than the child's natural or  
adoptive parent. 13483  
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(b) The child resides in a home. 13486

(c) The child requires special education. 13487

(3) A child who is not entitled under division (B)(2) of this  
section to be admitted to the schools of the district where the  
child resides and who is residing with a resident of this state  
with whom the child has been placed for adoption shall be admitted  
to the schools of the district where the child resides unless  
either of the following applies: 13488  
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(a) The placement for adoption has been terminated. 13494

(b) Another school district is required to admit the child  
under division (B)(1) of this section. 13495  
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Division (B) of this section does not prohibit the board of  
education of a school district from placing a handicapped child  
who resides in the district in a special education program outside  
of the district or its schools in compliance with Chapter 3323. of  
the Revised Code. 13497  
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(C) A district shall not charge tuition for children admitted  
under division (B)(1) or (3) of this section. If the district  
admits a child under division (B)(2) of this section, tuition  
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shall be paid to the district that admits the child as follows: 13505

(1) If the child receives special education in accordance 13506  
with Chapter 3323. of the Revised Code, the school district of 13507  
residence, as defined in section 3323.01 of the Revised Code, 13508  
shall pay tuition ~~shall be paid~~ for the child in accordance with 13509  
section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised 13510  
Code regardless of who has custody of the child or whether the 13511  
child resides in a home. 13512

(2) ~~Except~~ For a child that does not receive special 13513  
education in accordance with Chapter 3323. of the Revised Code, 13514  
except as otherwise provided in division (C)(2)(d) of this 13515  
section, if the child is in the permanent or legal custody of a 13516  
government agency or person other than the child's parent, tuition 13517  
shall be paid by: 13518

(a) The district in which the child's parent resided at the 13519  
time the court removed the child from home or at the time the 13520  
court vested legal or permanent custody of the child in the person 13521  
or government agency, whichever occurred first; 13522

(b) If the parent's residence at the time the court removed 13523  
the child from home or placed the child in the legal or permanent 13524  
custody of the person or government agency is unknown, tuition 13525  
shall be paid by the district in which the child resided at the 13526  
time the child was removed from home or placed in legal or 13527  
permanent custody, whichever occurred first; 13528

(c) If a school district cannot be established under division 13529  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 13530  
district determined as required by section 2151.357 of the Revised 13531  
Code by the court at the time it vests custody of the child in the 13532  
person or government agency; 13533

(d) If at the time the court removed the child from home or 13534  
vested legal or permanent custody of the child in the person or 13535

government agency, whichever occurred first, one parent was in a 13536  
residential or correctional facility or a juvenile residential 13537  
placement and the other parent, if living and not in such a 13538  
facility or placement, was not known to reside in this state, 13539  
tuition shall be paid by the district determined under division 13540  
(D) of section 3313.65 of the Revised Code as the district 13541  
required to pay any tuition while the parent was in such facility 13542  
or placement; 13543

(e) If the court has modified its order as to which district 13544  
is responsible to bear the cost of educating the child pursuant to 13545  
division (A)(2) of section 2151.357 of the Revised Code, the 13546  
district determined to be responsible for that cost in the order 13547  
so modified. 13548

(3) If the child is not in the permanent or legal custody of 13549  
a government agency or person other than the child's parent and 13550  
the child resides in a home, tuition shall be paid by one of the 13551  
following: 13552

(a) The school district in which the child's parent resides; 13553

(b) If the child's parent is not a resident of this state, 13554  
the home in which the child resides. 13555

(D) Tuition required to be paid under divisions (C)(2) and 13556  
(3)(a) of this section shall be computed in accordance with 13557  
section 3317.08 of the Revised Code. Tuition required to be paid 13558  
under division (C)(3)(b) of this section shall be computed in 13559  
accordance with section 3317.081 of the Revised Code. If a home 13560  
fails to pay the tuition required by division (C)(3)(b) of this 13561  
section, the board of education providing the education may 13562  
recover in a civil action the tuition and the expenses incurred in 13563  
prosecuting the action, including court costs and reasonable 13564  
attorney's fees. If the prosecuting attorney or city director of 13565  
law represents the board in such action, costs and reasonable 13566

attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house

is being built for the parent and that the house is at the 13628  
location indicated in the parent's statement. 13629

(7) A child under the age of twenty-two years residing with a 13630  
parent who has a contract to purchase a house in a school district 13631  
outside the district where the parent is residing and who is 13632  
waiting upon the date of closing of the mortgage loan for the 13633  
purchase of such house is entitled to attend school for a period 13634  
of time in the district where the house is being purchased. In 13635  
order to be entitled to such attendance, the parent shall provide 13636  
the district superintendent with the following: 13637

(a) A sworn statement explaining the situation, revealing the 13638  
location of the house being purchased, and stating the parent's 13639  
intent to reside there; 13640

(b) A statement from a real estate broker or bank officer 13641  
confirming that the parent has a contract to purchase the house, 13642  
that the parent is waiting upon the date of closing of the 13643  
mortgage loan, and that the house is at the location indicated in 13644  
the parent's statement. 13645

The district superintendent shall establish a period of time 13646  
not to exceed ninety days during which the child entitled to 13647  
attend school under division (F)(6) or (7) of this section may 13648  
attend without tuition obligation. A student attending a school 13649  
under division (F)(6) or (7) of this section shall be eligible to 13650  
participate in interscholastic athletics under the auspices of 13651  
that school, provided the board of education of the school 13652  
district where the student's parent resides, by a formal action, 13653  
releases the student to participate in interscholastic athletics 13654  
at the school where the student is attending, and provided the 13655  
student receives any authorization required by a public agency or 13656  
private organization of which the school district is a member 13657  
exercising authority over interscholastic sports. 13658

(8) A child whose parent is a full-time employee of a city, 13659  
local, or exempted village school district, or of an educational 13660  
service center, may be admitted to the schools of the district 13661  
where the child's parent is employed, or in the case of a child 13662  
whose parent is employed by an educational service center, in the 13663  
district that serves the location where the parent's job is 13664  
primarily located, provided the district board of education 13665  
establishes such an admission policy by resolution adopted by a 13666  
majority of its members. Any such policy shall take effect on the 13667  
first day of the school year and the effective date of any 13668  
amendment or repeal may not be prior to the first day of the 13669  
subsequent school year. The policy shall be uniformly applied to 13670  
all such children and shall provide for the admission of any such 13671  
child upon request of the parent. No child may be admitted under 13672  
this policy after the first day of classes of any school year. 13673

(9) A child who is with the child's parent under the care of 13674  
a shelter for victims of domestic violence, as defined in section 13675  
3113.33 of the Revised Code, is entitled to attend school free in 13676  
the district in which the child is with the child's parent, and no 13677  
other school district shall be required to pay tuition for the 13678  
child's attendance in that school district. 13679

The enrollment of a child in a school district under this 13680  
division shall not be denied due to a delay in the school 13681  
district's receipt of any records required under section 3313.672 13682  
of the Revised Code or any other records required for enrollment. 13683  
Any days of attendance and any credits earned by a child while 13684  
enrolled in a school district under this division shall be 13685  
transferred to and accepted by any school district in which the 13686  
child subsequently enrolls. The state board of education shall 13687  
adopt rules to ensure compliance with this division. 13688

(10) Any child under the age of twenty-two years whose parent 13689  
has moved out of the school district after the commencement of 13690

classes in the child's senior year of high school is entitled, 13691  
subject to the approval of that district board, to attend school 13692  
in the district in which the child attended school at the time of 13693  
the parental move for the remainder of the school year and for one 13694  
additional semester or equivalent term. A district board may also 13695  
adopt a policy specifying extenuating circumstances under which a 13696  
student may continue to attend school under division (F)(10) of 13697  
this section for an additional period of time in order to 13698  
successfully complete the high school curriculum for the 13699  
individualized education program developed for the student by the 13700  
high school pursuant to section 3323.08 of the Revised Code. 13701

(11) As used in this division, "grandparent" means a parent 13702  
of a parent of a child. A child under the age of twenty-two years 13703  
who is in the custody of the child's parent, resides with a 13704  
grandparent, and does not require special education is entitled to 13705  
attend the schools of the district in which the child's 13706  
grandparent resides, provided that, prior to such attendance in 13707  
any school year, the board of education of the school district in 13708  
which the child's grandparent resides and the board of education 13709  
of the school district in which the child's parent resides enter 13710  
into a written agreement specifying that good cause exists for 13711  
such attendance, describing the nature of this good cause, and 13712  
consenting to such attendance. 13713

In lieu of a consent form signed by a parent, a board of 13714  
education may request the grandparent of a child attending school 13715  
in the district in which the grandparent resides pursuant to 13716  
division (F)(11) of this section to complete any consent form 13717  
required by the district, including any authorization required by 13718  
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 13719  
Upon request, the grandparent shall complete any consent form 13720  
required by the district. A school district shall not incur any 13721  
liability solely because of its receipt of a consent form from a 13722

grandparent in lieu of a parent. 13723

Division (F)(11) of this section does not create, and shall 13724  
not be construed as creating, a new cause of action or substantive 13725  
legal right against a school district, a member of a board of 13726  
education, or an employee of a school district. This section does 13727  
not affect, and shall not be construed as affecting, any 13728  
immunities from defenses to tort liability created or recognized 13729  
by Chapter 2744. of the Revised Code for a school district, 13730  
member, or employee. 13731

(12) A child under the age of twenty-two years is entitled to 13732  
attend school in a school district other than the district in 13733  
which the child is entitled to attend school under division (B), 13734  
(C), or (E) of this section provided that, prior to such 13735  
attendance in any school year, both of the following occur: 13736

(a) The superintendent of the district in which the child is 13737  
entitled to attend school under division (B), (C), or (E) of this 13738  
section contacts the superintendent of another district for 13739  
purposes of this division; 13740

(b) The superintendents of both districts enter into a 13741  
written agreement that consents to the attendance and specifies 13742  
that the purpose of such attendance is to protect the student's 13743  
physical or mental well-being or to deal with other extenuating 13744  
circumstances deemed appropriate by the superintendents. 13745

While an agreement is in effect under this division for a 13746  
student who is not receiving special education under Chapter 3323. 13747  
of the Revised Code and notwithstanding Chapter 3327. of the 13748  
Revised Code, the board of education of neither school district 13749  
involved in the agreement is required to provide transportation 13750  
for the student to and from the school where the student attends. 13751

A student attending a school of a district pursuant to this 13752  
division shall be allowed to participate in all student 13753

activities, including interscholastic athletics, at the school 13754  
where the student is attending on the same basis as any student 13755  
who has always attended the schools of that district while of 13756  
compulsory school age. 13757

(13) All school districts shall comply with the 13758  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 13759  
seq., for the education of homeless children. Each city, local, 13760  
and exempted village school district shall comply with the 13761  
requirements of that act governing the provision of a free, 13762  
appropriate public education, including public preschool, to each 13763  
homeless child. 13764

When a child loses permanent housing and becomes a homeless 13765  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 13766  
such a homeless person changes temporary living arrangements, the 13767  
child's parent or guardian shall have the option of enrolling the 13768  
child in either of the following: 13769

(a) The child's school of origin, as defined in 42 U.S.C.A. 13770  
11432(g)(3)(C); 13771

(b) The school that is operated by the school district in 13772  
which the shelter where the child currently resides is located and 13773  
that serves the geographic area in which the shelter is located. 13774

(14) A child under the age of twenty-two years who resides 13775  
with a person other than the child's parent is entitled to attend 13776  
school in the school district in which that person resides if both 13777  
of the following apply: 13778

(a) That person has been appointed, through a military power 13779  
of attorney executed under section 574(a) of the "National Defense 13780  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 13781  
U.S.C. 1044b, or through a comparable document necessary to 13782  
complete a family care plan, as the parent's agent for the care, 13783  
custody, and control of the child while the parent is on active 13784

duty as a member of the national guard or a reserve unit of the  
armed forces of the United States or because the parent is a  
member of the armed forces of the United States and is on a duty  
assignment away from the parent's residence.

(b) The military power of attorney or comparable document  
includes at least the authority to enroll the child in school.

The entitlement to attend school in the district in which the  
parent's agent under the military power of attorney or comparable  
document resides applies until the end of the school year in which  
the military power of attorney or comparable document expires.

(G) A board of education, after approving admission, may  
waive tuition for students who will temporarily reside in the  
district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who  
request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not  
of Ohio who request admission as participants in an exchange  
program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04,  
3327.04, and 3327.06 of the Revised Code, a child may attend  
school or participate in a special education program in a school  
district other than in the district where the child is entitled to  
attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this  
section or section 3313.65 of the Revised Code, a child under  
twenty-two years of age may attend school in the school district  
in which the child, at the end of the first full week of October  
of the school year, was entitled to attend school as otherwise  
provided under this section or section 3313.65 of the Revised  
Code, if at that time the child was enrolled in the schools of the

district but since that time the child or the child's parent has 13815  
relocated to a new address located outside of that school district 13816  
and within the same county as the child's or parent's address 13817  
immediately prior to the relocation. The child may continue to 13818  
attend school in the district, and at the school to which the 13819  
child was assigned at the end of the first full week of October of 13820  
the current school year, for the balance of the school year. 13821  
Division (I)(1) of this section applies only if both of the 13822  
following conditions are satisfied: 13823

(a) The board of education of the school district in which 13824  
the child was entitled to attend school at the end of the first 13825  
full week in October and of the district to which the child or 13826  
child's parent has relocated each has adopted a policy to enroll 13827  
children described in division (I)(1) of this section. 13828

(b) The child's parent provides written notification of the 13829  
relocation outside of the school district to the superintendent of 13830  
each of the two school districts. 13831

(2) At the beginning of the school year following the school 13832  
year in which the child or the child's parent relocated outside of 13833  
the school district as described in division (I)(1) of this 13834  
section, the child is not entitled to attend school in the school 13835  
district under that division. 13836

(3) Any person or entity owing tuition to the school district 13837  
on behalf of the child at the end of the first full week in 13838  
October, as provided in division (C) of this section, shall 13839  
continue to owe such tuition to the district for the child's 13840  
attendance under division (I)(1) of this section for the lesser of 13841  
the balance of the school year or the balance of the time that the 13842  
child attends school in the district under division (I)(1) of this 13843  
section. 13844

(4) A pupil who may attend school in the district under 13845

division (I)(1) of this section shall be entitled to 13846  
transportation services pursuant to an agreement between the 13847  
district and the district in which the child or child's parent has 13848  
relocated unless the districts have not entered into such 13849  
agreement, in which case the child shall be entitled to 13850  
transportation services in the same manner as a pupil attending 13851  
school in the district under interdistrict open enrollment as 13852  
described in division (H) of section 3313.981 of the Revised Code, 13853  
regardless of whether the district has adopted an open enrollment 13854  
policy as described in division (B)(1)(b) or (c) of section 13855  
3313.98 of the Revised Code. 13856

(J) This division does not apply to a child receiving special 13857  
education. 13858

A school district required to pay tuition pursuant to 13859  
division (C)(2) or (3) of this section or section 3313.65 of the 13860  
Revised Code shall have an amount deducted under division (F) of 13861  
section 3317.023 of the Revised Code equal to its own tuition rate 13862  
for the same period of attendance. A school district entitled to 13863  
receive tuition pursuant to division (C)(2) or (3) of this section 13864  
or section 3313.65 of the Revised Code shall have an amount 13865  
credited under division (F) of section 3317.023 of the Revised 13866  
Code equal to its own tuition rate for the same period of 13867  
attendance. If the tuition rate credited to the district of 13868  
attendance exceeds the rate deducted from the district required to 13869  
pay tuition, the department of education shall pay the district of 13870  
attendance the difference from amounts deducted from all 13871  
districts' payments under division (F) of section 3317.023 of the 13872  
Revised Code but not credited to other school districts under such 13873  
division and from appropriations made for such purpose. The 13874  
treasurer of each school district shall, by the fifteenth day of 13875  
January and July, furnish the superintendent of public instruction 13876  
a report of the names of each child who attended the district's 13877

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.

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**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.

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(A) Any school to which this section applies shall withdraw  
from the school any student who, for two consecutive school years,  
has failed to participate in the spring administration of any test  
prescribed under section 3301.0710 or 3301.0712 of the Revised  
Code for the student's grade level and was not excused from the  
test pursuant to division (C)(1) or (3) of section 3301.0711 of  
the Revised Code, regardless of whether a waiver was granted for  
the student under division (E) of section 3317.03 of the Revised  
Code. The school shall report any such student's data verification  
code, as assigned pursuant to section 3301.0714 of the Revised  
Code, to the department of education to be added to the list  
maintained by the department under section 3314.26 of the Revised  
Code.

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(B) No school to which this section applies shall receive any  
state funds under Chapter 3317. of the Revised Code for any  
enrolled student whose data verification code appears on the list  
maintained by the department under section 3314.26 of the Revised  
Code. Notwithstanding any provision of the Revised Code to the  
contrary, the parent of any such student shall pay tuition to the  
school district that operates the school in an amount equal to the  
state funds the district otherwise would receive for that student,  
as determined by the department. A school to which this section

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applies may withdraw any student for whom the parent does not pay 13940  
tuition as required by this division. 13941

**Sec. 3313.813.** (A) As used in this section: 13942

(1) "Outdoor education center" means a public or nonprofit 13943  
private entity that provides to pupils enrolled in any public or 13944  
chartered nonpublic elementary or secondary school an outdoor 13945  
educational curriculum that the school considers to be part of its 13946  
educational program. 13947

(2) "Outside-school-hours care center" has the meaning 13948  
established in 7 C.F.R. 226.2. 13949

(B) The state board of education shall establish standards 13950  
for a school lunch program, school breakfast program, child and 13951  
adult care food program, special food service program for 13952  
children, summer food service program for children, special milk 13953  
program for children, food service equipment assistance program, 13954  
and commodity distribution program established under the "National 13955  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 13956  
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 13957  
U.S.C. 1771, as amended. Any board of education of a school 13958  
district, nonprofit private school, outdoor education center, 13959  
child care institution, outside-school-hours care center, or 13960  
summer camp desiring to participate in such a program or required 13961  
to participate under this section shall, if eligible to 13962  
participate under the "National School Lunch Act," as amended, or 13963  
the "Child Nutrition Act of 1966," as amended, make application to 13964  
the state board of education for assistance. The board shall 13965  
administer the allocation and distribution of all state and 13966  
federal funds for these programs. 13967

(C) The state board of education shall require the board of 13968  
education of each school district ~~included under this division~~ to 13969

establish and maintain a school breakfast ~~and, lunch, and summer~~ 13970  
food service program pursuant to the "National School Lunch Act" 13971  
and the "Child Nutrition Act of 1966-," as described in divisions 13972  
(C)(1) to (4) of this section. 13973

(1) The state board shall require the board of education in 13974  
each school district to establish a breakfast program in every 13975  
school where at least ~~one-third~~ one-fifth of the pupils in the 13976  
school are eligible under federal requirements for free breakfasts 13977  
and to establish a lunch program in every school where at least 13978  
~~one-third~~ one-fifth of the pupils are eligible for free lunches. 13979  
The board of education required to establish a breakfast program 13980  
under this division may make a charge in accordance with federal 13981  
requirements for each reduced price breakfast or paid breakfast to 13982  
cover the cost incurred in providing that meal. 13983

(2) The state board shall require the board of education in 13984  
each school district to establish a breakfast program in every 13985  
school in which the parents of at least one-half of the children 13986  
enrolled in the school have requested that the breakfast program 13987  
be established. The board of education required to establish a 13988  
program under this division may make a charge for each meal to 13989  
cover all or part of the costs incurred in establishing such a 13990  
program. 13991

(3) The state board of education shall require the board of 13992  
education in each school district to establish one of the 13993  
following for summer intervention services described in division 13994  
(D) of section 3301.0711 and section 3313.608 of the Revised Code 13995  
and any other summer intervention program required by law: 13996

(a) An extension of the school breakfast program pursuant to 13997  
the "National School Lunch Act" and the "Child Nutrition Act of 13998  
1966"; 13999

(b) An extension of the school lunch program pursuant to 14000

those acts; 14001

(c) A summer food service program pursuant to those acts. 14002

(4)(a) If the board of education of a school district 14003  
determines that, for financial reasons, it cannot comply with 14004  
division (C)(1) or (3) of this section, the district board may 14005  
choose not to comply with either or both divisions, except as 14006  
provided in division (C)(4)(b) of this section. The district board 14007  
publicly shall communicate to the residents of the district, in 14008  
the manner it determines appropriate, its decision not to comply. 14009

(b) If a district board chooses not to comply with division 14010  
(C)(1) of this section, the state board of education nevertheless 14011  
shall require the district board to establish a breakfast program 14012  
in every school where at least one-third of the pupils in the 14013  
school are eligible under federal requirements for free breakfasts 14014  
and to establish a lunch program in every school where at least 14015  
one-third of the pupils are eligible for free lunches. The 14016  
district board may make a charge in accordance with federal 14017  
requirements for each reduced price breakfast or paid breakfast to 14018  
cover the cost incurred in providing that meal. 14019

(c) If a school district cannot for good cause comply with 14020  
the requirements of division (C)~~(1)~~~~or~~(2) or (4)(b) of this 14021  
section at the time the state board determines that a district is 14022  
subject to these requirements, the state board of education shall 14023  
grant a reasonable extension of time. Good cause for an extension 14024  
of time shall include, but need not be limited to, economic 14025  
impossibility of compliance with the requirements at the time the 14026  
state board determines that a district is subject to them. 14027

(D)(1) The state board of education shall accept the 14028  
application of any outdoor education center in the state making 14029  
application for participation in a program pursuant to division 14030  
(B) of this section. 14031

(2) For purposes of participation in any program pursuant to 14032  
this section, the board shall certify any outdoor education center 14033  
making application as an educational unit that is part of the 14034  
educational system of the state, if the center: 14035

(a) Meets the definition of an outdoor education center; 14036

(b) Provides its outdoor education curriculum to pupils on an 14037  
overnight basis so that pupils are in residence at the center for 14038  
more than twenty-four consecutive hours; 14039

(c) Operates under public or nonprofit private ownership in a 14040  
single building or complex of buildings. 14041

(3) The board shall approve any outdoor education center 14042  
certified under this division for participation in the program for 14043  
which the center is making application on the same basis as any 14044  
other applicant for that program. 14045

**Sec. 3314.02.** (A) As used in this chapter: 14046

(1) "Sponsor" means an entity listed in division (C)(1) of 14047  
this section, which has been approved by the department of 14048  
education to sponsor community schools and with which the 14049  
governing authority of the proposed community school enters into a 14050  
contract pursuant to this section. 14051

(2) "Pilot project area" means the school districts included 14052  
in the territory of the former community school pilot project 14053  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 14054  
the 122nd general assembly. 14055

(3) "Challenged school district" means any of the following: 14056

(a) A school district that is part of the pilot project area; 14057

(b) A school district that is either in a state of academic 14058  
emergency or in a state of academic watch under section 3302.03 of 14059  
the Revised Code; 14060

(c) A big eight school district.	14061
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	14062 14063
(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;	14064 14065 14066 14067
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	14068 14069 14070
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.	14071 14072 14073 14074
(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.	14075 14076 14077 14078
(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities.	14079 14080 14081 14082 14083 14084 14085 14086 14087
(B) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the	14088 14089 14090

board of education of the city, local, or exempted village school 14091  
district in which the public school is proposed to be converted. 14092  
Upon receipt of a proposal, a board may enter into a preliminary 14093  
agreement with the person or group proposing the conversion of the 14094  
public school, indicating the intention of the board of education 14095  
to support the conversion to a community school. A proposing 14096  
person or group that has a preliminary agreement under this 14097  
division may proceed to finalize plans for the school, establish a 14098  
governing authority for the school, and negotiate a contract with 14099  
the board of education. Provided the proposing person or group 14100  
adheres to the preliminary agreement and all provisions of this 14101  
chapter, the board of education shall negotiate in good faith to 14102  
enter into a contract in accordance with section 3314.03 of the 14103  
Revised Code and division (C) of this section. 14104

(C)(1) Any person or group of individuals may propose under 14105  
this division the establishment of a new start-up school to be 14106  
located in a challenged school district. The proposal may be made 14107  
to any of the following entities: 14108

(a) The board of education of the district in which the 14109  
school is proposed to be located; 14110

(b) The board of education of any joint vocational school 14111  
district with territory in the county in which is located the 14112  
majority of the territory of the district in which the school is 14113  
proposed to be located; 14114

(c) The board of education of any other city, local, or 14115  
exempted village school district having territory in the same 14116  
county where the district in which the school is proposed to be 14117  
located has the major portion of its territory; 14118

(d) The governing board of any educational service center; 14119

(e) A sponsoring authority designated by the board of 14120  
trustees of any of the thirteen state universities listed in 14121

section 3345.011 of the Revised Code or the board of trustees 14122  
itself as long as a mission of the proposed school to be specified 14123  
in the contract under division (A)(2) of section 3314.03 of the 14124  
Revised Code and as approved by the department of education under 14125  
division (B)(2) of section 3314.015 of the Revised Code will be 14126  
the practical demonstration of teaching methods, educational 14127  
technology, or other teaching practices that are included in the 14128  
curriculum of the university's teacher preparation program 14129  
approved by the state board of education; 14130

(f) Any qualified tax-exempt entity under section 501(c)(3) 14131  
of the Internal Revenue Code as long as all of the following 14132  
conditions are satisfied: 14133

(i) The entity has been in operation for at least five years 14134  
prior to applying to be a community school sponsor. 14135

(ii) The entity has assets of at least five hundred thousand 14136  
dollars and a demonstrated record of financial responsibility. 14137

(iii) The department of education has determined that the 14138  
entity is an education-oriented entity under division (B)(3) of 14139  
section 3314.015 of the Revised Code and the entity has a 14140  
demonstrated record of successful implementation of educational 14141  
programs. 14142

(iv) The entity is not a community school. 14143

Any entity described in division (C)(1) of this section may 14144  
enter into a preliminary agreement pursuant to division (C)(2) of 14145  
this section with the proposing person or group. 14146

(2) A preliminary agreement indicates the intention of an 14147  
entity described in division (C)(1) of this section to sponsor the 14148  
community school. A proposing person or group that has such a 14149  
preliminary agreement may proceed to finalize plans for the 14150  
school, establish a governing authority as described in division 14151

(E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.

(3) A new start-up school that is established in a school district while that district is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code may continue in existence once the school district is no longer in a state of academic emergency or academic watch, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of public instruction.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school to a community school or establish the new start-up school. Beginning ~~on the effective date of this amendment~~ September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 and 3314.014 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, siblings, and

in-laws. 14183

Each new start-up community school established under this 14184  
chapter shall be under the direction of a governing authority 14185  
which shall consist of a board of not less than five individuals 14186  
who are not owners or employees, or immediate relatives of owners 14187  
or employees, of any for-profit firm that operates or manages a 14188  
school for the governing authority. 14189

No person shall serve on the governing authority or operate 14190  
the community school under contract with the governing authority 14191  
so long as the person owes the state any money or is in a dispute 14192  
over whether the person owes the state any money concerning the 14193  
operation of a community school that has closed. 14194

(F) Nothing in this chapter shall be construed to permit the 14195  
establishment of a community school in more than one school 14196  
district under the same contract. 14197

(G)(1) A new start-up school that is established prior to 14198  
August 15, 2003, in an urban school district that is not also a 14199  
big-eight school district may continue to operate after that date 14200  
and the contract between the school's governing authority and the 14201  
school's sponsor may be renewed, as provided under this chapter, 14202  
after that date, but no additional new start-up schools may be 14203  
established in such a district unless the district is a challenged 14204  
school district as defined in this section as it exists on and 14205  
after that date. 14206

(2) A community school that was established prior to June 29, 14207  
1999, and is located in a county contiguous to the pilot project 14208  
area and in a school district that is not a challenged school 14209  
district may continue to operate after that date, provided the 14210  
school complies with all provisions of this chapter. The contract 14211  
between the school's governing authority and the school's sponsor 14212  
may be renewed, but no additional start-up community school may be 14213

established in that district unless the district is a challenged school district. 14214  
14215

**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. 14216  
14217  
14218

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 14219  
14220  
14221

(1) That the school shall be established as either of the following: 14222  
14223

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 14224  
14225

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003; 14226  
14227

(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; 14228  
14229  
14230  
14231

(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; 14232  
14233  
14234

(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. 14235  
14236  
14237  
14238  
14239

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 14240  
14241

(6)(a) Dismissal procedures; 14242

(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.	14243 14244 14245 14246 14247 14248
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	14249 14250
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	14251 14252 14253 14254 14255 14256
(9) The facilities to be used and their locations;	14257
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	14258 14259 14260 14261 14262 14263
(11) That the school will comply with the following requirements:	14264 14265
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	14266 14267 14268
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	14269 14270 14271
(c) The school will be nonsectarian in its programs,	14272

admission policies, employment practices, and all other 14273  
operations, and will not be operated by a sectarian school or 14274  
religious institution; 14275

(d) The school will comply with sections 9.90, 9.91, 109.65, 14276  
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 14277  
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 14278  
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 14279  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 14280  
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 14281  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 14282  
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 14283  
4123., 4141., and 4167. of the Revised Code as if it were a school 14284  
district and will comply with section 3301.0714 of the Revised 14285  
Code in the manner specified in section 3314.17 of the Revised 14286  
Code; 14287

(e) The school shall comply with Chapter 102. ~~of the Revised~~ 14288  
~~Code except that nothing in that chapter shall prohibit a member~~ 14289  
~~of the school's governing board from also being an employee of the~~ 14290  
~~school and nothing in that chapter or and section 2921.42 of the~~ 14291  
~~Revised Code shall prohibit a member of the school's governing~~ 14292  
~~board from having an interest in a contract into which the~~ 14293  
~~governing board enters that is not a contract with a for profit~~ 14294  
~~firm for the operation or management of a school under the~~ 14295  
~~auspices of the governing authority;~~ 14296

(f) The school will comply with sections 3313.61, 3313.611, 14297  
and 3313.614 of the Revised Code, except that the requirement in 14298  
sections 3313.61 and 3313.611 of the Revised Code that a person 14299  
must successfully complete the curriculum in any high school prior 14300  
to receiving a high school diploma may be met by completing the 14301  
curriculum adopted by the governing authority of the community 14302  
school rather than the curriculum specified in Title XXXIII of the 14303  
Revised Code or any rules of the state board of education; 14304

(g) The school governing authority will submit within four 14305  
months after the end of each school year a report of its 14306  
activities and progress in meeting the goals and standards of 14307  
divisions (A)(3) and (4) of this section and its financial status 14308  
to the sponsor, the parents of all students enrolled in the 14309  
school, and the legislative office of education oversight. The 14310  
school will collect and provide any data that the legislative 14311  
office of education oversight requests in furtherance of any study 14312  
or research that the general assembly requires the office to 14313  
conduct, including the studies required under Section 50.39 of Am. 14314  
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 14315  
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 14316

(12) Arrangements for providing health and other benefits to 14317  
employees; 14318

(13) The length of the contract, which shall begin at the 14319  
beginning of an academic year. No contract shall exceed five years 14320  
unless such contract has been renewed pursuant to division (E) of 14321  
this section. 14322

(14) The governing authority of the school, which shall be 14323  
responsible for carrying out the provisions of the contract; 14324

(15) A financial plan detailing an estimated school budget 14325  
for each year of the period of the contract and specifying the 14326  
total estimated per pupil expenditure amount for each such year. 14327  
The plan shall specify for each year the base formula amount that 14328  
will be used for purposes of funding calculations under section 14329  
3314.08 of the Revised Code. This base formula amount for any year 14330  
shall not exceed the formula amount defined under section 3317.02 14331  
of the Revised Code. The plan may also specify for any year a 14332  
percentage figure to be used for reducing the per pupil amount of 14333  
the subsidy calculated pursuant to section 3317.029 of the Revised 14334  
Code the school is to receive that year under section 3314.08 of 14335

the Revised Code.	14336
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	14337 14338 14339
(17) Whether the school is to be created by converting all or part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	14340 14341 14342 14343 14344 14345 14346 14347 14348
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	14349 14350 14351
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	14352 14353 14354 14355 14356 14357
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	14358 14359
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	14360 14361
(c) Permit the enrollment of students who reside in any other district in the state.	14362 14363
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in	14364 14365

accordance with the provisions of division (C) of section 3314.015 14366  
of the Revised Code; 14367

(21) A provision recognizing the sponsor's authority to 14368  
assume the operation of a school under the conditions specified in 14369  
division (B) of section 3314.073 of the Revised Code; 14370

(22) A provision recognizing both of the following: 14371

(a) The authority of public health and safety officials to 14372  
inspect the facilities of the school and to order the facilities 14373  
closed if those officials find that the facilities are not in 14374  
compliance with health and safety laws and regulations; 14375

(b) The authority of the department of education as the 14376  
community school oversight body to suspend the operation of the 14377  
school under section 3314.072 of the Revised Code if the 14378  
department has evidence of conditions or violations of law at the 14379  
school that pose an imminent danger to the health and safety of 14380  
the school's students and employees and the sponsor refuses to 14381  
take such action; 14382

(23) A description of the learning opportunities that will be 14383  
offered to students including both classroom-based and 14384  
non-classroom-based learning opportunities that is in compliance 14385  
with criteria for student participation established by the 14386  
department under division (L)(2) of section 3314.08 of the Revised 14387  
Code; 14388

(24) The school will comply with section 3302.04 of the 14389  
Revised Code, including division (E) of that section to the extent 14390  
possible, except that any action required to be taken by a school 14391  
district pursuant to that section shall be taken by the sponsor of 14392  
the school. However, the sponsor shall not be required to take any 14393  
action described in division (F) of that section. 14394

(25) Beginning in the 2006-2007 school year, the school will 14395

open for operation not later than the thirtieth day of September 14396  
each school year, unless the mission of the school as specified 14397  
under division (A)(2) of this section is solely to serve dropouts. 14398  
In its initial year of operation, if the school fails to open by 14399  
the thirtieth day of September, or within one year after the 14400  
adoption of the contract pursuant to division (D) of section 14401  
3314.02 of the Revised Code if the mission of the school is solely 14402  
to serve dropouts, the contract shall be void. 14403

(B) The community school shall also submit to the sponsor a 14404  
comprehensive plan for the school. The plan shall specify the 14405  
following: 14406

(1) The process by which the governing authority of the 14407  
school will be selected in the future; 14408

(2) The management and administration of the school; 14409

(3) If the community school is a currently existing public 14410  
school, alternative arrangements for current public school 14411  
students who choose not to attend the school and teachers who 14412  
choose not to teach in the school after conversion; 14413

(4) The instructional program and educational philosophy of 14414  
the school; 14415

(5) Internal financial controls. 14416

(C) A contract entered into under section 3314.02 of the 14417  
Revised Code between a sponsor and the governing authority of a 14418  
community school may provide for the community school governing 14419  
authority to make payments to the sponsor, which is hereby 14420  
authorized to receive such payments as set forth in the contract 14421  
between the governing authority and the sponsor. The total amount 14422  
of such payments for oversight and monitoring of the school shall 14423  
not exceed three per cent of the total amount of payments for 14424  
operating expenses that the school receives from the state. 14425

(D) The contract shall specify the duties of the sponsor	14426
which shall be in accordance with the written agreement entered	14427
into with the department of education under division (B) of	14428
section 3314.015 of the Revised Code and shall include the	14429
following:	14430
(1) Monitor the community school's compliance with all laws	14431
applicable to the school and with the terms of the contract;	14432
(2) Monitor and evaluate the academic and fiscal performance	14433
and the organization and operation of the community school on at	14434
least an annual basis;	14435
(3) Report on an annual basis the results of the evaluation	14436
conducted under division (D)(2) of this section to the department	14437
of education and to the parents of students enrolled in the	14438
community school;	14439
(4) Provide technical assistance to the community school in	14440
complying with laws applicable to the school and terms of the	14441
contract;	14442
(5) Take steps to intervene in the school's operation to	14443
correct problems in the school's overall performance, declare the	14444
school to be on probationary status pursuant to section 3314.073	14445
of the Revised Code, suspend the operation of the school pursuant	14446
to section 3314.072 of the Revised Code, or terminate the contract	14447
of the school pursuant to section 3314.07 of the Revised Code as	14448
determined necessary by the sponsor;	14449
(6) Have in place a plan of action to be undertaken in the	14450
event the community school experiences financial difficulties or	14451
closes prior to the end of a school year.	14452
(E) Upon the expiration of a contract entered into under this	14453
section, the sponsor of a community school may, with the approval	14454
of the governing authority of the school, renew that contract for	14455

a period of time determined by the sponsor, but not ending earlier  
than the end of any school year, if the sponsor finds that the  
school's compliance with applicable laws and terms of the contract  
and the school's progress in meeting the academic goals prescribed  
in the contract have been satisfactory. Any contract that is  
renewed under this division remains subject to the provisions of  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within  
one year after the contract entered into under this section is  
adopted pursuant to division (D) of section 3314.02 of the Revised  
Code or permanently closes prior to the expiration of the  
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:

(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.

(2) "Cost-of-doing-business factor" has the same meaning as  
in section 3317.02 of the Revised Code.

(3) "IEP" means an individualized education program as  
defined in section 3323.01 of the Revised Code.

(4) "Applicable special education weight" means the multiple  
specified in section 3317.013 of the Revised Code for a handicap  
described in that section.

(5) "Applicable vocational education weight" means:

(a) For a student enrolled in vocational education programs	14486
or classes described in division (A) of section 3317.014 of the	14487
Revised Code, the multiple specified in that division;	14488
(b) For a student enrolled in vocational education programs	14489
or classes described in division (B) of section 3317.014 of the	14490
Revised Code, the multiple specified in that division.	14491
(6) "Entitled to attend school" means entitled to attend	14492
school in a district under section 3313.64 or 3313.65 of the	14493
Revised Code.	14494
(7) A community school student is "included in the poverty	14495
student count" of a school district if the student is entitled to	14496
attend school in the district and the student's family receives	14497
assistance under the Ohio works first program.	14498
(8) "Poverty-based assistance reduction factor" means the	14499
percentage figure, if any, for reducing the per pupil amount of	14500
poverty-based assistance a community school is entitled to receive	14501
pursuant to divisions (D)(5) and (6) of this section in any year,	14502
as specified in the school's financial plan for the year pursuant	14503
to division (A)(15) of section 3314.03 of the Revised Code.	14504
(9) "All-day kindergarten" has the same meaning as in section	14505
3317.029 of the Revised Code.	14506
(10) "SF-3 payment" means the sum of the payments to a school	14507
district in a fiscal year under divisions (A), (C)(1), (C)(4),	14508
(D), (E), and (F) of section 3317.022, divisions <del>(J)</del> (G), <del>(P)</del> (L),	14509
and <del>(R)</del> (N) of section 3317.024, and sections 3317.029, 3317.0216,	14510
3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised	14511
Code after making the adjustments required by sections 3313.981	14512
and 3313.979, divisions (B), (C), (D), (E), (K), (L), (M), (N),	14513
and (O) of section 3317.023, and division (C) of section 3317.20	14514
of the Revised Code.	14515

(B) The state board of education shall adopt rules requiring 14516  
both of the following: 14517

(1) The board of education of each city, exempted village, 14518  
and local school district to annually report the number of 14519  
students entitled to attend school in the district who are 14520  
enrolled in grades one through twelve in a community school 14521  
established under this chapter, the number of students entitled to 14522  
attend school in the district who are enrolled in kindergarten in 14523  
a community school, the number of those kindergartners who are 14524  
enrolled in all-day kindergarten in their community school, and 14525  
for each child, the community school in which the child is 14526  
enrolled. 14527

(2) The governing authority of each community school 14528  
established under this chapter to annually report all of the 14529  
following: 14530

(a) The number of students enrolled in grades one through 14531  
twelve and the number of students enrolled in kindergarten in the 14532  
school who are not receiving special education and related 14533  
services pursuant to an IEP; 14534

(b) The number of enrolled students in grades one through 14535  
twelve and the number of enrolled students in kindergarten, who 14536  
are receiving special education and related services pursuant to 14537  
an IEP; 14538

(c) The number of students reported under division (B)(2)(b) 14539  
of this section receiving special education and related services 14540  
pursuant to an IEP for a handicap described in each of divisions 14541  
(A) to (F) of section 3317.013 of the Revised Code; 14542

(d) The full-time equivalent number of students reported 14543  
under divisions (B)(2)(a) and (b) of this section who are enrolled 14544  
in vocational education programs or classes described in each of 14545  
divisions (A) and (B) of section 3317.014 of the Revised Code that 14546

are provided by the community school; 14547

(e) Twenty per cent of the number of students reported under 14548  
divisions (B)(2)(a) and (b) of this section who are not reported 14549  
under division (B)(2)(d) of this section but who are enrolled in 14550  
vocational education programs or classes described in each of 14551  
divisions (A) and (B) of section 3317.014 of the Revised Code at a 14552  
joint vocational school district under a contract between the 14553  
community school and the joint vocational school district and are 14554  
entitled to attend school in a city, local, or exempted village 14555  
school district whose territory is part of the territory of the 14556  
joint vocational district; 14557

(f) The number of enrolled preschool handicapped students 14558  
receiving special education services in a state-funded unit; 14559

(g) The community school's base formula amount; 14560

(h) For each student, the city, exempted village, or local 14561  
school district in which the student is entitled to attend school; 14562

(i) Any poverty-based assistance reduction factor that 14563  
applies to a school year. 14564

(C) From the SF-3 payment made to a city, exempted village, 14565  
or local school district and, if necessary, from the payment made 14566  
to the district under sections 321.24 and 323.156 of the Revised 14567  
Code, the department of education shall annually subtract the sum 14568  
of the amounts described in divisions (C)(1) to (9) of this 14569  
section. However, when deducting payments on behalf of students 14570  
enrolled in internet- or computer-based community schools, the 14571  
department shall deduct only those amounts described in divisions 14572  
(C)(1) and (2) of this section. Furthermore, the aggregate amount 14573  
deducted under this division shall not exceed the sum of the 14574  
district's SF-3 payment and its payment under sections 321.24 and 14575  
323.156 of the Revised Code. 14576

(1) An amount equal to the sum of the amounts obtained when, 14577  
for each community school where the district's students are 14578  
enrolled, the number of the district's students reported under 14579  
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 14580  
in grades one through twelve, and one-half the number of students 14581  
reported under those divisions who are enrolled in kindergarten, 14582  
in that community school is multiplied by the greater of the 14583  
following: 14584

(a) The fiscal year 2005 base formula amount of that 14585  
community school as adjusted by the school district's fiscal year 14586  
2005 cost-of-doing-business factor; 14587

(b) The sum of (the current base formula amount of that 14588  
community school times the school district's current 14589  
cost-of-doing-business factor) plus the per pupil amount of the 14590  
base funding supplements specified in divisions (C)(1) to (4) of 14591  
section 3317.012 of the Revised Code. 14592

(2) The sum of the amounts calculated under divisions 14593  
(C)(2)(a) and (b) of this section: 14594

(a) For each of the district's students reported under 14595  
division (B)(2)(c) of this section as enrolled in a community 14596  
school in grades one through twelve and receiving special 14597  
education and related services pursuant to an IEP for a handicap 14598  
described in section 3317.013 of the Revised Code, the product of 14599  
the applicable special education weight times the community 14600  
school's base formula amount; 14601

(b) For each of the district's students reported under 14602  
division (B)(2)(c) of this section as enrolled in kindergarten in 14603  
a community school and receiving special education and related 14604  
services pursuant to an IEP for a handicap described in section 14605  
3317.013 of the Revised Code, one-half of the amount calculated as 14606  
prescribed in division (C)(2)(a) of this section. 14607

(3) For each of the district's students reported under 14608  
division (B)(2)(d) of this section for whom payment is made under 14609  
division (D)(4) of this section, the amount of that payment; 14610

(4) An amount equal to the sum of the amounts obtained when, 14611  
for each community school where the district's students are 14612  
enrolled, the number of the district's students enrolled in that 14613  
community school who are included in the district's poverty 14614  
student count is multiplied by the per pupil amount of 14615  
poverty-based assistance the school district receives that year 14616  
pursuant to division (B) or (C) of section 3317.029 of the Revised 14617  
Code, as adjusted by any poverty-based assistance reduction factor 14618  
of that community school. If the district receives poverty-based 14619  
assistance under division (B) of that section, the per pupil 14620  
amount of that aid is the quotient of the amount the district 14621  
received under that division divided by the district's poverty 14622  
student count, as defined in that section. If the district 14623  
receives poverty-based assistance under division (C) of section 14624  
3317.029 of the Revised Code, the per pupil amount of that aid for 14625  
the district shall be calculated by the department. 14626

(5) An amount equal to the sum of the amounts obtained when, 14627  
for each community school where the district's students are 14628  
enrolled, the district's per pupil amount of aid received under 14629  
division (E) of section 3317.029 of the Revised Code, as adjusted 14630  
by any poverty-based assistance reduction factor of the community 14631  
school, is multiplied by the sum of the following: 14632

(a) The number of the district's students reported under 14633  
division (B)(2)(a) of this section who are enrolled in grades one 14634  
to three in that community school and who are not receiving 14635  
special education and related services pursuant to an IEP; 14636

(b) One-half of the district's students who are enrolled in 14637  
all-day or any other kindergarten class in that community school 14638

and who are not receiving special education and related services 14639  
pursuant to an IEP; 14640

(c) One-half of the district's students who are enrolled in 14641  
all-day kindergarten in that community school and who are not 14642  
receiving special education and related services pursuant to an 14643  
IEP. 14644

The district's per pupil amount of aid under division (E) of 14645  
section 3317.029 of the Revised Code is the quotient of the amount 14646  
the district received under that division divided by the 14647  
district's kindergarten through third grade ADM, as defined in 14648  
that section. 14649

(6) An amount equal to the sum of the amounts obtained when, 14650  
for each community school where the district's students are 14651  
enrolled, the district's per pupil amount received under division 14652  
(F) of section 3317.029 of the Revised Code, as adjusted by any 14653  
poverty-based assistance reduction factor of that community 14654  
school, is multiplied by the number of the district's students 14655  
enrolled in the community school who are identified as 14656  
limited-English proficient. 14657

(7) An amount equal to the sum of the amounts obtained when, 14658  
for each community school where the district's students are 14659  
enrolled, the district's per pupil amount received under division 14660  
(G) of section 3317.029 of the Revised Code, as adjusted by any 14661  
poverty-based assistance reduction factor of that community 14662  
school, is multiplied by the sum of the following: 14663

(a) The number of the district's students enrolled in grades 14664  
one through twelve in that community school; 14665

(b) One-half of the number of the district's students 14666  
enrolled in kindergarten in that community school. 14667

The district's per pupil amount under division (G) of section 14668

3317.029 of the Revised Code is the district's amount per teacher  
calculated under division (G)(1) or (2) of that section divided by  
17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in  
fiscal year 2007.

(8) An amount equal to the sum of the amounts obtained when,  
for each community school where the district's students are  
enrolled, the district's per pupil amount received under divisions  
(H) and (I) of section 3317.029 of the Revised Code, as adjusted  
by any poverty-based assistance reduction factor of that community  
school, is multiplied by the sum of the following:

(a) The number of the district's students enrolled in grades  
one through twelve in that community school;

(b) One-half of the number of the district's students  
enrolled in kindergarten in that community school.

The district's per pupil amount under divisions (H) and (I)  
of section 3317.029 of the Revised Code is the amount calculated  
under each division divided by the district's formula ADM, as  
defined in section 3317.02 of the Revised Code.

(9) An amount equal to the per pupil state parity aid funding  
calculated for the school district under either division (C) or  
(D) of section 3317.0217 of the Revised Code multiplied by the sum  
of the number of students in grades one through twelve, and  
one-half of the number of students in kindergarten, who are  
entitled to attend school in the district and are enrolled in a  
community school as reported under division (B)(1) of this  
section.

(D) The department shall annually pay to a community school  
established under this chapter the sum of the amounts described in  
divisions (D)(1) to (10) of this section. However, the department  
shall calculate and pay to each internet- or computer-based  
community school only the amounts described in divisions (D)(1) to

(3) of this section. Furthermore, the sum of the payments to all  
community schools under divisions (D)(1), (2), and (4) to (10) of  
this section for the students entitled to attend school in any  
particular school district shall not exceed the sum of that  
district's SF-3 payment and its payment under sections 321.24 and  
323.156 of the Revised Code. If the sum of the payments calculated  
under those divisions for the students entitled to attend school  
in a particular school district exceeds the sum of that district's  
SF-3 payment and its payment under sections 321.24 and 323.156 of  
the Revised Code, the department shall calculate and apply a  
proration factor to the payments to all community schools under  
those divisions for the students entitled to attend school in that  
district.

(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 14731  
calculated under division (D)(2)(a) or (b) of this section, and in 14732  
fiscal year 2007 and thereafter, the amount calculated under 14733  
division (D)(2)(b) of this section: 14734

(a) The aggregate amount that the department paid to the 14735  
community school in fiscal year 1999 for students receiving 14736  
special education and related services pursuant to IEPs, excluding 14737  
federal funds and state disadvantaged pupil impact aid funds; 14738

(b) The sum of the amounts calculated under divisions 14739  
(D)(2)(b)(i) and (ii) of this section: 14740

(i) For each student reported under division (B)(2)(c) of 14741  
this section as enrolled in the school in grades one through 14742  
twelve and receiving special education and related services 14743  
pursuant to an IEP for a handicap described in section 3317.013 of 14744  
the Revised Code, the following amount: 14745

the greater of (the community school's fiscal year 2005 14746  
base formula amount X the fiscal year 2005 14747  
cost-of-doing-business factor of the district 14748  
where the student is entitled to attend school) 14749  
or [(the school's current base formula amount times 14750  
the current cost-of-doing-business factor of the school district 14751  
where the student is entitled to attend school) plus 14752  
the per pupil amount of the base funding supplements specified in 14753  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code] 14754  
+ (the applicable special education weight X the 14755  
community school's base formula amount); 14756

(ii) For each student reported under division (B)(2)(c) of 14757  
this section as enrolled in kindergarten and receiving special 14758  
education and related services pursuant to an IEP for a handicap 14759  
described in section 3317.013 of the Revised Code, one-half of the 14760  
amount calculated under the formula prescribed in division 14761

(D)(2)(b)(i) of this section. 14762

(3) An amount received from federal funds to provide special 14763  
education and related services to students in the community 14764  
school, as determined by the superintendent of public instruction. 14765

(4) For each student reported under division (B)(2)(d) of 14766  
this section as enrolled in vocational education programs or 14767  
classes that are described in section 3317.014 of the Revised 14768  
Code, are provided by the community school, and are comparable as 14769  
determined by the superintendent of public instruction to school 14770  
district vocational education programs and classes eligible for 14771  
state weighted funding under section 3317.014 of the Revised Code, 14772  
an amount equal to the applicable vocational education weight 14773  
times the community school's base formula amount times the 14774  
percentage of time the student spends in the vocational education 14775  
programs or classes. 14776

(5) An amount equal to the sum of the amounts obtained when, 14777  
for each school district where the community school's students are 14778  
entitled to attend school, the number of that district's students 14779  
enrolled in the community school who are included in the 14780  
district's poverty student count is multiplied by the per pupil 14781  
amount of poverty-based assistance that school district receives 14782  
that year pursuant to division (B) or (C) of section 3317.029 of 14783  
the Revised Code, as adjusted by any poverty-based assistance 14784  
reduction factor of the community school. The per pupil amount of 14785  
aid shall be determined as described in division (C)(4) of this 14786  
section. 14787

(6) An amount equal to the sum of the amounts obtained when, 14788  
for each school district where the community school's students are 14789  
entitled to attend school, the district's per pupil amount of aid 14790  
received under division (E) of section 3317.029 of the Revised 14791  
Code, as adjusted by any poverty-based assistance reduction factor 14792

of the community school, is multiplied by the sum of the 14793  
following: 14794

(a) The number of the district's students reported under 14795  
division (B)(2)(a) of this section who are enrolled in grades one 14796  
to three in that community school and who are not receiving 14797  
special education and related services pursuant to an IEP; 14798

(b) One-half of the district's students who are enrolled in 14799  
all-day or any other kindergarten class in that community school 14800  
and who are not receiving special education and related services 14801  
pursuant to an IEP; 14802

(c) One-half of the district's students who are enrolled in 14803  
all-day kindergarten in that community school and who are not 14804  
receiving special education and related services pursuant to an 14805  
IEP. 14806

The district's per pupil amount of aid under division (E) of 14807  
section 3317.029 of the Revised Code shall be determined as 14808  
described in division (C)(5) of this section. 14809

(7) An amount equal to the sum of the amounts obtained when, 14810  
for each school district where the community school's students are 14811  
entitled to attend school, the number of that district's students 14812  
enrolled in the community school who are identified as 14813  
limited-English proficient is multiplied by the district's per 14814  
pupil amount received under division (F) of section 3317.029 of 14815  
the Revised Code, as adjusted by any poverty-based assistance 14816  
reduction factor of the community school. 14817

(8) An amount equal to the sum of the amounts obtained when, 14818  
for each school district where the community school's students are 14819  
entitled to attend school, the district's per pupil amount 14820  
received under division (G) of section 3317.029 of the Revised 14821  
Code, as adjusted by any poverty-based assistance reduction factor 14822  
of the community school, is multiplied by the sum of the 14823

following: 14824

(a) The number of the district's students enrolled in grades 14825  
one through twelve in that community school; 14826

(b) One-half of the number of the district's students 14827  
enrolled in kindergarten in that community school. 14828

The district's per pupil amount under division (G) of section 14829  
3317.029 of the Revised Code shall be determined as described in 14830  
division (C)(7) of this section. 14831

(9) An amount equal to the sum of the amounts obtained when, 14832  
for each school district where the community school's students are 14833  
entitled to attend school, the district's per pupil amount 14834  
received under divisions (H) and (I) of section 3317.029 of the 14835  
Revised Code, as adjusted by any poverty-based assistance 14836  
reduction factor of the community school, is multiplied by the sum 14837  
of the following: 14838

(a) The number of the district's students enrolled in grades 14839  
one through twelve in that community school; 14840

(b) One-half of the number of the district's students 14841  
enrolled in kindergarten in that community school. 14842

The district's per pupil amount under divisions (H) and (I) 14843  
of section 3317.029 of the Revised Code shall be determined as 14844  
described in division (C)(8) of this section. 14845

(10) An amount equal to the sum of the amounts obtained when, 14846  
for each school district where the community school's students are 14847  
entitled to attend school, the district's per pupil amount of 14848  
state parity aid funding calculated under either division (C) or 14849  
(D) of section 3317.0217 of the Revised Code is multiplied by the 14850  
sum of the number of that district's students enrolled in grades 14851  
one through twelve, and one-half of the number of that district's 14852  
students enrolled in kindergarten, in the community school as 14853

reported under division (B)(2)(a) and (b) of this section. 14854

(E)(1) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a handicap described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs. 14855  
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(2) The community school shall only report under division (E)(1) 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. 14867  
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(F) A community school may apply to the department of education for preschool handicapped or gifted unit funding the school would receive if it were a school district. Upon request of its governing authority, a community school that received unit funding as a school district-operated school before it became a community school shall retain any units awarded to it as a school district-operated school provided the school continues to meet eligibility standards for the unit. 14874  
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A community school shall be considered a school district and its governing authority shall be considered a board of education for the purpose of applying to any state or federal agency for 14882  
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grants that a school district may receive under federal or state 14885  
law or any appropriations act of the general assembly. The 14886  
governing authority of a community school may apply to any private 14887  
entity for additional funds. 14888

(G) A board of education sponsoring a community school may 14889  
utilize local funds to make enhancement grants to the school or 14890  
may agree, either as part of the contract or separately, to 14891  
provide any specific services to the community school at no cost 14892  
to the school. 14893

(H) A community school may not levy taxes or issue bonds 14894  
secured by tax revenues. 14895

(I) No community school shall charge tuition for the 14896  
enrollment of any student. 14897

(J)(1)(a) A community school may borrow money to pay any 14898  
necessary and actual expenses of the school in anticipation of the 14899  
receipt of any portion of the payments to be received by the 14900  
school pursuant to division (D) of this section. The school may 14901  
issue notes to evidence such borrowing. The proceeds of the notes 14902  
shall be used only for the purposes for which the anticipated 14903  
receipts may be lawfully expended by the school. 14904

(b) A school may also borrow money for a term not to exceed 14905  
fifteen years for the purpose of acquiring facilities. 14906

(2) Except for any amount guaranteed under section 3318.50 of 14907  
the Revised Code, the state is not liable for debt incurred by the 14908  
governing authority of a community school. 14909

(K) For purposes of determining the number of students for 14910  
which divisions (D)(5) and (6) of this section applies in any 14911  
school year, a community school may submit to the department of 14912  
job and family services, no later than the first day of March, a 14913  
list of the students enrolled in the school. For each student on 14914

the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of information readily available to it. Upon making this determination and no later than ninety days after submission of the list by the community school, the department shall report to the state department of education the number of students on the list who reside in each school district who were included in the department's report under section 3317.10 of the Revised Code. In complying with this division, the department of job and family services shall not report to the state department of education any personally identifiable information on any student.

(L) The department of education shall adjust the amounts subtracted and paid under divisions (C) and (D) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under divisions (C) and (D) of this section. For purposes of this section:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is

participating at a college under Chapter 3365. of the Revised Code. 14947  
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(2) A student shall be considered to be enrolled in a community school during a school year for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur: 14949  
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(a) The community school receives documentation from a parent terminating enrollment of the student. 14968  
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(b) The community school is provided documentation of a student's enrollment in another public or private school. 14970  
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(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter. 14972  
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(3) A student's percentage of full-time equivalency shall be considered to be the percentage the hours of learning opportunity 14976  
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offered to that student is of nine hundred and twenty hours. 14978  
However, no internet- or computer-based community school shall be 14979  
credited for any time a student spends participating in learning 14980  
opportunities beyond ten hours within any period of twenty-four 14981  
consecutive hours. 14982

(M) The department of education shall reduce the amounts paid 14983  
under division (D) of this section to reflect payments made to 14984  
colleges under division (B) of section 3365.07 of the Revised 14985  
Code. 14986

(N)(1) No student shall be considered enrolled in any 14987  
internet- or computer-based community school or, if applicable to 14988  
the student, in any community school that is required to provide 14989  
the student with a computer pursuant to division (C) of section 14990  
3314.22 of the Revised Code, unless both of the following 14991  
conditions are satisfied: 14992

(a) The student possesses or has been provided with all 14993  
required hardware and software materials and all such materials 14994  
are operational so that the student is capable of fully 14995  
participating in the learning opportunities specified in the 14996  
contract between the school and the school's sponsor as required 14997  
by division (A)(23) of section 3314.03 of the Revised Code; 14998

(b) The school is in compliance with division (A)(1) or (2) 14999  
of section 3314.22 of the Revised Code, relative to such student. 15000

(2) In accordance with policies adopted jointly by the 15001  
superintendent of public instruction and the auditor of state, the 15002  
department shall reduce the amounts otherwise payable under 15003  
division (D) of this section to any community school that includes 15004  
in its program the provision of computer hardware and software 15005  
materials to any student, if such hardware and software materials 15006  
have not been delivered, installed, and activated for each such 15007  
student in a timely manner or other educational materials or 15008

services have not been provided according to the contract between 15009  
the individual community school and its sponsor. 15010

The superintendent of public instruction and the auditor of 15011  
state shall jointly establish a method for auditing any community 15012  
school to which this division pertains to ensure compliance with 15013  
this section. 15014

The superintendent, auditor of state, and the governor shall 15015  
jointly make recommendations to the general assembly for 15016  
legislative changes that may be required to assure fiscal and 15017  
academic accountability for such schools. 15018

(O)(1) If the department determines that a review of a 15019  
community school's enrollment is necessary, such review shall be 15020  
completed and written notice of the findings shall be provided to 15021  
the governing authority of the community school and its sponsor 15022  
within ninety days of the end of the community school's fiscal 15023  
year, unless extended for a period not to exceed thirty additional 15024  
days for one of the following reasons: 15025

(a) The department and the community school mutually agree to 15026  
the extension. 15027

(b) Delays in data submission caused by either a community 15028  
school or its sponsor. 15029

(2) If the review results in a finding that additional 15030  
funding is owed to the school, such payment shall be made within 15031  
thirty days of the written notice. If the review results in a 15032  
finding that the community school owes moneys to the state, the 15033  
following procedure shall apply: 15034

(a) Within ten business days of the receipt of the notice of 15035  
findings, the community school may appeal the department's 15036  
determination to the state board of education or its designee. 15037

(b) The board or its designee shall conduct an informal 15038

hearing on the matter within thirty days of receipt of such an  
appeal and shall issue a decision within fifteen days of the  
conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the  
hearing, the designee shall certify its decision to the board. The  
board may accept the decision of the designee or may reject the  
decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is  
final.

(3) If it is decided that the community school owes moneys to  
the state, the department shall deduct such amount from the  
school's future payments in accordance with guidelines issued by  
the superintendent of public instruction.

(P) The department shall not subtract from a school  
district's state aid account under division (C) of this section  
and shall not pay to a community school under division (D) of this  
section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a  
public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school  
during the previous school year when tests were administered under  
section 3301.0711 of the Revised Code but did not take one or more  
of the tests required by that section and was not excused pursuant  
to division (C)(1) or (3) of that section, unless the  
superintendent of public instruction grants the student a waiver  
from the requirement to take the test and a parent is not paying  
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.

(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.

**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 Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, if at least one-fifth of the pupils in the school are eligible under federal requirements for free breakfasts, and shall establish a lunch program pursuant to those acts if at least one-fifth of the pupils are eligible for free lunches. The governing board required to establish a breakfast program under this division may make a charge in accordance with federal requirements for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal.

(B) Subject to division (C) of this section, the governing board of each community school shall 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:

(1) An extension of the school breakfast program pursuant to

<u>the "National School Lunch Act" and the "Child Nutrition Act of</u>	15100
<u>1966";</u>	15101
<u>(2) An extension of the school lunch program pursuant to</u>	15102
<u>those acts;</u>	15103
<u>(3) A summer food service program pursuant to those acts.</u>	15104
<u>(C) If the governing board of a community school determines</u>	15105
<u>that, for financial reasons, it cannot comply with division (A) or</u>	15106
<u>(B) of this section, the governing board may choose not to comply</u>	15107
<u>with either or both divisions. In that case, the governing board</u>	15108
<u>shall communicate to the parents of its students, in the manner it</u>	15109
<u>determines appropriate, its decision not to comply.</u>	15110
<u>(D) The governing board of each community school required to</u>	15111
<u>establish a school breakfast, school lunch, or summer food service</u>	15112
<u>program under this section shall apply for state and federal funds</u>	15113
<u>allocated by the state board of education under division (B) of</u>	15114
<u>section 3313.813 of the Revised Code and shall comply with the</u>	15115
<u>state board's standards adopted under that division.</u>	15116
<u>(E) This section does not apply to internet- or</u>	15117
<u>computer-based community schools.</u>	15118
<b>Sec. 3314.26.</b> (A) Each internet- or computer-based community	15119
school shall withdraw from the school any student who, for two	15120
consecutive school years, has failed to participate in the spring	15121
administration of any test prescribed under section 3301.0710 or	15122
3301.0712 of the Revised Code for the student's grade level and	15123
was not excused from the test pursuant to division (C)(1) or (3)	15124
of section 3301.0711 of the Revised Code, <u>regardless of whether a</u>	15125
<u>waiver was granted for the student under division (P)(3) of</u>	15126
<u>section 3314.08 of the Revised Code.</u> The school shall report any	15127
such student's data verification code, as assigned pursuant to	15128
section 3301.0714 of the Revised Code, to the department of	15129

education. The department shall maintain a list of all data 15130  
verification codes reported under this division and section 15131  
3313.6410 of the Revised Code and provide that list to each 15132  
internet- or computer-based community school and to each school to 15133  
which section 3313.6410 of the Revised Code applies. 15134

(B) No internet- or computer-based community school shall 15135  
receive any state funds under this chapter for any enrolled 15136  
student whose data verification code appears on the list 15137  
maintained by the department under division (A) of this section. 15138

Notwithstanding any provision of the ~~Revised~~ Revised Code to 15139  
the contrary, the parent of any such student shall pay tuition to 15140  
the internet- or computer-based community school in an amount 15141  
equal to the state funds the school otherwise would receive for 15142  
that student, as determined by the department. An internet- or 15143  
computer-based community school may withdraw any student for whom 15144  
the parent does not pay ~~tuition~~ tuition as required by this 15145  
division. 15146

**Sec. 3314.35.** (A) This section applies to any community 15147  
school established under this chapter that meets one or more of 15148  
the following criteria: 15149

(1) The school is declared to be in need of continuous 15150  
improvement, under an academic watch, or in a state of academic 15151  
emergency pursuant to section 3302.03 of the Revised Code. 15152

(2) The school has not been in operation for at least two 15153  
full school years. 15154

(3) The school does not offer any grade level for which an 15155  
achievement test is prescribed under section 3301.0710 of the 15156  
Revised Code or the number of students enrolled in each grade 15157  
level offered by the school for which an achievement test is 15158  
prescribed is too small to yield statistically reliable data about 15159

student performance, as determined by the department of education. 15160

(B) Beginning in the ~~2006-2007~~ 2007-2008 school year, each 15161  
community school to which this section applies shall administer a 15162  
reading and mathematics assessment approved by the department in 15163  
the fall and spring of the school year to each student who is 15164  
enrolled in any of grades one through twelve to measure the 15165  
academic progress made by students during the school year. For 15166  
each grade level, the community school shall administer the same 15167  
assessment in the spring that the school administers in the fall. 15168

(C) Each community school that administers the assessments 15169  
required by division (B) of this section shall be responsible for 15170  
all costs associated with the administration and scoring of the 15171  
assessments. Each community school shall report the scores of all 15172  
students taking the assessments to the department in a manner 15173  
prescribed by the department. 15174

(D) The department shall establish a list of nationally 15175  
normed assessments in reading and mathematics that it approves for 15176  
use by community schools under this section. The department may 15177  
approve assessments in other subject areas, but no community 15178  
school shall be required to administer an assessment in a subject 15179  
area other than reading or mathematics under this section. 15180

(E) The sponsor of any community school to which this section 15181  
does not apply may elect to have the school administer reading and 15182  
mathematics assessments in accordance with this section. 15183

**Sec. 3314.36.** (A) Not later than July 1, ~~2006~~ 2007, the state 15184  
board of education shall adopt rules establishing reasonable 15185  
standards for expected gains in student achievement between the 15186  
fall and spring administrations of the reading and mathematics 15187  
assessments administered under section 3314.35 of the Revised Code 15188  
and for expected gains in the graduation rate. 15189

(B) Any community school that is declared to be under an academic watch or in a state of academic emergency pursuant to section 3302.03 of the Revised Code after July 1, ~~2006~~ 2007, or to which division (A)(3) of section 3314.35 of the Revised Code applies shall be subject to division (C) of this section beginning the next school year if either of the following apply to the school:

(1) The percentage of the school's total student population showing the expected gains in student achievement established under division (A) of this section on the reading or mathematics assessments administered most recently under section 3314.35 of the Revised Code is less than fifty-five per cent.

(2) The school offers a high school diploma but is not showing the expected gains in the graduation rate established under division (A) of this section.

A community school that has been in operation for one school year shall not be subject to division (C) of this section.

(C)(1) In the first school year that a community school is subject to division (C) of this section, if the school is an internet- or computer-based community school, the school shall not enroll any students in excess of the number of students the school enrolled at the conclusion of the preceding school year.

(2) In the second consecutive school year that a community school is subject to division (C) of this section, if the school is an internet- or computer-based community school, the school shall do both of the following:

(a) Continue to comply with division (C)(1) of this section;

(b) Withdraw from the school at the conclusion of the school year any student for whom any of the following conditions apply, unless the student's parent agrees to pay tuition to the school in

an amount equal to the state funds the school otherwise would 15220  
receive for that student as determined by the department of 15221  
education: 15222

(i) For two consecutive school years, the student has taken 15223  
the reading and mathematics assessments administered under section 15224  
3314.35 of the Revised Code but has failed to show the expected 15225  
gains in student achievement established under division (A) of 15226  
this section for both reading and mathematics. 15227

(ii) For two consecutive school years, the student has not 15228  
taken one or more of the reading and mathematics assessments 15229  
described in division (C)(2)(b)(i) of this section. 15230

(iii) For one of two consecutive school years, the student 15231  
took the reading and mathematics assessments described in division 15232  
(C)(2)(b)(i) of this section but failed to show the expected gains 15233  
in student achievement also described in that division for both 15234  
reading and mathematics, and, for the other school year, the 15235  
student did not take one or more of those assessments. 15236

After the conclusion of the school year, the school shall not 15237  
receive state funds for any student who is required to be 15238  
withdrawn or for whom tuition is owed under division (C)(2)(b) of 15239  
this section. 15240

(3) In the third consecutive school year that any community 15241  
school is subject to division (C) of this section, the following 15242  
shall apply: 15243

(a) If the school is an internet- or computer-based community 15244  
school, the school shall continue to comply with division 15245  
(C)(1)(a) of this section. 15246

(b) The school shall be permanently closed at the conclusion 15247  
of the school year. 15248

(D) The sponsor of any community school that is declared to 15249

be in need of continuous improvement, effective, or excellent 15250  
pursuant to section 3302.03 of the Revised Code and offers one or 15251  
more grade levels for which an achievement test is prescribed 15252  
under section 3301.0710 of the Revised Code may elect to evaluate 15253  
the performance of the school in accordance with division (B) of 15254  
this section, provided the school administers reading and 15255  
mathematics assessments under section 3314.35 of the Revised Code. 15256  
If the sponsor so elects, the evaluation method shall be used for 15257  
a minimum of three school years and shall be specified in the 15258  
contract required by section 3314.03 of the Revised Code. Nothing 15259  
in this division requires the sponsor of a community school that 15260  
elects to evaluate the school in accordance with division (B) of 15261  
this section to take any action specified in division (C) of this 15262  
section, unless the contract requires such action. 15263

(E) In calculating the gains in student achievement 15264  
demonstrated by a community school for the purposes of division 15265  
(B) of this section, the department shall include the scores of 15266  
all students who participated in the fall and spring 15267  
administrations of the assessments administered under section 15268  
3314.35 of the Revised Code. If the school's participation rate 15269  
for any grade level is less than ninety per cent, the department 15270  
shall calculate the gains in academic achievement demonstrated by 15271  
the students in that grade level as if the participation rate was 15272  
ninety per cent by assuming a score of zero for each student that 15273  
it is necessary to add to the participation rate to make that rate 15274  
equal ninety per cent. 15275

**Sec. 3315.01.** (A) Except as provided in division (B) of this 15276  
section and notwithstanding sections 3315.12 and 3315.14 of the 15277  
Revised Code, the board of education of any school district may 15278  
adopt a resolution requiring the treasurer of the district to 15279  
credit the earnings made on the investment of the principal of the 15280

moneys specified in the resolution to the fund from which the 15281  
earnings arose or any other fund of the district as the board 15282  
specifies in its resolution. 15283

(B) This section does not apply to the earnings made on the 15284  
investment of the bond retirement fund, the sinking fund, a 15285  
project construction fund established pursuant to sections 3318.01 15286  
to 3318.20 of the Revised Code, or the payments received by school 15287  
districts pursuant to division ~~(L)~~(I) of section 3317.024 of the 15288  
Revised Code. 15289

**Sec. 3317.01.** As used in this section and section 3317.011 of 15290  
the Revised Code, "school district," unless otherwise specified, 15291  
means any city, local, exempted village, joint vocational, or 15292  
cooperative education school district and any educational service 15293  
center. 15294

This chapter shall be administered by the state board of 15295  
education. The superintendent of public instruction shall 15296  
calculate the amounts payable to each school district and shall 15297  
certify the amounts payable to each eligible district to the 15298  
treasurer of the district as provided by this chapter. As soon as 15299  
possible after such amounts are calculated, the superintendent 15300  
shall certify to the treasurer of each school district the 15301  
district's adjusted charge-off increase, as defined in section 15302  
5705.211 of the Revised Code. No moneys shall be distributed 15303  
pursuant to this chapter without the approval of the controlling 15304  
board. 15305

The state board of education shall, in accordance with 15306  
appropriations made by the general assembly, meet the financial 15307  
obligations of this chapter. 15308

Annually, the department of education shall calculate and 15309  
report to each school district the district's total state and 15310  
local funds for providing an adequate basic education to the 15311

district's nonhandicapped students, utilizing the determination in 15312  
section 3317.012 of the Revised Code. In addition, the department 15313  
shall calculate and report separately for each school district the 15314  
district's total state and local funds for providing an adequate 15315  
education for its handicapped students, utilizing the 15316  
determinations in both sections 3317.012 and 3317.013 of the 15317  
Revised Code. 15318

Not later than the thirty-first day of August of each fiscal 15319  
year, the department of education shall provide to each school 15320  
district and county MR/DD board a preliminary estimate of the 15321  
amount of funding that the department calculates the district will 15322  
receive under each of divisions (C)(1) and (4) of section 3317.022 15323  
of the Revised Code. No later than the first day of December of 15324  
each fiscal year, the department shall update that preliminary 15325  
estimate. 15326

Moneys distributed pursuant to this chapter shall be 15327  
calculated and paid on a fiscal year basis, beginning with the 15328  
first day of July and extending through the thirtieth day of June. 15329  
The moneys appropriated for each fiscal year shall be distributed 15330  
at least monthly to each school district unless otherwise provided 15331  
for. The state board shall submit a yearly distribution plan to 15332  
the controlling board at its first meeting in July. The state 15333  
board shall submit any proposed midyear revision of the plan to 15334  
the controlling board in January. Any year-end revision of the 15335  
plan shall be submitted to the controlling board in June. If 15336  
moneys appropriated for each fiscal year are distributed other 15337  
than monthly, such distribution shall be on the same basis for 15338  
each school district. 15339

The total amounts paid each month shall constitute, as nearly 15340  
as possible, one-twelfth of the total amount payable for the 15341  
entire year. 15342

Until fiscal year ~~2006~~ 2007, payments made during the first 15343  
six months of the fiscal year may be based on an estimate of the 15344  
amounts payable for the entire year. Payments made in the last six 15345  
months shall be based on the final calculation of the amounts 15346  
payable to each school district for that fiscal year. Payments 15347  
made in the last six months may be adjusted, if necessary, to 15348  
correct the amounts distributed in the first six months, and to 15349  
reflect enrollment increases when such are at least three per 15350  
cent. 15351

Beginning in fiscal year ~~2006~~ 2007, payments shall be 15352  
calculated to reflect the biannual reporting of average daily 15353  
membership. In fiscal year ~~2006~~ 2007 and in each fiscal year 15354  
thereafter, annualized periodic payments for ~~July through December~~ 15355  
each school district shall be based on the district's student 15356  
counts certified pursuant to section 3317.03 of the Revised Code 15357  
~~for the first full week in October, and payments for January~~ 15358  
~~through June shall be based on the average of student counts~~ 15359  
~~certified pursuant to that section for the first full week of the~~ 15360  
~~previous October and the third full week in February. as follows:~~ 15361  
the sum of one-half of the number of students reported 15362  
for the first full week in October plus one-half of the 15363  
average of the numbers reported for the first full week 15364  
in October and for the first full week in February 15365

Except as otherwise provided, payments under this chapter 15366  
shall be made only to those school districts in which: 15367

(A) The school district, except for any educational service 15368  
center and any joint vocational or cooperative education school 15369  
district, levies for current operating expenses at least twenty 15370  
mills. Levies for joint vocational or cooperative education school 15371  
districts or county school financing districts, limited to or to 15372  
the extent apportioned to current expenses, shall be included in 15373  
this qualification requirement. School district income tax levies 15374

under Chapter 5748. of the Revised Code, limited to or to the 15375  
extent apportioned to current operating expenses, shall be 15376  
included in this qualification requirement to the extent 15377  
determined by the tax commissioner under division (D) of section 15378  
3317.021 of the Revised Code. 15379

(B) The school year next preceding the fiscal year for which 15380  
such payments are authorized meets the requirement of section 15381  
3313.48 or 3313.481 of the Revised Code, with regard to the 15382  
minimum number of days or hours school must be open for 15383  
instruction with pupils in attendance, for individualized 15384  
parent-teacher conference and reporting periods, and for 15385  
professional meetings of teachers. This requirement shall be 15386  
waived by the superintendent of public instruction if it had been 15387  
necessary for a school to be closed because of disease epidemic, 15388  
hazardous weather conditions, inoperability of school buses or 15389  
other equipment necessary to the school's operation, damage to a 15390  
school building, or other temporary circumstances due to utility 15391  
failure rendering the school building unfit for school use, 15392  
provided that for those school districts operating pursuant to 15393  
section 3313.48 of the Revised Code the number of days the school 15394  
was actually open for instruction with pupils in attendance and 15395  
for individualized parent-teacher conference and reporting periods 15396  
is not less than one hundred seventy-five, or for those school 15397  
districts operating on a trimester plan the number of days the 15398  
school was actually open for instruction with pupils in attendance 15399  
not less than seventy-nine days in any trimester, for those school 15400  
districts operating on a quarterly plan the number of days the 15401  
school was actually open for instruction with pupils in attendance 15402  
not less than fifty-nine days in any quarter, or for those school 15403  
districts operating on a pentamester plan the number of days the 15404  
school was actually open for instruction with pupils in attendance 15405  
not less than forty-four days in any pentamester. 15406

A school district shall not be considered to have failed to 15407  
comply with this division or section 3313.481 of the Revised Code 15408  
because schools were open for instruction but either twelfth grade 15409  
students were excused from attendance for up to three days or only 15410  
a portion of the kindergarten students were in attendance for up 15411  
to three days in order to allow for the gradual orientation to 15412  
school of such students. 15413

The superintendent of public instruction shall waive the 15414  
requirements of this section with reference to the minimum number 15415  
of days or hours school must be in session with pupils in 15416  
attendance for the school year succeeding the school year in which 15417  
a board of education initiates a plan of operation pursuant to 15418  
section 3313.481 of the Revised Code. The minimum requirements of 15419  
this section shall again be applicable to such a district 15420  
beginning with the school year commencing the second July 15421  
succeeding the initiation of one such plan, and for each school 15422  
year thereafter. 15423

A school district shall not be considered to have failed to 15424  
comply with this division or section 3313.48 or 3313.481 of the 15425  
Revised Code because schools were open for instruction but the 15426  
length of the regularly scheduled school day, for any number of 15427  
days during the school year, was reduced by not more than two 15428  
hours due to hazardous weather conditions. 15429

(C) The school district has on file, and is paying in 15430  
accordance with, a teachers' salary schedule which complies with 15431  
section 3317.13 of the Revised Code. 15432

A board of education or governing board of an educational 15433  
service center which has not conformed with other law and the 15434  
rules pursuant thereto, shall not participate in the distribution 15435  
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 15436  
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 15437

and sufficient reason established to the satisfaction of the state 15438  
board of education and the state controlling board. 15439

All funds allocated to school districts under this chapter, 15440  
except those specifically allocated for other purposes, shall be 15441  
used to pay current operating expenses only. 15442

**Sec. 3317.015.** (A) In addition to the information certified 15443  
to the department of education under division (A) of section 15444  
3317.021 of the Revised Code, the tax commissioner shall, at the 15445  
same time, certify the following information for each city, 15446  
exempted village, and local school district to be used for the 15447  
same purposes as described under that division: 15448

(1) The taxable value of the school district's carryover 15449  
property, as defined in section 319.301 of the Revised Code, for 15450  
the preceding tax year; 15451

(2) The ~~school district's~~ increase in such carryover 15452  
valuation value, if any, between the second preceding tax year and 15453  
the preceding tax year as used in calculating the percentage 15454  
reduction under section 319.301 of the Revised Code. 15455

(B) ~~In any~~ For each fiscal year the department of education 15456  
shall calculate each school district's recognized valuation in the 15457  
following manner: 15458

(1) For a school district located in a county in which a 15459  
reappraisal or triennial update occurred in the preceding tax 15460  
year, the recognized valuation equals the district's total taxable 15461  
value for the preceding tax year minus two-thirds times the 15462  
increase in the carryover value from the second preceding tax year 15463  
to the preceding tax year. 15464

(2) For a school district located in a county in which a 15465  
reappraisal or triennial update occurred in the second preceding 15466  
tax year, the recognized valuation equals the district's total 15467

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.

(3) For a school district located in a county in which a  
reappraisal or triennial update occurred in the third preceding  
tax year, the recognized valuation equals the district's total  
taxable value for the preceding tax year.

**Sec. 3317.02.** As used in this chapter:

(A) Unless otherwise specified, "school district" means city,  
local, and exempted village school districts.

(B) "Formula amount" means the base cost for the fiscal year  
specified in division (B)(4) of section 3317.012 of the Revised  
Code.

(C) "FTE basis" means a count of students based on full-time  
equivalency, in accordance with rules adopted by the department of  
education pursuant to section 3317.03 of the Revised Code. In  
adopting its rules under this division, the department shall  
provide for counting any student in category one, two, three,  
four, five, or six special education ADM or in category one or two  
vocational education ADM in the same proportion the student is  
counted in formula ADM.

(D) "Formula ADM" means, for a city, local, or exempted  
village school district, the number reported pursuant to division  
(A) of section 3317.03 of the Revised Code, and for a joint  
vocational school district, the number reported pursuant to  
division (D) of section 3317.03 of the Revised Code. Beginning in  
fiscal year ~~2006~~ 2007, for payments in which formula ADM is a  
factor, ~~for the months of July through December, the~~ the formula ADM  
~~means for each school district for the fiscal year is the sum of~~  
one-half of the number reported ~~in~~ for October of that fiscal

~~, and for the months of January through June, formula ADM means~~ 15498  
~~plus one-half of the average of the numbers reported in the~~ 15499  
~~previous for October and in February of that fiscal year.~~ 15500

(E) "Three-year average formula ADM" means the average of 15501  
formula ADMs for the current and preceding two fiscal years. 15502

(F)(1) "Category one special education ADM" means the average 15503  
daily membership of handicapped children receiving special 15504  
education services for the handicap specified in division (A) of 15505  
section 3317.013 of the Revised Code and reported under division 15506  
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 15507  
Beginning in fiscal year 2007, the district's category one special 15508  
education ADM for a fiscal year is the sum of one-half of the 15509  
number reported for October of that fiscal year plus one-half of 15510  
the average of the numbers reported for October and February of 15511  
that fiscal year. 15512

(2) "Category two special education ADM" means the average 15513  
daily membership of handicapped children receiving special 15514  
education services for those handicaps specified in division (B) 15515  
of section 3317.013 of the Revised Code and reported under 15516  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 15517  
Code. Beginning in fiscal year 2007, the district's category two 15518  
special education ADM for a fiscal year is the sum of one-half of 15519  
the number reported for October of that fiscal year plus one-half 15520  
of the average of the numbers reported for October and February of 15521  
that fiscal year. 15522

(3) "Category three special education ADM" means the average 15523  
daily membership of students receiving special education services 15524  
for those handicaps specified in division (C) of section 3317.013 15525  
of the Revised Code, and reported under division (B)(7) or 15526  
(D)(2)(d) of section 3317.03 of the Revised Code. Beginning in 15527  
fiscal year 2007, the district's category three special education 15528  
ADM for a fiscal year is the sum of one-half of the number 15529

reported for October of that fiscal year plus one-half of the 15530  
average of the numbers reported for October and February of that 15531  
fiscal year. 15532

(4) "Category four special education ADM" means the average 15533  
daily membership of students receiving special education services 15534  
for those handicaps specified in division (D) of section 3317.013 15535  
of the Revised Code and reported under division (B)(8) or 15536  
(D)(2)(e) of section 3317.03 of the Revised Code. Beginning in 15537  
fiscal year 2007, the district's category four special education 15538  
ADM for a fiscal year is the sum of one-half of the number 15539  
reported for October of that fiscal year plus one-half of the 15540  
average of the numbers reported for October and February of that 15541  
fiscal year. 15542

(5) "Category five special education ADM" means the average 15543  
daily membership of students receiving special education services 15544  
for the handicap specified in division (E) of section 3317.013 of 15545  
the Revised Code and reported under division (B)(9) or (D)(2)(f) 15546  
of section 3317.03 of the Revised Code. Beginning in fiscal year 15547  
2007, the district's category five special education ADM for a 15548  
fiscal year is the sum of one-half of the number reported for 15549  
October of that fiscal year plus one-half of the average of the 15550  
numbers reported for October and February of that fiscal year. 15551

(6) "Category six special education ADM" means the average 15552  
daily membership of students receiving special education services 15553  
for the handicap specified in division (F) of section 3317.013 of 15554  
the Revised Code and reported under division (B)(10) or (D)(2)(g) 15555  
of section 3317.03 of the Revised Code. Beginning in fiscal year 15556  
2007, the district's category six special education ADM for a 15557  
fiscal year is the sum of one-half of the number reported for 15558  
October of that fiscal year plus one-half of the average of the 15559  
numbers reported for October and February of that fiscal year. 15560

(7) "Category one vocational education ADM" means the average 15561

daily membership of students receiving vocational education 15562  
services described in division (A) of section 3317.014 of the 15563  
Revised Code and reported under division (B)(11) or (D)(2)(h) of 15564  
section 3317.03 of the Revised Code. Beginning in fiscal year 15565  
2007, the district's category one vocational education ADM for a 15566  
fiscal year is the sum of one-half of the number reported for 15567  
October of that fiscal year plus one-half of the average of the 15568  
numbers reported for October and February of that fiscal year. 15569

(8) "Category two vocational education ADM" means the average 15570  
daily membership of students receiving vocational education 15571  
services described in division (B) of section 3317.014 of the 15572  
Revised Code and reported under division (B)(12) or (D)(2)(i) of 15573  
section 3317.03 of the Revised Code. Beginning in fiscal year 15574  
2007, the district's category two vocational education ADM for a 15575  
fiscal year is the sum of one-half of the number reported for 15576  
October of that fiscal year plus one-half of the average of the 15577  
numbers reported for October and February of that fiscal year. 15578

~~Beginning in fiscal year 2006, for payments in which category 15579  
one through six special education ADM or category one or two 15580  
vocational education ADM is a factor, for the months of July 15581  
through December, those terms mean the numbers as described in 15582  
division (F)(1) through (8) of this section, respectively, 15583  
reported in October of that year, and for the months of January 15584  
through June, those terms mean the average of the numbers as 15585  
described in division (F)(1) through (8) of this section, 15586  
respectively, reported in the previous October and in February.~~ 15587

(G) "Handicapped preschool child" means a handicapped child, 15588  
as defined in section 3323.01 of the Revised Code, who is at least 15589  
age three but is not of compulsory school age, as defined in 15590  
section 3321.01 of the Revised Code, and who is not currently 15591  
enrolled in kindergarten. 15592

(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities.	15593 15594
(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code.	15595 15596
(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.	15597 15598 15599
(K) "Average efficient transportation use cost per student" means a statistical representation of transportation costs as calculated under division (D)(2) of section 3317.022 of the Revised Code.	15600 15601 15602 15603
(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	15604 15605 15606 15607
(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.	15608 15609 15610 15611
(N) "Cost-of-doing-business factor" means the amount indicated in division (N)(1) or (2) of this section for the county in which a city, local, exempted village, or joint vocational school district is located. If a city, local, or exempted village school district is located in more than one county, the factor is the amount indicated for the county to which the district is assigned by the state department of education. If a joint vocational school district is located in more than one county, the factor is the amount indicated for the county in which the joint vocational school with the greatest formula ADM operated by the district is located.	15612 15613 15614 15615 15616 15617 15618 15619 15620 15621 15622

(1) In fiscal year 2006, the cost-of-doing-business factor		15623
for each county is:		15624
	COST-OF-DOING-BUSINESS	15625
COUNTY	FACTOR AMOUNT	15626
Adams	1.00233	15627
Allen	1.01373	15628
Ashland	1.01980	15629
Ashtabula	1.02647	15630
Athens	1.00093	15631
Auglaize	1.01647	15632
Belmont	1.00427	15633
Brown	1.01180	15634
Butler	1.04307	15635
Carroll	1.00913	15636
Champaign	1.02973	15637
Clark	1.02980	15638
Clermont	1.03607	15639
Clinton	1.02193	15640
Columbiana	1.01427	15641
Coshocton	1.01153	15642
Crawford	1.01093	15643
Cuyahoga	1.04173	15644
Darke	1.02253	15645
Defiance	1.00973	15646
Delaware	1.03520	15647
Erie	1.02587	15648
Fairfield	1.02440	15649
Fayette	1.02127	15650
Franklin	1.04053	15651
Fulton	1.0220	15652
Gallia	1.00000	15653
Geauga	1.03340	15654
Greene	1.02960	15655

Guernsey	1.00440	15656
Hamilton	1.05000	15657
Hancock	1.01433	15658
Hardin	1.02373	15659
Harrison	1.00493	15660
Henry	1.02120	15661
Highland	1.00987	15662
Hocking	1.01253	15663
Holmes	1.01187	15664
Huron	1.01953	15665
Jackson	1.00920	15666
Jefferson	1.00487	15667
Knox	1.01860	15668
Lake	1.03493	15669
Lawrence	1.00540	15670
Licking	1.02540	15671
Logan	1.02567	15672
Lorain	1.03433	15673
Lucas	1.02600	15674
Madison	1.03253	15675
Mahoning	1.02307	15676
Marion	1.02040	15677
Medina	1.03573	15678
Meigs	1.00173	15679
Mercer	1.01353	15680
Miami	1.02740	15681
Monroe	1.00333	15682
Montgomery	1.03020	15683
Morgan	1.00593	15684
Morrow	1.02007	15685
Muskingum	1.00847	15686
Noble	1.00487	15687
Ottawa	1.03240	15688

Paulding	1.00767	15689
Perry	1.01067	15690
Pickaway	1.02607	15691
Pike	1.00687	15692
Portage	1.03147	15693
Preble	1.02947	15694
Putnam	1.01440	15695
Richland	1.01327	15696
Ross	1.01007	15697
Sandusky	1.02140	15698
Scioto	1.00080	15699
Seneca	1.01487	15700
Shelby	1.01853	15701
Stark	1.01700	15702
Summit	1.03613	15703
Trumbull	1.02340	15704
Tuscarawas	1.00593	15705
Union	1.03333	15706
Van Wert	1.00887	15707
Vinton	1.00633	15708
Warren	1.04387	15709
Washington	1.00400	15710
Wayne	1.02320	15711
Williams	1.01520	15712
Wood	1.02400	15713
Wyandot	1.01140	15714

(2) In fiscal year 2007, the cost-of-doing-business factor  
for each county is:

	COST-OF-DOING-BUSINESS	15717
COUNTY	FACTOR AMOUNT	15718
Adams	1.00117	15719
Allen	1.00687	15720
Ashland	1.00990	15721

Ashtabula	1.01323	15722
Athens	1.00047	15723
Auglaize	1.00823	15724
Belmont	1.00213	15725
Brown	1.00590	15726
Butler	1.02153	15727
Carroll	1.00457	15728
Champaign	1.01487	15729
Clark	1.01490	15730
Clermont	1.01803	15731
Clinton	1.01097	15732
Columbiana	1.00713	15733
Coshocton	1.00577	15734
Crawford	1.00547	15735
Cuyahoga	1.02087	15736
Darke	1.01127	15737
Defiance	1.00487	15738
Delaware	1.01760	15739
Erie	1.01293	15740
Fairfield	1.01220	15741
Fayette	1.01063	15742
Franklin	1.02027	15743
Fulton	1.01100	15744
Gallia	1.00000	15745
Geauga	1.01670	15746
Greene	1.01480	15747
Guernsey	1.00220	15748
Hamilton	1.02500	15749
Hancock	1.00717	15750
Hardin	1.01187	15751
Harrison	1.00247	15752
Henry	1.01060	15753
Highland	1.00493	15754

Hocking	1.00627	15755
Holmes	1.00593	15756
Huron	1.00977	15757
Jackson	1.00460	15758
Jefferson	1.00243	15759
Knox	1.00930	15760
Lake	1.01747	15761
Lawrence	1.00270	15762
Licking	1.01270	15763
Logan	1.01283	15764
Lorain	1.01717	15765
Lucas	1.01300	15766
Madison	1.01627	15767
Mahoning	1.01153	15768
Marion	1.01020	15769
Medina	1.01787	15770
Meigs	1.00087	15771
Mercer	1.00677	15772
Miami	1.01370	15773
Monroe	1.00167	15774
Montgomery	1.01510	15775
Morgan	1.00297	15776
Morrow	1.01003	15777
Muskingum	1.00423	15778
Noble	1.00243	15779
Ottawa	1.01620	15780
Paulding	1.00383	15781
Perry	1.00533	15782
Pickaway	1.01303	15783
Pike	1.00343	15784
Portage	1.01573	15785
Preble	1.01473	15786
Putnam	1.00720	15787

Richland	1.00663	15788
Ross	1.00503	15789
Sandusky	1.01070	15790
Scioto	1.00040	15791
Seneca	1.00743	15792
Shelby	1.00927	15793
Stark	1.00850	15794
Summit	1.01807	15795
Trumbull	1.01170	15796
Tuscarawas	1.00297	15797
Union	1.01667	15798
Van Wert	1.00443	15799
Vinton	1.00317	15800
Warren	1.02193	15801
Washington	1.00200	15802
Wayne	1.01160	15803
Williams	1.00760	15804
Wood	1.01200	15805
Wyandot	1.00570	15806

(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

(P) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.

(Q) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the

residents of the district.	15820
(R) "Statewide median income" means the median district	15821
median income of all city, exempted village, and local school	15822
districts in the state.	15823
(S) "Income factor" for a city, exempted village, or local	15824
school district means the quotient obtained by dividing that	15825
district's median income by the statewide median income.	15826
(T) "Medically fragile child" means a child to whom all of	15827
the following apply:	15828
(1) The child requires the services of a doctor of medicine	15829
or osteopathic medicine at least once a week due to the	15830
instability of the child's medical condition.	15831
(2) The child requires the services of a registered nurse on	15832
a daily basis.	15833
(3) The child is at risk of institutionalization in a	15834
hospital, skilled nursing facility, or intermediate care facility	15835
for the mentally retarded.	15836
(U) A child may be identified as "other health	15837
handicapped-major" if the child's condition meets the definition	15838
of "other health impaired" established in rules adopted by the	15839
state board of education prior to July 1, 2001, and if either of	15840
the following apply:	15841
(1) The child is identified as having a medical condition	15842
that is among those listed by the superintendent of public	15843
instruction as conditions where a substantial majority of cases	15844
fall within the definition of "medically fragile child." The	15845
superintendent of public instruction shall issue an initial list	15846
no later than September 1, 2001.	15847
(2) The child is determined by the superintendent of public	15848
instruction to be a medically fragile child. A school district	15849

superintendent may petition the superintendent of public 15850  
instruction for a determination that a child is a medically 15851  
fragile child. 15852

(V) A child may be identified as "other health 15853  
handicapped-minor" if the child's condition meets the definition 15854  
of "other health impaired" established in rules adopted by the 15855  
state board of education prior to July 1, 2001, but the child's 15856  
condition does not meet either of the conditions specified in 15857  
division (U)(1) or (2) of this section. 15858

(W) "SF-3 payment" means the sum of the payments to a school 15859  
district in a fiscal year under divisions (A), (C)(1), (C)(4), 15860  
(D), (E), and (F) of section 3317.022, divisions ~~(J)~~(G), ~~(P)~~(L), 15861  
and ~~(R)~~(N) of section 3317.024, and sections 3317.029, 3317.0216, 15862  
3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised 15863  
Code after making the adjustments required by sections 3313.981 15864  
and 3313.979 of the Revised Code, divisions (B), (C), (D), (E), 15865  
(K), (L), (M), (N), and (O) of section 3317.023, and division (C) 15866  
of section 3317.20 of the Revised Code. 15867

(X) "Property exemption value" means zero in fiscal year 15868  
2006, and in fiscal year 2007 and each fiscal year thereafter, the 15869  
amount certified for a school district under divisions (A)(6) and 15870  
(7) of section 3317.021 of the Revised Code. 15871

**Sec. 3317.021.** (A) On or before the first day of June of each 15872  
year, the tax commissioner shall certify to the department of 15873  
education the ~~following~~ information described in divisions (A)(1) 15874  
to (8) of this section for each city, exempted village, and local 15875  
school district, and the information required by divisions (A)(1) 15876  
and (2) of this section for each joint vocational school district, 15877  
and it shall be used, along with the information certified under 15878  
division (B) of this section, in making the computations for the 15879  
district under sections 3317.022, 3317.0216, and 3317.0217 or 15880

section 3317.16 of the Revised Code+.	15881
(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location+.	15882 15883 15884
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year+.	15885 15886 15887
(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses+.	15888 15889 15890 15891 15892 15893
(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.	15894 15895 15896 15897
(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:	15898 15899 15900
(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;	15901 15902 15903
(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	15904 15905 15906 15907
(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	15908 15909 15910

information is available. 15911

(6) The sum of the school district compensation value as 15912  
indicated on the list of exempted property for the preceding tax 15913  
year under section 5713.08 of the Revised Code as if such property 15914  
had been assessed for taxation that year and the other 15915  
compensation value for the school district, minus the amounts 15916  
described in divisions (A)(6)(c) to (i) of this section. The 15917  
portion of school district compensation value or other 15918  
compensation value attributable to an incentive district exemption 15919  
may be subtracted only once even if that incentive district 15920  
satisfies more than one of the criteria in divisions (A)(6)(c) to 15921  
(i) of this section. 15922

(a) "School district compensation value" means the aggregate 15923  
value of real property in the school district exempted from 15924  
taxation pursuant to an ordinance or resolution adopted ~~by the~~ 15925  
~~legislative authority of a municipal corporation~~ under division 15926  
(C) of section 5709.40 ~~of the Revised Code or pursuant to a~~ 15927  
~~resolution adopted by a board of township trustees or board of~~ 15928  
~~county commissioners under~~ division (C) of section 5709.73, or 15929  
division (B) of section 5709.78 of the Revised Code, ~~respectively,~~ 15930  
but not including to the extent that the exempted value results in 15931  
the charging of payments in lieu of taxes ~~provided~~ required to be 15932  
paid to the school district under division (D)(1) or (2) of 15933  
section 5709.40, division (D)~~(1)~~ of section 5709.73, or division 15934  
(C)~~(1)~~ of section 5709.78 of the Revised Code, ~~respectively, as~~ 15935  
~~indicated on the list of exempted property for the preceding tax~~ 15936  
~~year under section 5713.08 of the Revised Code and as if such~~ 15937  
~~property had been assessed for taxation that year, minus the~~ 15938  
~~following amounts:~~ 15939

~~(a) The aggregate value of the improvements to parcels of~~ 15940  
~~real property in the school district.~~ 15941

(b) "Other compensation value" means the quotient that results from dividing (i) the dollar value of compensation received by the school district during the preceding tax year pursuant to division (B), (C), or (D) of section 5709.82 of the Revised Code and the amounts received pursuant to an agreement as specified in division (D)(2) of section 5709.40, division (D) of section 5709.73, or division (C) of section 5709.78 of the Revised Code to the extent those amounts were not previously reported or included in division (A)(6)(a) of this section, and so that any such amount is reported only once under division (A)(6)(b) of this section, in relation to exemptions from taxation granted pursuant to an ordinance or resolution adopted under division (C) of section 5709.40, division (C) of section 5709.73, or division (B) of section 5709.78 of the Revised Code, by (ii) the real property tax rate in effect for the preceding tax year for nonresidential/agricultural real property after making the reductions required by section 319.301 of the Revised Code.

(c) The portion of school district compensation value or other compensation value that was exempted from taxation pursuant to such an ordinance or resolution for the preceding tax year, if the ordinance or resolution is adopted prior to January 1, 2006, and the legislative authority or board of township trustees or county commissioners, prior to January 1, 2006, executes a contract or agreement with a developer, whether for-profit or not-for-profit, with respect to the development of a project undertaken or to be undertaken and identified in the ordinance or resolution, and upon which parcels such project is being, or will be, undertaken;

~~(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 appropriate supporting documentation to the tax commissioner and the director of development that, based on hold-harmless provisions in any agreement between the school district and the

legislative authority of the municipal corporation, board of 16006  
township trustees, or board of county commissioners that was 16007  
entered into on or before June 1, 2005, the ability or obligation 16008  
of the municipal corporation, township, or county to repay bonds, 16009  
notes, or other financial obligations issued or entered into prior 16010  
to January 1, 2006, will be impaired, including obligations to or 16011  
of any other body corporate and politic with whom the legislative 16012  
authority of the municipal corporation or board of township 16013  
trustees or county commissioners has entered into an agreement 16014  
pertaining to the use of service payments derived from the 16015  
improvements exempted; 16016

~~(d) The aggregate value of the improvements to parcels of 16017  
real property in the school district exempted from taxation (f) 16018  
The portion of school district compensation value that was 16019  
exempted from taxation for the preceding tax year pursuant to such 16020  
an ordinance or resolution, if the ordinance or resolution is 16021  
adopted prior to January 1, 2006, in a municipal corporation with 16022  
a population that exceeds one hundred thousand, as shown by the 16023  
most recent federal decennial census, that includes a major 16024  
employment center and that is adjacent to historically distressed 16025  
neighborhoods, if the legislative authority of the municipal 16026  
corporation, ~~the board of township trustees, or the board of 16027  
county commissioners~~ that exempted the property prepares an 16028  
economic analysis that demonstrates that all taxes generated 16029  
within the incentive district accruing to the state by reason of 16030  
improvements constructed within the district during its existence 16031  
exceed the amount the state pays the school district under section 16032  
3317.022 of the Revised Code attributable to such property 16033  
exemption from the school district's recognized valuation. The 16034  
analysis shall be submitted to and approved by the department of 16035  
development prior to January 1, 2006, and the department shall not 16036  
unreasonably withhold approval. ~~Approval shall permit use of the 16037  
aggregate value for the life of the incentive district as 16038~~~~

~~designated in the ordinance or resolution creating it.~~ 16039

~~(e) The aggregate value of the improvements to parcels of~~ 16040  
~~real property in the school district exempted from taxation (g)~~ 16041  
The portion of school district compensation value that was 16042  
exempted from taxation for the preceding tax year under such an 16043  
ordinance or resolution, if the ordinance or resolution is adopted 16044  
prior to January 1, 2006, and if service payments have been 16045  
pledged to be used for mixed-use riverfront entertainment 16046  
development in any county with a population that exceeds six 16047  
hundred thousand, as shown by the most recent federal decennial 16048  
census; 16049

~~(f) The aggregate value of the improvements to parcels of~~ 16050  
~~real property in the school district exempted from taxation (h)~~ 16051  
The portion of school district compensation value that was 16052  
exempted from taxation for the preceding tax year under such an 16053  
ordinance or resolution, if, prior to January 1, 2006, the 16054  
legislative authority of a municipal corporation, board of 16055  
township trustees, or board of county commissioners has pledged 16056  
service payments for a designated transportation capacity project 16057  
approved by the transportation review advisory council under 16058  
Chapter 5512. of the Revised Code; 16059

~~(g) The aggregate value of the improvements to parcels of~~ 16060  
~~real property in the school district exempted from taxation (i)~~ 16061  
The portion of school district compensation value that was 16062  
exempted from taxation for the preceding tax year under such an 16063  
ordinance or resolution if the legislative authority of a 16064  
municipal corporation, board of township trustees, or board of 16065  
county commissioners have, by January 1, 2006, pledged proceeds 16066  
for designated transportation improvement projects that involve 16067  
federal funds for which the proceeds are used to meet a local 16068  
share match requirement for such funding. 16069

As used in division (A)(6) of this section, "project" has the 16070

same meaning as in section 5709.40 of the Revised Code. 16071

(7) The aggregate value of real property in the school 16072  
district for which an exemption from taxation is granted by an 16073  
ordinance or resolution adopted on or after January 1, 2006, under 16074  
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 16075  
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 16076  
Code, as indicated on the list of exempted property for the 16077  
preceding tax year under section 5713.08 of the Revised Code and 16078  
as if such property had been assessed for taxation that year, ~~but~~ 16079  
~~not including compensation for tax revenue foregone pursuant to an~~ 16080  
~~agreement entered into on or after January 1, 2006, under section~~ 16081  
~~5709.82 of the Revised Code, and~~ minus the product determined by 16082  
multiplying (a) the aggregate value of the real property in the 16083  
school district exempted from taxation for the preceding tax year 16084  
under any of the chapters or sections specified in this division, 16085  
by (b) a fraction, the numerator of which is the difference 16086  
between (i) the amount of anticipated revenue such school district 16087  
would have received ~~in~~ for the preceding ~~fiscal tax~~ year if the 16088  
real property exempted from taxation had not been exempted from 16089  
taxation and (ii) the aggregate amount of payments in lieu of 16090  
taxes on the exempt real property for the preceding tax year and 16091  
other compensation received ~~in~~ for the preceding ~~fiscal tax~~ year 16092  
by the school district pursuant to any agreements entered into on 16093  
or after January 1, 2006, under section 5709.82 of the Revised 16094  
Code between the school district and the legislative authority of 16095  
a political subdivision that acted under the authority of a 16096  
chapter or statute specified in this division, that were entered 16097  
into in relation to such exemption, and the denominator of which 16098  
is the amount of anticipated revenue such school district would 16099  
have received in the preceding fiscal year if the real property 16100  
exempted from taxation had not been exempted. 16101

(8) For each school district receiving payments under 16102

division (B) or (C) of section 3317.0216 of the Revised Code 16103  
during the current fiscal year, as included on the most recent 16104  
list of such districts sent to the tax commissioner under division 16105  
(F) of that section, the following: 16106

(a) The portion of the total amount of taxes charged and 16107  
payable for current expenses certified under division (A)(3)(a) of 16108  
this section that is attributable to each new levy approved and 16109  
charged in the preceding tax year and the respective tax rate of 16110  
each of those new levies; 16111

(b) The portion of the total taxes collected for current 16112  
expenses under a school district income tax adopted pursuant to 16113  
section 5748.03 or 5748.08 of the Revised Code, as certified under 16114  
division (A)(2) of section 3317.08 of the Revised Code, that is 16115  
attributable to each new school district income tax first 16116  
effective in the current taxable year or in the preceding taxable 16117  
year. 16118

(B) On or before the first day of May each year, the tax 16119  
commissioner shall certify to the department of education the 16120  
total taxable real property value of railroads and, separately, 16121  
the total taxable tangible personal property value of all public 16122  
utilities for the preceding tax year, by school district and by 16123  
county of location. 16124

(C) If a public utility has properly and timely filed a 16125  
petition for reassessment under section 5727.47 of the Revised 16126  
Code with respect to an assessment issued under section 5727.23 of 16127  
the Revised Code affecting taxable property apportioned by the tax 16128  
commissioner to a school district, the taxable value of public 16129  
utility tangible personal property included in the certification 16130  
under divisions (A)(2) and (B) of this section for the school 16131  
district shall include only the amount of taxable value on the 16132  
basis of which the public utility paid tax for the preceding year 16133

as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code. 16134  
16135

(D) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (D)(3) of this section to the department. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A) of section 3317.01 of the Revised Code. 16136  
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The tax commissioner shall make the determination required by this division as follows: 16151  
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(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section; 16153  
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(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district; 16156  
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(3) Divide the amount estimated under division (D)(2) of this section by the product obtained under division (D)(1) of this section. 16160  
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(E)(1) On or before June 1, 2006, and the first day of ~~June~~ April of each year thereafter, the director of development shall 16163  
16164

~~certify report~~ to the department of education and the tax 16165  
commissioner the total ~~amount~~ amounts of payments received by each 16166  
city, local, exempted village, or joint vocational school district 16167  
~~during for~~ the preceding tax year pursuant to ~~an agreement entered~~ 16168  
~~into under division (B)~~ division (D) of section 5709.40, division 16169  
(D) of section 5709.73, division (C) of section 5709.78, or 16170  
division (B)(1), (B)(2), (C), or (D) of section 5709.82 of the 16171  
Revised Code in relation to exemptions from taxation granted 16172  
pursuant to an ordinance adopted by the legislative authority of a 16173  
municipal corporation under division (C)~~(1)~~ of section 5709.40 of 16174  
the Revised Code, or a resolution adopted by a board of township 16175  
trustees or board of county commissioners under division (C)~~(1)~~ of 16176  
section 5709.73 or division (B)~~(1)~~ of section 5709.78 of the 16177  
Revised Code, respectively. On or before April 1, 2006, and the 16178  
first day of ~~April~~ March of each year thereafter, the treasurer of 16179  
each city, local, exempted village, or joint vocational school 16180  
district that has entered into such an agreement shall report to 16181  
the director of development the total ~~amount~~ amounts of such 16182  
payments the district received ~~during for~~ the preceding tax year 16183  
~~pursuant to each such agreement~~ as provided in this section. The 16184  
state board of education, in accordance with sections 3319.31 and 16185  
3319.311 of the Revised Code, may suspend or revoke the license of 16186  
a treasurer found to have willfully reported erroneous, 16187  
inaccurate, or incomplete data under this division. 16188

(2) On or before April 1, 2007, and the first day of April of 16189  
each year thereafter, the director of development shall report to 16190  
the department of education and to the tax commissioner the total 16191  
amounts of payments received by each city, local, exempted 16192  
village, or joint vocational school district for the preceding tax 16193  
year pursuant to divisions (B), (C), and (D) of section 5709.82 of 16194  
the Revised Code in relation to exemptions from taxation granted 16195  
pursuant to ordinances or resolutions adopted on or after January 16196  
1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, 16197

or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 16198  
Revised Code. On or before March 1, 2007, and the first day of 16199  
March of each year thereafter, the treasurer of each city, local, 16200  
exempted village, or joint vocational school district that has 16201  
entered into such an agreement shall report to the director of 16202  
development the total amounts of such payments the district 16203  
received for the preceding tax year as provided by this section. 16204  
The state board of education, in accordance with sections 3319.31 16205  
and 3319.311 of the Revised Code, may suspend or revoke the 16206  
license of a treasurer found to have willfully reported erroneous, 16207  
inaccurate, or incomplete data under this division. 16208

**Sec. 3317.022.** (A) The department of education shall compute 16209  
and distribute state base cost funding to each school district for 16210  
the fiscal year using the information obtained under section 16211  
3317.021 of the Revised Code in the calendar year in which the 16212  
fiscal year begins. 16213

(1) Compute the following for each eligible district: 16214

[(cost-of-doing-business factor X 16215  
the formula amount X formula ADM) + 16216  
the sum of the base funding supplements 16217  
prescribed in divisions (C)(1) to (4) 16218  
of section 3317.012 of the Revised Code] - 16219  
[.023 x (the sum of recognized valuation 16220  
and property exemption (value))] 16221

If the difference obtained is a negative number, the 16222  
district's computation shall be zero. 16223

(2) Compute both of the following for each school district: 16224

(a) The difference of (i) the district's fiscal year 2005 16225  
base cost payment under the version of division (A)(1) of this 16226  
section in effect in fiscal year 2005, minus (ii) the amount 16227

computed for the district for the current fiscal year under 16228  
current division (A)(1) of this section; 16229

(b) The following amount: 16230

    [(fiscal year 2005 base cost payment/fiscal 16231  
        year 2005 formula ADM) X 16232  
        current year formula ADM] minus 16233  
        the amount computed for the district 16234  
        under current division (A)(1) of this section 16235

    If one of the amounts computed under division (A)(2)(a) or 16236  
    (b) of this section is a positive amount, the department shall pay 16237  
    the district that amount in addition to the amount calculated 16238  
    under division (A)(1) of this section. If both amounts are 16239  
    positive amounts, the department shall pay the district the lesser 16240  
    of the two amounts in addition to the amount calculated under 16241  
    division (A)(1) of this section. 16242

(3)(a) For each school district for which the tax exempt 16243  
value of the district equals or exceeds twenty-five per cent of 16244  
the potential value of the district, the department of education 16245  
shall calculate the difference between the district's tax exempt 16246  
value and twenty-five per cent of the district's potential value. 16247

(b) For each school district to which division (A)(3)(a) of 16248  
this section applies, the department shall adjust the recognized 16249  
valuation used in the calculation under division (A)(1) of this 16250  
section by subtracting from it the amount calculated under 16251  
division (A)(3)(a) of this section. 16252

(B) As used in this section: 16253

(1) The "total special education weight" for a district means 16254  
the sum of the following amounts: 16255

(a) The district's category one special education ADM 16256  
multiplied by the multiple specified in division (A) of section 16257

3317.013 of the Revised Code;	16258
(b) The district's category two special education ADM	16259
multiplied by the multiple specified in division (B) of section	16260
3317.013 of the Revised Code;	16261
(c) The district's category three special education ADM	16262
multiplied by the multiple specified in division (C) of section	16263
3317.013 of the Revised Code;	16264
(d) The district's category four special education ADM	16265
multiplied by the multiple specified in division (D) of section	16266
3317.013 of the Revised Code;	16267
(e) The district's category five special education ADM	16268
multiplied by the multiple specified in division (E) of section	16269
3317.013 of the Revised Code;	16270
(f) The district's category six special education ADM	16271
multiplied by the multiple specified in division (F) of section	16272
3317.013 of the Revised Code.	16273
(2) "State share percentage" means the percentage calculated	16274
for a district as follows:	16275
(a) Calculate the state base cost funding amount for the	16276
district for the fiscal year under division (A) of this section.	16277
If the district would not receive any state base cost funding for	16278
that year under that division, the district's state share	16279
percentage is zero.	16280
(b) If the district would receive state base cost funding	16281
under that division, divide that amount by an amount equal to the	16282
following:	16283
(Cost-of-doing-business factor X	16284
the formula amount X formula ADM) +	16285
the sum of the base funding supplements	16286
prescribed in divisions (C)(1) to (4)	16287

of section 3317.012 of the Revised Code	16288
The resultant number is the district's state share percentage.	16289 16290
(3) "Related services" includes:	16291
(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for handicapped children whose handicaps are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	16292 16293 16294 16295 16296 16297 16298 16299
(b) Speech and language services provided to any student with a handicap, including any student whose primary or only handicap is a speech and language handicap;	16300 16301 16302
(c) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	16303 16304 16305
(d) Any service included in units funded under former division (O)(1) of section 3317.023 of the Revised Code;	16306 16307
(e) Any other related service needed by handicapped children in accordance with their individualized education plans.	16308 16309
(4) The "total vocational education weight" for a district means the sum of the following amounts:	16310 16311
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	16312 16313 16314
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	16315 16316 16317

(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:

The district's state share percentage

X the formula amount for the year

for which the aid is calculated

X the district's total special education weight

(2) The attributed local share of special education and related services additional weighted costs equals:

(1 - the district's state share percentage) X

the district's total special education weight X

the formula amount

(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(i) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(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: 16349

(i) For a student in the school district's category two, 16350  
three, four, or five special education ADM, twenty-five thousand 16351  
dollars in fiscal year 2002, twenty-five thousand seven hundred 16352  
dollars in fiscal years 2003, 2004, and 2005, and twenty-six 16353  
thousand five hundred dollars in fiscal years 2006 and 2007; 16354

(ii) For a student in the district's category six special 16355  
education ADM, thirty thousand dollars in fiscal year 2002, thirty 16356  
thousand eight hundred forty dollars in fiscal years 2003, 2004, 16357  
and 2005, and thirty-one thousand eight hundred dollars in fiscal 16358  
years 2006 and 2007. 16359

(c) The district shall only report under division (C)(3)(a) 16360  
of this section, and the department shall only pay for, the costs 16361  
of educational expenses and the related services provided to the 16362  
student in accordance with the student's individualized education 16363  
program. Any legal fees, court costs, or other costs associated 16364  
with any cause of action relating to the student may not be 16365  
included in the amount. 16366

(4)(a) As used in this division, the "personnel allowance" 16367  
means thirty thousand dollars in fiscal years 2002, 2003, 2004, 16368  
2005, 2006, and 2007. 16369

(b) For the provision of speech language pathology services 16370  
to students, including students who do not have individualized 16371  
education programs prepared for them under Chapter 3323. of the 16372  
Revised Code, and for no other purpose, the department of 16373  
education shall pay each school district an amount calculated 16374  
under the following formula: 16375

(formula ADM divided by 2000) X 16376  
the personnel allowance X 16377  
the state share percentage 16378

(5) In any fiscal year, a school district shall spend for 16379

purposes that the department designates as approved for special  
education and related services expenses at least the amount  
calculated as follows:

(cost-of-doing-business factor X  
formula amount X the sum of categories  
one through six special education ADM) +  
(total special education weight X formula amount)

The purposes approved by the department for special education  
expenses shall include, but shall not be limited to,  
identification of handicapped children, compliance with state  
rules governing the education of handicapped children and  
prescribing the continuum of program options for handicapped  
children, provision of speech language pathology services, and the  
portion of the school district's overall administrative and  
overhead costs that are attributable to the district's special  
education student population.

The department shall require school districts to report data  
annually to allow for monitoring compliance with division (C)(5)  
of this section. The department shall annually report to the  
governor and the general assembly the amount of money spent by  
each school district for special education and related services.

(6) In any fiscal year, a school district shall spend for the  
provision of speech language pathology services not less than the  
sum of the amount calculated under division (C)(1) of this section  
for the students in the district's category one special education  
ADM and the amount calculated under division (C)(4) of this  
section.

(D)(1) As used in this division:

(a) "Daily bus miles per student" equals the number of bus  
miles traveled per day, divided by transportation base.

(b) "Transportation base" equals total student count as

defined in section 3301.011 of the Revised Code, minus the number  
of students enrolled in preschool handicapped units, plus the  
number of nonpublic school students included in transportation  
ADM.

(c) "Transported student percentage" equals transportation  
ADM divided by transportation base.

(d) "Transportation cost per student" equals total operating  
costs for board-owned or contractor-operated school buses divided  
by transportation base.

(2) Analysis of student transportation cost data has resulted  
in a finding that an average efficient transportation use cost per  
student can be calculated by means of a regression formula that  
has as its two independent variables the number of daily bus miles  
per student and the transported student percentage. For fiscal  
year 1998 transportation cost data, the average efficient  
transportation use cost per student is expressed as follows:

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + \\ (116.25573 \times \text{transported student percentage})$$

The department of education shall annually determine the  
average efficient transportation use cost per student in  
accordance with the principles stated in division (D)(2) of this  
section, updating the intercept and regression coefficients of the  
regression formula modeled in this division, based on an annual  
statewide analysis of each school district's daily bus miles per  
student, transported student percentage, and transportation cost  
per student data. The department shall conduct the annual update  
using data, including daily bus miles per student, transported  
student percentage, and transportation cost per student data, from  
the prior fiscal year. The department shall notify the office of  
budget and management of such update by the fifteenth day of  
February of each year.

(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight tenths per cent to account for the one-year difference between the data used in updating the formula and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:

FISCAL YEAR	PERCENTAGE	
2000	52.5%	
2001	55%	
2002	57.5%	
2003 and thereafter	The greater of 60% or the district's state share percentage	

The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula.

(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply:

(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section;

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be

calculated in accordance with the following formula: 16471  
    (per rough mile subsidy X total rough road miles) X 16472  
        density multiplier 16473

where: 16474

(a) "Per rough mile subsidy" equals the amount calculated in 16475  
accordance with the following formula: 16476

$0.75 - \{0.75 \times [(\text{maximum rough road percentage} -$  16477  
    county rough road percentage)/(maximum rough road percentage - 16478  
        statewide rough road percentage)]} 16479

(i) "Maximum rough road percentage" means the highest county 16480  
rough road percentage in the state. 16481

(ii) "County rough road percentage" equals the percentage of 16482  
the mileage of state, municipal, county, and township roads that 16483  
is rated by the department of transportation as type A, B, C, E2, 16484  
or F in the county in which the school district is located or, if 16485  
the district is located in more than one county, the county to 16486  
which it is assigned for purposes of determining its 16487  
cost-of-doing-business factor. 16488

(iii) "Statewide rough road percentage" means the percentage 16489  
of the statewide total mileage of state, municipal, county, and 16490  
township roads that is rated as type A, B, C, E2, or F by the 16491  
department of transportation. 16492

(b) "Total rough road miles" means a school district's total 16493  
bus miles traveled in one year times its county rough road 16494  
percentage. 16495

(c) "Density multiplier" means a figure calculated in 16496  
accordance with the following formula: 16497

$1 - [(\text{minimum student density} - \text{district student}$  16498  
        density)/(minimum student density - 16499  
        statewide student density)] 16500

(i) "Minimum student density" means the lowest district student density in the state. 16501  
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(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district. 16503  
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(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts. 16506  
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(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division ~~(J)~~(G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 16509  
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(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula: 16517  
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state share percentage X 16520  
the formula amount X 16521  
total vocational education weight 16522

In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding 16523  
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the manner in which funding received under division (E)(1) of this section may be spent. 16532  
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(2) The department shall compute for each school district state funds for vocational education associated services in accordance with the following formula: 16534  
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16536

state share percentage X .05 X 16537

the formula amount X the sum of categories one and two 16538

vocational education ADM 16539

In any fiscal year, a school district receiving funds under division (E)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for vocational education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other vocational education services, vocational evaluation, and other purposes designated by the department. The department may deny payment under division (E)(2) of this section to any district that the department determines is not operating those services or is using funds paid under division (E)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, for other purposes. 16540  
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(F) The actual local share in any fiscal year for the combination of special education and related services additional weighted costs funding calculated under division (C)(1) of this section, transportation funding calculated under divisions (D)(2) and (3) of this section, and vocational education and associated services additional weighted costs funding calculated under divisions (E)(1) and (2) of this section shall not exceed for any school district the product of three and three-tenths mills times the district's recognized valuation. The department annually shall pay each school district as an excess cost supplement any amount 16554  
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by which the sum of the district's attributed local shares for 16564  
that funding exceeds that product. For purposes of calculating the 16565  
excess cost supplement: 16566

(1) The attributed local share for special education and 16567  
related services additional weighted costs funding is the amount 16568  
specified in division (C)(2) of this section. 16569

(2) The attributed local share of transportation funding 16570  
equals the difference of the total amount calculated for the 16571  
district using the formula developed under division (D)(2) of this 16572  
section minus the actual amount paid to the district after 16573  
applying the percentage specified in division (D)(3) of this 16574  
section. 16575

(3) The attributed local share of vocational education and 16576  
associated services additional weighted costs funding is the 16577  
amount determined as follows: 16578

(1 - state share percentage) X 16579  
[(total vocational education weight X 16580  
the formula amount) + the payment under 16581  
division (E)(2) of this section] 16582

**Sec. 3317.024.** In addition to the moneys paid to eligible 16583  
school districts pursuant to section 3317.022 of the Revised Code, 16584  
moneys appropriated for the education programs in divisions (A) to 16585  
~~(H)~~, ~~(J)~~ to ~~(L)~~(I), ~~(O)~~(K), ~~(P)~~(L), and ~~(R)~~(N) of this section 16586  
shall be distributed to school districts meeting the requirements 16587  
of section 3317.01 of the Revised Code; in the case of divisions 16588  
~~(J)~~(G) and ~~(P)~~(L) of this section, to educational service centers 16589  
as provided in section 3317.11 of the Revised Code; in the case of 16590  
divisions ~~(E)~~, ~~(M)~~, (D) and ~~(N)~~(J) of this section, to county 16591  
MR/DD boards; in the case of division ~~(R)~~(N) of this section, to 16592  
joint vocational school districts; in the case of division ~~(K)~~(H) 16593  
of this section, to cooperative education school districts; and in 16594

the case of division ~~(Q)~~(M) of this section, to the institutions 16595  
defined under section 3317.082 of the Revised Code providing 16596  
elementary or secondary education programs to children other than 16597  
children receiving special education under section 3323.091 of the 16598  
Revised Code. The following shall be distributed monthly, 16599  
quarterly, or annually as may be determined by the state board of 16600  
education: 16601

~~(A) A per pupil amount to each school district that 16602  
establishes a summer school remediation program that complies with 16603  
rules of the state board of education. 16604~~

~~(B)~~ An amount for each island school district and each joint 16605  
state school district for the operation of each high school and 16606  
each elementary school maintained within such district and for 16607  
capital improvements for such schools. Such amounts shall be 16608  
determined on the basis of standards adopted by the state board of 16609  
education. 16610

~~(C)~~(B) An amount for each school district operating classes 16611  
for children of migrant workers who are unable to be in attendance 16612  
in an Ohio school during the entire regular school year. The 16613  
amounts shall be determined on the basis of standards adopted by 16614  
the state board of education, except that payment shall be made 16615  
only for subjects regularly offered by the school district 16616  
providing the classes. 16617

~~(D)~~(C) An amount for each school district with guidance, 16618  
testing, and counseling programs approved by the state board of 16619  
education. The amount shall be determined on the basis of 16620  
standards adopted by the state board of education. 16621

~~(E)~~(D) An amount for the emergency purchase of school buses 16622  
as provided for in section 3317.07 of the Revised Code; 16623

~~(F)~~(E) An amount for each school district required to pay 16624  
tuition for a child in an institution maintained by the department 16625

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. 16626  
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~~(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;~~ 16630  
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~~(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. 16637  
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~~(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.~~ 16641  
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~~(J)~~(G) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the district or service center. No district or service center is eligible to receive a payment under this division for the cost of 16651  
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transporting any pupil whom it transports by regular school bus 16658  
and who is included in the district's transportation ADM. The 16659  
state board of education shall establish standards and guidelines 16660  
for use by the department of education in determining the approved 16661  
cost of such transportation for each district or service center. 16662

~~(K)~~(H) An amount to each school district, including each 16663  
cooperative education school district, pursuant to section 3313.81 16664  
of the Revised Code to assist in providing free lunches to needy 16665  
children and an amount to assist needy school districts in 16666  
purchasing necessary equipment for food preparation. The amounts 16667  
shall be determined on the basis of rules adopted by the state 16668  
board of education. 16669

~~(L)~~(I) An amount to each school district, for each pupil 16670  
attending a chartered nonpublic elementary or high school within 16671  
the district. The amount shall equal the amount appropriated for 16672  
the implementation of section 3317.06 of the Revised Code divided 16673  
by the average daily membership in grades kindergarten through 16674  
twelve in nonpublic elementary and high schools within the state 16675  
as determined during the first full week in October of each school 16676  
year. 16677

~~(M)~~(J) An amount for each county MR/DD board, distributed on 16678  
the basis of standards adopted by the state board of education, 16679  
for the approved cost of transportation required for children 16680  
attending special education programs operated by the county MR/DD 16681  
board under section 3323.09 of the Revised Code; 16682

~~(N) An amount for each county MR/DD board, distributed on the 16683  
basis of standards adopted by the state board of education, for 16684  
supportive home services for preschool children; 16685~~

~~(O)~~(K) An amount for each school district that establishes a 16686  
mentor teacher program that complies with rules of the state board 16687  
of education. No school district shall be required to establish or 16688

maintain such a program in any year unless sufficient funds are 16689  
appropriated to cover the district's total costs for the program. 16690

~~(P)~~(L) An amount to each school district or educational 16691  
service center for the total number of gifted units approved 16692  
pursuant to section 3317.05 of the Revised Code. The amount for 16693  
each such unit shall be the sum of the minimum salary for the 16694  
teacher of the unit, calculated on the basis of the teacher's 16695  
training level and years of experience pursuant to the salary 16696  
schedule prescribed in the version of section 3317.13 of the 16697  
Revised Code in effect prior to July 1, 2001, plus fifteen per 16698  
cent of that minimum salary amount, plus two thousand six hundred 16699  
seventy-eight dollars. 16700

~~(Q)~~(M) An amount to each institution defined under section 16701  
3317.082 of the Revised Code providing elementary or secondary 16702  
education to children other than children receiving special 16703  
education under section 3323.091 of the Revised Code. This amount 16704  
for any institution in any fiscal year shall equal the total of 16705  
all tuition amounts required to be paid to the institution under 16706  
division (A)(1) of section 3317.082 of the Revised Code. 16707

~~(R)~~(N) A grant to each school district and joint vocational 16708  
school district that operates a "graduation, reality, and 16709  
dual-role skills" (GRADS) program for pregnant and parenting 16710  
students that is approved by the department. The amount of the 16711  
payment shall be the district's state share percentage, as defined 16712  
in section 3317.022 or 3317.16 of the Revised Code, times the 16713  
GRADS personnel allowance times the full-time-equivalent number of 16714  
GRADS teachers approved by the department. The GRADS personnel 16715  
allowance is \$47,555 in fiscal years 2004, 2005, 2006, and 2007. 16716

The state board of education or any other board of education 16717  
or governing board may provide for any resident of a district or 16718  
educational service center territory any educational service for 16719  
which funds are made available to the board by the United States 16720

under the authority of public law, whether such funds come 16721  
directly or indirectly from the United States or any agency or 16722  
department thereof or through the state or any agency, department, 16723  
or political subdivision thereof. 16724

**Sec. 3317.029.** (A) As used in this section: 16725

(1) "Poverty percentage" means the quotient obtained by 16726  
dividing the five-year average number of children ages five to 16727  
seventeen residing in the school district and living in a family 16728  
receiving assistance under the Ohio works first program or an 16729  
antecedent program known as TANF or ADC, as certified or adjusted 16730  
under section 3317.10 of the Revised Code, by the district's 16731  
three-year average formula ADM. 16732

(2) "Statewide poverty percentage" means the five-year 16733  
average of the total number of children ages five to seventeen 16734  
years residing in the state and receiving assistance under the 16735  
Ohio works first program or an antecedent program known as TANF or 16736  
ADC, divided by the sum of the three-year average formula ADMs for 16737  
all school districts in the state. 16738

(3) "Poverty index" means the quotient obtained by dividing 16739  
the school district's poverty percentage by the statewide poverty 16740  
percentage. 16741

(4) "Poverty student count" means the five-year average 16742  
number of children ages five to seventeen residing in the school 16743  
district and living in a family receiving assistance under the 16744  
Ohio works first program or an antecedent program known as TANF or 16745  
ADC, as certified under section 3317.10 of the Revised Code. 16746

(5) "Kindergarten ADM" means the number of students reported 16747  
under section 3317.03 of the Revised Code as enrolled in 16748  
kindergarten, excluding any kindergarten students reported under 16749  
division (B)(3)(e) or (f) of section 3317.03 of the Revised Code. 16750

(6) "Kindergarten through third grade ADM" means the amount calculated as follows:

(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage;

(b) Add the number of students in grades one through three;

(c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades kindergarten through three.

"Kindergarten through third grade ADM" shall not include any students reported under division (B)(3)(e) or (f) of section 3317.03 of the Revised Code.

(7) "All-day kindergarten" means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for pupils in grades one through six.

(8) "All-day kindergarten percentage" means the percentage of a district's actual total number of students enrolled in kindergarten who are enrolled in all-day kindergarten.

(9) "Buildings with the highest concentration of need" means the school buildings in a district with percentages of students in grades kindergarten through three receiving assistance under Ohio works first at least as high as the district-wide percentage of students receiving such assistance.

If, in any fiscal year, the information provided by the department of job and family services under section 3317.10 of the Revised Code is insufficient to determine the Ohio works first 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  
level one hours X [(poverty index - 0.25)/0.5]  
X phase-in percentage

Where:

(i) "Large-group intervention units" equals the district's formula ADM divided by 20;	16811 16812
(ii) "Hourly rate" equals \$20.00 in fiscal year 2006 and \$20.40 in fiscal year 2007;	16813 16814
(iii) "Level one hours" equals 25 hours;	16815
(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 and 1.00 in fiscal year 2007.	16816 16817
(b) If the district's poverty index is greater than or equal to 0.75:	16818 16819
large-group intervention units X hourly rate X	16820
level one hours X phase-in percentage	16821
Where "large-group intervention units," "hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section.	16822 16823 16824
(2) If the district's poverty index is greater than or equal to 0.75, calculate the district's level two amount for medium-group academic intervention for all students as follows:	16825 16826 16827
(a) If the district's poverty index is greater than or equal to 0.75 but less than 1.50:	16828 16829
medium-group intervention units X hourly rate	16830
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]}	16831
X phase-in percentage	16832
Where:	16833
(i) "Medium group intervention units" equals the district's formula ADM divided by 15;	16834 16835
(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section.	16836 16837 16838
(b) If the district's poverty index is greater than or equal	16839

to 1.50:	16840
medium-group intervention units X hourly rate X	16841
level two hours X phase-in percentage	16842
Where:	16843
(i) "Medium group intervention units" has the same meaning as	16844
in division (C)(2)(a)(i) of this section;	16845
(ii) "Hourly rate" and "phase-in percentage" have the same	16846
meanings as in division (C)(1)(a) of this section;	16847
(iii) "Level two hours" equals 50 hours.	16848
(3) If the district's poverty index is greater than or equal	16849
to 1.50, calculate the district's level three amount for	16850
small-group academic intervention for impoverished students as	16851
follows:	16852
(a) If the district's poverty index is greater than or equal	16853
to 1.50 but less than 2.50:	16854
small group intervention units X hourly rate X	16855
{level one hours + [level three hours X	16856
(poverty index - 1.50)]} X phase-in percentage	16857
Where:	16858
(i) "Small group intervention units" equals the quotient of	16859
(the district's poverty student count times 3) divided by 10;	16860
(ii) "Hourly rate," "level one hours," and "phase-in	16861
percentage" have the same meanings as in division (C)(1)(a) of	16862
this section;	16863
(iii) "Level three hours" equals 135 hours.	16864
(b) If the district's poverty index is greater than or equal	16865
to 2.50:	16866
small group intervention units X hourly rate	16867
X level three hours X phase-in percentage	16868

Where:	16869
(i) "Small group intervention units" has the same meaning as in division (C)(3)(a)(i) of this section;	16870 16871
(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;	16872 16873
(iii) "Level three hours" equals 160 hours.	16874
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.	16875 16876 16877 16878 16879 16880 16881 16882
(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.	16883 16884 16885 16886 16887 16888 16889 16890 16891 16892 16893
(E) A class-size reduction payment based on calculating the number of new teachers necessary to achieve a lower student-teacher ratio, as follows:	16894 16895 16896
(1) Determine or calculate a formula number of teachers per one thousand students based on the poverty index of the school	16897 16898

district as follows: 16899

(a) If the poverty index of the school district is less than 16900  
1.0, the formula number of teachers is 50.0, which is the number 16901  
of teachers per one thousand students at a student-teacher ratio 16902  
of twenty to one; 16903

(b) If the poverty index of the school district is greater 16904  
than or equal to 1.0, but less than 1.5, the formula number of 16905  
teachers is calculated as follows: 16906

$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\}$  16907

Where 50.0 is the number of teachers per one thousand 16908  
students at a student-teacher ratio of twenty to one; 0.5 is the 16909  
interval from a poverty index of 1.0 to a poverty index of 1.5; 16910  
and 16.667 is the difference in the number of teachers per one 16911  
thousand students at a student-teacher ratio of fifteen to one and 16912  
the number of teachers per one thousand students at a 16913  
student-teacher ratio of twenty to one. 16914

(c) If the poverty index of the school district is greater 16915  
than or equal to 1.5, the formula number of teachers is 66.667, 16916  
which is the number of teachers per one thousand students at a 16917  
student-teacher ratio of fifteen to one. 16918

(2) Multiply the formula number of teachers determined or 16919  
calculated in division (E)(1) of this section by the kindergarten 16920  
through third grade ADM for the district and divide that product 16921  
by one thousand; 16922

(3) Calculate the number of new teachers as follows: 16923

(a) Multiply the kindergarten through third grade ADM by 16924  
50.0, which is the number of teachers per one thousand students at 16925  
a student-teacher ratio of twenty to one, and divide that product 16926  
by one thousand; 16927

(b) Subtract the quotient obtained in division (E)(3)(a) of 16928

this section from the product in division (E)(2) of this section. 16929

(4) Multiply the greater of the difference obtained under 16930  
division (E)(3) of this section or zero by the statewide average 16931  
teachers compensation. For this purpose, the "statewide average 16932  
teacher compensation" is \$53,680 in fiscal year 2006 and \$54,941 16933  
in fiscal year 2007, which includes an amount for the value of 16934  
fringe benefits. 16935

(F) A payment for services to limited English proficient 16936  
students, if the district's poverty index is greater than or equal 16937  
to 1.0 and the proportion of its students who are limited English 16938  
proficient, as reported in 2003 on its school district report 16939  
issued under section 3302.03 of the Revised Code for the 2002-2003 16940  
school year, is greater than or equal to 2.0%, calculated as 16941  
follows: 16942

(1) If the district's poverty index is greater than or equal 16943  
to 1.0, but less than 1.75, determine the amount per limited 16944  
English proficient student as follows: 16945

{0.125 + [0.125 X ((poverty index - 1.0)/0.75)]} 16946  
X formula amount 16947

(2) If the district's poverty index is greater than or equal 16948  
to 1.75, the amount per limited English proficient student equals: 16949

0.25 X formula amount 16950

(3) Multiply the per student amount determined for the 16951  
district under division (F)(1) or (2) of this section by the 16952  
number of the district's limited English proficient students, 16953  
times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70 16954  
in fiscal year 2007. For purposes of this calculation, the number 16955  
of limited English proficient students for each district shall be 16956  
the number determined by the department when it calculated the 16957  
district's percentage of limited English proficient students for 16958  
its school district report card issued in 2003 for the 2002-2003 16959

school year. 16960

Not later than December 31, 2006, the department of education 16961  
shall recommend to the general assembly and the director of budget 16962  
and management a method of identifying the number of limited 16963  
English proficient students for purposes of calculating payments 16964  
under this division after fiscal year 2007. 16965

(G) A payment for professional development of teachers, if 16966  
the district's poverty index is greater than or equal to 1.0, 16967  
calculated as follows: 16968

(1) If the district's poverty index is greater than or equal 16969  
to 1.0, but less than 1.75, determine the amount per teacher as 16970  
follows: 16971

$[(\text{poverty index} - 1.0) / 0.75] \times 0.045 \times \text{formula amount}$  16972

(2) If the district's poverty index is greater than or equal 16973  
to 1.75, the amount per teacher equals: 16974

$0.045 \times \text{formula amount}$  16975

(3) Determine the number of teachers, as follows: 16976

$(\text{formula ADM} / 17)$  16977

(4) Multiply the per teacher amount determined for the 16978  
district under division (G)(1) or (2) of this section by the 16979  
number of teachers determined under division (G)(3) of this 16980  
section, times a phase-in percentage of 0.40 in fiscal year 2006 16981  
and 0.70 in fiscal year 2007. 16982

(H) A payment for dropout prevention, if the district is a 16983  
big eight school district as defined in section 3314.02 of the 16984  
Revised Code, calculated as follows: 16985

$0.005 \times \text{formula amount} \times \text{poverty index}$  16986

$\times \text{formula ADM} \times \text{phase-in percentage}$  16987

Where "phase-in percentage" equals 0.40 in fiscal year 2006 16988  
and 0.70 in fiscal year 2007. 16989

(I) An amount for community outreach, if the district is an urban school district as defined in section 3314.02 of the Revised Code, calculated as follows:

0.005 X formula amount X poverty index X  
formula ADM X phase-in percentage

Where "phase-in percentage" equals 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.

(J) This division applies only to school districts whose poverty index is 1.0 or greater.

(1) Each school district subject to this division shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage. To satisfy this requirement, a district may use funds paid under division (C), (F), (G), (H), or (I) of this section to provide all-day kindergarten in addition to the all-day kindergarten payment under division (D) of this section.

(2) ~~Each~~ Except as permitted under division (J)(1) of this section, each school district shall use its payment under division (F) of this section for one or more of the following purposes:

(a) To hire teachers for limited English proficient students or other personnel to provide intervention services for those students;

(b) To contract for intervention services for those students;

(c) To provide other services to assist those students in passing the third-grade reading achievement test, and to provide for those students the intervention services required by section 3313.608 of the Revised Code.

(3) ~~Each~~ Except as permitted under division (J)(1) of this

section, each school district shall use its payment under division 17020  
(G) of this section for professional development of teachers or 17021  
other licensed personnel providing educational services to 17022  
students only in one or more of the following areas: 17023

(a) Data-based decision making; 17024

(b) Standards-based curriculum models; 17025

(c) Job-embedded professional development activities that are 17026  
research-based, as defined in federal law. 17027

In addition, each district shall use the payment only to 17028  
implement programs identified on a list of eligible professional 17029  
development programs provided by the department of education. The 17030  
department annually shall provide the list to each district 17031  
receiving a payment under division (G) of this section. However, a 17032  
district may apply to the department for a waiver to implement an 17033  
alternative professional development program in one or more of the 17034  
areas specified in divisions (J)(3)(a) to (c) of this section. If 17035  
the department grants the waiver, the district may use its payment 17036  
under division (G) of this section to implement the alternative 17037  
program. 17038

(4) ~~Each~~ Except as permitted under division (J)(1) of this 17039  
section, each big eight school district shall use its payment 17040  
under division (H) of this section either for preventing at-risk 17041  
students from dropping out of school, for safety and security 17042  
measures described in division (J)(5)(b) of this section, for 17043  
academic intervention services described in division (J)(6) of 17044  
this section, or for a combination of those purposes. Not later 17045  
than September 1, 2005, the department of education shall provide 17046  
each big eight school district with a list of dropout prevention 17047  
programs that it has determined are successful. The department 17048  
subsequently may update the list. Each district that elects to use 17049  
its payment under division (H) of this section for dropout 17050

prevention shall use the payment only to implement a dropout 17051  
prevention program specified on the department's list. However, a 17052  
district may apply to the department for a waiver to implement an 17053  
alternative dropout prevention program. If the department grants 17054  
the waiver, the district may use its payment under division (H) of 17055  
this section to implement the alternative program. 17056

(5) ~~Each~~ Except as permitted under division (J)(1) of this 17057  
section, each urban school district that has a poverty index 17058  
greater than or equal to 1.0 shall use its payment under division 17059  
(I) of this section for one or a combination of the following 17060  
purposes: 17061

(a) To hire or contract for community liaison officers, 17062  
attendance or truant officers, or safety and security personnel; 17063

(b) To implement programs designed to ensure that schools are 17064  
free of drugs and violence and have a disciplined environment 17065  
conducive to learning; 17066

(c) To implement academic intervention services described in 17067  
division (J)(6) of this section. 17068

(6) ~~Each~~ Except as permitted under division (J)(1) of this 17069  
section, each school district with a poverty index greater than or 17070  
equal to 1.0 shall use the amount of its payment under division 17071  
(C) of this section, and may use any amount of its payment under 17072  
division (H) or (I) of this section, for academic intervention 17073  
services for students who have failed or are in danger of failing 17074  
any of the tests administered pursuant to section 3301.0710 of the 17075  
Revised Code, including intervention services required by section 17076  
3313.608 of the Revised Code. ~~No~~ Except as permitted under 17077  
division (J)(1) of this section, no district shall spend any 17078  
portion of its payment under division (C) of this section for any 17079  
other purpose. Notwithstanding any provision to the contrary in 17080  
Chapter 4117. of the Revised Code, no collective bargaining 17081

agreement entered into after ~~the effective date of this amendment~~ 17082  
June 30, 2005, shall require use of the payment for any other 17083  
purpose. 17084

(7) Except as otherwise required by division (K) or permitted 17085  
under division (O) of this section, all remaining funds 17086  
distributed under this section to districts with a poverty index 17087  
greater than or equal to 1.0 shall be utilized for the purpose of 17088  
the third grade guarantee. The third grade guarantee consists of 17089  
increasing the amount of instructional attention received per 17090  
pupil in kindergarten through third grade, either by reducing the 17091  
ratio of students to instructional personnel or by increasing the 17092  
amount of instruction and curriculum-related activities by 17093  
extending the length of the school day or the school year. 17094

School districts may implement a reduction of the ratio of 17095  
students to instructional personnel through any or all of the 17096  
following methods: 17097

(a) Reducing the number of students in a classroom taught by 17098  
a single teacher; 17099

(b) Employing full-time educational aides or educational 17100  
paraprofessionals issued a permit or license under section 17101  
3319.088 of the Revised Code; 17102

(c) Instituting a team-teaching method that will result in a 17103  
lower student-teacher ratio in a classroom. 17104

Districts may extend the school day either by increasing the 17105  
amount of time allocated for each class, increasing the number of 17106  
classes provided per day, offering optional academic-related 17107  
after-school programs, providing curriculum-related extra 17108  
curricular activities, or establishing tutoring or remedial 17109  
services for students who have demonstrated an educational need. 17110  
In accordance with section 3319.089 of the Revised Code, a 17111  
district extending the school day pursuant to this division may 17112

utilize a participant of the work experience program who has a  
child enrolled in a public school in that district and who is  
fulfilling the work requirements of that program by volunteering  
or working in that public school. If the work experience program  
participant is compensated, the school district may use the funds  
distributed under this section for all or part of the  
compensation.

Districts may extend the school year either through adding  
regular days of instruction to the school calendar or by providing  
summer programs.

(K) Each district shall not expend any funds received under  
division (E) of this section in any school buildings that are not  
buildings with the highest concentration of need, unless there is  
a ratio of instructional personnel to students of no more than  
fifteen to one in each kindergarten and first grade class in all  
buildings with the highest concentration of need. This division  
does not require that the funds used in buildings with the highest  
concentration of need be spent solely to reduce the ratio of  
instructional personnel to students in kindergarten and first  
grade. A school district may spend the funds in those buildings in  
any manner permitted by division (J)(7) of this section, but may  
not spend the money in other buildings unless the fifteen-to-one  
ratio required by this division is attained.

(L)(1) By the first day of August of each fiscal year, each  
school district wishing to receive any funds under division (D) of  
this section shall submit to the department of education an  
estimate of its all-day kindergarten percentage. Each district  
shall update its estimate throughout the fiscal year in the form  
and manner required by the department, and the department shall  
adjust payments under this section to reflect the updates.

(2) Annually by the end of December, the department of

education, utilizing data from the information system established 17144  
under section 3301.0714 of the Revised Code ~~and after consultation~~ 17145  
~~with the legislative office of education oversight~~, shall 17146  
determine for each school district subject to division (J) of this 17147  
section whether in the preceding fiscal year the district's ratio 17148  
of instructional personnel to students and its number of 17149  
kindergarten students receiving all-day kindergarten appear 17150  
reasonable, given the amounts of money the district received for 17151  
that fiscal year pursuant to divisions (D) and (E) of this 17152  
section. If the department is unable to verify from the data 17153  
available that students are receiving reasonable amounts of 17154  
instructional attention and all-day kindergarten, given the funds 17155  
the district has received under this section and that class-size 17156  
reduction funds are being used in school buildings with the 17157  
highest concentration of need as required by division (K) of this 17158  
section, the department shall conduct a more intensive 17159  
investigation to ensure that funds have been expended as required 17160  
by this section. The department shall file an annual report of its 17161  
findings under this division with the chairpersons of the 17162  
committees in each house of the general assembly dealing with 17163  
finance and education. 17164

(M)(1) Each school district with a poverty index less than 17165  
1.0 ~~and a three year average formula ADM exceeding seventeen~~ 17166  
~~thousand five hundred~~ that receives a payment under division (D) 17167  
of this section shall first utilize funds received under this 17168  
section so that, when combined with other funds of the district, 17169  
sufficient funds exist to provide all-day kindergarten to at least 17170  
the number of children in the district's all-day kindergarten 17171  
percentage. To satisfy this requirement, a district may use funds 17172  
paid under division (C) or (I) of this section to provide all-day 17173  
kindergarten in addition to the all-day kindergarten payment under 17174  
division (D) of this section. 17175

(2) ~~Each~~ Except as permitted under division (M)(1) of this section, each school district with a poverty index less than 1.0 that receives a payment under division (C) of this section shall use its payment under that division in accordance with all requirements of division (J)(6) of this section. 17176  
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(3) ~~Each~~ Except as permitted under division (M)(1) of this section, each school district with a poverty index less than 1.0 that receives a payment under division (I) of this section shall use its payment under that division for one or a combination of the following purposes: 17181  
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(a) To hire or contract for community liaison officers, attendance or truant officers, or safety and security personnel; 17186  
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(b) To implement programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning; 17188  
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(c) To implement academic intervention services described in division (J)(6) of this section. 17191  
17192

(4) Each school district to which division (M)(1), (2), or (3) of this section applies shall expend the remaining funds received under this section, and any other district with a poverty index less than 1.0 shall expend all funds received under this section, for any of the following purposes: 17193  
17194  
17195  
17196  
17197

(a) The purchase of technology for instructional purposes for remediation; 17198  
17199

(b) All-day kindergarten; 17200

(c) Reduction of class sizes in grades kindergarten through three, as described in division (J)(7) of this section; 17201  
17202

(d) Summer school remediation; 17203

(e) Dropout prevention programs approved by the department of education under division (J)(4) of this section; 17204  
17205

(f) Guaranteeing that all third graders are ready to progress to more advanced work;	17206 17207
(g) Summer education and work programs;	17208
(h) Adolescent pregnancy programs;	17209
(i) Head start, preschool, early childhood education, or early learning programs;	17210 17211
(j) Reading improvement and remediation programs described by the department of education;	17212 17213
(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	17214 17215 17216
(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;	17217 17218 17219 17220 17221 17222
(m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	17223 17224
(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.	17225 17226 17227 17228 17229 17230 17231 17232
The superintendent shall also withhold an appropriate amount of funds otherwise due a district for any other misuse of funds not in accordance with this section.	17233 17234 17235

(O)(1) A district may use a portion of the funds calculated 17236  
for it under division (D) of this section to modify or purchase 17237  
classroom space to provide all-day kindergarten, if both of the 17238  
following conditions are met: 17239

(a) The district certifies to the department, in a manner 17240  
acceptable to the department, that it has a shortage of space for 17241  
providing all-day kindergarten. 17242

(b) The district provides all-day kindergarten to the number 17243  
of children in the all-day kindergarten percentage it certified 17244  
under this section. 17245

(2) A district may use a portion of the funds described in 17246  
division (J)(7) of this section to modify or purchase classroom 17247  
space to enable it to further reduce class size in grades 17248  
kindergarten through two with a goal of attaining class sizes of 17249  
fifteen students per licensed teacher. To do so, the district must 17250  
certify its need for additional space to the department, in a 17251  
manner satisfactory to the department. 17252

**Sec. 3317.0216.** (A) As used in this section: 17253

(1) "Total taxes charged and payable for current expenses" 17254  
means the sum of the taxes charged and payable as certified under 17255  
division (A)(3)(a) of section 3317.021 of the Revised Code less 17256  
any amounts reported under division (A)(3)(b) of that section, and 17257  
the tax distribution for the preceding year under any school 17258  
district income tax levied by the district pursuant to Chapter 17259  
5748. of the Revised Code to the extent the revenue from the 17260  
income tax is allocated or apportioned to current expenses. 17261

(2) "Charge-off amount" means two and three-tenths per cent 17262  
~~multiplied~~ multiplied by (the sum of recognized valuation and 17263  
property exemption value). 17264

(3) Until fiscal year 2003, the "actual local share of 17265

special education, transportation, and vocational education 17266  
funding" for any school district means the sum of the district's 17267  
attributed local shares described in divisions (F)(1) to (3) of 17268  
section 3317.022 of the Revised Code. Beginning in fiscal year 17269  
2003, the "actual local share of special education, 17270  
transportation, and vocational education funding" means that sum 17271  
minus the amount of any excess cost supplement payment calculated 17272  
for the district under division (F) of section 3317.022 of the 17273  
Revised Code. 17274

(4) "Current expense revenues from the tangible property tax 17275  
replacement fund" means payments received from the school district 17276  
tangible property tax replacement fund or the general revenue fund 17277  
under section 5751.21 of the Revised Code for fixed-rate levies 17278  
for current expenses and for fixed-sum levies for current 17279  
expenses, including school district emergency levies under 17280  
sections 5705.194 to 5705.197 of the Revised Code. 17281

(B) Upon receiving the certifications under section 3317.021 17282  
of the Revised Code, the department of education shall determine 17283  
for each city, local, and exempted village school district whether 17284  
the district's charge-off amount is greater than the sum of the 17285  
district's total taxes charged and payable for current expenses 17286  
and current expense revenues from the tangible property tax 17287  
replacement fund, and if the charge-off amount is greater, shall 17288  
pay the district the amount of the difference. A payment shall not 17289  
be made to any school district for which the computation under 17290  
division (A) of section 3317.022 of the Revised Code equals zero. 17291

(C)(1) If a district's charge-off amount is equal to or 17292  
greater than the sum of its total taxes charged and payable for 17293  
current expenses and current expense revenues from the tangible 17294  
property tax replacement fund, the department shall, in addition 17295  
to the payment required under division (B) of this section, pay 17296  
the district the amount of its actual local share of special 17297

education, transportation, and vocational education funding. 17298

(2) If a district's charge-off amount is less than the sum of 17299  
its total taxes charged and payable for current expenses and 17300  
current expense revenues from the tangible property tax 17301  
replacement fund, the department shall pay the district any amount 17302  
by which its actual local share of special education, 17303  
transportation, and vocational education funding exceeds the sum 17304  
of its total taxes charged and payable for current expenses and 17305  
current expense revenues from the tangible property tax 17306  
replacement fund minus its charge-off amount. 17307

(D) If a school district that received a payment under 17308  
division (B) or (C) of this section in the prior fiscal year is 17309  
ineligible for payment under those divisions in the current fiscal 17310  
year, the department shall determine if the ineligibility is the 17311  
result of a property tax or income tax levy approved by the 17312  
district's voters to take effect in tax year 2005 or thereafter. 17313  
If the department determines that is the case, and calculates that 17314  
the levy causing the ineligibility exceeded by at least one mill 17315  
the equivalent millage of the prior year's payment under divisions 17316  
(B) and (C) of this section, the department shall make a payment 17317  
to the district for the first three years that the district loses 17318  
eligibility for payment under divisions (B) and (C) of this 17319  
section, as follows: 17320

(1) In the first year of ineligibility, the department shall 17321  
pay the district seventy-five per cent of the amount it last paid 17322  
the district under divisions (B) and (C) of this section. 17323

(2) In the second year of ineligibility, the department shall 17324  
pay the district fifty per cent of the amount it last paid the 17325  
district under those divisions. 17326

(3) In the third year of ineligibility, the department shall 17327  
pay the district twenty-five per cent of the amount it last paid 17328

the district under those divisions. 17329

(E) A district that receives payment under division (D) of 17330  
this section and subsequently qualifies for payment under division 17331  
(B) or (C) of this section is ineligible for future payments under 17332  
division (D) of this section. 17333

(F) To enable the department of education to make the 17334  
determinations and to calculate payments under division (D) of 17335  
this section, on the effective date of this amendment, and on or 17336  
before the first day of March of each year thereafter, the 17337  
department shall send to the tax commissioner a list of school 17338  
districts receiving payments under division (B) or (C) of this 17339  
section for the current fiscal year. On or before the first day of 17340  
the following June, the tax commissioner shall certify to the 17341  
department of education for those school districts the information 17342  
required by division (A)(8) of section 3317.021 of the Revised 17343  
Code. 17344

**Sec. 3317.03.** Notwithstanding divisions (A)(1), (B)(1), and 17345  
(C) of this section, any student enrolled in kindergarten more 17346  
than half time shall be reported as one-half student under this 17347  
section. 17348

(A) The superintendent of each city and exempted village 17349  
school district and of each educational service center shall, for 17350  
the schools under the superintendent's supervision, certify to the 17351  
state board of education on or before the fifteenth day of October 17352  
in each year for the first full school week in October the formula 17353  
ADM. Beginning in fiscal year ~~2006~~ 2007, each superintendent also 17354  
shall certify to the state board, for the schools under the 17355  
superintendent's supervision, the formula ADM for the ~~third~~ first 17356  
full week in February. If a school under the superintendent's 17357  
supervision is closed for one or more days during that week due to 17358  
hazardous weather conditions or other circumstances described in 17359

the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the formula ADM for that school for that week and specify an alternate week for certifying the formula ADM of that school.

The formula ADM shall consist of the average daily membership during such week of the sum of the following:

(1) On an FTE basis, the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to

Chapter 3365. of the Revised Code while enrolled in such community school;	17390 17391
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	17392 17393 17394
(c) A college pursuant to 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;	17395 17396 17397 17398
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	17399 17400 17401
(e) An educational service center or cooperative education district;	17402 17403
(f) Another school district under a cooperative education agreement, compact, or contract;	17404 17405
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code.	17406 17407
(3) Twenty per cent of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;	17408 17409 17410 17411 17412 17413 17414 17415
(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	17416 17417 17418 17419

such children placed with a county MR/DD board in fiscal year 17420  
1998. If this calculation produces a negative number, the number 17421  
reported under division (A)(4) of this section shall be zero. 17422

(5) ~~In~~ Beginning in fiscal year 2007, in the case of the 17423  
report submitted for the ~~third~~ first full week in February, or the 17424  
alternative week if specified by the superintendent of public 17425  
instruction, the number of students reported under division (A)(1) 17426  
or (2) of this section for the first full week of the preceding 17427  
October but who since that week have received high school 17428  
diplomas. 17429

(B) To enable the department of education to obtain the data 17430  
needed to complete the calculation of payments pursuant to this 17431  
chapter, in addition to the formula ADM, each superintendent shall 17432  
report separately the following student counts for the same week 17433  
for which formula ADM is certified: 17434

(1) The total average daily membership in regular day classes 17435  
included in the report under division (A)(1) or (2) of this 17436  
section for kindergarten, and each of grades one through twelve in 17437  
schools under the superintendent's supervision; 17438

(2) The number of all handicapped preschool children enrolled 17439  
as of the first day of December in classes in the district that 17440  
are eligible for approval under division (B) of section 3317.05 of 17441  
the Revised Code and the number of those classes, which shall be 17442  
reported not later than the fifteenth day of December, in 17443  
accordance with rules adopted under that section; 17444

(3) The number of children entitled to attend school in the 17445  
district pursuant to section 3313.64 or 3313.65 of the Revised 17446  
Code who are: 17447

(a) Participating in a pilot project scholarship program 17448  
established under sections 3313.974 to 3313.979 of the Revised 17449  
Code as described in division (I)(2)(a) or (b) of this section; 17450

(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; 17451  
17452  
17453  
17454

(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code; 17455  
17456

(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; 17457  
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17459  
17460  
17461  
17462

(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; 17463  
17464  
17465  
17466

(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code; 17467  
17468

(g) Participating in a program operated by a county MR/DD board or a state institution; 17469  
17470

(4) The number of pupils enrolled in joint vocational schools; 17471  
17472

(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; 17473  
17474  
17475  
17476

(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; 17477  
17478  
17479  
17480

(7) The average daily membership of handicapped children	17481
reported under division (A)(1) or (2) of this section receiving	17482
special education services for category three handicaps described	17483
in division (C) of section 3317.013 of the Revised Code;	17484
(8) The average daily membership of handicapped children	17485
reported under division (A)(1) or (2) of this section receiving	17486
special education services for category four handicaps described	17487
in division (D) of section 3317.013 of the Revised Code;	17488
(9) The average daily membership of handicapped children	17489
reported under division (A)(1) or (2) of this section receiving	17490
special education services for the category five handicap	17491
described in division (E) of section 3317.013 of the Revised Code;	17492
(10) The average daily membership of handicapped children	17493
reported under division (A)(1) or (2) of this section receiving	17494
special education services for category six handicaps described in	17495
division (F) of section 3317.013 of the Revised Code;	17496
(11) The average daily membership of pupils reported under	17497
division (A)(1) or (2) of this section enrolled in category one	17498
vocational education programs or classes, described in division	17499
(A) of section 3317.014 of the Revised Code, operated by the	17500
school district or by another district, other than a joint	17501
vocational school district, or by an educational service center,	17502
excluding any student reported under division (B)(3)(e) of this	17503
section as enrolled in an internet- or computer-based community	17504
school, notwithstanding division (C) of section 3317.02 of the	17505
Revised Code and division (C)(3) of this section;	17506
(12) The average daily membership of pupils reported under	17507
division (A)(1) or (2) of this section enrolled in category two	17508
vocational education programs or services, described in division	17509
(B) of section 3317.014 of the Revised Code, operated by the	17510
school district or another school district, other than a joint	17511

vocational school district, or by an educational service center, 17512  
excluding any student reported under division (B)(3)(e) of this 17513  
section as enrolled in an internet- or computer-based community 17514  
school, notwithstanding division (C) of section 3317.02 of the 17515  
Revised Code and division (C)(3) of this section; 17516

(13) The average number of children transported by the school 17517  
district on board-owned or contractor-owned and -operated buses, 17518  
reported in accordance with rules adopted by the department of 17519  
education; 17520

(14)(a) The number of children, other than handicapped 17521  
preschool children, the district placed with a county MR/DD board 17522  
in fiscal year 1998; 17523

(b) The number of handicapped children, other than 17524  
handicapped preschool children, placed with a county MR/DD board 17525  
in the current fiscal year to receive special education services 17526  
for the category one handicap described in division (A) of section 17527  
3317.013 of the Revised Code; 17528

(c) The number of handicapped children, other than 17529  
handicapped preschool children, placed with a county MR/DD board 17530  
in the current fiscal year to receive special education services 17531  
for category two handicaps described in division (B) of section 17532  
3317.013 of the Revised Code; 17533

(d) The number of handicapped children, other than 17534  
handicapped preschool children, placed with a county MR/DD board 17535  
in the current fiscal year to receive special education services 17536  
for category three handicaps described in division (C) of section 17537  
3317.013 of the Revised Code; 17538

(e) The number of handicapped children, other than 17539  
handicapped preschool children, placed with a county MR/DD board 17540  
in the current fiscal year to receive special education services 17541  
for category four handicaps described in division (D) of section 17542

3317.013 of the Revised Code; 17543

(f) The number of handicapped children, other than 17544  
handicapped preschool children, placed with a county MR/DD board 17545  
in the current fiscal year to receive special education services 17546  
for the category five handicap described in division (E) of 17547  
section 3317.013 of the Revised Code; 17548

(g) The number of handicapped children, other than 17549  
handicapped preschool children, placed with a county MR/DD board 17550  
in the current fiscal year to receive special education services 17551  
for category six handicaps described in division (F) of section 17552  
3317.013 of the Revised Code. 17553

(C)(1) Except as otherwise provided in this section for 17554  
kindergarten students, the average daily membership in divisions 17555  
(B)(1) to (12) of this section shall be based upon the number of 17556  
full-time equivalent students. The state board of education shall 17557  
adopt rules defining full-time equivalent students and for 17558  
determining the average daily membership therefrom for the 17559  
purposes of divisions (A), (B), and (D) of this section. 17560

(2) A student enrolled in a community school established 17561  
under Chapter 3314. of the Revised Code shall be counted in the 17562  
formula ADM and, if applicable, the category one, two, three, 17563  
four, five, or six special education ADM of the school district in 17564  
which the student is entitled to attend school under section 17565  
3313.64 or 3313.65 of the Revised Code for the same proportion of 17566  
the school year that the student is counted in the enrollment of 17567  
the community school for purposes of section 3314.08 of the 17568  
Revised Code. 17569

(3) No child shall be counted as more than a total of one 17570  
child in the sum of the average daily memberships of a school 17571  
district under division (A), divisions (B)(1) to (12), or division 17572  
(D) of this section, except as follows: 17573

(a) A child with a handicap described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one or two vocational education ADM. As provided in division (C) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(b) A child enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one or two vocational education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one or two vocational education ADM in the same proportion as the percentage of time that the child spends in the vocational education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October the formula ADM. Beginning in fiscal year ~~2006~~ 2007, each superintendent also shall certify to the state superintendent the formula ADM for the ~~third~~ first full week in February. If a school operated by the joint vocational school district is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the

superintendent of public instruction may exempt the district 17606  
superintendent from certifying the formula ADM for that school for 17607  
that week and specify an alternate week for certifying the formula 17608  
ADM of that school. 17609

The formula ADM, except as otherwise provided in this 17610  
division, shall consist of the average daily membership during 17611  
such week, on an FTE basis, of the number of students receiving 17612  
any educational services from the district, including students 17613  
enrolled in a community school established under Chapter 3314. of 17614  
the Revised Code who are attending the joint vocational district 17615  
under an agreement between the district board of education and the 17616  
governing authority of the community school and are entitled to 17617  
attend school in a city, local, or exempted village school 17618  
district whose territory is part of the territory of the joint 17619  
vocational district. ~~In~~ Beginning in fiscal year 2007, in the case 17620  
of the report submitted for the ~~third~~ first week in February, or 17621  
the alternative week if specified by the superintendent of public 17622  
instruction, the superintendent of the joint vocational school 17623  
district may include the number of students reported under 17624  
division (D)(1) of this section for the first full week of the 17625  
preceding October but who since that week have received high 17626  
school diplomas. 17627

The following categories of students shall not be included in 17628  
the determination made under division (D)(1) of this section: 17629

(a) Students enrolled in adult education classes; 17630

(b) Adjacent or other district joint vocational students 17631  
enrolled in the district under an open enrollment policy pursuant 17632  
to section 3313.98 of the Revised Code; 17633

(c) Students receiving services in the district pursuant to a 17634  
compact, cooperative education agreement, or a contract, but who 17635  
are entitled to attend school in a city, local, or exempted 17636

village school district whose territory is not part of the	17637
territory of the joint vocational district;	17638
(d) Students for whom tuition is payable pursuant to sections	17639
3317.081 and 3323.141 of the Revised Code.	17640
(2) To enable the department of education to obtain the data	17641
needed to complete the calculation of payments pursuant to this	17642
chapter, in addition to the formula ADM, each superintendent shall	17643
report separately the average daily membership included in the	17644
report under division (D)(1) of this section for each of the	17645
following categories of students for the same week for which	17646
formula ADM is certified:	17647
(a) Students enrolled in each grade included in the joint	17648
vocational district schools;	17649
(b) Handicapped children receiving special education services	17650
for the category one handicap described in division (A) of section	17651
3317.013 of the Revised Code;	17652
(c) Handicapped children receiving special education services	17653
for the category two handicaps described in division (B) of	17654
section 3317.013 of the Revised Code;	17655
(d) Handicapped children receiving special education services	17656
for category three handicaps described in division (C) of section	17657
3317.013 of the Revised Code;	17658
(e) Handicapped children receiving special education services	17659
for category four handicaps described in division (D) of section	17660
3317.013 of the Revised Code;	17661
(f) Handicapped children receiving special education services	17662
for the category five handicap described in division (E) of	17663
section 3317.013 of the Revised Code;	17664
(g) Handicapped children receiving special education services	17665
for category six handicaps described in division (F) of section	17666

3317.013 of the Revised Code;	17667
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	17668 17669 17670
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	17671 17672 17673
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	17674 17675 17676 17677 17678
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:	17679 17680 17681 17682 17683 17684 17685 17686 17687 17688 17689 17690 17691 17692 17693
(1) Any pupil who has graduated from the twelfth grade of a public <u>or nonpublic</u> high school;	17694 17695
(2) Any pupil who is not a resident of the state;	17696

(3) Any pupil who was enrolled in the schools of the district 17697  
during the previous school year when tests were administered under 17698  
section 3301.0711 of the Revised Code but did not take one or more 17699  
of the tests required by that section and was not excused pursuant 17700  
to division (C)(1) or (3) of that section; 17701

(4) Any pupil who has attained the age of twenty-two years, 17702  
except for veterans of the armed services whose attendance was 17703  
interrupted before completing the recognized twelve-year course of 17704  
the public schools by reason of induction or enlistment in the 17705  
armed forces and who apply for reenrollment in the public school 17706  
system of their residence not later than four years after 17707  
termination of war or their honorable discharge. 17708

If, however, any veteran described by division (E)(4) of this 17709  
section elects to enroll in special courses organized for veterans 17710  
for whom tuition is paid under the provisions of federal laws, or 17711  
otherwise, that veteran shall not be included in average daily 17712  
membership. 17713

Notwithstanding division (E)(3) of this section, the 17714  
membership of any school may include a pupil who did not take a 17715  
test required by section 3301.0711 of the Revised Code if the 17716  
superintendent of public instruction grants a waiver from the 17717  
requirement to take the test to the specific pupil and a parent is 17718  
not paying tuition for the pupil pursuant to section 3313.6410 of 17719  
the Revised Code. The superintendent may grant such a waiver only 17720  
for good cause in accordance with rules adopted by the state board 17721  
of education. 17722

Except as provided in divisions (B)(2) and (F) of this 17723  
section, the average daily membership figure of any local, city, 17724  
exempted village, or joint vocational school district shall be 17725  
determined by dividing the figure representing the sum of the 17726  
number of pupils enrolled during each day the school of attendance 17727

is actually open for instruction during the week for which the  
formula ADM is being certified by the total number of days the  
school was actually open for instruction during that week. For  
purposes of state funding, "enrolled" persons are only those  
pupils who are attending school, those who have attended school  
during the current school year and are absent for authorized  
reasons, and those handicapped children currently receiving home  
instruction.

The average daily membership figure of any cooperative  
education school district shall be determined in accordance with  
rules adopted by the state board of education.

(F)(1) If the formula ADM for the first full school week in  
February is at least three per cent greater than that certified  
for the first full school week in the preceding October, the  
superintendent of schools of any city, exempted village, or joint  
vocational school district or educational service center shall  
certify such increase to the superintendent of public instruction.  
Such certification shall be submitted no later than the fifteenth  
day of February. For the balance of the fiscal year, beginning  
with the February payments, the superintendent of public  
instruction shall use the increased formula ADM in calculating or  
recalculating the amounts to be allocated in accordance with  
section 3317.022 or 3317.16 of the Revised Code. In no event shall  
the superintendent use an increased membership certified to the  
superintendent after the fifteenth day of February. Division  
(F)(1) of this section does not apply after fiscal year ~~2005~~ 2006.

(2) If on the first school day of April the total number of  
classes or units for handicapped preschool children that are  
eligible for approval under division (B) of section 3317.05 of the  
Revised Code exceeds the number of units that have been approved  
for the year under that division, the superintendent of schools of  
any city, exempted village, or cooperative education school

district or educational service center shall make the 17760  
certifications required by this section for that day. If the 17761  
department determines additional units can be approved for the 17762  
fiscal year within any limitations set forth in the acts 17763  
appropriating moneys for the funding of such units, the department 17764  
shall approve additional units for the fiscal year on the basis of 17765  
such average daily membership. For each unit so approved, the 17766  
department shall pay an amount computed in the manner prescribed 17767  
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 17768  
Code. 17769

(3) If a student attending a community school under Chapter 17770  
3314. of the Revised Code is not included in the formula ADM 17771  
certified for the school district in which the student is entitled 17772  
to attend school under section 3313.64 or 3313.65 of the Revised 17773  
Code, the department of education shall adjust the formula ADM of 17774  
that school district to include the community school student in 17775  
accordance with division (C)(2) of this section, and shall 17776  
recalculate the school district's payments under this chapter for 17777  
the entire fiscal year on the basis of that adjusted formula ADM. 17778  
This requirement applies regardless of whether the student was 17779  
enrolled, as defined in division (E) of this section, in the 17780  
community school during the first full school week in October. 17781

(G)(1)(a) The superintendent of an institution operating a 17782  
special education program pursuant to section 3323.091 of the 17783  
Revised Code shall, for the programs under such superintendent's 17784  
supervision, certify to the state board of education, in the 17785  
manner prescribed by the superintendent of public instruction, 17786  
both of the following: 17787

(i) The average daily membership of all handicapped children 17788  
other than handicapped preschool children receiving services at 17789  
the institution for each category of handicap described in 17790  
divisions (A) to (F) of section 3317.013 of the Revised Code; 17791

(ii) The average daily membership of all handicapped preschool children in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code. 17792  
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(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction. 17796  
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(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following: 17802  
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(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes; 17806  
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(b) Certify to the state board, in the manner prescribed by the board, the number of all handicapped preschool children enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes. 17810  
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(3)(a) If on the first school day of April the number of classes or units maintained for handicapped preschool children by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day. 17815  
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(b) If the department determines that additional classes or 17822

units can be approved for the fiscal year within any limitations 17823  
set forth in the acts appropriating moneys for the funding of the 17824  
classes and units described in division (G)(3)(a) of this section, 17825  
the department shall approve and fund additional units for the 17826  
fiscal year on the basis of such average daily membership. For 17827  
each unit so approved, the department shall pay an amount computed 17828  
in the manner prescribed in sections 3317.052 and 3317.053 of the 17829  
Revised Code. 17830

(H) Except as provided in division (I) of this section, when 17831  
any city, local, or exempted village school district provides 17832  
instruction for a nonresident pupil whose attendance is 17833  
unauthorized attendance as defined in section 3327.06 of the 17834  
Revised Code, that pupil's membership shall not be included in 17835  
that district's membership figure used in the calculation of that 17836  
district's formula ADM or included in the determination of any 17837  
unit approved for the district under section 3317.05 of the 17838  
Revised Code. The reporting official shall report separately the 17839  
average daily membership of all pupils whose attendance in the 17840  
district is unauthorized attendance, and the membership of each 17841  
such pupil shall be credited to the school district in which the 17842  
pupil is entitled to attend school under division (B) of section 17843  
3313.64 or section 3313.65 of the Revised Code as determined by 17844  
the department of education. 17845

(I)(1) A city, local, exempted village, or joint vocational 17846  
school district admitting a scholarship student of a pilot project 17847  
district pursuant to division (C) of section 3313.976 of the 17848  
Revised Code may count such student in its average daily 17849  
membership. 17850

(2) In any year for which funds are appropriated for pilot 17851  
project scholarship programs, a school district implementing a 17852  
state-sponsored pilot project scholarship program that year 17853  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 17854

count in average daily membership: 17855

(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; 17856  
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(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school. 17859  
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(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. 17862  
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**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. 17870  
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(2) Any city, local, exempted village, or cooperative education school district or any educational service center may combine partial unit eligibility for handicapped preschool programs pursuant to section 3317.05 of the Revised Code, and such combined partial units may be approved for state funding in one school district or service center. 17879  
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(B) After units have been initially approved for any fiscal year under section 3317.05 of the Revised Code, no unit shall be subsequently transferred from a school district or educational service center to another city, exempted village, local, or cooperative education school district or educational service center or to an institution or county MR/DD board solely for the purpose of reducing the financial obligations of the school district in a fiscal year it receives payment pursuant to section 3317.04 of the Revised Code.

**Sec. 3317.053.** (A) As used in this section:

(1) "State share percentage" has the same meaning as in section 3317.022 of the Revised Code.

(2) "Dollar amount" means the amount shown in the following table for the corresponding type of unit:

TYPE OF UNIT	DOLLAR AMOUNT
Division (B) of section 3317.05 of the Revised Code	\$8,334
Division (C) of that section	\$3,234
Division (E) of that section	\$5,550

(3) "Average unit amount" means the amount shown in the following table for the corresponding type of unit:

TYPE OF UNIT	AVERAGE UNIT AMOUNT
Division (B) of section 3317.05 of the Revised Code	\$7,799
Division (C) of that section	\$2,966
Division (E) of that section	\$5,251

(B) In the case of each unit described in division (B), (C), or (E) of section 3317.05 of the Revised Code and allocated to a city, local, or exempted village school district, the department of education, in addition to the amounts specified in division

(L) of section 3317.024 and sections 3317.052 and 3317.19 of the Revised Code, shall pay a supplemental unit allowance equal to the sum of the following amounts:

(1) An amount equal to 50% of the average unit amount for the unit;

(2) An amount equal to the percentage of the dollar amount for the unit that equals the district's state share percentage.

If, prior to the fifteenth day of May of a fiscal year, a school district's aid computed under section 3317.022 of the Revised Code is recomputed pursuant to section 3317.027 or 3317.028 of the Revised Code, the department shall also recompute the district's entitlement to payment under this section utilizing a new state share percentage. Such new state share percentage shall be determined using the district's recomputed basic aid amount pursuant to section 3317.027 or 3317.028 of the Revised Code. During the last six months of the fiscal year, the department shall pay the district a sum equal to one-half of the recomputed payment in lieu of one-half the payment otherwise calculated under this section.

(C)(1) In the case of each unit allocated to an institution pursuant to division (A) of section 3317.05 of the Revised Code, the department, in addition to the amount specified in section 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$7,227.

(2) In the case of each unit described in division (B) of section 3317.05 of the Revised Code that is allocated to any entity other than a city, exempted village, or local school district, the department, in addition to the amount specified in section 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$7,799.

(3) In the case of each unit described in division (C) of

section 3317.05 of the Revised Code and allocated to any entity 17946  
other than a city, exempted village, or local school district, the 17947  
department, in addition to the amounts specified in section 17948  
3317.052 of the Revised Code, shall pay a supplemental unit 17949  
allowance of \$2,966. 17950

(4) In the case of each unit described in division (E) of 17951  
section 3317.05 of the Revised Code and allocated to an 17952  
educational service center, the department, in addition to the 17953  
amounts specified in division ~~(P)~~(L) of section 3317.024 of the 17954  
Revised Code, shall pay a supplemental unit allowance of \$5,251. 17955

**Sec. 3317.06.** Moneys paid to school districts under division 17956  
~~(L)~~(I) of section 3317.024 of the Revised Code shall be used for 17957  
the following independent and fully severable purposes: 17958

(A) To purchase such secular textbooks or electronic 17959  
textbooks as have been approved by the superintendent of public 17960  
instruction for use in public schools in the state and to loan 17961  
such textbooks or electronic textbooks to pupils attending 17962  
nonpublic schools within the district or to their parents and to 17963  
hire clerical personnel to administer such lending program. Such 17964  
loans shall be based upon individual requests submitted by such 17965  
nonpublic school pupils or parents. Such requests shall be 17966  
submitted to the school district in which the nonpublic school is 17967  
located. Such individual requests for the loan of textbooks or 17968  
electronic textbooks shall, for administrative convenience, be 17969  
submitted by the nonpublic school pupil or the pupil's parent to 17970  
the nonpublic school, which shall prepare and submit collective 17971  
summaries of the individual requests to the school district. As 17972  
used in this section: 17973

(1) "Textbook" means any book or book substitute that a pupil 17974  
uses as a consumable or nonconsumable text, text substitute, or 17975  
text supplement in a particular class or program in the school the 17976

pupil regularly attends. 17977

(2) "Electronic textbook" means computer software, 17978  
interactive videodisc, magnetic media, CD-ROM, computer 17979  
courseware, local and remote computer assisted instruction, 17980  
on-line service, electronic medium, or other means of conveying 17981  
information to the student or otherwise contributing to the 17982  
learning process through electronic means. 17983

(B) To provide speech and hearing diagnostic services to 17984  
pupils attending nonpublic schools within the district. Such 17985  
service shall be provided in the nonpublic school attended by the 17986  
pupil receiving the service. 17987

(C) To provide physician, nursing, dental, and optometric 17988  
services to pupils attending nonpublic schools within the 17989  
district. Such services shall be provided in the school attended 17990  
by the nonpublic school pupil receiving the service. 17991

(D) To provide diagnostic psychological services to pupils 17992  
attending nonpublic schools within the district. Such services 17993  
shall be provided in the school attended by the pupil receiving 17994  
the service. 17995

(E) To provide therapeutic psychological and speech and 17996  
hearing services to pupils attending nonpublic schools within the 17997  
district. Such services shall be provided in the public school, in 17998  
nonpublic schools, in public centers, or in mobile units located 17999  
on or off of the nonpublic premises. If such services are provided 18000  
in the public school or in public centers, transportation to and 18001  
from such facilities shall be provided by the school district in 18002  
which the nonpublic school is located. 18003

(F) To provide guidance and counseling services to pupils 18004  
attending nonpublic schools within the district. Such services 18005  
shall be provided in the public school, in nonpublic schools, in 18006  
public centers, or in mobile units located on or off of the 18007

nonpublic premises. If such services are provided in the public 18008  
school or in public centers, transportation to and from such 18009  
facilities shall be provided by the school district in which the 18010  
nonpublic school is located. 18011

(G) To provide remedial services to pupils attending 18012  
nonpublic schools within the district. Such services shall be 18013  
provided in the public school, in nonpublic schools, in public 18014  
centers, or in mobile units located on or off of the nonpublic 18015  
premises. If such services are provided in the public school or in 18016  
public centers, transportation to and from such facilities shall 18017  
be provided by the school district in which the nonpublic school 18018  
is located. 18019

(H) To supply for use by pupils attending nonpublic schools 18020  
within the district such standardized tests and scoring services 18021  
as are in use in the public schools of the state; 18022

(I) To provide programs for children who attend nonpublic 18023  
schools within the district and are handicapped children as 18024  
defined in division (A) of section 3323.01 of the Revised Code or 18025  
gifted children. Such programs shall be provided in the public 18026  
school, in nonpublic schools, in public centers, or in mobile 18027  
units located on or off of the nonpublic premises. If such 18028  
programs are provided in the public school or in public centers, 18029  
transportation to and from such facilities shall be provided by 18030  
the school district in which the nonpublic school is located. 18031

(J) To hire clerical personnel to assist in the 18032  
administration of programs pursuant to divisions (B), (C), (D), 18033  
(E), (F), (G), and (I) of this section and to hire supervisory 18034  
personnel to supervise the providing of services and textbooks 18035  
pursuant to this section. 18036

(K) To purchase or lease any secular, neutral, and 18037  
nonideological computer software (including site-licensing), 18038

prerecorded video laserdiscs, digital video on demand (DVD), 18039  
compact discs, and video cassette cartridges, wide area 18040  
connectivity and related technology as it relates to internet 18041  
access, mathematics or science equipment and materials, 18042  
instructional materials, and school library materials that are in 18043  
general use in the public schools of the state and loan such items 18044  
to pupils attending nonpublic schools within the district or to 18045  
their parents, and to hire clerical personnel to administer the 18046  
lending program. Only such items that are incapable of diversion 18047  
to religious use and that are susceptible of loan to individual 18048  
pupils and are furnished for the use of individual pupils shall be 18049  
purchased and loaned under this division. As used in this section, 18050  
"instructional materials" means prepared learning materials that 18051  
are secular, neutral, and nonideological in character and are of 18052  
benefit to the instruction of school children, and may include 18053  
educational resources and services developed by the eTech Ohio 18054  
commission. 18055

(L) To purchase or lease instructional equipment, including 18056  
computer hardware and related equipment in general use in the 18057  
public schools of the state, for use by pupils attending nonpublic 18058  
schools within the district and to loan such items to pupils 18059  
attending nonpublic schools within the district or to their 18060  
parents, and to hire clerical personnel to administer the lending 18061  
program. 18062

(M) To purchase mobile units to be used for the provision of 18063  
services pursuant to divisions (E), (F), (G), and (I) of this 18064  
section and to pay for necessary repairs and operating costs 18065  
associated with these units. 18066

Clerical and supervisory personnel hired pursuant to division 18067  
(J) of this section shall perform their services in the public 18068  
schools, in nonpublic schools, public centers, or mobile units 18069  
where the services are provided to the nonpublic school pupil, 18070

except that such personnel may accompany pupils to and from the 18071  
service sites when necessary to ensure the safety of the children 18072  
receiving the services. 18073

All services provided pursuant to this section may be 18074  
provided under contract with educational service centers, the 18075  
department of health, city or general health districts, or private 18076  
agencies whose personnel are properly licensed by an appropriate 18077  
state board or agency. 18078

Transportation of pupils provided pursuant to divisions (E), 18079  
(F), (G), and (I) of this section shall be provided by the school 18080  
district from its general funds and not from moneys paid to it 18081  
under division ~~(L)~~(I) of section 3317.024 of the Revised Code 18082  
unless a special transportation request is submitted by the parent 18083  
of the child receiving service pursuant to such divisions. If such 18084  
an application is presented to the school district, it may pay for 18085  
the transportation from moneys paid to it under division ~~(L)~~(I) of 18086  
section 3317.024 of the Revised Code. 18087

No school district shall provide health or remedial services 18088  
to nonpublic school pupils as authorized by this section unless 18089  
such services are available to pupils attending the public schools 18090  
within the district. 18091

Materials, equipment, computer hardware or software, 18092  
textbooks, electronic textbooks, and health and remedial services 18093  
provided for the benefit of nonpublic school pupils pursuant to 18094  
this section and the admission of pupils to such nonpublic schools 18095  
shall be provided without distinction as to race, creed, color, or 18096  
national origin of such pupils or of their teachers. 18097

No school district shall provide services, materials, or 18098  
equipment that contain religious content for use in religious 18099  
courses, devotional exercises, religious training, or any other 18100  
religious activity. 18101

As used in this section, "parent" includes a person standing 18102  
in loco parentis to a child. 18103

Notwithstanding section 3317.01 of the Revised Code, payments 18104  
shall be made under this section to any city, local, or exempted 18105  
village school district within which is located one or more 18106  
nonpublic elementary or high schools and any payments made to 18107  
school districts under division ~~(L)~~(I) of section 3317.024 of the 18108  
Revised Code for purposes of this section may be disbursed without 18109  
submission to and approval of the controlling board. 18110

The allocation of payments for materials, equipment, 18111  
textbooks, electronic textbooks, health services, and remedial 18112  
services to city, local, and exempted village school districts 18113  
shall be on the basis of the state board of education's estimated 18114  
annual average daily membership in nonpublic elementary and high 18115  
schools located in the district. 18116

Payments made to city, local, and exempted village school 18117  
districts under this section shall be equal to specific 18118  
appropriations made for the purpose. All interest earned by a 18119  
school district on such payments shall be used by the district for 18120  
the same purposes and in the same manner as the payments may be 18121  
used. 18122

The department of education shall adopt guidelines and 18123  
procedures under which such programs and services shall be 18124  
provided, under which districts shall be reimbursed for 18125  
administrative costs incurred in providing such programs and 18126  
services, and under which any unexpended balance of the amounts 18127  
appropriated by the general assembly to implement this section may 18128  
be transferred to the auxiliary services personnel unemployment 18129  
compensation fund established pursuant to section 4141.47 of the 18130  
Revised Code. The department shall also adopt guidelines and 18131  
procedures limiting the purchase and loan of the items described 18132

in division (K) of this section to items that are in general use 18133  
in the public schools of the state, that are incapable of 18134  
diversion to religious use, and that are susceptible to individual 18135  
use rather than classroom use. Within thirty days after the end of 18136  
each biennium, each board of education shall remit to the 18137  
department all moneys paid to it under division ~~(L)~~(I) of section 18138  
3317.024 of the Revised Code and any interest earned on those 18139  
moneys that are not required to pay expenses incurred under this 18140  
section during the biennium for which the money was appropriated 18141  
and during which the interest was earned. If a board of education 18142  
subsequently determines that the remittal of moneys leaves the 18143  
board with insufficient money to pay all valid expenses incurred 18144  
under this section during the biennium for which the remitted 18145  
money was appropriated, the board may apply to the department of 18146  
education for a refund of money, not to exceed the amount of the 18147  
insufficiency. If the department determines the expenses were 18148  
lawfully incurred and would have been lawful expenditures of the 18149  
refunded money, it shall certify its determination and the amount 18150  
of the refund to be made to the director of job and family 18151  
services who shall make a refund as provided in section 4141.47 of 18152  
the Revised Code. 18153

**Sec. 3317.07.** The state board of education shall establish 18154  
rules for the purpose of distributing subsidies for the purchase 18155  
of school buses under division ~~(E)~~(D) of section 3317.024 of the 18156  
Revised Code. 18157

No school bus subsidy payments shall be paid to any district 18158  
unless such district can demonstrate that pupils residing more 18159  
than one mile from the school could not be transported without 18160  
such additional aid. 18161

The amount paid to a county MR/DD board for buses purchased 18162  
for transportation of children in special education programs 18163

operated by the board shall be based on a per pupil allocation for 18164  
eligible students. 18165

The amount paid to a school district for buses purchased for 18166  
transportation of handicapped and nonpublic school pupils shall be 18167  
determined by a per pupil allocation based on the number of 18168  
special education and nonpublic school pupils for whom 18169  
transportation is provided. 18170

The state board of education shall adopt a formula to 18171  
determine the amount of payments that shall be distributed to 18172  
school districts to purchase school buses for pupils other than 18173  
handicapped or nonpublic school pupils. 18174

If any district or MR/DD board obtains bus services for pupil 18175  
transportation pursuant to a contract, such district or board may 18176  
use payments received under this section to defray the costs of 18177  
contracting for bus services in lieu of for purchasing buses. 18178

If the department of education determines that a county MR/DD 18179  
board no longer needs a school bus because the board no longer 18180  
transports children to a special education program operated by the 18181  
board, or if the department determines that a school district no 18182  
longer needs a school bus to transport pupils to a nonpublic 18183  
school or special education program, the department may reassign a 18184  
bus that was funded with payments provided pursuant to this 18185  
section for the purpose of transporting such pupils. The 18186  
department may reassign a bus to a county MR/DD board or school 18187  
district that transports children to a special education program 18188  
designated in the children's individualized education plans, or to 18189  
a school district that transports pupils to a nonpublic school, 18190  
and needs an additional school bus. 18191

**Sec. 3317.082.** As used in this section, "institution" means a 18192  
residential facility that receives and cares for children 18193

maintained by the department of youth services and that operates a 18194  
school chartered by the state board of education under section 18195  
3301.16 of the Revised Code. 18196

(A) On or before the thirty-first day of each January and 18197  
July, the superintendent of each institution that during the 18198  
six-month period immediately preceding each January or July 18199  
provided an elementary or secondary education for any child, other 18200  
than a child receiving special education under section 3323.091 of 18201  
the Revised Code, shall prepare and submit to the department of 18202  
education, a statement for each such child indicating the child's 18203  
name, any school district responsible to pay tuition for the child 18204  
as determined by the superintendent in accordance with division 18205  
(C)(2) or (3) of section 3313.64 of the Revised Code, and the 18206  
period of time during that six-month period that the child 18207  
received an elementary or secondary education. If any school 18208  
district is responsible to pay tuition for any such child, the 18209  
department of education, no later than the immediately succeeding 18210  
last day of February or August, as applicable, shall calculate the 18211  
amount of the tuition of the district under section 3317.08 of the 18212  
Revised Code for the period of time indicated on the statement and 18213  
do one of the following: 18214

(1) If the tuition amount is equal to or less than the amount 18215  
of state basic aid funds payable to the district under sections 18216  
3317.022 and 3317.023 of the Revised Code, pay to the institution 18217  
submitting the statement an amount equal to the tuition amount, as 18218  
provided under division ~~(Q)~~(M) of section 3317.024 of the Revised 18219  
Code, and deduct the tuition amount from the state basic aid funds 18220  
payable to the district, as provided under division (F)(2) of 18221  
section 3317.023 of the Revised Code; 18222

(2) If the tuition amount is greater than the amount of state 18223  
basic aid funds payable to the district under sections 3317.022 18224  
and 3317.023 of the Revised Code, require the district to pay to 18225

the institution submitting the statement an amount equal to the 18226  
tuition amount. 18227

(B) In the case of any disagreement about the school district 18228  
responsible to pay tuition for a child pursuant to this section, 18229  
the superintendent of public instruction shall make the 18230  
determination in any such case in accordance with division (C)(2) 18231  
or (3) of section 3313.64 of the Revised Code. 18232

**Sec. 3317.11.** (A) As used in this section: 18233

(1) "Client school district" means a city or exempted village 18234  
school district that has entered into an agreement under section 18235  
3313.843 of the Revised Code to receive any services from an 18236  
educational service center. 18237

(2) "Service center ADM" means the sum of the total student 18238  
counts of all local school districts within an educational service 18239  
center's territory and all of the service center's client school 18240  
districts. 18241

(3) "Total student count" has the same meaning as in section 18242  
3301.011 of the Revised Code. 18243

(B)(1) The governing board of each educational service center 18244  
shall provide supervisory services to each local school district 18245  
within the service center's territory. Each city or exempted 18246  
village school district that enters into an agreement under 18247  
section 3313.843 of the Revised Code for a governing board to 18248  
provide any services also is considered to be provided supervisory 18249  
services by the governing board. Except as provided in division 18250  
(B)(2) of this section, the supervisory services shall not exceed 18251  
one supervisory teacher for the first fifty classroom teachers 18252  
required to be employed in the districts, as calculated under 18253  
section 3317.023 of the Revised Code, and one for each additional 18254  
one hundred required classroom teachers, as so calculated. 18255

The supervisory services shall be financed annually through 18256  
supervisory units. Except as provided in division (B)(2) of this 18257  
section, the number of supervisory units assigned to each district 18258  
shall not exceed one unit for the first fifty classroom teachers 18259  
required to be employed in the district, as calculated under 18260  
section 3317.023 of the Revised Code, and one for each additional 18261  
one hundred required classroom teachers, as so calculated. The 18262  
cost of each supervisory unit shall be the sum of: 18263

(a) The minimum salary prescribed by section 3317.13 of the 18264  
Revised Code for the licensed supervisory employee of the 18265  
governing board; 18266

(b) An amount equal to fifteen per cent of the salary 18267  
prescribed by section 3317.13 of the Revised Code; 18268

(c) An allowance for necessary travel expenses, limited to 18269  
the lesser of two hundred twenty-three dollars and sixteen cents 18270  
per month or two thousand six hundred seventy-eight dollars per 18271  
year. 18272

(2) If a majority of the boards of education, or 18273  
superintendents acting on behalf of the boards, of the local and 18274  
client school districts receiving services from the educational 18275  
service center agree to receive additional supervisory services 18276  
and to pay the cost of a corresponding number of supervisory units 18277  
in excess of the services and units specified in division (B)(1) 18278  
of this section, the service center shall provide the additional 18279  
services as agreed to by the majority of districts to, and the 18280  
department of education shall apportion the cost of the 18281  
corresponding number of additional supervisory units pursuant to 18282  
division (B)(3) of this section among, all of the service center's 18283  
local and client school districts. 18284

(3) The department shall apportion the total cost for all 18285  
supervisory units among the service center's local and client 18286

school districts based on each district's total student count. The 18287  
department shall deduct each district's apportioned share pursuant 18288  
to division (E) of section 3317.023 of the Revised Code and pay 18289  
the apportioned share to the service center. 18290

(C) The department annually shall deduct from each local and 18291  
client school district of each educational service center, 18292  
pursuant to division (E) of section 3317.023 of the Revised Code, 18293  
and pay to the service center an amount equal to six dollars and 18294  
fifty cents times the school district's total student count. The 18295  
board of education, or the superintendent acting on behalf of the 18296  
board, of any local or client school district may agree to pay an 18297  
amount in excess of six dollars and fifty cents per student in 18298  
total student count. If a majority of the boards of education, or 18299  
superintendents acting on behalf of the boards, of the local 18300  
school districts within a service center's territory approve an 18301  
amount in excess of six dollars and fifty cents per student in 18302  
total student count, the department shall deduct the approved 18303  
excess per student amount from all of the local school districts 18304  
within the service center's territory and pay the excess amount to 18305  
the service center. 18306

(D) The department shall pay each educational service center 18307  
the amounts due to it from school districts pursuant to contracts, 18308  
compacts, or agreements under which the service center furnishes 18309  
services to the districts or their students. In order to receive 18310  
payment under this division, an educational service center shall 18311  
furnish either a copy of the contract, compact, or agreement 18312  
clearly indicating the amounts of the payments, or a written 18313  
statement that clearly indicates the payments owed and is signed 18314  
by the superintendent or treasurer of the responsible school 18315  
district. The amounts paid to service centers under this division 18316  
shall be deducted from payments to school districts pursuant to 18317  
division (K)(3) of section 3317.023 of the Revised Code. 18318

(E) Each school district's deduction under this section and divisions (E) and (K)(3) of section 3317.023 of the Revised Code shall be made from the total payment computed for the district under this chapter, after making any other adjustments in that payment required by law.

(F)(1) Except as provided in division (F)(2) of this section, the department annually shall pay the governing board of each educational service center state funds equal to thirty-seven dollars times its service center ADM.

(2) The department annually shall pay state funds equal to forty dollars and fifty-two cents times the service center ADM to each educational service center comprising territory that was included in the territory of at least three former service centers or county school districts, which former centers or districts engaged in one or more mergers under section 3311.053 of the Revised Code to form the present center.

(G) Each city, exempted village, local, joint vocational, or cooperative education school district shall pay to the governing board of an educational service center any amounts agreed to for each child enrolled in the district who receives special education and related services or career-technical education from the educational service center, unless these educational services are provided pursuant to a contract, compact, or agreement for which the department deducts and transfers payments under division (D) of this section and division (K)(3) of section 3317.023 of the Revised Code.

(H) An educational service center:

(1) May provide special education and career-technical education to students in its local or client school districts;

(2) Is eligible for transportation funding under division ~~(J)~~(G) of section 3317.024 of the Revised Code and for state

subsidies for the purchase of school buses under section 3317.07 18350  
of the Revised Code; 18351

(3) May apply for and receive gifted education units and 18352  
provide gifted education services to students in its local or 18353  
client school districts; 18354

(4) May conduct driver education for high school students in 18355  
accordance with Chapter 4508. of the Revised Code. 18356

**Sec. 3317.19.** (A) As used in this section, "total unit 18357  
allowance" means an amount equal to the sum of the following: 18358

(1) The total of the salary allowances for the teachers 18359  
employed in the cooperative education school district for all 18360  
units approved under division (B) or (C) of section 3317.05 of the 18361  
Revised Code. The salary allowance for each unit shall equal the 18362  
minimum salary for the teacher of the unit calculated on the basis 18363  
of the teacher's training level and years of experience pursuant 18364  
to the salary schedule prescribed in the version of section 18365  
3317.13 of the Revised Code in effect prior to ~~the effective date~~ 18366  
~~of this amendment~~ July 1, 2001. 18367

(2) Fifteen per cent of the total computed under division 18368  
(A)(1) of this section; 18369

(3) The total of the unit operating allowances for all 18370  
approved units. The amount of each allowance shall equal one of 18371  
the following: 18372

(a) Eight thousand twenty-three dollars times the number of 18373  
preschool handicapped units or fraction thereof approved for the 18374  
year under division (B) of section 3317.05 of the Revised Code; 18375

(b) Two thousand one hundred thirty-two dollars times the 18376  
number of units or fraction thereof approved for the year under 18377  
division (C) of section 3317.05 of the Revised Code. 18378

(B) The state board of education shall compute and distribute 18379

to each cooperative education school district for each fiscal year 18380  
an amount equal to the sum of the following: 18381

(1) An amount equal to the total of the amounts credited to 18382  
the cooperative education school district pursuant to division (K) 18383  
of section 3317.023 of the Revised Code; 18384

(2) The total unit allowance; 18385

(3) An amount for assisting in providing free lunches to 18386  
needy children and an amount for assisting needy school districts 18387  
in purchasing necessary equipment for food preparation pursuant to 18388  
division ~~(K)~~(H) of section 3317.024 of the Revised Code. 18389

(C) If a cooperative education school district has had 18390  
additional special education units approved for the year under 18391  
division (F)(2) of section 3317.03 of the Revised Code, the 18392  
district shall receive an additional amount during the last half 18393  
of the fiscal year. For each unit, the additional amount shall 18394  
equal fifty per cent of the amount computed under division (A) of 18395  
this section for a unit approved under division (B) of section 18396  
3317.05 of the Revised Code. 18397

**Sec. 3318.052.** At any time after the electors of a school 18398  
district have approved either or both a property tax levied under 18399  
section 5705.21 or 5705.218 of the Revised Code for the purpose of 18400  
permanent improvements, including general permanent improvements, 18401  
or a school district income tax levied under Chapter 5748. of the 18402  
Revised Code, the proceeds of either of which, pursuant to the 18403  
ballot measures approved by the electors, are not so restricted 18404  
that they cannot be used to pay the costs of a project or 18405  
maintaining classroom facilities, the school district board may: 18406

(A) Within one year following the date of the certification 18407  
of the conditional approval of the school district's classroom 18408  
facilities project by the Ohio school facilities commission, enter 18409

into a written agreement with the commission, which may be part of 18410  
an agreement entered into under section 3318.08 of the Revised 18411  
Code, and in which the school district board covenants and agrees 18412  
to do one or both of the following: 18413

(1) Apply a specified amount of available proceeds of that 18414  
property tax levy, of that school district income tax, or of 18415  
securities issued under this section, or of proceeds from any two 18416  
or more of those sources, to pay all or part of the district's 18417  
portion of the basic project cost of its classroom facilities 18418  
project; 18419

(2) Apply available proceeds of either or both a property tax 18420  
levied under section 5705.21 or 5705.218 of the Revised Code in 18421  
effect for a continuing period of time, or of a school district 18422  
income tax levied under Chapter 5748. of the Revised Code in 18423  
effect for a continuing period of time to the payment of costs of 18424  
maintaining the classroom facilities. 18425

(B) Receive, as a credit against the amount of bonds required 18426  
under sections 3318.05 and 3318.06 of the Revised Code, to be 18427  
approved by the electors of the district and issued by the 18428  
district board for the district's portion of the basic project 18429  
cost of its classroom facilities project in order for the district 18430  
to receive state assistance for the project, an amount equal to 18431  
the specified amount that the district board covenants and agrees 18432  
with the commission to apply as set forth in division (A)(1) of 18433  
this section; 18434

(C) Receive, as a credit against the amount of the tax levy 18435  
required under sections 3318.05 and 3318.06 of the Revised Code, 18436  
to be approved by the electors of the district to pay the costs of 18437  
maintaining the classroom facilities in order to receive state 18438  
assistance for the classroom facilities project, an amount 18439  
equivalent to the specified amount of proceeds the school district 18440

board covenants and agrees with the commission to apply as 18441  
referred to in division (A)(2) of this section; 18442

(D) Apply proceeds of either or both a school district income 18443  
tax levied under Chapter 5748. of the Revised Code that may 18444  
lawfully be used to pay the costs of a classroom facilities 18445  
project or of a tax levied under section 5705.21 or 5705.218 of 18446  
the Revised Code to the payment of debt charges on and financing 18447  
costs related to securities issued under this section; 18448

(E) Issue securities to provide moneys to pay all or part of 18449  
the district's portion of the basic project cost of its classroom 18450  
facilities project in accordance with an agreement entered into 18451  
under division (A) of this section. Securities issued under this 18452  
section shall be Chapter 133. securities and may be issued as 18453  
general obligation securities or issued in anticipation of a 18454  
school district income tax or as property tax anticipation notes 18455  
under section 133.24 of the Revised Code. The district board's 18456  
resolution authorizing the issuance and sale of general obligation 18457  
securities under this section shall conform to the applicable 18458  
requirements of section 133.22 or 133.23 of the Revised Code. 18459  
Securities issued under this section shall have principal payments 18460  
during each year after the year of issuance over a period of not 18461  
more than twenty-three years and, if so determined by the district 18462  
board, during the year of issuance. Securities issued under this 18463  
section shall not be included in the calculation of net 18464  
indebtedness of the district under section 133.06 of the Revised 18465  
Code and shall not count toward the limitations on unvoted 18466  
indebtedness specified in division (G) of that section and in 18467  
section 3313.372 of the Revised Code, if the resolution of the 18468  
district board authorizing their issuance and sale includes 18469  
covenants to appropriate annually from lawfully available proceeds 18470  
of a property tax levied under section 5705.21 or 5705.218 of the 18471  
Revised Code or of a school district income tax levied under 18472

Chapter 5748. of the Revised Code and to continue to levy and 18473  
collect the tax in amounts necessary to pay the debt charges on 18474  
and financing costs related to the securities as they become due. 18475  
No property tax levied under section 5705.21 or 5705.218 of the 18476  
Revised Code and no school district income tax levied under 18477  
Chapter 5748. of the Revised Code that is pledged, or that the 18478  
school district board has covenanted to levy, collect, and 18479  
appropriate annually, to pay the debt charges on and financing 18480  
costs related to securities issued under this section shall be 18481  
repealed while those securities are outstanding. If such a tax is 18482  
reduced by the electors of the district or by the district board 18483  
while those securities are outstanding, the school district board 18484  
shall continue to levy and collect the tax under the authority of 18485  
the original election authorizing the tax at a rate in each year 18486  
that the board reasonably estimates will produce an amount in that 18487  
year equal to the debt charges on the securities in that year, 18488  
except that in the case of a school district income tax that 18489  
amount shall be rounded up to the nearest one-fourth of one per 18490  
cent. 18491

No state moneys shall be released for a project to which this 18492  
section applies until the proceeds of the tax securities issued 18493  
under this section that are dedicated for the payment of the 18494  
district portion of the basicproject cost of its classroom 18495  
facilities project are first deposited into the district's project 18496  
construction fund. 18497

**Sec. 3318.37.** (A)(1) As used in this section: 18498

(a) "Large land area school district" means a school district 18499  
with a territory of greater than three hundred square miles in any 18500  
percentile as determined under section 3318.011 of the Revised 18501  
Code. 18502

(b) "Low wealth school district" means a school district in 18503

the first through ~~fiftieth~~ seventy-fifth percentiles as determined 18504  
under section 3318.011 of the Revised Code. 18505

(c) A "school district with an exceptional need for immediate 18506  
classroom facilities assistance" means a low wealth or large land 18507  
area school district with an exceptional need for new facilities 18508  
in order to protect the health and safety of all or a portion of 18509  
its students. 18510

(2) No school district reasonably expected to be eligible for 18511  
state assistance under sections 3318.01 to 3318.20 of the Revised 18512  
Code within three fiscal years after the year of the application 18513  
for assistance under this section shall be eligible for assistance 18514  
under this section, unless the district's entire classroom 18515  
facilities plan consists of only a single building designed to 18516  
house grades kindergarten through twelve and the district 18517  
satisfies the conditions prescribed in divisions (A)(3)(a) and (b) 18518  
of this section. 18519

(3) No school district that participates in the school 18520  
building assistance expedited local partnership program under 18521  
section 3318.36 of the Revised Code shall receive assistance under 18522  
the program established under this section unless the following 18523  
conditions are satisfied: 18524

(a) The district board adopted a resolution certifying its 18525  
intent to participate in the school building assistance expedited 18526  
local partnership program under section 3318.36 of the Revised 18527  
Code prior to September 14, 2000. 18528

(b) The district was selected by the Ohio school facilities 18529  
commission for participation in the school building assistance 18530  
expedited local partnership program under section 3318.36 of the 18531  
Revised Code in the manner prescribed by the commission under that 18532  
section as it existed prior to September 14, 2000. 18533

(B)(1) There is hereby established the exceptional needs 18534

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  
cost under this section shall be the "required percentage of the  
basic project costs," as defined in division (K) of section  
3318.01 of the Revised Code.

(5) Except as otherwise specified in this section, any project undertaken with assistance under this section shall comply with all provisions of sections 3318.01 to 3318.20 of the Revised Code. A school district may receive assistance under sections 3318.01 to 3318.20 of the Revised Code for the remainder of the district's classroom facilities needs as assessed under this section when the district is eligible for such assistance pursuant to section 3318.02 of the Revised Code, but any classroom facility constructed with assistance under this section shall not be included in a district's project at that time unless the commission determines the district has experienced the increased enrollment specified in division (B)(1) of section 3318.04 of the Revised Code.

(C) No school district shall receive assistance under this section for a classroom facility that has been included in the discrete part of the district's classroom facilities needs identified and addressed in the district's project pursuant to an agreement entered into under section 3318.36 of the Revised Code, unless the district's entire classroom facilities plan consists of only a single building designed to house grades kindergarten through twelve.

**Sec. 3319.17.** (A) As used in this section, "interdistrict contract" means any contract or agreement entered into by an educational service center governing board and another board or other public entity pursuant to section 3313.17, 3313.841, 3313.842, 3313.843, 3313.91, or 3323.08 of the Revised Code, including any such contract or agreement for the provision of services funded under division ~~(H)~~(I) of section 3317.024 of the Revised Code or provided in any unit approved under section 3317.05 of the Revised Code.

(B) When, for any of the following reasons that apply to any

city, exempted village, local, or joint vocational school district 18597  
or any educational service center, the board decides that it will 18598  
be necessary to reduce the number of teachers it employs, it may 18599  
make a reasonable reduction: 18600

(1) In the case of any district or service center, return to 18601  
duty of regular teachers after leaves of absence including leaves 18602  
provided pursuant to division (B) of section 3314.10 of the 18603  
Revised Code, suspension of schools, territorial changes affecting 18604  
the district or center, or financial reasons; 18605

(2) In the case of any city, exempted village, local, or 18606  
joint vocational school district, decreased enrollment of pupils 18607  
in the district; 18608

(3) In the case of any governing board of a service center 18609  
providing any particular service directly to pupils pursuant to 18610  
one or more interdistrict contracts requiring such service, 18611  
reduction in the total number of pupils the governing board is 18612  
required to provide with the service under all interdistrict 18613  
contracts as a result of the termination or nonrenewal of one or 18614  
more of these interdistrict contracts; 18615

(4) In the case of any governing board providing any 18616  
particular service that it does not provide directly to pupils 18617  
pursuant to one or more interdistrict contracts requiring such 18618  
service, reduction in the total level of the service the governing 18619  
board is required to provide under all interdistrict contracts as 18620  
a result of the termination or nonrenewal of one or more of these 18621  
interdistrict contracts. 18622

(C) In making any such reduction, any city, exempted village, 18623  
local, or joint vocational school board shall proceed to suspend 18624  
contracts in accordance with the recommendation of the 18625  
superintendent of schools who shall, within each teaching field 18626  
affected, give preference first to teachers on continuing 18627

contracts and then to teachers who have greater seniority. In 18628  
making any such reduction, any governing board of a service center 18629  
shall proceed to suspend contracts in accordance with the 18630  
recommendation of the superintendent who shall, within each 18631  
teaching field or service area affected, give preference first to 18632  
teachers on continuing contracts and then to teachers who have 18633  
greater seniority. 18634

On a case-by-case basis, in lieu of suspending a contract in 18635  
whole, a board may suspend a contract in part, so that an 18636  
individual is required to work a percentage of the time the 18637  
employee otherwise is required to work under the contract and 18638  
receives a commensurate percentage of the full compensation the 18639  
employee otherwise would receive under the contract. 18640

The teachers whose continuing contracts are suspended by any 18641  
board pursuant to this section shall have the right of restoration 18642  
to continuing service status by that board in the order of 18643  
seniority of service in the district or service center if and when 18644  
teaching positions become vacant or are created for which any of 18645  
such teachers are or become qualified. No teacher whose continuing 18646  
contract has been suspended pursuant to this section shall lose 18647  
that right of restoration to continuing service status by reason 18648  
of having declined recall to a position that is less than 18649  
full-time or, if the teacher was not employed full-time just prior 18650  
to suspension of the teacher's continuing contract, to a position 18651  
requiring a lesser percentage of full-time employment than the 18652  
position the teacher last held while employed in the district or 18653  
service center. 18654

(D) Notwithstanding any provision to the contrary in Chapter 18655  
4117. of the Revised Code, the requirements of this section 18656  
prevail over any conflicting provisions of agreements between 18657  
employee organizations and public employers entered into after ~~the~~ 18658  
~~effective date of this amendment~~ September 29, 2005. 18659

**Sec. 3323.091.** (A) The department of mental health, the 18660  
department of mental retardation and developmental disabilities, 18661  
the department of youth services, and the department of 18662  
rehabilitation and correction shall establish and maintain special 18663  
education programs for handicapped children in institutions under 18664  
their jurisdiction according to standards adopted by the state 18665  
board of education. 18666

(B) The superintendent of each state institution required to 18667  
provide services under division (A) of this section, and each 18668  
county MR/DD board, providing special education for handicapped 18669  
preschool children under this chapter may apply to the state 18670  
department of education for unit funding, which shall be paid in 18671  
accordance with sections 3317.052 and 3317.053 of the Revised 18672  
Code. 18673

The superintendent of each state institution required to 18674  
provide services under division (A) of this section may apply to 18675  
the department of education for special education and related 18676  
services weighted funding for handicapped children other than 18677  
handicapped preschool children, calculated in accordance with 18678  
section 3317.201 of the Revised Code. 18679

Each county MR/DD board providing special education for 18680  
handicapped children other than handicapped preschool children may 18681  
apply to the department of education for base cost and special 18682  
education and related services weighted funding calculated in 18683  
accordance with section 3317.20 of the Revised Code. 18684

(C) In addition to the authorization to apply for state 18685  
funding described in division (B) of this section, each state 18686  
institution required to provide services under division (A) of 18687  
this section is entitled to tuition payments calculated in the 18688  
manner described in division (C) of this section. 18689

On or before the thirtieth day of June of each year, the superintendent of each institution that during the school year provided special education pursuant to this section shall prepare a statement for each handicapped child under twenty-two years of age who has received special education. The statement shall contain the child's ~~name~~ data verification code assigned pursuant to division (D)(2) of section 3301.0714 of the Revised Code and the name of the child's school district of residence. Within sixty days after receipt of such statement, the department of education shall perform one of the following:

(1) For any child except a handicapped preschool child described in division (C)(2) of this section, pay to the institution submitting the statement an amount equal to the tuition calculated under division (A) of section 3317.08 of the Revised Code for the period covered by the statement, and deduct the same from the amount of state funds, if any, payable under sections 3317.022 and 3317.023 of the Revised Code, to the child's school district of residence or, if the amount of such state funds is insufficient, require the child's school district of residence to pay the institution submitting the statement an amount equal to the amount determined under this division.

(2) For any handicapped preschool child not included in a unit approved under division (B) of section 3317.05 of the Revised Code, perform the following:

(a) Pay to the institution submitting the statement an amount equal to the tuition calculated under division (B) of section 3317.08 of the Revised Code for the period covered by the statement, except that in calculating the tuition under that section the operating expenses of the institution submitting the statement under this section shall be used instead of the operating expenses of the school district of residence;

(b) Deduct from the amount of state funds, if any, payable 18721  
under sections 3317.022 and 3317.023 of the Revised Code to the 18722  
child's school district of residence an amount equal to the amount 18723  
paid under division (C)(2)(a) of this section. 18724

**Sec. 3323.13.** (A) If a child who is a school resident of one 18725  
school district receives special education from another district, 18726  
the board of education of the district providing the education, 18727  
subject to division (C) of this section, may require the payment 18728  
by the board of education of the district of residence of a sum 18729  
not to exceed one of the following, as applicable: 18730

~~(A)~~(1) For any child except a handicapped preschool child 18731  
described in division ~~(B)~~(A)(2) of this section, the tuition of 18732  
the district providing the education for a child of normal needs 18733  
of the same school grade. The determination of the amount of such 18734  
tuition shall be in the manner provided for by division (A) of 18735  
section 3317.08 of the Revised Code. 18736

~~(B)~~(2) For any handicapped preschool child not included in a 18737  
unit approved under division (B) of section 3317.05 of the Revised 18738  
Code, the tuition of the district providing the education for the 18739  
child as calculated under division (B) of section 3317.08 of the 18740  
Revised Code. 18741

(B) The board of the district of residence may contract with 18742  
the board of another district for the transportation of such child 18743  
into any school in such other district, on terms agreed upon by 18744  
such boards. Upon direction of the state board of education, the 18745  
board of the district of residence shall pay for the child's 18746  
transportation and the tuition. 18747

(C) The board of education of a district providing the 18748  
education for a child shall be entitled to require payment from 18749  
the district of residence under this section or section 3323.14 of 18750

the Revised Code only if the district providing the education has 18751  
done at least one of the following: 18752

(1) Invited the district of residence to send representatives 18753  
to attend the meetings of the team developing the child's 18754  
individualized education program; 18755

(2) Received from the district of residence a copy of the 18756  
individualized education program or a multi-factored evaluation 18757  
developed for the child by the district of residence; 18758

(3) Informed the district of residence in writing that the 18759  
district is providing the education for the child. 18760

As used in division (C)(2) of this section, "multi-factored 18761  
evaluation" means an evaluation, conducted by a multi-disciplinary 18762  
team, of more than one area of the child's functioning so that no 18763  
single procedure shall be the sole criterion for determining an 18764  
appropriate educational program placement for the child. 18765

**Sec. 3323.143.** If a handicapped child's custodial parent has 18766  
made a unilateral placement of the child, the parent shall be 18767  
responsible for payment of tuition to the program or facility the 18768  
child is attending as a result of that placement as long as the 18769  
district of residence has offered a free appropriate public 18770  
education to that child. As used in this section, "unilateral 18771  
placement" means withdrawing a handicapped child from a program or 18772  
facility operated by the district of residence or from a program 18773  
or facility with which the district of residence has arranged for 18774  
education of the child and instead enrolling that child in another 18775  
program or facility that is not a home, as defined in section 18776  
3313.64 of the Revised Code, or that is not a facility or program 18777  
available to the child pursuant to an open enrollment policy under 18778  
section 3313.98 or 3313.983 of the Revised Code. 18779

**Sec. 3323.20.** On July 1, 2006, and on each first day of July 18780

thereafter, the department of education shall electronically 18781  
report to the general assembly the number of handicapped preschool 18782  
children who received services for which the department made a 18783  
payment to any provider during the previous fiscal year, 18784  
disaggregated according to each ~~category~~ area of handicap 18785  
~~described in divisions (A) to (F) of section 3317.013 of the~~ 18786  
~~Revised Code, regardless of whether payment for services was based~~ 18787  
~~on the multiples prescribed in those divisions~~ developmental 18788  
deficiency identified by the department for the evaluation of such 18789  
children. 18790

Sec. 3325.12. Money deposited with the superintendent of the 18791  
state school for the blind and the superintendent of the state 18792  
school for the deaf by parents, relatives, guardians, and friends 18793  
for the special benefit of any pupil shall remain in the hands of 18794  
the respective superintendent for use accordingly. Each 18795  
superintendent shall deposit the money into one or more personal 18796  
deposit funds. Each superintendent shall keep itemized book 18797  
accounts of the receipt and disposition of the money, which books 18798  
shall be open at all times to the inspection of the superintendent 18799  
of public instruction. The superintendent of the state school for 18800  
the blind and the superintendent of the state school for the deaf 18801  
each shall adopt rules governing the deposit, transfer, 18802  
withdrawal, or investment of the money and the investment earnings 18803  
of the money. 18804

Whenever a pupil ceases to be enrolled in the state school 18805  
for the blind or the state school for the deaf, if personal money 18806  
of the pupil remains in the hands of the respective superintendent 18807  
and no demand is made upon the superintendent by the pupil or the 18808  
pupil's parent or guardian, the superintendent shall hold the 18809  
money in a personal deposit fund for a period of at least one 18810  
year. During that time, the superintendent shall make every effort 18811  
possible to locate the pupil or the pupil's parent or guardian. 18812

If, at the end of this period, no demand has been made for the 18813  
money held by the state school for the blind, the superintendent 18814  
of the state school for the blind shall dispose of the money by 18815  
transferring it to the state school for the blind student activity 18816  
and work-study fund established by section 3325.11 of the Revised 18817  
Code. If at the end of this period, no demand has been made for 18818  
the money held by the state school for the deaf, the 18819  
superintendent of the state school for the deaf shall dispose of 18820  
the money by transferring it to the state school for the deaf 18821  
educational program expenses fund established by section 3325.16 18822  
of the Revised Code. 18823

**Sec. 3353.02.** (A) There is hereby created the eTech Ohio 18824  
commission as an independent agency to advance education and 18825  
accelerate the learning of the citizens of this state through 18826  
technology. The commission shall provide leadership and support in 18827  
extending the knowledge of the citizens of this state by promoting 18828  
access to and use of all forms of educational technology, 18829  
including educational television and radio, radio reading 18830  
services, broadband networks, videotapes, compact discs, digital 18831  
video on demand (DVD), and the internet. The commission also shall 18832  
administer programs to provide financial and other assistance to 18833  
school districts and other educational institutions for the 18834  
acquisition and utilization of educational technology. 18835

The commission is a body corporate and politic, an agency of 18836  
the state performing essential governmental functions of the 18837  
state. 18838

(B) The commission shall consist of thirteen members, nine of 18839  
whom shall be voting members. Six of the voting members shall be 18840  
representatives of the public. Of the representatives of the 18841  
public, four shall be appointed by the governor with the advice 18842  
and consent of the senate, one shall be appointed by the speaker 18843

of the house of representatives, and one shall be appointed by the 18844  
president of the senate. The superintendent of public instruction 18845  
or a designee of the superintendent, the chancellor of the Ohio 18846  
board of regents or a designee of the chancellor, and the director 18847  
of ~~administrative services~~ the office of information technology or 18848  
a designee of the director shall be ex officio voting members. Of 18849  
the nonvoting members, two shall be members of the house of 18850  
representatives appointed by the speaker of the house of 18851  
representatives and two shall be members of the senate appointed 18852  
by the president of the senate. The members appointed from each 18853  
chamber shall not be members of the same political party. 18854

(C) Initial terms of office for members appointed by the 18855  
governor shall be one year for one member, two years for one 18856  
member, three years for one member, and four years for one member. 18857  
At the first meeting of the commission, members appointed by the 18858  
governor shall draw lots to determine the length of the term each 18859  
member will serve. Thereafter, terms of office for members 18860  
appointed by the governor shall be for four years. Terms of office 18861  
for voting members appointed by the speaker of the house of 18862  
representatives and the president of the senate shall be for four 18863  
years. Any member who is a representative of the public may be 18864  
reappointed by the member's respective appointing authority, but 18865  
no such member may serve more than two consecutive four-year 18866  
terms. Such a member may be removed by the member's respective 18867  
appointing authority for cause. 18868

Any legislative member appointed by the speaker of the house 18869  
of representatives or the president of the senate who ceases to be 18870  
a member of the legislative chamber from which the member was 18871  
appointed shall cease to be a member of the commission. The 18872  
speaker of the house of representatives and the president of the 18873  
senate may remove their respective appointments to the commission 18874  
at any time. 18875

(D) Vacancies among appointed members shall be filled in the 18876  
manner provided for original appointments. Any member appointed to 18877  
fill a vacancy occurring prior to the expiration of the term for 18878  
which the member's predecessor was appointed shall hold office for 18879  
the remainder of that term. Any appointed member shall continue in 18880  
office subsequent to the expiration of that member's term until 18881  
the member's successor takes office or until a period of sixty 18882  
days has elapsed, whichever occurs first. 18883

(E) Members of the commission shall serve without 18884  
compensation. The members who are representatives of the public 18885  
shall be reimbursed, pursuant to office of budget and management 18886  
guidelines, for actual and necessary expenses incurred in the 18887  
performance of official duties. 18888

(F) The governor shall appoint the chairperson of the 18889  
commission from among the commission's voting members. The 18890  
chairperson shall serve a term of two years and may be 18891  
reappointed. The commission shall elect other officers as 18892  
necessary from among its voting members and shall prescribe its 18893  
rules of procedure. 18894

(G) The commission shall establish advisory groups as needed 18895  
to address topics of interest and to provide guidance to the 18896  
commission regarding educational technology issues and the 18897  
technology needs of educators, learners, and the public. Members 18898  
of each advisory group shall be appointed by the commission and 18899  
shall include representatives of individuals or organizations with 18900  
an interest in the topic addressed by the advisory group. 18901

**Sec. 3354.10.** (A) All funds under the control of a board of 18902  
trustees of a community college district, regardless of the source 18903  
thereof, may be deposited by such board to its credit in banks or 18904  
trust companies designated by it. Such banks or trust companies 18905  
shall furnish security for every such deposit to the extent and in 18906

the manner provided in section 135.18 of the Revised Code, but no 18907  
such deposit shall otherwise be subject to sections 135.01 to 18908  
135.21 of the Revised Code. Thereupon, such funds may be disbursed 18909  
by the board of trustees for the uses and purposes of such 18910  
district. No contract of the board involving the expenditure of 18911  
money shall become effective until there is placed thereon by the 18912  
treasurer as fiscal officer of the district the certificate 18913  
provided for by section 5705.41 of the Revised Code. 18914

(B) The board of trustees of a community college district may 18915  
~~by resolution provide that moneys of such district be invested in~~ 18916  
~~obligations of such district, in bonds or other obligations of the~~ 18917  
~~United States or those for which the payment of principal and~~ 18918  
~~interest of which the faith of the United States is pledged, bonds~~ 18919  
~~issued by the home owners' loan corporation pursuant to the "Home~~ 18920  
~~Owners Loan Act of 1933," 48 Stat. 128, 12 U.S.C. 1461, and any~~ 18921  
~~amendments thereto, bonds of the state, and bonds of any municipal~~ 18922  
~~corporation, village, county, township, or other political~~ 18923  
~~subdivision of the state as to which there is no default of~~ 18924  
~~principal, interest, or coupons. Such investments shall not be~~ 18925  
~~made at a price in excess of the current market value of such~~ 18926  
~~bonds or other interest bearing obligations. The board of trustees~~ 18927  
~~may by resolution sell such bonds or other interest bearing~~ 18928  
~~obligations for cash and for a sum not less than their current~~ 18929  
~~market price provide for the investment of district funds.~~ 18930  
Investments may be made in securities of the United States 18931  
government or of its agencies or instrumentalities, the treasurer 18932  
of state's pooled investment program, obligations of this state or 18933  
any political subdivision of this state, certificates of deposit 18934  
of any national bank located in this state, written repurchase 18935  
agreements with any eligible Ohio financial institution that is a 18936  
member of the federal reserve system or federal home loan bank, 18937  
money market funds, or bankers acceptances maturing in two hundred 18938  
seventy days or less which are eligible for purchase by the 18939

federal reserve system, as a reserve. 18940

(C) Any community college district is subject to audit by the 18941  
auditor of state, who shall furnish to the county or counties 18942  
which created the district a copy of the audit report. 18943

**Sec. 3357.10.** (A) The board of trustees of a technical 18944  
college district shall elect a treasurer, who is not a member of 18945  
the board, to serve at its pleasure. The treasurer may be the 18946  
person serving as secretary under section 3357.06 of the Revised 18947  
Code. The treasurer shall be the fiscal officer of the district 18948  
and shall receive and disburse all funds of the district under the 18949  
direction of the board. No contract of the board involving the 18950  
expenditure of money shall become effective until the treasurer 18951  
certifies that there are funds of the board otherwise 18952  
unappropriated sufficient to provide therefor. 18953

When the treasurer of the district ceases to hold such 18954  
office, the treasurer or the treasurer's legal representatives 18955  
shall deliver to the board or to the treasurer's successor all 18956  
moneys, books, papers, and other property of the district in the 18957  
treasurer's possession as treasurer. In case of the death or 18958  
incapacity of the treasurer, the treasurer's legal representatives 18959  
shall, in like manner, deliver all moneys, books, papers, and 18960  
other property of the district to the board or to the person named 18961  
as the treasurer's successor. 18962

(B) All funds under the control of a board of trustees of a 18963  
technical college district, regardless of the source of the funds, 18964  
may be deposited by the board to its credit in banks or trust 18965  
companies designated by it. The banks or trust companies shall 18966  
furnish security for every deposit to the extent and in the manner 18967  
provided in section 135.18 of the Revised Code, but no deposit 18968  
shall otherwise be subject to sections 135.01 to 135.21 of the 18969  
Revised Code. Funds deposited in a bank or trust company may be 18970

disbursed by the board of trustees for the uses and purposes of 18971  
the district. 18972

(C) The board may provide for the investment of district 18973  
funds. Investments may be made in securities of the United States 18974  
government or of its agencies or instrumentalities, the treasurer 18975  
of state's pooled investment program, obligations of this state or 18976  
any political subdivision of this state, certificates of deposit 18977  
of any national bank located in this state, written repurchase 18978  
agreements with any eligible Ohio financial institution that is a 18979  
member of the federal reserve system or federal home loan bank, 18980  
money market funds, or bankers acceptances maturing in two hundred 18981  
seventy days or less which are eligible for purchase by the 18982  
federal reserve system, as a reserve. 18983

**Sec. 3358.06.** (A) The treasurer of each state community 18984  
college district shall be its fiscal officer, and ~~he~~ the treasurer 18985  
shall receive and disburse all funds under the direction of the 18986  
college president. No contract of the college's board of trustees 18987  
involving the expenditure of money shall become effective until 18988  
the treasurer certifies that there are funds of the board 18989  
otherwise uncommitted and sufficient to provide therefor. 18990

When the treasurer ceases to hold the office, ~~he~~ the 18991  
treasurer or ~~his~~ the treasurer's legal representative shall 18992  
deliver to ~~his~~ the treasurer's successor or the president all 18993  
moneys, books, papers, and other property of the college. 18994

Before entering upon the discharge of ~~his~~ official duties, 18995  
the treasurer shall give bond to the state for the faithful 18996  
performance of ~~his~~ official duties and the proper accounting for 18997  
all moneys coming into ~~his~~ the treasurer's care. The amount of the 18998  
bond shall be determined by the board but shall not be for a sum 18999  
less than the estimated amount that may come into ~~his~~ the 19000  
treasurer's control at any time. The bond shall be approved by the 19001

attorney general. 19002

(B) The board of trustees may provide for the investment of 19003  
district funds. Investments may be made in securities of the 19004  
United States government or of its agencies or instrumentalities, 19005  
the treasurer of state's pooled investment program, obligations of 19006  
this state or any political subdivision of this state, 19007  
certificates of deposit of any national bank located in this 19008  
state, written repurchase agreements with any eligible Ohio 19009  
financial institution that is a member of the federal reserve 19010  
system or federal home loan bank, money market funds, or bankers 19011  
acceptances maturing in two hundred seventy days or less which are 19012  
eligible for purchase by the federal reserve system, as a reserve. 19013

**Sec. 3362.01.** (A) There is hereby created a state university 19014  
to be known as "Shawnee state university." The government of 19015  
Shawnee state university is vested in a board of eleven trustees 19016  
who shall be appointed by the governor with the advice and consent 19017  
of the senate. Two of the trustees shall be students at Shawnee 19018  
state university, and their selection and terms shall be in 19019  
accordance with division (B) of this section. The remaining 19020  
trustees shall be appointed as follows: one for a term of one 19021  
year, one for a term of two years, one for a term of three years, 19022  
one for a term of four years, one for a term of five years, one 19023  
for a term of six years, one for a term of seven years, one for a 19024  
term of eight years, and one for a term of nine years. Thereafter, 19025  
terms shall be for nine years. All terms of office shall commence 19026  
on the first day of July and end on the thirtieth day of June. ~~At~~ 19027  
~~least five of the trustees, excluding the two student members,~~ 19028  
~~shall be residents of territory that constitutes the Shawnee state~~ 19029  
~~community college district on July 2, 1986.~~ 19030

Each trustee shall hold office from the date of appointment 19031  
until the end of the term for which the trustee was appointed. Any 19032

trustee appointed to fill a vacancy occurring prior to the 19033  
expiration of the term for which the trustee's predecessor was 19034  
appointed shall hold office for the remainder of such term. Any 19035  
trustee shall continue in office subsequent to the expiration date 19036  
of the trustee's term until the trustee's successor takes office, 19037  
or until a period of sixty days has elapsed, whichever occurs 19038  
first. No person who has served a full nine-year term or more than 19039  
six years of such a term shall be eligible for reappointment until 19040  
a period of four years has elapsed since the last day of the term 19041  
for which the person previously served. 19042

The trustees shall receive no compensation for their services 19043  
but shall be paid their reasonable and necessary expenses while 19044  
engaged in the discharge of their official duties. 19045

A majority of the board constitutes a quorum. 19046

(B) The student members of the board of trustees of Shawnee 19047  
state university have no voting power on the board. Student 19048  
members shall not be considered as members of the board in 19049  
determining whether a quorum is present. Student members shall not 19050  
be entitled to attend executive sessions of the board. The student 19051  
members of the board shall be appointed by the governor, with the 19052  
advice and consent of the senate, from a group of five candidates 19053  
selected pursuant to a procedure adopted by the university's 19054  
student governments and approved by the university's board of 19055  
trustees. The initial term of office of one of the student members 19056  
shall commence on July 1, 1988, and shall expire on June 30, 1989, 19057  
and the initial term of office of the other student member shall 19058  
commence on July 1, 1988, and expire on June 30, 1990. Thereafter, 19059  
terms of office of student members shall be for two years, each 19060  
term ending on the same day of the same month of the year as the 19061  
term it succeeds. In the event a student member cannot fulfill a 19062  
two-year term, a replacement shall be selected to fill the 19063  
unexpired term in the same manner used to make the original 19064

selection. 19065

**Sec. 3365.02.** There is hereby established the post-secondary 19066  
enrollment options program under which a secondary grade student 19067  
who is a resident of this state may enroll at a college, on a 19068  
full- or part-time basis, and complete nonsectarian courses for 19069  
high school and college credit. 19070

Secondary grade students in a nonpublic school may 19071  
participate in the post-secondary enrollment options program if 19072  
the chief administrator of such school notifies the department of 19073  
education by the first day of April prior to the school year in 19074  
which the school's students will participate. 19075

The state board of education, after consulting with the board 19076  
of regents, shall adopt rules governing the program. The rules 19077  
shall include: 19078

(A) Requirements for school districts, community schools, or 19079  
participating nonpublic schools to provide information about the 19080  
program prior to the first day of March of each year to all 19081  
students enrolled in grades eight through eleven; 19082

(B) A requirement that a student or the student's parent 19083  
inform the district board of education, the governing authority of 19084  
a community school, or the nonpublic school administrator by the 19085  
thirtieth day of March of the student's intent to participate in 19086  
the program during the following school year. The rule shall 19087  
provide that any student who fails to notify a district board, the 19088  
governing authority of a community school, or the nonpublic school 19089  
administrator by the required date may not participate in the 19090  
program during the following school year without the written 19091  
consent of the district superintendent, the governing authority of 19092  
a community school, or the nonpublic school administrator. 19093

(C) Requirements that school districts and community schools 19094

provide counseling services to students in grades eight through	19095
eleven and to their parents before the students participate in the	19096
program under this chapter to ensure that students and parents are	19097
fully aware of the possible risks and consequences of	19098
participation. Counseling information shall include without	19099
limitation:	19100
(1) Program eligibility;	19101
(2) The process for granting academic credits;	19102
(3) Financial arrangements for tuition, books, materials, and	19103
fees;	19104
(4) Criteria for any transportation aid;	19105
(5) Available support services;	19106
(6) Scheduling;	19107
(7) The consequences of failing or not completing a course in	19108
which the student enrolls and the effect of the grade attained in	19109
the course being included in the student's grade point average, if	19110
applicable;	19111
(8) The effect of program participation on the student's	19112
ability to complete the district's, community school's, or	19113
nonpublic school's graduation requirements;	19114
(9) The academic and social responsibilities of students and	19115
parents under the program;	19116
(10) Information about and encouragement to use the	19117
counseling services of the college in which the student intends to	19118
enroll.	19119
(D) A requirement that the student and the student's parent	19120
sign a form, provided by the school district or school, stating	19121
that they have received the counseling required by division (C) of	19122
this section and that they understand the responsibilities they	19123

must assume in the program;	19124
(E) The options required by section 3365.04 of the Revised Code;	19125 19126
(F) A requirement that a student may not enroll in any specific college course through the program if the student has taken high school courses in the same subject area as that college course and has failed to attain a cumulative grade point average of at least 3.0 on a 4.0 scale, or the equivalent, in such completed high school courses;	19127 19128 19129 19130 19131 19132
<del>(G) A requirement that a student or the student's parent will reimburse the state for the amount of state funds paid to a college for a course in which the student is enrolled under this chapter if the student does not attain a passing final grade in that course.</del>	19133 19134 19135 19136 19137
<u>Sec. 3365.11. (A) If the superintendent of the school district or the chief administrator of the community school in which a participant is enrolled determines that the participant has not attained a passing final grade in a college course in which the participant enrolled under this chapter, the superintendent or chief administrator shall seek reimbursement from the participant or the participant's parent for the amount of state funds paid to the college on behalf of the participant for that college course. The board of education of the school district or the governing authority of the community school, in accordance with division (C) of section 3313.642 of the Revised Code, may withhold grades and credits received by the participant for district or community school courses taken by the participant until the participant or the participant's parent provides reimbursement.</u>	19138 19139 19140 19141 19142 19143 19144 19145 19146 19147 19148 19149 19150 19151 19152
(B) <u>If the chief administrator of the nonpublic school in</u>	19153

which a participant is enrolled determines that the participant 19154  
has not attained a passing final grade in a college course in 19155  
which the participant enrolled under this chapter, the chief 19156  
administrator shall seek reimbursement from the participant or the 19157  
participant's parent for the amount of state funds paid to the 19158  
college on behalf of the participant for enrollment in that 19159  
college course. Upon the collection of any funds from a 19160  
participant or participant's parent under this division, the chief 19161  
administrator of a nonpublic school shall send an amount equal to 19162  
the funds collected to the superintendent of public instruction. 19163  
The superintendent of public instruction shall credit that amount 19164  
to the general revenue fund. 19165

**Sec. 3375.121.** (A) In any municipal corporation, not located 19166  
in a county library district, which has a population of not less 19167  
than twenty-five thousand, and within which there is not located a 19168  
main library of a township, municipal, school district, 19169  
association, or county free public library, a library district may 19170  
be created by a resolution adopted by the legislative authority of 19171  
~~such that~~ municipal corporation. No such resolution shall be 19172  
adopted after one year from June 20, 1977. Upon the adoption of 19173  
such a resolution, any branches of an existing library ~~which that~~ 19174  
are located in ~~such that~~ municipal corporation shall become the 19175  
property of the municipal library district created. 19176

The municipal corporation and the board of trustees of the 19177  
public library maintaining any existing branches in ~~such that~~ 19178  
municipal corporation shall forthwith take appropriate action 19179  
transferring all title and interest in all ~~property, both~~ real and 19180  
personal, property located in ~~such that~~ municipal corporation in 19181  
the name of the library district maintaining ~~such those~~ branches 19182  
in ~~such that~~ municipal corporation to the municipal corporation 19183  
adopting the appropriate resolution. Upon transfer of ~~such all~~ 19184

title and interest in ~~such that~~ property ~~they~~, the branches shall 19185  
become a part of, and be operated by, the board of library 19186  
trustees appointed by the mayor. 19187

(B) In any municipal corporation ~~which that~~ has a population 19188  
of less than twenty-five thousand and ~~which that~~ has not less than 19189  
one hundred thousand dollars available from a bequest for the 19190  
establishment of a municipal library, the legislative authority of 19191  
~~such that~~ municipal corporation may adopt, within one year after 19192  
June 20, 1977, a resolution creating a library district. Upon the 19193  
establishment of any such library district, the board of trustees 19194  
of any library operating a branch library in ~~such that~~ municipal 19195  
corporation shall not be required to transfer any property to the 19196  
newly established library. 19197

(C) The board of library trustees of any library district 19198  
created under this section shall be composed of six members. ~~Such~~ 19199  
Those trustees shall be appointed by the mayor, to serve without 19200  
compensation, for a term of four years. In the first instance, 19201  
three of ~~such those~~ trustees shall be appointed for a term of two 19202  
years, and three of them shall be appointed for a term of four 19203  
years. Vacancies shall be filled by like appointment for the 19204  
unexpired term. A library district created under this section 19205  
shall be governed in accordance with and exercise ~~such the~~ 19206  
authority ~~as~~ provided for in sections 3375.32 to 3375.41 of the 19207  
Revised Code. 19208

Notwithstanding any contrary provision of section 3.24 of the 19209  
Revised Code, the president of a board of township trustees may 19210  
administer the oath of office to a person or persons representing 19211  
the township on the board of library trustees of any library 19212  
district created under this section, even if the geographical 19213  
limits of the library district do not fall within the geographical 19214  
limits of the township. 19215

(D) Any library district created under this section is 19216

eligible to participate in the proceeds of the county library and 19217  
local government support fund in accordance with section 5705.28 19218  
of the Revised Code. 19219

(E) A municipal corporation may establish and operate a free 19220  
public library regardless of whether the municipal corporation is 19221  
located in a county library district or school library district, 19222  
if all of the following conditions are met: 19223

(1) The facility in which the library is principally located 19224  
is transferred to the municipal corporation from the county 19225  
library district or school library district in which it is located 19226  
prior to January 1, 1996~~+~~. 19227

(2) The population of the municipal corporation is less than 19228  
five hundred when the library is transferred from the county 19229  
library district or school library district to the municipal 19230  
corporation~~+~~. 19231

(3) The municipal corporation does not establish a municipal 19232  
library district under this section~~+~~. 19233

(4) The library does not receive any proceeds from the county 19234  
library and local government support fund under section 5747.48 of 19235  
the Revised Code. 19236

**Sec. 3381.15.** ~~(A)~~ The board of county commissioners of any 19237  
county, the legislative authority of any municipal corporation, 19238  
and the board of township trustees of any township, included 19239  
within a regional arts and cultural district may appropriate 19240  
annually, from moneys to the credit of the general fund of the 19241  
county, the municipal corporation, or the township and not 19242  
otherwise appropriated, that portion of the expense of the 19243  
district to be paid by the county, municipal corporation, or 19244  
township as provided in the resolution creating or enlarging the 19245  
district adopted under section 3381.03 of the Revised Code, or by 19246

any amendment to the resolution. 19247

~~(B) In addition to the authority granted to a board of county 19248  
commissioners under division (A) of this section, a board of 19249  
county commissioners in a county with a population of one million 19250  
two hundred thousand or more may establish and provide local 19251  
funding options for the support of arts and cultural organizations 19252  
operating within the regional arts and cultural district in which 19253  
the county is included. 19254~~

**Sec. 3381.17.** From the funds available therefor from a tax 19255  
levy authorized under section 3381.16 or, if applicable, sections 19256  
5743.021 and 5743.321 of the Revised Code, a regional arts and 19257  
cultural district by action of its board of trustees shall make 19258  
annual grants to support the operating or capital expenses of such 19259  
of the arts or cultural organizations located within the territory 19260  
of the district as the board of trustees shall determine; 19261  
provided, however, that not more than ten per cent of the amount 19262  
granted in any calendar year shall be granted to arts and cultural 19263  
organizations that are not qualifying arts or cultural 19264  
organizations; and further provided that prior to making any 19265  
grants in any calendar year, the board of trustees shall afford an 19266  
opportunity for the presentation, either in person or in writing, 19267  
of the suggestions of any area arts council, as defined in section 19268  
757.03 of the Revised Code, located within the district. Any such 19269  
grant to an arts or cultural organization shall be on such terms 19270  
and conditions as the board considers advisable. 19271

**Sec. 3517.152.** (A)(1) There is hereby created the Ohio 19272  
elections commission consisting of seven members. 19273

Not later than forty-five days after August 24, 1995, the 19274  
speaker of the house of representatives and the leader in the 19275  
senate of the political party of which the speaker is a member 19276

shall jointly submit to the governor a list of five persons who  
are affiliated with that political party. Not later than  
forty-five days after August 24, 1995, the two legislative leaders  
in the two houses of the general assembly of the major political  
party of which the speaker is not a member shall jointly submit to  
the governor a list of five persons who are affiliated with the  
major political party of which the speaker is not a member. Not  
later than fifteen days after receiving each list, the governor  
shall appoint three persons from each list to the commission. The  
governor shall appoint one person from each list to a term that  
ends on December 31, 1996, one person from each list to a term  
that ends on December 31, 1997, and one person from each list to a  
term that ends on December 31, 1998.

Not later than thirty days after the governor appoints these  
six members, they shall, by a majority vote, appoint to the  
commission a seventh member, who shall not be affiliated with a  
political party. If the six members fail to appoint the seventh  
member within this thirty-day period, the chief justice of the  
supreme court, not later than thirty days after the end of the  
period during which the six members were required to appoint a  
member, shall appoint the seventh member, who shall not be  
affiliated with a political party. The seventh member shall be  
appointed to a term that ends on December 31, 2001. Terms of the  
initial members appointed under this division begin on January 1,  
1996.

(2) If a vacancy occurs in the position of the seventh  
member, who is not affiliated with a political party, the six  
remaining members by a majority vote shall appoint, not later than  
forty-five days after the date of the vacancy, the seventh member  
of the commission, who shall not be affiliated with a political  
party. If these members fail to appoint the seventh member within  
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.

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(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.

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(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.

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(5) Members of the commission shall be registered electors  
and shall be of good moral character.

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(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

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office provided for in division (A)(1) of this section, terms of 19340  
office shall be for five years. 19341

(C) A vacancy in the Ohio elections commission may be caused 19342  
by death, resignation, or three absences from commission meetings 19343  
in a calendar year if those absences are caused by reasons 19344  
declared invalid by a vote of five members of the remaining 19345  
members of the commission. 19346

(D) Each member of the Ohio elections commission while in the 19347  
performance of the business of the commission shall be entitled to 19348  
receive compensation at the rate of twenty-five thousand dollars 19349  
per year. Members shall be reimbursed for expenses actually and 19350  
necessarily incurred in the performance of their duties. 19351

(E) No member of the Ohio elections commission shall serve 19352  
more than one full term unless the terms served are served 19353  
nonconsecutively. 19354

(F)(1) No member of the Ohio elections commission shall do or 19355  
be any of the following: 19356

(a) Hold, or be a candidate for, a public office; 19357

(b) Serve on a committee supporting or opposing a candidate 19358  
or ballot question or issue; 19359

(c) Be an officer of the state central committee, a county 19360  
central committee, or a district, city, township, or other 19361  
committee of a political party or an officer of the executive 19362  
committee of the state central committee, a county central 19363  
committee, or a district, city, township, or other committee of a 19364  
political party; 19365

(d) Be a legislative agent as defined in section 101.70 of 19366  
the Revised Code or an executive agency lobbyist as defined in 19367  
section 121.60 of the Revised Code; 19368

(e) Solicit or be involved in soliciting contributions on 19369

behalf of a candidate, campaign committee, political party,  
political action committee, or political contributing entity; 19370  
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(f) Be in the unclassified service under section 124.11 of  
the Revised Code; 19372  
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(g) Be a person or employee ~~described in divisions (C)(1) to~~ 19374  
~~(15) who is excluded from the definition of public employee~~ 19375  
pursuant to division (C) of section 4117.01 of the Revised Code. 19376

(2) No member or employee of the commission shall make a  
contribution to, or for the benefit of, a campaign committee or 19377  
committee in support of or opposition to a ballot question or 19378  
issue, a political party, a legislative campaign fund, a political 19379  
action committee, or a political contributing entity. 19380  
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(G)(1) The members of the Ohio elections commission shall 19382  
elect a chairperson and a vice-chairperson. At no time shall the 19383  
chairperson and vice-chairperson be affiliated with the same 19384  
political party. The chairperson shall serve in that capacity for 19385  
one year and shall not serve as chairperson more than twice during 19386  
a term as a member of the commission. No two successive 19387  
chairpersons shall be affiliated with the same political party. 19388

(2) The commission shall meet at the call of the chairperson 19389  
or upon the written request of a majority of the members. The 19390  
meetings and hearings of the commission or a panel of the 19391  
commission under sections 3517.153 to 3517.157 of the Revised Code 19392  
are subject to section 121.22 of the Revised Code. 19393

(3) The commission shall adopt rules for its procedures in 19394  
accordance with Chapter 119. of the Revised Code. Five of the 19395  
seven members constitute a quorum. Except as otherwise provided in 19396  
this section and in sections 3517.154 to 3517.157 of the Revised 19397  
Code, no action shall be taken without the concurrence of a 19398  
majority of the members. 19399

(H)(1) The Ohio elections commission shall employ the 19400  
technical, professional, and clerical employees that are necessary 19401  
for it to carry out its duties. 19402

(2)(a) Notwithstanding section 109.02 of the Revised Code, 19403  
the commission shall employ a full-time attorney, and, as needed, 19404  
one or more investigatory attorneys to conduct investigations for 19405  
the commission or a panel of the commission. The commission may 19406  
employ or contract for the services of additional attorneys, as 19407  
needed. The full-time attorney shall do all of the following: 19408

(i) Serve as the commission's attorney in regard to all legal 19409  
matters, including representing the commission at appeals from a 19410  
final determination of the commission, except that the full-time 19411  
attorney shall not perform the duties that an investigatory 19412  
attorney is required or requested to perform or that another 19413  
attorney the commission employs or contracts with for services is 19414  
required or requested to perform, and shall not represent the 19415  
commission in any legal proceeding in which the commission is a 19416  
named party; 19417

(ii) At the request of the commission or a panel of the 19418  
commission, be present at a hearing held under sections 3517.154 19419  
to 3517.156 of the Revised Code to rule on the admissibility of 19420  
evidence and to advise on the conduct of procedure; 19421

(iii) Perform other duties as required by rule of the 19422  
commission. 19423

(b) An attorney employed by or under contract with the 19424  
commission shall be licensed to practice law in this state. 19425

(3)(a) Except as otherwise provided in division (H)(3)(b) of 19426  
this section, at least five members of the commission shall agree 19427  
on the employment of a person, a majority of the members shall 19428  
agree on the discharge of an employee, and a person employed by 19429  
the commission shall serve at the pleasure of the commission. 19430

(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 19461  
be disclosed with the prior written consent of the person who is 19462  
the subject of the record. 19463

(2) Records described in division (B) of this section may be 19464  
disclosed with or without the prior written consent of the person 19465  
who is the subject of the record under the following conditions: 19466

(a) To medical personnel to the extent necessary to meet a 19467  
bona fide medical emergency; 19468

(b) To qualified personnel for the purpose of conducting 19469  
scientific research, management audits, financial audits, or 19470  
program evaluation, but the personnel shall not directly or 19471  
indirectly identify any person who is the subject of the record in 19472  
any report of the research, audit, or evaluation or in any other 19473  
manner; 19474

(c) If authorized by an appropriate order of a court of 19475  
competent jurisdiction granted after a showing of good cause. In 19476  
determining good cause, the court shall weigh the public interest 19477  
and the need for disclosure against injury to the person who is 19478  
the subject of the record and to the employee assistance program. 19479  
Upon granting such an order, the court shall, in determining the 19480  
extent to which the disclosure of all or any part of any record is 19481  
necessary, impose appropriate safeguards against unauthorized 19482  
disclosure. 19483

(D) Except as authorized by a court order described in 19484  
division (C)(2)(c) of this section, no record described in 19485  
division (B) of this section may be used to initiate or 19486  
substantiate criminal charges against the person who is the 19487  
subject of the record or to conduct any investigation of such a 19488  
person. 19489

**Sec. 3701.046.** The director of health is authorized to make 19490

grants for women's health services from funds appropriated for 19491  
that purpose by the general assembly. 19492

None of the funds received through grants for women's health 19493  
services shall be used to provide abortion services. None of the 19494  
funds received through these grants shall be used for counseling 19495  
for or referrals for abortion, except in the case of a medical 19496  
emergency. These funds shall be distributed by the director to 19497  
programs that the department of health determines will provide 19498  
services that are physically and financially separate from 19499  
abortion-providing and abortion-promoting activities, and that do 19500  
not include counseling for or referrals for abortion, other than 19501  
in the case of medical emergency. 19502

These women's health services include and are limited to the 19503  
following: pelvic examinations and laboratory testing; breast 19504  
examinations and patient education on breast cancer; screening for 19505  
cervical cancer; screening and treatment for sexually transmitted 19506  
diseases and HIV screening; voluntary choice of contraception, 19507  
including abstinence and natural family planning; patient 19508  
education and pre-pregnancy counseling on the dangers of smoking, 19509  
alcohol, and drug use during pregnancy; education on sexual 19510  
coercion and violence in relationships; and prenatal care or 19511  
referral for prenatal care. These health care services shall be 19512  
provided in a medical clinic setting by persons authorized under 19513  
Chapter. 4731 of the Revised Code to practice medicine and surgery 19514  
or osteopathic medicine and surgery; authorized under Chapter 19515  
4730. of the Revised Code to practice as a physician assistant; 19516  
licensed under Chapter 4723. of the Revised Code as a registered 19517  
nurse or licensed practical nurse; or licensed under Chapter 4757. 19518  
of the Revised Code as a social worker, independent social worker, 19519  
professional clinical counselor, or professional counselor. 19520

The director shall adopt rules under Chapter 119. of the 19521

Revised Code specifying reasonable eligibility standards that must 19522  
be met to receive the state funding and provide reasonable methods 19523  
by which a grantee wishing to be eligible for federal funding may 19524  
comply with these requirements for state funding without losing 19525  
its eligibility for federal funding. 19526

Each applicant for these funds shall provide sufficient 19527  
assurance to the director of all of the following: 19528

(A) The program shall not discriminate in the provision of 19529  
services based on an individual's religion, race, national origin, 19530  
handicapping condition, age, sex, number of pregnancies, or 19531  
marital status; 19532

(B) The program shall provide services without subjecting 19533  
individuals to any coercion to accept services or to employ any 19534  
particular methods of family planning; 19535

(C) Acceptance of services shall be solely on a voluntary 19536  
basis and may not be made a prerequisite to eligibility for, or 19537  
receipt of, any other service, assistance from, or participation 19538  
in, any other program of the service provider; 19539

(D) Any charges for services provided by the program shall be 19540  
based on the patient's ability to pay and priority in the 19541  
provision of services shall be given to persons from low-income 19542  
families. 19543

In distributing these grant funds, the director shall give 19544  
priority to grant requests from local departments of health for 19545  
women's health services to be provided directly by personnel of 19546  
the local department of health. The director shall issue a single 19547  
request for proposals for all grants for women's health services. 19548  
The director shall send a notification of this request for 19549  
proposals to every local department of health in this state and 19550  
shall place a notification on the department's web site. The 19551  
director shall allow at least thirty days after issuing this 19552

notification before closing the period to receive applications. 19553

After the closing date for receiving grant applications, the 19554  
director shall first consider grant applications from local 19555  
departments of health that apply for grants for women's health 19556  
services to be provided directly by personnel of the local 19557  
department of health. Local departments of health that apply for 19558  
grants for women's health services to be provided directly by 19559  
personnel of the local department of health need not provide all 19560  
the listed women's health services in order to qualify for a 19561  
grant. However, in prioritizing awards among local departments of 19562  
health that qualify for funding under this paragraph, the director 19563  
may consider, among other reasonable factors, the 19564  
comprehensiveness of the women's health services to be offered, 19565  
provided that no local department of health shall be discriminated 19566  
against in the process of awarding these grant funds because the 19567  
applicant does not provide contraception. 19568

If funds remain after awarding grants to all local 19569  
departments of health that qualify for the priority, the director 19570  
may make grants to other applicants. Awards to other applicants 19571  
may be made to those applicants that will offer all eight of the 19572  
listed women's health services or that will offer all of the 19573  
services except contraception. No applicant shall be discriminated 19574  
against in the process of awarding these grant funds because the 19575  
applicant does not provide contraception. 19576

**Sec. 3701.341.** (A) The public health council, pursuant to 19577  
Chapter 119. and consistent with section 2317.56 of the Revised 19578  
Code, shall adopt rules relating to abortions and the following 19579  
subjects: 19580

(1) Post-abortion procedures to protect the health of the 19581  
pregnant woman; 19582

- (2) ~~Reporting forms;~~ 19583  
(3) Pathological reports; 19584  
(4)(3) Humane disposition of the product of human conception; 19585  
(5)(4) Counseling. 19586

(B) The director of health shall implement the rules and 19587  
shall apply to the court of common pleas for temporary or 19588  
permanent injunctions restraining a violation or threatened 19589  
violation of the rules. This action is an additional remedy not 19590  
dependent on the adequacy of the remedy at law. 19591

**Sec. 3701.65.** (A) There is hereby created in the state 19592  
treasury the "choose life" fund. The fund shall consist of the 19593  
contributions that are paid to the registrar of motor vehicles by 19594  
applicants who voluntarily elect to obtain "choose life" license 19595  
plates pursuant to section 4503.91 of the Revised Code and any 19596  
money returned to the fund under division (E)(1)(d) of this 19597  
section. All investment earnings of the fund shall be credited to 19598  
the fund. 19599

(B)(1) At least annually, the director of health shall 19600  
distribute the money in the fund to any private, nonprofit 19601  
organization that is eligible to receive funds under this section 19602  
and that applies for funding under division (C) of this section. 19603

(2) The director shall distribute the funds based on the 19604  
county in which the organization applying for funding is located 19605  
and in proportion to the number of "choose life" license plates 19606  
issued during the preceding year to vehicles registered in each 19607  
county. The director shall distribute funds allocated for a county 19608  
to one or more eligible organizations located in contiguous 19609  
counties if no eligible organization located within the county 19610  
applies for funding. Within each county, eligible organizations 19611  
that apply for funding shall share equally in the funds available 19612

for distribution to organizations located within that county. 19613

(C) Any organization seeking funds under this section 19614  
annually shall apply for distribution of the funds based on the 19615  
county in which the organization is located. An organization may 19616  
apply for funding in a contiguous county if it demonstrates that 19617  
it provides services for pregnant women residing in that 19618  
contiguous county. The director shall develop an application form 19619  
and may determine the schedule and procedures that an organization 19620  
shall follow when annually applying for funds. The application 19621  
shall inform the applicant of the conditions for receiving and 19622  
using funds under division (E) of this section. The application 19623  
shall require evidence that the organization meets all of the 19624  
following requirements: 19625

(1) Is a private, nonprofit organization; 19626

(2) Is committed to counseling pregnant women about the 19627  
option of adoption; 19628

(3) Provides services within the state to pregnant women who 19629  
are planning to place their children for adoption, including 19630  
counseling and meeting the material needs of the women; 19631

(4) Does not charge women for any services received; 19632

(5) Is not involved or associated with any abortion 19633  
activities, including counseling for or referrals to abortion 19634  
clinics, providing medical abortion-related procedures, or 19635  
pro-abortion advertising; 19636

(6) Does not discriminate in its provision of any services on 19637  
the basis of race, religion, color, age, marital status, national 19638  
origin, handicap, gender, or age. 19639

(D) The director shall not distribute funds to an 19640  
organization that does not provide verifiable evidence of the 19641  
requirements specified in the application under division (C) of 19642

this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section. 19643  
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(E)(1) An organization receiving funds under this section shall do all of the following: 19647  
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(a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation; 19649  
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(b) Use not more than forty per cent of the funds distributed to it for counseling, training, or advertising; 19654  
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(c) Not use any of the funds distributed to it for administrative expenses, legal expenses, or capital expenditures; 19656  
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(d) Annually return to the fund created under division (A) of this section any unused money that exceeds ten per cent of the money distributed to the organization. 19658  
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(2) The organization annually shall submit to the director an audited financial statement verifying its compliance with division (E)(1) of this section. 19661  
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(F) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules to implement this section. 19664  
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It is not the intent of the general assembly that the department create a new position within the department to implement and administer this section. It is the intent of the general assembly that the implementation and administration of this section be accomplished by existing department personnel. 19666  
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Sec. 3701.79. (A) As used in this section: 19671

(1) "Abortion" has the same meaning as in section 2919.11 of the Revised Code. 19672  
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(2) "Abortion report" means a form completed pursuant to division (C) of this section. 19674  
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(3) "Ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code. 19676  
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(4) "Department" means the department of health. 19678

(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. 19679  
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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. 19688  
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(7) "Postabortion care" means care given after the uterus has been evacuated by abortion. 19693  
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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. 19695  
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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 19698  
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<u>of the following, insofar as the patient makes the data available</u>	19702
<u>that is not within the physician's knowledge:</u>	19703
<u>(1) Patient number;</u>	19704
<u>(2) The name and address of the facility in which the</u>	19705
<u>abortion was performed, and whether the facility is a hospital,</u>	19706
<u>ambulatory surgical facility, physician's office, or other</u>	19707
<u>facility;</u>	19708
<u>(3) The date of the abortion;</u>	19709
<u>(4) All of the following regarding the woman on whom the</u>	19710
<u>abortion was performed:</u>	19711
<u>(a) Zip code of residence;</u>	19712
<u>(b) Age;</u>	19713
<u>(c) Race;</u>	19714
<u>(d) Marital status;</u>	19715
<u>(e) Number of previous pregnancies;</u>	19716
<u>(f) Years of education;</u>	19717
<u>(g) Number of living children;</u>	19718
<u>(h) Number of previously induced abortions;</u>	19719
<u>(i) Date of last induced abortion;</u>	19720
<u>(j) Date of last live birth;</u>	19721
<u>(k) Method of contraception at the time of conception;</u>	19722
<u>(l) Date of the first day of the last menstrual period;</u>	19723
<u>(m) Medical condition at the time of the abortion;</u>	19724
<u>(n) Rh-type;</u>	19725
<u>(o) The number of weeks of gestation at the time of the</u>	19726
<u>abortion.</u>	19727
<u>(5) The type of abortion procedure performed;</u>	19728

<u>(6) Complications by type;</u>	19729
<u>(7) Type of procedure performed after the abortion;</u>	19730
<u>(8) Type of family planning recommended;</u>	19731
<u>(9) Type of additional counseling given;</u>	19732
<u>(10) Signature of attending physician.</u>	19733
<u>(D) The physician who completed the abortion report under</u>	19734
<u>division (C) of this section shall submit the abortion report to</u>	19735
<u>the department within fifteen days after the woman is discharged.</u>	19736
<u>(E) The appropriate vital records report or certificate shall</u>	19737
<u>be made out after the twentieth week of gestation.</u>	19738
<u>(F) A copy of the abortion report shall be made part of the</u>	19739
<u>medical record of the patient of the facility in which the</u>	19740
<u>abortion was performed.</u>	19741
<u>(G) Each hospital shall file monthly and annual reports</u>	19742
<u>listing the total number of women who have undergone a</u>	19743
<u>post-twelve-week-gestation abortion and received postabortion</u>	19744
<u>care. The annual report shall be filed following the conclusion of</u>	19745
<u>the state's fiscal year. Each report shall be filed within thirty</u>	19746
<u>days after the end of the applicable reporting period.</u>	19747
<u>(H) Each case in which a physician treats a post abortion</u>	19748
<u>complication shall be reported on a postabortion complication</u>	19749
<u>form. The report shall be made upon a form prescribed by the</u>	19750
<u>department, shall be signed by the attending physician, and shall</u>	19751
<u>be confidential.</u>	19752
<u>(I)(1) Not later than the first day of October of each year,</u>	19753
<u>the department shall issue an annual report of the abortion data</u>	19754
<u>reported to the department for the previous calendar year as</u>	19755
<u>required by this section. The annual report shall include at least</u>	19756
<u>the following information:</u>	19757

<u>(a) The total number of induced abortions;</u>	19758
<u>(b) The number of abortions performed on Ohio and out-of-state residents;</u>	19759 19760
<u>(c) The number of abortions performed, sorted by each of the following:</u>	19761 19762
<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>	19763 19764 19765 19766 19767 19768 19769
<u>(ii) The race and Hispanic ethnicity of the woman on whom the abortion was performed;</u>	19770 19771
<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>	19772 19773 19774 19775
<u>(iv) The marital status of the woman on whom the abortion was performed;</u>	19776 19777
<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>	19778 19779 19780
<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>	19781 19782 19783 19784
<u>(vii) The county in which the abortion was performed;</u>	19785
<u>(viii) The type of abortion procedure performed;</u>	19786

<u>(ix) The number of abortions previously performed on the woman on whom the abortion was performed;</u>	19787 19788
<u>(x) The type of facility in which the abortion was performed;</u>	19789
<u>(xi) For Ohio residents, the county of residence of the woman on whom the abortion was performed.</u>	19790 19791
<u>(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.</u>	19792 19793 19794 19795 19796
<u>(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.</u>	19797 19798 19799 19800
<u>(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.</u>	19801 19802 19803 19804 19805
<b>Sec. 3705.242.</b> (A)(1) The director of health, a person authorized by the director, a local commissioner of health, or a local registrar of vital statistics shall charge and collect a fee of one dollar and fifty cents for each certified copy of a birth record, each certification of birth, and each copy of a death record. The fee is in addition to the fee imposed by section 3705.24 or any other section of the Revised Code. A local commissioner of health or local registrar of vital statistics may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the	19806 19807 19808 19809 19810 19811 19812 19813 19814 19815 19816

forwarding of the fee to the treasurer of state. The additional 19817  
fees collected, but not retained, under division (A)(1) of this 19818  
section shall be forwarded to the treasurer of state not later 19819  
than thirty days following the end of each quarter. 19820

(2) On the filing of a divorce decree under section 3105.10 19821  
or a decree of dissolution under section 3105.65 of the Revised 19822  
Code, a court of common pleas shall charge and collect a fee of 19823  
five dollars and fifty cents. The fee is in addition to any other 19824  
court costs or fees. The county clerk of courts may retain an 19825  
amount of each additional fee collected, not to exceed three per 19826  
cent of the amount of the additional fee, to be used for costs 19827  
directly related to the collection of the fee and the forwarding 19828  
of the fee to the treasurer of state. The additional fees 19829  
collected, but not retained, under division (A)(2) of this section 19830  
shall be forwarded to the treasurer of state not later than twenty 19831  
days following the end of each month. 19832

~~(B) The additional fees collected, but not retained, under~~ 19833  
~~this section during each month shall be forwarded not later than~~ 19834  
~~the tenth day of the immediately following month to the treasurer~~ 19835  
~~of state, who shall deposit the fees forwarded under this section~~ 19836  
in the state treasury to the credit of the family violence 19837  
prevention fund, which is hereby created. A person or government 19838  
entity that fails to forward the fees in a timely manner, as 19839  
determined by the treasurer of state, shall forward to the 19840  
treasurer of state, in addition to the fees, a penalty equal to 19841  
ten per cent of the fees. 19842

The treasurer of state shall invest the moneys in the fund. 19843  
All earnings resulting from investment of the fund shall be 19844  
credited to the fund, except that actual administration costs 19845  
incurred by the treasurer of state in administering the fund may 19846  
be deducted from the earnings resulting from investments. The 19847

amount that may be deducted shall not exceed three per cent of the 19848  
total amount of fees credited to the fund in each fiscal year. The 19849  
balance of the investment earnings shall be credited to the fund. 19850

(C) The director of public safety shall use money credited to 19851  
the fund to provide grants to family violence shelters in Ohio. 19852

**Sec. 3734.57.** (A) The following fees are hereby levied on the 19853  
transfer or disposal of solid wastes in this state: 19854

(1) One dollar per ton on and after July 1, 2003, through 19855  
June 30, 2008, one-half of the proceeds of which shall be 19856  
deposited in the state treasury to the credit of the hazardous 19857  
waste facility management fund created in section 3734.18 of the 19858  
Revised Code and one-half of the proceeds of which shall be 19859  
deposited in the state treasury to the credit of the hazardous 19860  
waste clean-up fund created in section 3734.28 of the Revised 19861  
Code; 19862

(2) An additional one dollar per ton on and after July 1, 19863  
2003, through June 30, 2008, the proceeds of which shall be 19864  
deposited in the state treasury to the credit of the solid waste 19865  
fund, which is hereby created. The environmental protection agency 19866  
shall use money in the solid waste fund to pay the costs of 19867  
administering and enforcing the laws pertaining to solid wastes, 19868  
infectious wastes, and construction and demolition debris, 19869  
including, without limitation, ground water evaluations related to 19870  
solid wastes, infectious wastes, and construction and demolition 19871  
debris, under this chapter and Chapter 3714. of the Revised Code 19872  
and any rules adopted under them, providing compliance assistance 19873  
to small businesses, and paying a share of the administrative 19874  
costs of the environmental protection agency pursuant to section 19875  
3745.014 of the Revised Code. 19876

(3) An additional one dollar and fifty cents per ton on and 19877

after July 1, 2005, through June 30, 2008, the proceeds of which 19878  
shall be deposited in the state treasury to the credit of the 19879  
environmental protection fund created in section 3745.015 of the 19880  
Revised Code. 19881

In the case of solid wastes that are taken to a solid waste 19882  
transfer facility located in this state prior to being transported 19883  
~~to for disposal at a solid waste disposal facility ~~for disposal~~~~ 19884  
located in this state or outside of this state, the fees levied 19885  
under this division shall be collected by the owner or operator of 19886  
the transfer facility as a trustee for the state. The amount of 19887  
fees required to be collected under this division at such a 19888  
transfer facility shall equal the total tonnage of solid wastes 19889  
received at the facility multiplied by the fees levied under this 19890  
division. In the case of solid wastes that are not taken to a 19891  
solid waste transfer facility located in this state prior to being 19892  
transported to a solid waste disposal facility, the fees shall be 19893  
collected by the owner or operator of the solid waste disposal 19894  
facility as a trustee for the state. The amount of fees required 19895  
to be collected under this division at such a disposal facility 19896  
shall equal the total tonnage of solid wastes received at the 19897  
facility that was not previously taken to a solid waste transfer 19898  
facility located in this state multiplied by the fees levied under 19899  
this division. Fees levied under this division do not apply to 19900  
materials separated from a mixed waste stream for recycling by a 19901  
generator or materials removed from the solid waste stream through 19902  
recycling, as "recycling" is defined in rules adopted under 19903  
section 3734.02 of the Revised Code. 19904

The owner or operator of a solid waste transfer facility or 19905  
disposal facility, as applicable, shall prepare and file with the 19906  
director of environmental protection each month a return 19907  
indicating the total tonnage of solid wastes received at the 19908  
facility during that month and the total amount of the fees 19909

required to be collected under this division during that month. In 19910  
addition, the owner or operator of a solid waste disposal facility 19911  
shall indicate on the return the total tonnage of solid wastes 19912  
received from transfer facilities located in this state during 19913  
that month for which the fees were required to be collected by the 19914  
transfer facilities. The monthly returns shall be filed on a form 19915  
prescribed by the director. Not later than thirty days after the 19916  
last day of the month to which a return applies, the owner or 19917  
operator shall mail to the director the return for that month 19918  
together with the fees required to be collected under this 19919  
division during that month as indicated on the return. If the 19920  
return is filed and the amount of the fees due is paid in a timely 19921  
manner as required in this division, the owner or operator may 19922  
retain a discount of three-fourths of one per cent of the total 19923  
amount of the fees that are required to be paid as indicated on 19924  
the return. 19925

The owner or operator may request an extension of not more 19926  
than thirty days for filing the return and remitting the fees, 19927  
provided that the owner or operator has submitted such a request 19928  
in writing to the director together with a detailed description of 19929  
why the extension is requested, the director has received the 19930  
request not later than the day on which the return is required to 19931  
be filed, and the director has approved the request. If the fees 19932  
are not remitted within thirty days after the last day of the 19933  
month to which the return applies or are not remitted by the last 19934  
day of an extension approved by the director, the owner or 19935  
operator shall not retain the three-fourths of one per cent 19936  
discount and shall pay an additional ten per cent of the amount of 19937  
the fees for each month that they are late. For purposes of 19938  
calculating the late fee, the first month in which fees are late 19939  
begins on the first day after the deadline has passed for timely 19940  
submitting the return and fees, and one additional month shall be 19941

counted every thirty days thereafter. 19942

The owner or operator of a solid waste facility may request a 19943  
refund or credit of fees levied under this division and remitted 19944  
to the director that have not been paid to the owner or operator. 19945  
Such a request shall be made only if the fees have not been 19946  
collected by the owner or operator, have become a debt that has 19947  
become worthless or uncollectable for a period of six months or 19948  
more, and may be claimed as a deduction, including a deduction 19949  
claimed if the owner or operator keeps accounts on an accrual 19950  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 19951  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 19952  
making a request for a refund or credit, an owner or operator 19953  
shall make reasonable efforts to collect the applicable fees. A 19954  
request for a refund or credit shall not include any costs 19955  
resulting from those efforts to collect unpaid fees. 19956

A request for a refund or credit of fees shall be made in 19957  
writing, on a form prescribed by the director, and shall be 19958  
supported by evidence that may be required in rules adopted by the 19959  
director under this chapter. After reviewing the request, and if 19960  
the request and evidence submitted with the request indicate that 19961  
a refund or credit is warranted, the director shall grant a refund 19962  
to the owner or operator or shall permit a credit to be taken by 19963  
the owner or operator on a subsequent monthly return submitted by 19964  
the owner or operator. The amount of a refund or credit shall not 19965  
exceed an amount that is equal to ninety days' worth of fees owed 19966  
to an owner or operator by a particular debtor of the owner or 19967  
operator. A refund or credit shall not be granted by the director 19968  
to an owner or operator more than once in any twelve-month period 19969  
for fees owed to the owner or operator by a particular debtor. 19970

If, after receiving a refund or credit from the director, an 19971  
owner or operator receives payment of all or part of the fees, the 19972  
owner or operator shall remit the fees with the next monthly 19973

return submitted to the director together with a written explanation of the reason for the submittal. 19974  
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For purposes of computing the fees levied under this division or division (B) of this section, any solid waste transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable. 19976  
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The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment. 19982  
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(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities: 19990  
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(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district; 19994  
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(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state; 19996  
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(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state. 19999  
20000  
20001

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised 20002  
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Code and any amendments to it, or the resolution adopted under  
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 20036  
shall make good faith efforts to identify those generators within 20037  
the district and their local trade associations, but the 20038  
nonprovision of notice under this division to a particular 20039  
generator or local trade association does not invalidate the 20040  
proceedings under this division. The publication shall occur at 20041  
least thirty days before the hearing. After the hearing, the 20042  
committee may make such revisions to the proposed fees as it 20043  
considers appropriate and thereafter, by resolution, shall adopt 20044  
the revised fee schedule. Upon adopting the revised fee schedule, 20045  
the committee shall deliver a copy of the resolution doing so to 20046  
the board of county commissioners of each county forming the 20047  
district and to the legislative authority of each municipal 20048  
corporation and township under the jurisdiction of the district. 20049  
Within sixty days after the delivery of a copy of the resolution 20050  
adopting the proposed revised fees by the policy committee, each 20051  
such board and legislative authority, by ordinance or resolution, 20052  
shall approve or disapprove the revised fees and deliver a copy of 20053  
the ordinance or resolution to the committee. If any such board or 20054  
legislative authority fails to adopt and deliver to the policy 20055  
committee an ordinance or resolution approving or disapproving the 20056  
revised fees within sixty days after the policy committee 20057  
delivered its resolution adopting the proposed revised fees, it 20058  
shall be conclusively presumed that the board or legislative 20059  
authority has approved the proposed revised fees. The committee 20060  
shall determine if the resolution has been ratified in the same 20061  
manner in which it determines if a draft solid waste management 20062  
plan has been ratified under division (B) of section 3734.55 of 20063  
the Revised Code. 20064

The committee may amend the schedule of fees levied pursuant 20065  
to a resolution adopted and ratified under this division by 20066  
adopting a resolution establishing the proposed amount of the 20067

amended fees. The committee may repeal the fees levied pursuant to 20068  
such a resolution by adopting a resolution proposing to repeal 20069  
them. Upon adopting such a resolution, the committee shall proceed 20070  
to obtain ratification of the resolution in accordance with this 20071  
division. 20072

Not later than fourteen days after declaring the new fees to 20073  
be ratified or the fees to be repealed under this division, the 20074  
committee shall notify by certified mail the owner or operator of 20075  
each solid waste disposal facility that is required to collect the 20076  
fees of the ratification and the amount of the fees or of the 20077  
repeal of the fees. Collection of any fees shall commence or 20078  
collection of repealed fees shall cease on the first day of the 20079  
second month following the month in which notification is sent to 20080  
the owner or operator. 20081

Fees levied under this division also may be established, 20082  
amended, or repealed by a solid waste management policy committee 20083  
through the adoption of a new district solid waste management 20084  
plan, the adoption of an amended plan, or the amendment of the 20085  
plan or amended plan in accordance with sections 3734.55 and 20086  
3734.56 of the Revised Code or the adoption or amendment of a 20087  
district plan in connection with a change in district composition 20088  
under section 3734.521 of the Revised Code. 20089

Not later than fourteen days after the director issues an 20090  
order approving a district's solid waste management plan, amended 20091  
plan, or amendment to a plan or amended plan that establishes, 20092  
amends, or repeals a schedule of fees levied by the district, the 20093  
committee shall notify by certified mail the owner or operator of 20094  
each solid waste disposal facility that is required to collect the 20095  
fees of the approval of the plan or amended plan, or the amendment 20096  
to the plan, as appropriate, and the amount of the fees, if any. 20097  
In the case of an initial or amended plan approved under section 20098  
3734.521 of the Revised Code in connection with a change in 20099

district composition, other than one involving the withdrawal of a  
county from a joint district, the committee, within fourteen days  
after the change takes effect pursuant to division (G) of that  
section, shall notify by certified mail the owner or operator of  
each solid waste disposal facility that is required to collect the  
fees that the change has taken effect and of the amount of the  
fees, if any. Collection of any fees shall commence or collection  
of repealed fees shall cease on the first day of the second month  
following the month in which notification is sent to the owner or  
operator.

If, in the case of a change in district composition involving  
the withdrawal of a county from a joint district, the director  
completes the actions required under division (G)(1) or (3) of  
section 3734.521 of the Revised Code, as appropriate, forty-five  
days or more before the beginning of a calendar year, the policy  
committee of each of the districts resulting from the change that  
obtained the director's approval of an initial or amended plan in  
connection with the change, within fourteen days after the  
director's completion of the required actions, shall notify by  
certified mail the owner or operator of each solid waste disposal  
facility that is required to collect the district's fees that the  
change is to take effect on the first day of January immediately  
following the issuance of the notice and of the amount of the fees  
or amended fees levied under divisions (B)(1) to (3) of this  
section pursuant to the district's initial or amended plan as so  
approved or, if appropriate, the repeal of the district's fees by  
that initial or amended plan. Collection of any fees set forth in  
such a plan or amended plan shall commence on the first day of  
January immediately following the issuance of the notice. If such  
an initial or amended plan repeals a schedule of fees, collection  
of the fees shall cease on that first day of January.

If, in the case of a change in district composition involving

the withdrawal of a county from a joint district, the director  
completes the actions required under division (G)(1) or (3) of  
section 3734.521 of the Revised Code, as appropriate, less than  
forty-five days before the beginning of a calendar year, the  
director, on behalf of each of the districts resulting from the  
change that obtained the director's approval of an initial or  
amended plan in connection with the change proceedings, shall  
notify by certified mail the owner or operator of each solid waste  
disposal facility that is required to collect the district's fees  
that the change is to take effect on the first day of January  
immediately following the mailing of the notice and of the amount  
of the fees or amended fees levied under divisions (B)(1) to (3)  
of this section pursuant to the district's initial or amended plan  
as so approved or, if appropriate, the repeal of the district's  
fees by that initial or amended plan. Collection of any fees set  
forth in such a plan or amended plan shall commence on the first  
day of the second month following the month in which notification  
is sent to the owner or operator. If such an initial or amended  
plan repeals a schedule of fees, collection of the fees shall  
cease on the first day of the second month following the month in  
which notification is sent to the owner or operator.

If the schedule of fees that a solid waste management  
district is levying under divisions (B)(1) to (3) of this section  
is amended or repealed, the fees in effect immediately prior to  
the amendment or repeal shall continue to be collected until  
collection of the amended fees commences or collection of the  
repealed fees ceases, as applicable, as specified in this  
division. In the case of a change in district composition, money  
so received from the collection of the fees of the former  
districts shall be divided among the resulting districts in  
accordance with division (B) of section 343.012 of the Revised  
Code and the agreements entered into under division (B) of section

343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the

owner or operator of each solid waste disposal facility in the  
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  
of solid waste facilities entered into under section 343.02 of the  
Revised Code by the board of county commissioners or board of  
directors of the county or joint district where the wastes are  
generated and disposed of.

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(3) When solid wastes, other than solid wastes that consist  
of scrap tires, are burned in a disposal facility that is an  
incinerator or energy recovery facility, the fees levied under  
divisions (A), (B), and (C) of this section shall be levied upon  
the disposal of the fly ash and bottom ash remaining after burning  
of the solid wastes and shall be collected by the owner or  
operator of the sanitary landfill where the ash is disposed of.

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(4) When solid wastes are delivered to a solid waste transfer  
facility, the fees levied under divisions (B) and (C) of this  
section shall be levied upon the disposal of solid wastes  
transported off the premises of the transfer facility for disposal  
and shall be collected by the owner or operator of the solid waste  
disposal facility where the wastes are disposed of.

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(5) The fees levied under divisions (A), (B), and (C) of this  
section do not apply to sewage sludge that is generated by a waste  
water treatment facility holding a national pollutant discharge  
elimination system permit and that is disposed of through  
incineration, land application, or composting or at another  
resource recovery or disposal facility that is not a landfill.

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(6) The fees levied under divisions (A), (B), and (C) of this  
section do not apply to solid wastes delivered to a solid waste  
composting facility for processing. When any unprocessed solid  
waste or compost product is transported off the premises of a  
composting facility and disposed of at a landfill, the fees levied  
under divisions (A), (B), and (C) of this section shall be

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collected by the owner or operator of the landfill where the 20258  
unprocessed waste or compost product is disposed of. 20259

(7) When solid wastes that consist of scrap tires are 20260  
processed at a scrap tire recovery facility, the fees levied under 20261  
divisions (A), (B), and (C) of this section shall be levied upon 20262  
the disposal of the fly ash and bottom ash or other solid wastes 20263  
remaining after the processing of the scrap tires and shall be 20264  
collected by the owner or operator of the solid waste disposal 20265  
facility where the ash or other solid wastes are disposed of. 20266

(8) The director of environmental protection may issue an 20267  
order exempting from the fees levied under this section solid 20268  
wastes, including, but not limited to, scrap tires, that are 20269  
generated, transferred, or disposed of as a result of a contract 20270  
providing for the expenditure of public funds entered into by the 20271  
administrator or regional administrator of the United States 20272  
environmental protection agency, the director of environmental 20273  
protection, or the director of administrative services on behalf 20274  
of the director of environmental protection for the purpose of 20275  
remediating conditions at a hazardous waste facility, solid waste 20276  
facility, or other location at which the administrator or regional 20277  
administrator or the director of environmental protection has 20278  
reason to believe that there is a substantial threat to public 20279  
health or safety or the environment or that the conditions are 20280  
causing or contributing to air or water pollution or soil 20281  
contamination. An order issued by the director of environmental 20282  
protection under division (D)(8) of this section shall include a 20283  
determination that the amount of the fees not received by a solid 20284  
waste management district as a result of the order will not 20285  
adversely impact the implementation and financing of the 20286  
district's approved solid waste management plan and any approved 20287  
amendments to the plan. Such an order is a final action of the 20288  
director of environmental protection. 20289

(E) The fees levied under divisions (B) and (C) of this 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 20322  
be kept by the board in a separate and distinct fund to the credit 20323  
of the district. Moneys in the special fund of the county or joint 20324  
district arising from the fees levied under division (B) of this 20325  
section and the fee levied under division (A) of section 3734.573 20326  
of the Revised Code shall be expended by the board of county 20327  
commissioners or directors of the district in accordance with the 20328  
district's solid waste management plan or amended plan approved 20329  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 20330  
exclusively for the following purposes: 20331

(1) Preparation of the solid waste management plan of the 20332  
district under section 3734.54 of the Revised Code, monitoring 20333  
implementation of the plan, and conducting the periodic review and 20334  
amendment of the plan required by section 3734.56 of the Revised 20335  
Code by the solid waste management policy committee; 20336

(2) Implementation of the approved solid waste management 20337  
plan or amended plan of the district, including, without 20338  
limitation, the development and implementation of solid waste 20339  
recycling or reduction programs; 20340

(3) Providing financial assistance to boards of health within 20341  
the district, if solid waste facilities are located within the 20342  
district, for enforcement of this chapter and rules, orders, and 20343  
terms and conditions of permits, licenses, and variances adopted 20344  
or issued under it, other than the hazardous waste provisions of 20345  
this chapter and rules adopted and orders and terms and conditions 20346  
of permits issued under those provisions; 20347

(4) Providing financial assistance to each county within the 20348  
district to defray the added costs of maintaining roads and other 20349  
public facilities and of providing emergency and other public 20350  
services resulting from the location and operation of a solid 20351  
waste facility within the county under the district's approved 20352

solid waste management plan or amended plan; 20353

(5) Pursuant to contracts entered into with boards of health 20354  
within the district, if solid waste facilities contained in the 20355  
district's approved plan or amended plan are located within the 20356  
district, for paying the costs incurred by those boards of health 20357  
for collecting and analyzing samples from public or private water 20358  
wells on lands adjacent to those facilities; 20359

(6) Developing and implementing a program for the inspection 20360  
of solid wastes generated outside the boundaries of this state 20361  
that are disposed of at solid waste facilities included in the 20362  
district's approved solid waste management plan or amended plan; 20363

(7) Providing financial assistance to boards of health within 20364  
the district for the enforcement of section 3734.03 of the Revised 20365  
Code or to local law enforcement agencies having jurisdiction 20366  
within the district for enforcing anti-littering laws and 20367  
ordinances; 20368

(8) Providing financial assistance to boards of health of 20369  
health districts within the district that are on the approved list 20370  
under section 3734.08 of the Revised Code to defray the costs to 20371  
the health districts for the participation of their employees 20372  
responsible for enforcement of the solid waste provisions of this 20373  
chapter and rules adopted and orders and terms and conditions of 20374  
permits, licenses, and variances issued under those provisions in 20375  
the training and certification program as required by rules 20376  
adopted under division (L) of section 3734.02 of the Revised Code; 20377

(9) Providing financial assistance to individual municipal 20378  
corporations and townships within the district to defray their 20379  
added costs of maintaining roads and other public facilities and 20380  
of providing emergency and other public services resulting from 20381  
the location and operation within their boundaries of a 20382  
composting, energy or resource recovery, incineration, or 20383

recycling facility that either is owned by the district or is 20384  
furnishing solid waste management facility or recycling services 20385  
to the district pursuant to a contract or agreement with the board 20386  
of county commissioners or directors of the district; 20387

(10) Payment of any expenses that are agreed to, awarded, or 20388  
ordered to be paid under section 3734.35 of the Revised Code and 20389  
of any administrative costs incurred pursuant to that section. In 20390  
the case of a joint solid waste management district, if the board 20391  
of county commissioners of one of the counties in the district is 20392  
negotiating on behalf of affected communities, as defined in that 20393  
section, in that county, the board shall obtain the approval of 20394  
the board of directors of the district in order to expend moneys 20395  
for administrative costs incurred. 20396

Prior to the approval of the district's solid waste 20397  
management plan under section 3734.55 of the Revised Code, moneys 20398  
in the special fund of the district arising from the fees shall be 20399  
expended for those purposes in the manner prescribed by the solid 20400  
waste management policy committee by resolution. 20401

Notwithstanding division (G)(6) of this section as it existed 20402  
prior to October 29, 1993, or any provision in a district's solid 20403  
waste management plan prepared in accordance with division 20404  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 20405  
prior to that date, any moneys arising from the fees levied under 20406  
division (B)(3) of this section prior to January 1, 1994, may be 20407  
expended for any of the purposes authorized in divisions (G)(1) to 20408  
(10) of this section. 20409

(H) The director shall adopt rules in accordance with Chapter 20410  
119. of the Revised Code prescribing procedures for collecting and 20411  
forwarding the fees levied under divisions (B) and (C) of this 20412  
section to the boards of county commissioners or directors of 20413  
county or joint solid waste management districts and to the 20414

treasurers or other officers of municipal corporations and the 20415  
fiscal officers of townships. The rules also shall prescribe the 20416  
dates for forwarding the fees to the boards and officials and may 20417  
prescribe any other requirements the director considers necessary 20418  
or appropriate to implement and administer divisions (A), (B), and 20419  
(C) of this section. 20420

**Sec. 3735.67.** (A) The owner of real property located in a 20421  
community reinvestment area and eligible for exemption from 20422  
taxation under a resolution adopted pursuant to section 3735.66 of 20423  
the Revised Code may file an application for an exemption from 20424  
real property taxation of a percentage of the assessed valuation 20425  
of a new structure or remodeling, completed after the effective 20426  
date of the resolution adopted pursuant to section 3735.66 of the 20427  
Revised Code, with the housing officer designated pursuant to 20428  
section 3735.66 of the Revised Code for the community reinvestment 20429  
area in which the property is located. If any part of the new 20430  
structure or remodeling that would be exempted is of real property 20431  
to be used for commercial or industrial purposes, the legislative 20432  
authority and the owner of the property shall enter into a written 20433  
agreement pursuant to section 3735.671 of the Revised Code prior 20434  
to commencement of construction or remodeling; if such an 20435  
agreement is subject to approval by the board of education of the 20436  
school district within the territory of which the property is or 20437  
will be located, the agreement shall not be formally approved by 20438  
the legislative authority until the board of education approves 20439  
the agreement in the manner prescribed by that section. 20440

(B) The housing officer shall verify the construction of the 20441  
new structure or the cost of the remodeling and the facts asserted 20442  
in the application. The housing officer shall determine whether 20443  
the construction or the cost of the remodeling meets the 20444  
requirements for an exemption under this section. In cases 20445

involving a structure of historical or architectural significance, 20446  
the housing officer shall not determine whether the remodeling 20447  
meets the requirements for a tax exemption unless the 20448  
appropriateness of the remodeling has been certified, in writing, 20449  
by the society, association, agency, or legislative authority that 20450  
has designated the structure or by any organization or person 20451  
authorized, in writing, by such society, association, agency, or 20452  
legislative authority to certify the appropriateness of the 20453  
remodeling. 20454

(C) If the construction or remodeling meets the requirements 20455  
for exemption, the housing officer shall forward the application 20456  
to the county auditor with a certification as to the division of 20457  
this section under which the exemption is granted, and the period 20458  
and percentage of the exemption as determined by the legislative 20459  
authority pursuant to that division. If the construction or 20460  
remodeling is of commercial or industrial property and the 20461  
legislative authority is not required to certify a copy of a 20462  
resolution under section 3735.671 of the Revised Code, the housing 20463  
officer shall comply with the notice requirements prescribed under 20464  
section 5709.83 of the Revised Code, unless the board has adopted 20465  
a resolution under that section waiving its right to receive such 20466  
a notice. 20467

(D) The Except as provided in division (F) of this section, 20468  
the tax exemption shall first apply in the year the construction 20469  
or remodeling would first be taxable but for this section. In the 20470  
case of remodeling that qualifies for exemption, a percentage, not 20471  
to exceed one hundred per cent, of the amount by which the 20472  
remodeling increased the assessed value of the structure shall be 20473  
exempted from real property taxation. In the case of construction 20474  
of a structure that qualifies for exemption, a percentage, not to 20475  
exceed one hundred per cent, of the assessed value of the 20476  
structure shall be exempted from real property taxation. In either 20477

case, the percentage shall be the percentage set forth in the 20478  
agreement if the structure or remodeling is to be used for 20479  
commercial or industrial purposes, or the percentage set forth in 20480  
the resolution describing the community reinvestment area if the 20481  
structure or remodeling is to be used for residential purposes. 20482

The construction of new structures and the remodeling of 20483  
existing structures are hereby declared to be a public purpose for 20484  
which exemptions from real property taxation may be granted for 20485  
the following periods: 20486

(1) For every dwelling containing not more than two family 20487  
units located within the same community reinvestment area and upon 20488  
which the cost of remodeling is at least two thousand five hundred 20489  
dollars, a period to be determined by the legislative authority 20490  
adopting the resolution describing the community reinvestment area 20491  
where the dwelling is located, but not exceeding ten years; 20492

(2) For every dwelling containing more than two units and 20493  
commercial or industrial properties, located within the same 20494  
community reinvestment area, upon which the cost of remodeling is 20495  
at least five thousand dollars, a period to be determined by the 20496  
legislative authority adopting the resolution, but not exceeding 20497  
twelve years; 20498

(3) ~~For~~ Except as provided in division (F) of this section, 20499  
for construction of every dwelling, and commercial or industrial 20500  
structure located within the same community reinvestment area, a 20501  
period to be determined by the legislative authority adopting the 20502  
resolution, but not exceeding fifteen years. 20503

(E) Any person, board, or officer authorized by section 20504  
5715.19 of the Revised Code to file complaints with the county 20505  
board of revision may file a complaint with the housing officer 20506  
challenging the continued exemption of any property granted an 20507  
exemption under this section. A complaint against exemption shall 20508

be filed prior to the thirty-first day of December of the tax year 20509  
for which taxation of the property is requested. The housing 20510  
officer shall determine whether the property continues to meet the 20511  
requirements for exemption and shall certify the housing officer's 20512  
findings to the complainant. If the housing officer determines 20513  
that the property does not meet the requirements for exemption, 20514  
the housing officer shall notify the county auditor, who shall 20515  
correct the tax list and duplicate accordingly. 20516

(F) The owner of a dwelling constructed in a community 20517  
reinvestment area may file an application for an exemption after 20518  
the year the construction first became subject to taxation. The 20519  
application shall be processed in accordance with the procedures 20520  
prescribed under this section and shall be granted if the 20521  
construction that is the subject of the application otherwise 20522  
meets the requirements for an exemption under this section. If 20523  
approved, the exemption sought in the application first applies in 20524  
the year the application is filed. An exemption approved pursuant 20525  
to this division continues only for those years remaining in the 20526  
period described in division (D)(3) of this section. No exemption 20527  
may be claimed for any year in that period that precedes the year 20528  
in which the application is filed. 20529

**Sec. 3745.114.** (A) A person that applies for a section 401 20530  
water quality certification under Chapter 6111. of the Revised 20531  
Code and rules adopted under it shall pay an application fee of 20532  
two hundred dollars at the time of application plus any of the 20533  
following fees, as applicable: 20534

(1) If the water resource to be impacted is a wetland, a 20535  
review fee of five hundred dollars per acre of wetland to be 20536  
impacted; 20537

(2) If the water resource to be impacted is a stream one of 20538  
the following fees, as applicable: 20539

(a) For an ephemeral stream, a review fee of five dollars per 20540  
linear foot of stream to be impacted, or two hundred dollars, 20541  
whichever is greater; 20542

(b) For an intermittent stream, a review fee of ten dollars 20543  
per linear foot of stream to be impacted, or two hundred dollars, 20544  
whichever is greater; 20545

(c) For a perennial stream, a review fee of fifteen dollars 20546  
per linear foot of stream to be impacted, or two hundred dollars, 20547  
whichever is greater. 20548

(3) If the water resource to be impacted is a lake, a review 20549  
fee of three dollars per cubic yard of dredged or fill material to 20550  
be moved. 20551

(B) One-half of all applicable review fees levied under this 20552  
section shall be due at the time of application for a section 401 20553  
water quality certification. The remainder of the fees shall be 20554  
paid upon the final disposition of the application for a section 20555  
401 water quality certification. The total fee to be paid under 20556  
this section shall not exceed twenty-five thousand dollars per 20557  
application. However, if the applicant is a county, township, or 20558  
municipal corporation in this state, the total fee to be paid 20559  
shall not exceed five thousand dollars per application. 20560

(C) All money collected under this section shall be 20561  
transmitted to the treasurer of state for deposit into the state 20562  
treasury to the credit of the surface water protection fund 20563  
created in section 6111.038 of the Revised Code. 20564

(D) The fees established under this section do not apply to 20565  
any state agency as defined in section 119.01 of the Revised Code 20566  
or to the United States army corps of engineers. 20567

(E) The fees established under this section do not apply to 20568  
projects that are authorized by the environmental protection 20569

agency's general certifications of nationwide permits or general 20570  
permits issued by the United States army corps of engineers. As 20571  
used in this division, "general permit" and "nationwide permit" 20572  
have the same meanings as in rules adopted under Chapter 6111. of 20573  
the Revised Code. 20574

(F) Coal mining and reclamation operations that are 20575  
authorized under Chapter 1513. of the Revised Code are exempt from 20576  
the fees established under this ~~seciton~~ section for one year after 20577  
~~the effective date of this seciton~~ the effective date of this 20578  
amendment. 20579

(G) As used in this section: 20580

(1) "Ephemeral stream" means a stream that flows only in 20581  
direct response to precipitation in the immediate watershed or in 20582  
response to the melting of a cover of snow and ice and that has 20583  
channel bottom that is always above the local water table. 20584

(2) "Intermittent stream" means a stream that is below the 20585  
local water table and flows for at least a part of each year and 20586  
that obtains its flow from both surface runoff and ground water 20587  
discharge. 20588

(3) "Perennial stream" means a stream or a part of a stream 20589  
that flows continuously during all of the calendar year as a 20590  
result of ground water discharge or surface water runoff. 20591  
"Perennial stream" does not include an intermittent stream or an 20592  
ephemeral stream. 20593

**Sec. 3769.087.** (A) In addition to the commission of eighteen 20594  
per cent retained by each permit holder as provided in section 20595  
3769.08 of the Revised Code, each permit holder shall retain an 20596  
additional amount equal to four per cent of the total of all 20597  
moneys wagered on each racing day on all wagering pools other than 20598  
win, place, and show, of which amount retained an amount equal to 20599

three per cent of the total of all moneys wagered on each racing 20600  
day on those pools shall be paid by check, draft, or money order 20601  
to the tax commissioner, as a tax. Subject to the restrictions 20602  
contained in divisions (B), (C), and (M) of section 3769.08 of the 20603  
Revised Code, from such additional moneys paid to the tax 20604  
commissioner: 20605

(1) Four-sixths shall be allocated to fund distribution as 20606  
provided in division (M) of section 3769.08 of the Revised Code. 20607

(2) One-twelfth shall be paid into the Ohio fairs fund 20608  
created by section 3769.082 of the Revised Code. 20609

(3) One-twelfth of the additional moneys paid to the tax 20610  
commissioner by thoroughbred racing permit holders shall be paid 20611  
into the Ohio thoroughbred race fund created by section 3769.083 20612  
of the Revised Code. 20613

(4) One-twelfth of the additional moneys paid to the tax 20614  
commissioner by harness horse racing permit holders shall be paid 20615  
to the Ohio standardbred development fund created by section 20616  
3769.085 of the Revised Code. 20617

(5) One-twelfth of the additional moneys paid to the tax 20618  
commissioner by quarter horse racing permit holders shall be paid 20619  
to the Ohio quarter horse development fund created by section 20620  
3769.086 of the Revised Code. 20621

(6) One-sixth shall be paid into the state racing commission 20622  
operating fund created by section 3769.03 of the Revised Code. 20623

The remaining one per cent that is retained of the total of 20624  
all moneys wagered on each racing day on all pools other than win, 20625  
place, and show, shall be retained by racing permit holders, and, 20626  
except as otherwise provided in section 3769.089 of the Revised 20627  
Code, racing permit holders shall use one-half for purse money and 20628  
retain one-half. 20629

(B) In addition to the commission of eighteen per cent 20630  
retained by each permit holder as provided in section 3769.08 of 20631  
the Revised Code and the additional amount retained by each permit 20632  
holder as provided in division (A) of this section, each permit 20633  
holder shall retain an additional amount equal to one-half of one 20634  
per cent of the total of all moneys wagered on each racing day on 20635  
all wagering pools other than win, place, and show. Except as 20636  
provided in division (C) of this section, from the additional 20637  
amount retained under this division, each permit holder shall 20638  
retain an amount equal to one-quarter of one per cent of the total 20639  
of all moneys wagered on each racing day on all pools other than 20640  
win, place, and show and shall pay that amount by check, draft, or 20641  
money order to the tax commissioner, as a tax. The tax 20642  
commissioner shall pay the amount of the tax received under this 20643  
division to the state racing commission operating fund created by 20644  
section 3769.03 of the Revised Code. 20645

Except as provided in division (C) of this section, the 20646  
remaining one-quarter of one per cent that is retained from the 20647  
total of all moneys wagered on each racing day on all pools other 20648  
than win, place, and show shall be retained by the permit holder, 20649  
and the permit holder shall use one-half for purse money and 20650  
retain one-half. 20651

(C) During the period commencing on July 1, ~~2003~~ 2006, and 20652  
ending on and including June 30, ~~2005~~ 2007, the additional amount 20653  
retained by each permit holder under division (B) of this section 20654  
shall be paid by check, draft, or money order to the tax 20655  
commissioner, as a tax. The tax commissioner shall pay the amount 20656  
of the tax received under this division to the state racing 20657  
commission operating fund created by section 3769.03 of the 20658  
Revised Code. 20659

**Sec. 3901.383.** (A) A provider and a third-party payer may do 20660

either of the following: 20661

~~(A)(1)~~ Enter into a contractual agreement ~~in~~ under which 20662  
~~payment of any amount due for rendering health care services is to~~ 20663  
~~be made by the third-party payer within~~ time periods shorter than 20664  
those set forth in section 3901.381 of the Revised Code are 20665  
applicable to the third-party payer in paying a claim for any 20666  
amount due for health care services rendered by the provider; 20667

~~(B)(2)~~ Enter into a contractual agreement ~~in~~ under which the 20668  
timing of payments by the third-party payer is not directly 20669  
related to the receipt of a claim form. The contractual 20670  
arrangement may include periodic interim payment arrangements, 20671  
capitation payment arrangements, or other periodic payment 20672  
arrangements acceptable to the provider and the third-party payer. 20673  
Under a capitation payment arrangement, the third-party payer 20674  
shall begin paying the capitated amounts to the beneficiary's 20675  
primary care provider not later than sixty days after the date the 20676  
beneficiary selects or is assigned to the provider. Under any 20677  
other contractual periodic payment arrangement, the contractual 20678  
agreement shall state, with specificity, the timing of payments by 20679  
the third-party payer. 20680

(B) Regardless of whether a third-party payer is exempted 20681  
under division (D) of section 3901.3814 from sections 3901.38 and 20682  
3901.381 to 3901.3813 of the Revised Code, a provider and the 20683  
third-party payer, including a third-party payer that provides 20684  
coverage under the medicaid program, shall not enter into a 20685  
contractual arrangement under which time periods longer than those 20686  
provided for in paragraph (c)(1) of 42 C.F.R. 447.46 are 20687  
applicable to the third-party payer in paying a claim for any 20688  
amount due for health care services rendered by the provider. 20689

**Sec. 3901.3814.** Sections 3901.38 and 3901.381 to 3901.3813 of 20690

the Revised Code do not apply to the following: 20691

(A) Policies offering coverage that is regulated under 20692  
Chapters 3935. and 3937. of the Revised Code; 20693

(B) An employer's self-insurance plan and any of its 20694  
administrators, as defined in section 3959.01 of the Revised Code, 20695  
to the extent that federal law supersedes, preempts, prohibits, or 20696  
otherwise precludes the application of any provisions of those 20697  
sections to the plan and its administrators; 20698

(C)~~(1)~~ A third-party payer for coverage provided under the 20699  
medicare advantage program operated under Title XVIII of the 20700  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 20701  
amended; 20702

~~(2)~~(D) A third-party payer for coverage provided under the 20703  
medicaid program operated under Title XIX of the "Social Security 20704  
Act," except that if a federal waiver applied for under section 20705  
~~5101.93~~ 5111.178 of the Revised Code is granted or the director of 20706  
job and family services determines that this provision can be 20707  
implemented without a waiver, sections 3901.38 and 3901.381 to 20708  
3901.3813 of the Revised Code apply to claims submitted 20709  
electronically or non-electronically that are made with respect to 20710  
coverage of medicaid recipients by health insuring corporations 20711  
licensed under Chapter 1751. of the Revised Code, instead of the 20712  
prompt payment requirements of 42 C.F.R. 447.46; 20713

~~(D)~~(E) A third-party payer for coverage provided under the 20714  
tricare program offered by the United States department of 20715  
defense. 20716

**Sec. 3905.43.** No person, firm, association, partnership, 20717  
company, or corporation shall publish or distribute or receive and 20718  
print for publication or distribution any advertising matter in 20719  
which insurance business is solicited, unless such advertiser has 20720

complied with the laws of this state regulating the business of 20721  
insurance, ~~and a certificate of such compliance is issued by the~~ 20722  
~~superintendent of insurance.~~ 20723

**Sec. 3917.04.** (A)(1) If any employee of a political 20724  
subdivision or district of this state, or of an institution 20725  
supported in whole or in part by public funds, ~~or any employee of~~ 20726  
~~this state,~~ authorizes in writing the ~~auditor or other~~ proper 20727  
officer of the political subdivision, district, or institution, ~~or~~ 20728  
~~the state,~~ of which ~~he~~ the individual is an employee, to deduct 20729  
from ~~his~~ the employee's salary or wages the premium or portion 20730  
~~thereof~~ of the premium agreed to be paid by ~~him~~ the employee to an 20731  
insurer authorized to do business in the state for life, 20732  
endowment, accident, health, or health and accident insurance, 20733  
annuities, or hospitalization insurance, or salary savings plan, 20734  
~~such~~ the political subdivision, district, or institution, ~~or the~~ 20735  
~~state~~ of which ~~he~~ the individual is an employee may deduct from 20736  
~~his~~ the employee's salary or wages ~~such~~ the premium, or portion 20737  
~~thereof,~~ of the premium agreed to be paid by ~~said~~ that employee, 20738  
and pay ~~the same~~ it to the insurer, provided, that life, 20739  
endowment, accident, health, health and accident, and 20740  
hospitalization insurance is offered to the employee on a group 20741  
basis and also that at least ten per cent of the employees at any 20742  
institution, or of any political subdivision, or in any 20743  
department, agency, bureau, district, commission, or board 20744  
voluntarily elect to participate in ~~such~~ that group insurance. 20745

Division (A)(1) of this section does not apply to employees 20746  
paid by warrant of the director of budget and management. 20747

(2) The ~~auditor or other~~ proper ~~official~~ officer of ~~such a~~ 20748  
political subdivision, district, or institution, ~~or the state~~ of 20749  
which ~~he~~ an individual is an employee may issue warrants covering 20750  
salary or wage deductions ~~which~~ that have been authorized by ~~such~~ 20751

the employee in favor of the insurer and in the amount so 20752  
authorized by the employee. 20753

(B)(1) The department of administrative services shall only 20754  
offer employees paid by warrant of the director of budget and 20755  
management voluntary supplemental benefit plans that are selected 20756  
through a state-administered request for proposals process. If an 20757  
employee authorizes the director of administrative services, in 20758  
writing, to deduct the premium or a portion of the premium agreed 20759  
to be paid by the employee to a voluntary supplemental benefit 20760  
plan provider from the employee's salary or wages, the director 20761  
may deduct this amount from the employee's salary or wages and pay 20762  
it to the provider. Only those employees enrolled in a voluntary 20763  
supplemental benefit plan on or before the effective date of this 20764  
amendment may continue to participate in a plan that was not 20765  
selected through a state-administered request for proposals 20766  
process. 20767

(2) The director of budget and management may issue warrants 20768  
covering salary or wage deductions that have been authorized by 20769  
employees paid by warrant of the director in favor of the 20770  
voluntary supplemental benefit plan provider in the amount 20771  
authorized by those employees. 20772

**Sec. 4109.01.** As used in this chapter: 20773

(A) "Employ" means to permit or suffer to work. 20774

(B) "Employer" means the state, its political subdivisions, 20775  
and every person who employs any individual. 20776

(C) "Enforcement official" means the director of commerce or 20777  
the director's authorized representative, the superintendent of 20778  
public instruction or the superintendent's authorized 20779  
representative, any school attendance officer, any probation 20780  
officer, the director of health or the director of health's 20781

authorized representative, and any representative of a local  
department of health. 20782  
20783

(D) "Minor" means any person less than eighteen years of age. 20784

(E) "Seasonal amusement or recreational establishment" means  
both of the following: 20785  
20786

(1) An amusement or recreational establishment that does not  
operate for more than seven months in any calendar year; 20787  
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(2) An amusement or recreational establishment whose average  
receipts for any six months during the preceding calendar year  
were not more than thirty-three and one-third per cent of its  
average receipts for the other six months of that calendar year. 20789  
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**Sec. 4109.02.** (A) Except as provided in division (B) of this  
section or in section 4109.06 of the Revised Code, no minor of  
compulsory school age shall be employed by any employer unless the  
minor presents to the employer a proper age and schooling  
certificate as a condition of employment. 20793  
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A valid certificate constitutes conclusive evidence of the  
age of the minor and of the employer's right to employ the minor  
in occupations not denied by law to minors of that age under  
section 4109.06 of the Revised Code or rules adopted under that  
section. 20798  
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(B) ~~The following minors~~ Minors aged sixteen or seventeen are  
not required to provide an age and schooling certificate as a  
condition of employment+ 20803  
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~~(1) Those who~~ if they are to be employed during summer  
vacation months after the last day of the school term in the  
spring and before the first day of the school term in the fall, in  
nonagricultural and nonhazardous employment as defined by the  
"Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A.  
201, and similar state statutes, or in other employment not 20806  
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prohibited to minors age sixteen or seventeen by law+ 20812

~~(2) Unless required by the superintendent of schools of the 20813  
school district where the minor resides or by the chief 20814  
administrative officer of the nonpublic or community school the 20815  
child attends, those who are to be employed not more than two 20816  
months before the last day of the school term in the spring and 20817  
not more than two months after the first day of the school term in 20818  
the fall by a seasonal amusement or recreational establishment, on 20819  
the condition that the following are satisfied: 20820~~

~~(a) For the period prior to Memorial day and after Labor day 20821  
while school is in session, they are to be employed only for hours 20822  
that occur between the end of the school day on Friday and eleven 20823  
p.m. on Sunday. 20824~~

~~(b) For the period from Memorial day until the last day of 20825  
the school term in the spring and from the first day of the school 20826  
term in the fall until Labor day, they are to be employed only for 20827  
hours that occur between the end of the school day and nine p.m. 20828  
on Monday through Thursday and only for hours that occur between 20829  
the end of the school day on Friday and eleven p.m. on Sunday. 20830~~

(C) To be hired for the type of employment described in 20831  
division (B) of this section, minors shall provide the employer 20832  
with the following: 20833

(1) Evidence of proof of age in the same manner as proof of 20834  
age is provided the superintendent of schools or chief 20835  
administrative officer under division (A)(3) of section 3331.02 of 20836  
the Revised Code; 20837

(2) A statement signed by the minor's parent or guardian 20838  
consenting to the proposed employment. For the purposes of this 20839  
section, in the absence of a parent or guardian, a person over 20840  
eighteen years of age with whom the minor resides may sign the 20841  
statement. 20842

~~(3) An age and schooling certificate if one is required under  
division (B)(2) of this section by the superintendent of schools  
of the school district where the minor resides or by the chief  
administrative officer of the nonpublic or community school the  
child attends.~~

~~(D) As used in this section:~~

~~(1) "Labor day" and "Memorial day" have the same meanings as  
provided for those days in section 1.14 of the Revised Code.~~

~~(2) "Seasonal amusement or recreational establishment" means  
both of the following:~~

~~(a) An amusement or recreational establishment that does not  
operate for more than seven months in any calendar year;~~

~~(b) An amusement or recreational establishment whose average  
receipts for any six months during the preceding calendar year  
were not more than thirty three and one third per cent of its  
average receipts for the other six months of that calendar year.~~

**Sec. 4109.06.** (A) This chapter does not apply to the  
following:

(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;

(2) Students participating in a vocational program approved  
by the Ohio department of education;

(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	20872
the Revised Code;	20873
(4) The participation, without remuneration of a minor and	20874
with the consent of a parent or guardian, in a performance given	20875
by a church, school, or academy, or at a concert or entertainment	20876
given solely for charitable purposes, or by a charitable or	20877
religious institution;	20878
(5) Minors who are employed by their parents in occupations	20879
other than occupations prohibited by rule adopted under this	20880
chapter;	20881
(6) Minors engaged in the delivery of newspapers to the	20882
consumer;	20883
(7) Minors who have received a high school diploma or a	20884
certificate of attendance from an accredited secondary school or a	20885
certificate of high school equivalence;	20886
(8) Minors who are currently heads of households or are	20887
parents contributing to the support of their children;	20888
(9) Minors engaged in lawn mowing, snow shoveling, and other	20889
related employment;	20890
(10) Minors employed in agricultural employment in connection	20891
with farms operated by their parents, grandparents, or guardians	20892
where they are members of the guardians' household. Minors are not	20893
exempt from this chapter if they reside in agricultural labor	20894
camps as defined in section 3733.41 of the Revised Code;	20895
(11) Students participating in a program to serve as precinct	20896
officers as authorized by section 3501.22 of the Revised Code.	20897
(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the	20898
Revised Code do not apply to the following:	20899
(1) Minors who work in a sheltered workshop operated by a	20900
county board of mental retardation;	20901

(2) Minors performing services for a nonprofit organization 20902  
where the minor receives no compensation, except for any expenses 20903  
incurred by the minor or except for meals provided to the minor; 20904

(3) Minors who are employed in agricultural employment and 20905  
who do not reside in agricultural labor camps. 20906

(C) Division (D) of section 4109.07 of the Revised Code does 20907  
not apply to minors who have their employment hours established as 20908  
follows: 20909

(1) A minor adjudicated to be an unruly child or delinquent 20910  
child who, as a result of the adjudication, is placed on probation 20911  
may either file a petition in the juvenile court in whose 20912  
jurisdiction the minor resides, or apply to the superintendent or 20913  
to the chief administrative officer who issued the minor's age and 20914  
schooling certificate pursuant to section 3331.01 of the Revised 20915  
Code, alleging the restrictions on the hours of employment 20916  
described in division (D) of section 4109.07 of the Revised Code 20917  
will cause a substantial hardship or are not in the minor's best 20918  
interests. Upon receipt of a petition or application, the court, 20919  
the superintendent, or the chief administrative officer, as 20920  
appropriate, shall consult with the person required to supervise 20921  
the minor on probation. If after that consultation, the court, the 20922  
superintendent, or the chief administrative officer finds the 20923  
minor has failed to show the restrictions will result in a 20924  
substantial hardship or that the restrictions are not in the 20925  
minor's best interests, the court, the superintendent, or the 20926  
chief administrative officer shall uphold the restrictions. If 20927  
after that consultation, the court, the superintendent, or the 20928  
chief administrative officer finds the minor has shown the 20929  
restricted hours will cause a substantial hardship or are not in 20930  
the minor's best interests, the court, the superintendent, or the 20931  
chief administrative officer shall establish differing hours of 20932  
employment for the minor and notify the minor and the minor's 20933

employer of those hours, which shall be binding in lieu of the 20934  
restrictions on the hours of employment described in division (D) 20935  
of section 4109.07 of the Revised Code. 20936

(2) Any minor to whom division (C)(1) of this section does 20937  
not apply may either file a petition in the juvenile court in 20938  
whose jurisdiction the person resides, or apply to the 20939  
superintendent or to the chief administrative officer who issued 20940  
the minor's age and schooling certificate pursuant to section 20941  
3331.01 of the Revised Code, alleging the restrictions on the 20942  
hours of employment described in division (D) of section 4109.07 20943  
of the Revised Code will cause a substantial hardship or are not 20944  
in the minor's best interests. 20945

If, as a result of a petition or application, the court, the 20946  
superintendent, or the chief administrative officer, as 20947  
appropriate, finds the minor has failed to show such restrictions 20948  
will result in a substantial hardship or that the restrictions are 20949  
not in the minor's best interests, the court, the superintendent, 20950  
or the chief administrative officer shall uphold the restrictions. 20951  
If the court, the superintendent, or the chief administrative 20952  
officer finds the minor has shown the restricted hours will cause 20953  
a substantial hardship or are not in the minor's best interests, 20954  
the court, the superintendent, or the chief administrative officer 20955  
shall establish the hours of employment for the minor and shall 20956  
notify the minor and the minor's employer of those hours. 20957

(D) Section 4109.03, divisions (A) and (C) of section 20958  
4109.02, and division (B) of section 4109.08 of the Revised Code 20959  
do not apply to minors who are sixteen or seventeen years of age 20960  
and who are employed at a seasonal amusement or recreational 20961  
establishment. 20962

(E) As used in this section, "certificate of high school 20963  
equivalence" means a statement issued by the state board of 20964

education or an equivalent agency of another state that the holder 20965  
of the statement has achieved the equivalent of a high school 20966  
education as measured by scores obtained on the tests of general 20967  
educational development published by the American council on 20968  
education. 20969

**Sec. 4117.01.** As used in this chapter: 20970

(A) "Person," in addition to those included in division (C) 20971  
of section 1.59 of the Revised Code, includes employee 20972  
organizations, public employees, and public employers. 20973

(B) "Public employer" means the state or any political 20974  
subdivision of the state located entirely within the state, 20975  
including, without limitation, any municipal corporation with a 20976  
population of at least five thousand according to the most recent 20977  
federal decennial census; county; township with a population of at 20978  
least five thousand in the unincorporated area of the township 20979  
according to the most recent federal decennial census; school 20980  
district; governing authority of a community school established 20981  
under Chapter 3314. of the Revised Code; state institution of 20982  
higher learning; public or special district; state agency, 20983  
authority, commission, or board; or other branch of public 20984  
employment. 20985

(C) "Public employee" means any person holding a position by 20986  
appointment or employment in the service of a public employer, 20987  
including any person working pursuant to a contract between a 20988  
public employer and a private employer and over whom the national 20989  
labor relations board has declined jurisdiction on the basis that 20990  
the involved employees are employees of a public employer, except: 20991

(1) Persons holding elective office; 20992

(2) Employees of the general assembly and employees of any 20993  
other legislative body of the public employer whose principal 20994

duties are directly related to the legislative functions of the	20995
body;	20996
(3) Employees on the staff of the governor or the chief	20997
executive of the public employer whose principal duties are	20998
directly related to the performance of the executive functions of	20999
the governor or the chief executive;	21000
(4) Persons who are members of the Ohio organized militia,	21001
while training or performing duty under section 5919.29 or 5923.12	21002
of the Revised Code;	21003
(5) Employees of the state employment relations board;	21004
(6) Confidential employees;	21005
(7) Management level employees;	21006
(8) Employees and officers of the courts, assistants to the	21007
attorney general, assistant prosecuting attorneys, and employees	21008
of the clerks of courts who perform a judicial function;	21009
(9) Employees of a public official who act in a fiduciary	21010
capacity, appointed pursuant to section 124.11 of the Revised	21011
Code;	21012
(10) Supervisors;	21013
(11) Students whose primary purpose is educational training,	21014
including graduate assistants or associates, residents, interns,	21015
or other students working as part-time public employees less than	21016
fifty per cent of the normal year in the employee's bargaining	21017
unit;	21018
(12) Employees of county boards of election;	21019
(13) Seasonal and casual employees as determined by the state	21020
employment relations board;	21021
(14) Part-time faculty members of an institution of higher	21022
education;	21023

(15) Employees of the state personnel board of review;	21024
(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;	21025 21026 21027 21028 21029 21030
(17) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	21031 21032 21033
<del>(18) Employees who must be licensed to practice law in this state to perform their duties as employees.</del>	21034 21035
(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.	21036 21037 21038 21039 21040
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.	21041 21042 21043
(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment, provided that:	21044 21045 21046 21047 21048 21049 21050 21051
(1) Employees of school districts who are department chairpersons or consulting teachers shall not be deemed	21052 21053

supervisors; 21054

(2) With respect to members of a police or fire department, 21055  
no person shall be deemed a supervisor except the chief of the 21056  
department or those individuals who, in the absence of the chief, 21057  
are authorized to exercise the authority and perform the duties of 21058  
the chief of the department. Where prior to June 1, 1982, a public 21059  
employer pursuant to a judicial decision, rendered in litigation 21060  
to which the public employer was a party, has declined to engage 21061  
in collective bargaining with members of a police or fire 21062  
department on the basis that those members are supervisors, those 21063  
members of a police or fire department do not have the rights 21064  
specified in this chapter for the purposes of future collective 21065  
bargaining. The state employment relations board shall decide all 21066  
disputes concerning the application of division (F)(2) of this 21067  
section. 21068

(3) With respect to faculty members of a state institution of 21069  
higher education, heads of departments or divisions are 21070  
supervisors; however, no other faculty member or group of faculty 21071  
members is a supervisor solely because the faculty member or group 21072  
of faculty members participate in decisions with respect to 21073  
courses, curriculum, personnel, or other matters of academic 21074  
policy; 21075

(4) No teacher as defined in section 3319.09 of the Revised 21076  
Code shall be designated as a supervisor or a management level 21077  
employee unless the teacher is employed under a contract governed 21078  
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 21079  
is assigned to a position for which a license deemed to be for 21080  
administrators under state board rules is required pursuant to 21081  
section 3319.22 of the Revised Code. 21082

(G) "To bargain collectively" means to perform the mutual 21083  
obligation of the public employer, by its representatives, and the 21084

representatives of its employees to negotiate in good faith at 21085  
reasonable times and places with respect to wages, hours, terms, 21086  
and other conditions of employment and the continuation, 21087  
modification, or deletion of an existing provision of a collective 21088  
bargaining agreement, with the intention of reaching an agreement, 21089  
or to resolve questions arising under the agreement. "To bargain 21090  
collectively" includes executing a written contract incorporating 21091  
the terms of any agreement reached. The obligation to bargain 21092  
collectively does not mean that either party is compelled to agree 21093  
to a proposal nor does it require the making of a concession. 21094

(H) "Strike" means continuous concerted action in failing to 21095  
report to duty; willful absence from one's position; or stoppage 21096  
of work in whole from the full, faithful, and proper performance 21097  
of the duties of employment, for the purpose of inducing, 21098  
influencing, or coercing a change in wages, hours, terms, and 21099  
other conditions of employment. "Strike" does not include a 21100  
stoppage of work by employees in good faith because of dangerous 21101  
or unhealthful working conditions at the place of employment that 21102  
are abnormal to the place of employment. 21103

(I) "Unauthorized strike" includes, but is not limited to, 21104  
concerted action during the term or extended term of a collective 21105  
bargaining agreement or during the pendency of the settlement 21106  
procedures set forth in section 4117.14 of the Revised Code in 21107  
failing to report to duty; willful absence from one's position; 21108  
stoppage of work; slowdown, or abstinence in whole or in part from 21109  
the full, faithful, and proper performance of the duties of 21110  
employment for the purpose of inducing, influencing, or coercing a 21111  
change in wages, hours, terms, and other conditions of employment. 21112  
"Unauthorized strike" includes any such action, absence, stoppage, 21113  
slowdown, or abstinence when done partially or intermittently, 21114  
whether during or after the expiration of the term or extended 21115  
term of a collective bargaining agreement or during or after the 21116

pendency of the settlement procedures set forth in section 4117.14 21117  
of the Revised Code. 21118

(J) "Professional employee" means any employee engaged in 21119  
work that is predominantly intellectual, involving the consistent 21120  
exercise of discretion and judgment in its performance and 21121  
requiring knowledge of an advanced type in a field of science or 21122  
learning customarily acquired by a prolonged course in an 21123  
institution of higher learning or a hospital, as distinguished 21124  
from a general academic education or from an apprenticeship; or an 21125  
employee who has completed the courses of specialized intellectual 21126  
instruction and is performing related work under the supervision 21127  
of a professional person to become qualified as a professional 21128  
employee. 21129

(K) "Confidential employee" means any employee who works in 21130  
the personnel offices of a public employer and deals with 21131  
information to be used by the public employer in collective 21132  
bargaining; or any employee who works in a close continuing 21133  
relationship with public officers or representatives directly 21134  
participating in collective bargaining on behalf of the employer. 21135

(L) "Management level employee" means an individual who 21136  
formulates policy on behalf of the public employer, who 21137  
responsibly directs the implementation of policy, or who may 21138  
reasonably be required on behalf of the public employer to assist 21139  
in the preparation for the conduct of collective negotiations, 21140  
administer collectively negotiated agreements, or have a major 21141  
role in personnel administration. Assistant superintendents, 21142  
principals, and assistant principals whose employment is governed 21143  
by section 3319.02 of the Revised Code are management level 21144  
employees. With respect to members of a faculty of a state 21145  
institution of higher education, no person is a management level 21146  
employee because of the person's involvement in the formulation or 21147  
implementation of academic or institution policy. 21148

(M) "Wages" means hourly rates of pay, salaries, or other forms of compensation for services rendered.	21149 21150
(N) "Member of a police department" means a person who is in the employ of a police department of a municipal corporation as a full-time regular police officer as the result of an appointment from a duly established civil service eligibility list or under section 737.15 or 737.16 of the Revised Code, a full-time deputy sheriff appointed under section 311.04 of the Revised Code, a township constable appointed under section 509.01 of the Revised Code, or a member of a township police district police department appointed under section 505.49 of the Revised Code.	21151 21152 21153 21154 21155 21156 21157 21158 21159
(O) "Members of the state highway patrol" means highway patrol troopers and radio operators appointed under section 5503.01 of the Revised Code.	21160 21161 21162
(P) "Member of a fire department" means a person who is in the employ of a fire department of a municipal corporation or a township as a fire cadet, full-time regular firefighter, or promoted rank as the result of an appointment from a duly established civil service eligibility list or under section 505.38, 709.012, or 737.22 of the Revised Code.	21163 21164 21165 21166 21167 21168
(Q) "Day" means calendar day.	21169
<b>Sec. 4123.444.</b> (A) As used in this section and section 4123.445 of the Revised Code:	21170 21171
(1) "Bureau of workers' compensation funds" means any fund specified in Chapter 4121., 4123., 4127., or 4131. of the Revised Code that the administrator of workers' compensation has the authority to invest, in accordance with the administrator's investment authority under section 4123.44 of the Revised Code.	21172 21173 21174 21175 21176
(2) "Investment manager" means any person with whom the administrator of workers' compensation contracts pursuant to	21177 21178

section 4123.44 of the Revised Code to facilitate the investment 21179  
of assets of bureau of workers' compensation funds. 21180

(3) "Business entity" means any person with whom an 21181  
investment manager contracts for the investment of assets of 21182  
bureau of workers' compensation funds. 21183

(4) "Financial or investment crime" means any criminal 21184  
offense involving theft, receiving stolen property, embezzlement, 21185  
forgery, fraud, passing bad checks, money laundering, drug 21186  
trafficking, or any criminal offense involving money or 21187  
securities, as set forth in Chapters 2909., 2911., 2913., 2915., 21188  
2921., 2923., and 2925. of the Revised Code or other law of this 21189  
state, or the laws of any other state or the United States that 21190  
are substantially equivalent to those offenses. 21191

(B)(1) Before entering into a contract with an investment 21192  
manager to invest bureau of workers' compensation funds, the 21193  
administrator shall do both of the following: 21194

(a) Request from any investment manager with whom the 21195  
administrator wishes to contract for those investments a list of 21196  
all employees who will be investing assets of bureau of workers' 21197  
compensation funds. The list shall specify each employee's state 21198  
of residence for the five years prior to the date of the 21199  
administrator's request. 21200

(b) Request that the superintendent of the bureau of criminal 21201  
investigation and identification conduct a criminal records check 21202  
in accordance with this section and section 109.579 of the Revised 21203  
Code with respect to every employee the investment manager names 21204  
in that list. 21205

(2) After an investment manager enters into a contract with 21206  
the administrator to invest bureau of workers' compensation funds 21207  
and before an investment manager enters into a contract with a 21208  
business entity to facilitate those investments, the investment 21209

manager shall request from any business entity with whom the 21210  
investment manager wishes to contract to make those investments a 21211  
list of all employees who will be investing assets of the bureau 21212  
of workers' compensation funds. The list shall specify each 21213  
employee's state of residence for the five years prior to the 21214  
investment manager's request. The investment manager shall forward 21215  
to the administrator the list received from the business entity. 21216  
The administrator shall request the superintendent to conduct a 21217  
criminal records check in accordance with this section and section 21218  
109.579 of the Revised Code with respect to every employee the 21219  
business entity names in that list. Upon receipt of the results of 21220  
the criminal records check, the administrator shall ~~forward a copy~~ 21221  
~~of those results to~~ advise the investment manager whether the 21222  
results were favorable or unfavorable. 21223

(3) If, after a contract has been entered into between the 21224  
administrator and an investment manager or between an investment 21225  
manager and a business entity for the investment of assets of 21226  
bureau of workers' compensation funds, the investment manager or 21227  
business entity wishes to have an employee who was not the subject 21228  
of a criminal records check under division (B)(1) or (B)(2) of 21229  
this section invest assets of the bureau of workers' compensation 21230  
funds, that employee shall be the subject of a criminal records 21231  
check pursuant to this section and section 109.579 of the Revised 21232  
Code prior to handling the investment of assets of those funds. 21233  
The investment manager shall submit to the administrator the name 21234  
of that employee along with the employee's state of residence for 21235  
the five years prior to the date in which the administrator 21236  
requests the criminal records check. The administrator shall 21237  
request that the superintendent conduct a criminal records check 21238  
on that employee pursuant to this section and section 109.579 of 21239  
the Revised Code. 21240

(C)(1) If an employee who is the subject of a criminal 21241

records check pursuant to division (B) of this section has not  
been a resident of this state for the five-year period immediately  
prior to the time the criminal records check is requested or does  
not provide evidence that within that five-year period the  
superintendent has requested information about the employee from  
the federal bureau of investigation in a criminal records check,  
the administrator shall request that the superintendent obtain  
information from the federal bureau of investigation as a part of  
the criminal records check for the employee. If the employee has  
been a resident of this state for at least that five-year period,  
the administrator may, but is not required to, request that the  
superintendent request and include in the criminal records check  
information about that employee from the federal bureau of  
investigation.

(2) The administrator shall provide to an investment manager  
a copy of the form prescribed pursuant to division (C)(1) of  
section 109.579 of the Revised Code and a standard impression  
sheet for each employee for whom a criminal records check must be  
performed, to obtain fingerprint impressions as prescribed  
pursuant to division (C)(2) of section 109.579 of the Revised  
Code. The investment manager shall obtain the completed form and  
impression sheet either directly from each employee or from a  
business entity and shall forward the completed form and sheet to  
the administrator, who shall forward these forms and sheets to the  
superintendent.

(3) Any employee who receives a copy of the form and the  
impression sheet pursuant to division (C)(2) of this section and  
who is requested to complete the form and provide a set of  
fingerprint impressions shall complete the form or provide all the  
information necessary to complete the form and shall complete the  
impression sheets in the manner prescribed in division (C)(2) of  
section 109.579 of the Revised Code.

(D) For each criminal records check the administrator 21274  
requests under this section, at the time the administrator makes a 21275  
request the administrator shall pay to the superintendent the fee 21276  
the superintendent prescribes pursuant to division (E) of section 21277  
109.579 of the Revised Code. 21278

**Sec. 4301.01.** (A) As used in the Revised Code: 21279

(1) "Intoxicating liquor" and "liquor" include all liquids 21280  
and compounds, other than beer, containing one-half of one per 21281  
cent or more of alcohol by volume which are fit to use for 21282  
beverage purposes, from whatever source and by whatever process 21283  
produced, by whatever name called, and whether they are medicated, 21284  
proprietary, or patented. "Intoxicating liquor" and "liquor" 21285  
include wine even if it contains less than four per cent of 21286  
alcohol by volume, mixed beverages even if they contain less than 21287  
four per cent of alcohol by volume, cider, alcohol, and all solids 21288  
and confections which contain any alcohol. 21289

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 21290  
4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the 21291  
Revised Code, "sale" and "sell" include exchange, barter, gift, 21292  
offer for sale, sale, distribution and delivery of any kind, and 21293  
the transfer of title or possession of beer and intoxicating 21294  
liquor either by constructive or actual delivery by any means or 21295  
devices whatever, including the sale of beer or intoxicating 21296  
liquor by means of a controlled access alcohol and beverage 21297  
cabinet pursuant to section 4301.21 of the Revised Code. "Sale" 21298  
and "sell" do not include the mere solicitation of orders for beer 21299  
or intoxicating liquor from the holders of permits issued by the 21300  
division of liquor control authorizing the sale of the beer or 21301  
intoxicating liquor, but no solicitor shall solicit any such 21302  
orders until the solicitor has been registered with the division 21303  
pursuant to section 4303.25 of the Revised Code. 21304

(3) "Vehicle" includes all means of transportation by land, 21305  
by water, or by air, and everything made use of in any way for 21306  
such transportation. 21307

(B) As used in this chapter: 21308

(1) "Alcohol" means ethyl alcohol, whether rectified or 21309  
diluted with water or not, whatever its origin may be, and 21310  
includes synthetic ethyl alcohol. "Alcohol" does not include 21311  
denatured alcohol and wood alcohol. 21312

(2) "Beer" includes all beverages brewed or fermented wholly 21313  
or in part from malt products and containing one-half of one per 21314  
cent or more, but not more than twelve per cent, of alcohol by 21315  
volume. 21316

(3) "Wine" includes all liquids fit to use for beverage 21317  
purposes containing not less than one-half of one per cent of 21318  
alcohol by volume and not more than twenty-one per cent of alcohol 21319  
by volume, which is made from the fermented juices of grapes, 21320  
fruits, or other agricultural products, except that as used in 21321  
sections 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44 of the 21322  
Revised Code, and, for purposes of determining the rate of the tax 21323  
that applies, division (B) of section 4301.43 of the Revised Code, 21324  
"wine" does not include cider. 21325

(4) "Mixed beverages," such as bottled and prepared cordials, 21326  
cocktails, and highballs, are products obtained by mixing any type 21327  
of whiskey, neutral spirits, brandy, gin, or other distilled 21328  
spirits with, or over, carbonated or plain water, pure juices from 21329  
flowers and plants, and other flavoring materials. The completed 21330  
product shall contain not less than one-half of one per cent of 21331  
alcohol by volume and not more than twenty-one per cent of alcohol 21332  
by volume. 21333

(5) "Spirituous liquor" includes all intoxicating liquors 21334  
containing more than twenty-one per cent of alcohol by volume. 21335

- (6) "Sealed container" means any container having a capacity of not more than one hundred twenty-eight fluid ounces, the opening of which is closed to prevent the entrance of air. 21336  
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- (7) "Person" includes firms and corporations. 21339
- (8) "Manufacture" includes all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, or brewing, or in any other manner. 21340  
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- (9) "Manufacturer" means any person engaged in the business of manufacturing beer or intoxicating liquor. 21344  
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- (10) "Wholesale distributor" and "distributor" means a person engaged in the business of selling to retail dealers for purposes of resale. 21346  
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- (11) "Hotel" has the same meaning as in section 3731.01 of the Revised Code, subject to the exceptions mentioned in section 3731.03 of the Revised Code. 21349  
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- (12) "Restaurant" means a place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. "Restaurant" does not include pharmacies, confectionery stores, lunch stands, night clubs, and filling stations. 21352  
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- (13) "Club" means a corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for those purposes, membership in which entails the prepayment of regular dues, and includes the place so operated. 21359  
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(14) "Night club" means a place operated for profit, where food is served for consumption on the premises and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons.

(15) "At retail" means for use or consumption by the purchaser and not for resale.

(16) "Pharmacy" means an establishment, as defined in section 4729.01 of the Revised Code, that is under the management or control of a licensed pharmacist in accordance with section 4729.27 of the Revised Code.

(17) "Enclosed shopping center" means a group of retail sales and service business establishments that face into an enclosed mall, share common ingress, egress, and parking facilities, and are situated on a tract of land that contains an area of not less than five hundred thousand square feet. "Enclosed shopping center" also includes not more than one business establishment that is located within a free-standing building on such a tract of land, so long as the sale of beer and intoxicating liquor on the tract of land was approved in an election held under former section 4301.353 of the Revised Code.

(18) "Controlled access alcohol and beverage cabinet" means a closed container, either refrigerated, in whole or in part, or nonrefrigerated, access to the interior of which is restricted by means of a device that requires the use of a key, magnetic card, or similar device and from which beer, intoxicating liquor, other beverages, or food may be sold.

(19) "Community facility" means either of the following:

(a) Any convention, sports, or entertainment facility or complex, or any combination of these, that is used by or

accessible to the general public and that is owned or operated in 21397  
whole or in part by the state, a state agency, or a political 21398  
subdivision of the state or that is leased from, or located on 21399  
property owned by or leased from, the state, a state agency, a 21400  
political subdivision of the state, or a convention facilities 21401  
authority created pursuant to section 351.02 of the Revised Code; 21402

(b) An area designated as a community entertainment district 21403  
pursuant to section 4301.80 of the Revised Code. 21404

(20) "Low-alcohol beverage" means any brewed or fermented 21405  
malt product, or any product made from the fermented juices of 21406  
grapes, fruits, or other agricultural products, that contains 21407  
either no alcohol or less than one-half of one per cent of alcohol 21408  
by volume. The beverages described in division (B)(20) of this 21409  
section do not include a soft drink such as root beer, birch beer, 21410  
or ginger beer. 21411

(21) "Cider" means all liquids fit to use for beverage 21412  
purposes that contain one-half of one per cent of alcohol by 21413  
volume, but not more than six per cent of alcohol by weight, and 21414  
that are made through the normal alcoholic fermentation of the 21415  
juice of sound, ripe apples, including, without limitation, 21416  
flavored, sparkling, or carbonated cider and cider made from pure 21417  
condensed apple must. 21418

(22) "Sales area or territory" means an exclusive geographic 21419  
area or territory that is assigned to a particular A or B permit 21420  
holder and that either has one or more political subdivisions as 21421  
its boundaries or consists of an area of land with readily 21422  
identifiable geographic boundaries. "Sales area or territory" does 21423  
not include, however, any particular retail location in an 21424  
exclusive geographic area or territory that ~~is~~ had been assigned 21425  
to another A or B permit holder before April 9, 2001. 21426

Sec. 4303.17. (A)(1) Permit D-4 may be issued to a club that 21427  
has been in existence for three years or more prior to the 21428  
issuance of the permit to sell beer and any intoxicating liquor to 21429  
its members only, in glass or container, for consumption on the 21430  
premises where sold. The fee for this permit is four hundred 21431  
sixty-nine dollars. 21432

No D-4 permit shall be granted or retained until all elected 21433  
officers of the organization controlling the club have filed with 21434  
the division of liquor control a statement, signed under oath, 21435  
certifying that the club is operated in the interest of the 21436  
membership of a reputable organization, which is maintained by a 21437  
dues paying membership, and setting forth the amount of initiation 21438  
fee and yearly dues. ~~All such matters shall be contained in a~~ 21439  
~~statement signed under oath and accompanied by a surety bond in~~ 21440  
~~the sum of one thousand dollars. The bond shall be declared~~ 21441  
~~forfeited in the full amount of the penal sum of the bond for any~~ 21442  
~~false statement contained in that statement, and the surety shall~~ 21443  
~~pay the amount of the bond to the division.~~ 21444

The roster of membership of a D-4 permit holder shall be 21445  
submitted under oath on the request of the superintendent of 21446  
liquor control. Any information acquired by the superintendent or 21447  
the division with respect to that membership shall not be open to 21448  
public inspection or examination and may be divulged by the 21449  
superintendent and the division only in hearings before the liquor 21450  
control commission or in a court action in which the division or 21451  
the superintendent is named a party. 21452

(2) The requirement that a club shall have been in existence 21453  
for three years in order to qualify for a D-4 permit does not 21454  
apply to units of organizations chartered by congress or to a 21455  
subsidiary unit of a national fraternal organization if the parent 21456  
organization has been in existence for three years or more at the 21457  
time application for a permit is made by ~~such~~ that unit. 21458

(B) No rule or order of the division or commission shall 21459  
prohibit a charitable organization that holds a D-4 permit from 21460  
selling or serving beer or intoxicating liquor under its permit in 21461  
a portion of its premises merely because that portion of its 21462  
premises is used at other times for the conduct of a bingo game as 21463  
described in division (S)(1) of section 2915.01 of the Revised 21464  
Code. However, such an organization shall not sell or serve beer 21465  
or intoxicating liquor or permit beer or intoxicating liquor to be 21466  
consumed or seen in the same location in its premises where a 21467  
bingo game as described in division (S)(1) of section 2915.01 of 21468  
the Revised Code is being conducted while the game is being 21469  
conducted. As used in this division, "charitable organization" has 21470  
the same meaning as in division (H) of section 2915.01 of the 21471  
Revised Code. 21472

(C) Notwithstanding any contrary provision of sections 21473  
4301.32 to 4301.41, division (C)(1) of section 4303.29, and 21474  
section 4305.14 of the Revised Code, the holder of a D-4 permit 21475  
may transfer the location of the permit and sell beer and wine at 21476  
the new location if that location is in an election precinct in 21477  
which the sale of beer and wine, but not spirituous liquor, 21478  
otherwise is permitted by law. 21479

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 21480  
owner or operator of a hotel or motel that is required to be 21481  
licensed under section 3731.03 of the Revised Code, that contains 21482  
at least fifty rooms for registered transient guests or is owned 21483  
by a state institution of higher education as defined in section 21484  
3345.011 of the Revised Code or a private college or university, 21485  
and that qualifies under the other requirements of this section, 21486  
or to the owner or operator of a restaurant specified under this 21487  
section, to sell beer and any intoxicating liquor at retail, only 21488  
by the individual drink in glass and from the container, for 21489

consumption on the premises where sold, and to registered guests 21490  
in their rooms, which may be sold by means of a controlled access 21491  
alcohol and beverage cabinet in accordance with division (B) of 21492  
section 4301.21 of the Revised Code; and to sell the same products 21493  
in the same manner and amounts not for consumption on the premises 21494  
as may be sold by holders of D-1 and D-2 permits. The premises of 21495  
the hotel or motel shall include a retail food establishment or a 21496  
food service operation licensed pursuant to Chapter 3717. of the 21497  
Revised Code that operates as a restaurant for purposes of this 21498  
chapter and that is affiliated with the hotel or motel and within 21499  
or contiguous to the hotel or motel, and that serves food within 21500  
the hotel or motel, but the principal business of the owner or 21501  
operator of the hotel or motel shall be the accommodation of 21502  
transient guests. In addition to the privileges authorized in this 21503  
division, the holder of a D-5a permit may exercise the same 21504  
privileges as the holder of a D-5 permit. 21505

The owner or operator of a hotel, motel, or restaurant who 21506  
qualified for and held a D-5a permit on August 4, 1976, may, if 21507  
the owner or operator held another permit before holding a D-5a 21508  
permit, either retain a D-5a permit or apply for the permit 21509  
formerly held, and the division of liquor control shall issue the 21510  
permit for which the owner or operator applies and formerly held, 21511  
notwithstanding any quota. 21512

A D-5a permit shall not be transferred to another location. 21513  
No quota restriction shall be placed on the number of D-5a permits 21514  
that may be issued. 21515

The fee for this permit is two thousand three hundred 21516  
forty-four dollars. 21517

(B) Permit D-5b may be issued to the owner, operator, tenant, 21518  
lessee, or occupant of an enclosed shopping center to sell beer 21519  
and intoxicating liquor at retail, only by the individual drink in 21520  
glass and from the container, for consumption on the premises 21521

where sold; and to sell the same products in the same manner and amount not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5b permit may exercise the same privileges as a holder of a D-5 permit.

A D-5b permit shall not be transferred to another location.

One D-5b permit may be issued at an enclosed shopping center containing at least two hundred twenty-five thousand, but less than four hundred thousand, square feet of floor area.

Two D-5b permits may be issued at an enclosed shopping center containing at least four hundred thousand square feet of floor area. No more than one D-5b permit may be issued at an enclosed shopping center for each additional two hundred thousand square feet of floor area or fraction of that floor area, up to a maximum of five D-5b permits for each enclosed shopping center. The number of D-5b permits that may be issued at an enclosed shopping center shall be determined by subtracting the number of D-3 and D-5 permits issued in the enclosed shopping center from the number of D-5b permits that otherwise may be issued at the enclosed shopping center under the formulas provided in this division. Except as provided in this section, no quota shall be placed on the number of D-5b permits that may be issued. Notwithstanding any quota provided in this section, the holder of any D-5b permit first issued in accordance with this section is entitled to its renewal in accordance with section 4303.271 of the Revised Code.

The holder of a D-5b permit issued before April 4, 1984, whose tenancy is terminated for a cause other than nonpayment of rent, may return the D-5b permit to the division of liquor control, and the division shall cancel that permit. Upon cancellation of that permit and upon the permit holder's payment of taxes, contributions, premiums, assessments, and other debts

owing or accrued upon the date of cancellation to this state and 21553  
its political subdivisions and a filing with the division of a 21554  
certification of that payment, the division shall issue to that 21555  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 21556  
that person requests. The division shall issue the D-5 permit, or 21557  
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 21558  
D-3, or D-5 permits currently issued in the municipal corporation 21559  
or in the unincorporated area of the township where that person's 21560  
proposed premises is located equals or exceeds the maximum number 21561  
of such permits that can be issued in that municipal corporation 21562  
or in the unincorporated area of that township under the 21563  
population quota restrictions contained in section 4303.29 of the 21564  
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 21565  
be transferred to another location. If a D-5b permit is canceled 21566  
under the provisions of this paragraph, the number of D-5b permits 21567  
that may be issued at the enclosed shopping center for which the 21568  
D-5b permit was issued, under the formula provided in this 21569  
division, shall be reduced by one if the enclosed shopping center 21570  
was entitled to more than one D-5b permit under the formula. 21571

The fee for this permit is two thousand three hundred 21572  
forty-four dollars. 21573

(C) Permit D-5c may be issued to the owner or operator of a 21574  
retail food establishment or a food service operation licensed 21575  
pursuant to Chapter 3717. of the Revised Code that operates as a 21576  
restaurant for purposes of this chapter and that qualifies under 21577  
the other requirements of this section to sell beer and any 21578  
intoxicating liquor at retail, only by the individual drink in 21579  
glass and from the container, for consumption on the premises 21580  
where sold, and to sell the same products in the same manner and 21581  
amounts not for consumption on the premises as may be sold by 21582  
holders of D-1 and D-2 permits. In addition to the privileges 21583  
authorized in this division, the holder of a D-5c permit may 21584

exercise the same privileges as the holder of a D-5 permit. 21585

To qualify for a D-5c permit, the owner or operator of a 21586  
retail food establishment or a food service operation licensed 21587  
pursuant to Chapter 3717. of the Revised Code that operates as a 21588  
restaurant for purposes of this chapter, shall have operated the 21589  
restaurant at the proposed premises for not less than twenty-four 21590  
consecutive months immediately preceding the filing of the 21591  
application for the permit, have applied for a D-5 permit no later 21592  
than December 31, 1988, and appear on the division's quota waiting 21593  
list for not less than six months immediately preceding the filing 21594  
of the application for the permit. In addition to these 21595  
requirements, the proposed D-5c permit premises shall be located 21596  
within a municipal corporation and further within an election 21597  
precinct that, at the time of the application, has no more than 21598  
twenty-five per cent of its total land area zoned for residential 21599  
use. 21600

A D-5c permit shall not be transferred to another location. 21601  
No quota restriction shall be placed on the number of such permits 21602  
that may be issued. 21603

Any person who has held a D-5c permit for at least two years 21604  
may apply for a D-5 permit, and the division of liquor control 21605  
shall issue the D-5 permit notwithstanding the quota restrictions 21606  
contained in section 4303.29 of the Revised Code or in any rule of 21607  
the liquor control commission. 21608

The fee for this permit is one thousand five hundred 21609  
sixty-three dollars. 21610

(D) Permit D-5d may be issued to the owner or operator of a 21611  
retail food establishment or a food service operation licensed 21612  
pursuant to Chapter 3717. of the Revised Code that operates as a 21613  
restaurant for purposes of this chapter and that is located at an 21614  
airport operated by a board of county commissioners pursuant to 21615

section 307.20 of the Revised Code, at an airport operated by a  
port authority pursuant to Chapter 4582. of the Revised Code, or  
at an airport operated by a regional airport authority pursuant to  
Chapter 308. of the Revised Code. The holder of a D-5d permit may  
sell beer and any intoxicating liquor at retail, only by the  
individual drink in glass and from the container, for consumption  
on the premises where sold, and may sell the same products in the  
same manner and amounts not for consumption on the premises where  
sold as may be sold by the holders of D-1 and D-2 permits. In  
addition to the privileges authorized in this division, the holder  
of a D-5d permit may exercise the same privileges as the holder of  
a D-5 permit.

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

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

(E) Permit D-5e may be issued to any nonprofit organization  
that is exempt from federal income taxation under the "Internal  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as  
amended, or that is a charitable organization under any chapter of  
the Revised Code, and that owns or operates a riverboat that meets  
all of the following:

- (1) Is permanently docked at one location;
- (2) Is designated as an historical riverboat by the Ohio  
historical society;
- (3) Contains not less than fifteen hundred square feet of  
floor area;
- (4) Has a seating capacity of fifty or more persons.

The holder of a D-5e permit may sell beer and intoxicating

liquor at retail, only by the individual drink in glass and from  
the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location.  
No quota restriction shall be placed on the number of such permits  
that may be issued. The population quota restrictions contained in  
section 4303.29 of the Revised Code or in any rule of the liquor  
control commission shall not apply to this division, and the  
division shall issue a D-5e permit to any applicant who meets the  
requirements of this division. However, the division shall not  
issue a D-5e permit if the permit premises or proposed permit  
premises are located within an area in which the sale of  
spirituous liquor by the glass is prohibited.

The fee for this permit is one thousand two hundred nineteen  
dollars.

(F) Permit D-5f may be issued to the owner or operator of a  
retail food establishment or a food service operation licensed  
under Chapter 3717. of the Revised Code that operates as a  
restaurant for purposes of this chapter and that meets all of the  
following:

(1) It contains not less than twenty-five hundred square feet  
of floor area.

(2) It is located on or in, or immediately adjacent to, the  
shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats.

(4) It provides entertainment and recreation, provided that  
not less than fifty per cent of the business on the permit  
premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be  
accompanied by a certification from the local legislative  
authority that the issuance of the D-5f permit is not inconsistent

with that political subdivision's comprehensive development plan 21676  
or other economic development goal as officially established by 21677  
the local legislative authority. 21678

The holder of a D-5f permit may sell beer and intoxicating 21679  
liquor at retail, only by the individual drink in glass and from 21680  
the container, for consumption on the premises where sold. 21681

A D-5f permit shall not be transferred to another location. 21682

The division of liquor control shall not issue a D-5f permit 21683  
if the permit premises or proposed permit premises are located 21684  
within an area in which the sale of spirituous liquor by the glass 21685  
is prohibited. 21686

A fee for this permit is two thousand three hundred 21687  
forty-four dollars. 21688

As used in this division, "navigable river" means a river 21689  
that is also a "navigable water" as defined in the "Federal Power 21690  
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 21691

(G) Permit D-5g may be issued to a nonprofit corporation that 21692  
is either the owner or the operator of a national professional 21693  
sports museum. The holder of a D-5g permit may sell beer and any 21694  
intoxicating liquor at retail, only by the individual drink in 21695  
glass and from the container, for consumption on the premises 21696  
where sold. The holder of a D-5g permit shall sell no beer or 21697  
intoxicating liquor for consumption on the premises where sold 21698  
after one a.m. A D-5g permit shall not be transferred to another 21699  
location. No quota restrictions shall be placed on the number of 21700  
D-5g permits that may be issued. The fee for this permit is one 21701  
thousand eight hundred seventy-five dollars. 21702

(H)(1) Permit D-5h may be issued to any nonprofit 21703  
organization that is exempt from federal income taxation under the 21704  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 21705

501(c)(3), as amended, that owns or operates any of the following: 21706

(a) A fine arts museum, provided that the nonprofit 21707  
organization has no less than ~~five~~ one thousand ~~five hundred~~ bona 21708  
fide members possessing full membership privileges; 21709

(b) A community arts center. As used in division (H)(1)(b) of 21710  
this section, "community arts center" means a facility that 21711  
provides arts programming to the community in more than one arts 21712  
discipline, including, but not limited to, exhibits of works of 21713  
art and performances by both professional and amateur artists. 21714

(c) A community theater, provided that the nonprofit 21715  
organization is a member of the Ohio arts council and the American 21716  
community theatre association and has been in existence for not 21717  
less than ten years. As used in division (H)(1)(c) of this 21718  
section, "community theater" means a facility that contains at 21719  
least one hundred fifty seats and has a primary function of 21720  
presenting live theatrical performances and providing recreational 21721  
opportunities to the community. 21722

(2) The holder of a D-5h permit may sell beer and any 21723  
intoxicating liquor at retail, only by the individual drink in 21724  
glass and from the container, for consumption on the premises 21725  
where sold. The holder of a D-5h permit shall sell no beer or 21726  
intoxicating liquor for consumption on the premises where sold 21727  
after one a.m. A D-5h permit shall not be transferred to another 21728  
location. No quota restrictions shall be placed on the number of 21729  
D-5h permits that may be issued. 21730

(3) The fee for a D-5h permit is one thousand eight hundred 21731  
seventy-five dollars. 21732

(I) Permit D-5i may be issued to the owner or operator of a 21733  
retail food establishment or a food service operation licensed 21734  
under Chapter 3717. of the Revised Code that operates as a 21735  
restaurant for purposes of this chapter and that meets all of the 21736

following requirements:	21737
(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.	21738 21739
(2) It has inside seating capacity for at least one hundred forty persons.	21740 21741
(3) It has at least four thousand square feet of floor area.	21742
(4) It offers full-course meals, appetizers, and sandwiches.	21743
(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.	21744 21745 21746
(6) It has at least one of the following characteristics:	21747
(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.	21748 21749
(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.	21750 21751 21752 21753
The holder of a D-5i permit shall cause an independent audit to be performed at the end of one full year of operation following issuance of the permit in order to verify the requirements of division (I)(5) of this section. The results of the independent audit shall be transmitted to the division. Upon determining that the receipts of the holder from beer and liquor sales, excluding wine sales, exceeded twenty-five per cent of its total gross receipts, the division shall suspend the permit of the permit holder under section 4301.25 of the Revised Code and may allow the permit holder to elect a forfeiture under section 4301.252 of the Revised Code.	21754 21755 21756 21757 21758 21759 21760 21761 21762 21763 21764
The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in	21765 21766

glass and from the container, for consumption on the premises 21767  
where sold, and may sell the same products in the same manner and 21768  
amounts not for consumption on the premises where sold as may be 21769  
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 21770  
permit shall sell no beer or intoxicating liquor for consumption 21771  
on the premises where sold after two-thirty a.m. In addition to 21772  
the privileges authorized in this division, the holder of a D-5i 21773  
permit may exercise the same privileges as the holder of a D-5 21774  
permit. 21775

A D-5i permit shall not be transferred to another location. 21776  
The division of liquor control shall not renew a D-5i permit 21777  
unless the retail food establishment or food service operation for 21778  
which it is issued continues to meet the requirements described in 21779  
divisions (I)(1) to (6) of this section. No quota restrictions 21780  
shall be placed on the number of D-5i permits that may be issued. 21781  
The fee for the D-5i permit is two thousand three hundred 21782  
forty-four dollars. 21783

(J)(1) Permit D-5j may be issued to the owner or the operator 21784  
of a retail food establishment or a food service operation 21785  
licensed under Chapter 3717. of the Revised Code to sell beer and 21786  
intoxicating liquor at retail, only by the individual drink in 21787  
glass and from the container, for consumption on the premises 21788  
where sold and to sell beer and intoxicating liquor in the same 21789  
manner and amounts not for consumption on the premises where sold 21790  
as may be sold by the holders of D-1 and D-2 permits. The holder 21791  
of a D-5j permit may exercise the same privileges, and shall 21792  
observe the same hours of operation, as the holder of a D-5 21793  
permit. 21794

(2) The D-5j permit shall be issued only within a community 21795  
entertainment district that is designated under section 4301.80 of 21796  
the Revised Code and that meets one of the following 21797  
qualifications: 21798

(a) It is located in a municipal corporation with a population of at least one hundred thousand.	21799 21800
(b) It is located in a municipal corporation with a population of at least twenty thousand, and either of the following applies:	21801 21802 21803
(i) It contains an amusement park the rides of which have been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code.	21804 21805 21806
(ii) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.	21807 21808 21809
(c) It is located in a township with a population of at least forty thousand.	21810 21811
(d) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.	21812 21813 21814 21815 21816
(3) The location of a D-5j permit may be transferred only within the geographic boundaries of the community entertainment district in which it was issued and shall not be transferred outside the geographic boundaries of that district.	21817 21818 21819 21820
(4) Not more than one D-5j permit shall be issued within each community entertainment district for each five acres of land located within the district. Not more than fifteen D-5j permits may be issued within a single community entertainment district. Except as otherwise provided in division (J)(4) of this section, no quota restrictions shall be placed upon the number of D-5j permits that may be issued.	21821 21822 21823 21824 21825 21826 21827
(5) The fee for a D-5j permit is two thousand three hundred	21828

forty-four dollars. 21829

(K)(1) Permit D-5k may be issued to any nonprofit 21830  
organization that is exempt from federal income taxation under the 21831  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 21832  
501(c)(3), as amended, that is the owner or operator of a 21833  
botanical garden recognized by the American association of 21834  
botanical gardens and arboreta, and that has not less than 21835  
twenty-five hundred bona fide members. 21836

(2) The holder of a D-5k permit may sell beer and any 21837  
intoxicating liquor at retail, only by the individual drink in 21838  
glass and from the container, on the premises where sold. 21839

(3) The holder of a D-5k permit shall sell no beer or 21840  
intoxicating liquor for consumption on the premises where sold 21841  
after one a.m. 21842

(4) A D-5k permit shall not be transferred to another 21843  
location. 21844

(5) No quota restrictions shall be placed on the number of 21845  
D-5k permits that may be issued. 21846

(6) The fee for the D-5k permit is one thousand eight hundred 21847  
seventy-five dollars. 21848

**Sec. 4303.182.** (A) Except as otherwise provided in divisions 21849  
(B) to ~~(G)~~(J) of this section, permit D-6 shall be issued to the 21850  
holder of an A-1-A, A-2, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, 21851  
D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 21852  
or D-7 permit to allow sale under that permit between the hours of 21853  
ten a.m. and midnight, or between the hours of one p.m. and 21854  
midnight, on Sunday, as applicable, if that sale has been 21855  
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 21856  
of the Revised Code and under the restrictions of that 21857  
authorization. 21858

(B) Permit D-6 shall be issued to the holder of any permit, 21859  
including a D-4a and D-5d permit, authorizing the sale of 21860  
intoxicating liquor issued for a premises located at any publicly 21861  
owned airport, as defined in section 4563.01 of the Revised Code, 21862  
at which commercial airline companies operate regularly scheduled 21863  
flights on which space is available to the public, to allow sale 21864  
under such permit between the hours of ten a.m. and midnight on 21865  
Sunday, whether or not that sale has been authorized under section 21866  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 21867

(C) Permit D-6 shall be issued to the holder of a D-5a 21868  
permit, and to the holder of a D-3 or D-3a permit who is the owner 21869  
or operator of a hotel or motel that is required to be licensed 21870  
under section 3731.03 of the Revised Code, that contains at least 21871  
fifty rooms for registered transient guests, and that has on its 21872  
premises a retail food establishment or a food service operation 21873  
licensed pursuant to Chapter 3717. of the Revised Code that 21874  
operates as a restaurant for purposes of this chapter and is 21875  
affiliated with the hotel or motel and within or contiguous to the 21876  
hotel or motel and serving food within the hotel or motel, to 21877  
allow sale under such permit between the hours of ten a.m. and 21878  
midnight on Sunday, whether or not that sale has been authorized 21879  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 21880  
Revised Code. 21881

(D) The holder of a D-6 permit that is issued to a sports 21882  
facility may make sales under the permit between the hours of 21883  
eleven a.m. and midnight on any Sunday on which a professional 21884  
baseball, basketball, football, hockey, or soccer game is being 21885  
played at the sports facility. As used in this division, "sports 21886  
facility" means a stadium or arena that has a seating capacity of 21887  
at least four thousand and that is owned or leased by a 21888  
professional baseball, basketball, football, hockey, or soccer 21889  
franchise or any combination of those franchises. 21890

(E) Permit D-6 shall be issued to the holder of any permit 21891  
that authorizes the sale of beer or intoxicating liquor and that 21892  
is issued to a premises located in or at the Ohio historical 21893  
society area or the state fairgrounds, as defined in division (B) 21894  
of section 4301.40 of the Revised Code, to allow sale under that 21895  
permit between the hours of ten a.m. and midnight on Sunday, 21896  
whether or not that sale has been authorized under section 21897  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 21898

(F) Permit D-6 shall be issued to the holder of any permit 21899  
that authorizes the sale of intoxicating liquor and that is issued 21900  
to an outdoor performing arts center to allow sale under that 21901  
permit between the hours of one p.m. and midnight on Sunday, 21902  
whether or not that sale has been authorized under section 21903  
4301.361 of the Revised Code. A D-6 permit issued under this 21904  
division is subject to the results of an election, held after the 21905  
D-6 permit is issued, on question (B)(4) as set forth in section 21906  
4301.351 of the Revised Code. Following the end of the period 21907  
during which an election may be held on question (B)(4) as set 21908  
forth in that section, sales of intoxicating liquor may continue 21909  
at an outdoor performing arts center under a D-6 permit issued 21910  
under this division, unless an election on that question is held 21911  
during the permitted period and a majority of the voters voting in 21912  
the precinct on that question vote "no." 21913

As used in this division, "outdoor performing arts center" 21914  
means an outdoor performing arts center that is located on not 21915  
less than eight hundred acres of land and that is open for 21916  
performances from the first day of April to the last day of 21917  
October of each year. 21918

(G) Permit D-6 shall be issued to the holder of any permit 21919  
that authorizes the sale of beer or intoxicating liquor and that 21920  
is issued to a golf course owned by the state, a conservancy 21921  
district, a park district created under Chapter 1545. of the 21922

Revised Code, or another political subdivision to allow sale under 21923  
that permit between the hours of ten a.m. and midnight on Sunday, 21924  
whether or not that sale has been authorized under section 21925  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 21926

(H) Permit D-6 shall be issued to the holder of a D-5g permit 21927  
to allow sale under that permit between the hours of ten a.m. and 21928  
midnight on Sunday, whether or not that sale has been authorized 21929  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 21930  
Revised Code. 21931

(I) Permit D-6 shall be issued to the holder of any D permit 21932  
for a premises that is licensed under Chapter 3717. of the Revised 21933  
Code and that is located at a ski area to allow sale under the D-6 21934  
permit between the hours of ten a.m. and midnight on Sunday, 21935  
whether or not that sale has been authorized under section 21936  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 21937

As used in this division, "ski area" means a ski area as 21938  
defined in section 4169.01 of the Revised Code, provided that the 21939  
passenger tramway operator at that area is registered under 21940  
section 4169.03 of the Revised Code. 21941

(J) Permit D-6 shall be issued to the holder of a D-5j permit 21942  
for a permit premises that is located in a community entertainment 21943  
district, as defined in section 4301.80 of the Revised Code, that 21944  
was approved by the legislative authority of a municipal 21945  
corporation under that section between October 1 and October 15, 21946  
2005, to allow sale under the permit between the hours of ten a.m. 21947  
and midnight on Sunday, whether or not that sale has been 21948  
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 21949  
of the Revised Code. 21950

(K) If the restriction to licensed premises where the sale of 21951  
food and other goods and services exceeds fifty per cent of the 21952  
total gross receipts of the permit holder at the premises is 21953

applicable, the division of liquor control may accept an affidavit 21954  
from the permit holder to show the proportion of the permit 21955  
holder's gross receipts derived from the sale of food and other 21956  
goods and services. If the liquor control commission determines 21957  
that affidavit to have been false, it shall revoke the permits of 21958  
the permit holder at the premises concerned. 21959

~~(K)~~(L) The fee for the D-6 permit is five hundred dollars 21960  
when it is issued to the holder of an A-1-A, A-2, D-2, D-3, D-3a, 21961  
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 21962  
D-5i, D-5j, D-5k, or D-7 permit. The fee for the D-6 permit is 21963  
four hundred dollars when it is issued to the holder of a C-2 21964  
permit. 21965

**Sec. 4303.207.** (A) As used in this section: 21966

(1) "Nonprofit organization" means any unincorporated 21967  
association or nonprofit corporation that is not formed for the 21968  
pecuniary gain or profit of, and whose net earnings or any part of 21969  
whose net earnings is not distributable to, its members, trustees, 21970  
directors, officers, or other private persons. 21971

(2) "Qualified golf event" means a golf tournament or other 21972  
golf competition event that meets all of the following 21973  
requirements: 21974

(a) It is hosted by the nonprofit organization to which an 21975  
F-7 permit is issued. 21976

(b) It is sanctioned by a recognized national golf 21977  
organization. 21978

(c) It includes the sale of food for consumption on the 21979  
premises for which an F-7 permit is issued. 21980

(d) Contributions to charity are made from the proceeds of 21981  
the event that equal in the aggregate at least two hundred 21982  
thousand dollars. 21983

<u>(3) "Recognized national golf organization" means any of the</u>	21984
<u>following:</u>	21985
<u>(a) The United States golf association;</u>	21986
<u>(b) The professional golf association of America (PGA);</u>	21987
<u>(c) The PGA tour, including the champions tour and the</u>	21988
<u>nationwide tour;</u>	21989
<u>(d) The LPGA tour;</u>	21990
<u>(e) The successors of any organization listed in divisions</u>	21991
<u>(A)(3)(a) to (d) of this section.</u>	21992
<u>(B) An F-7 permit may be issued to a nonprofit organization</u>	21993
<u>to sell beer, wine, mixed beverages, and spirituous liquor by the</u>	21994
<u>individual drink at a qualified golf event being held on premises</u>	21995
<u>located in a political subdivision or part of a political</u>	21996
<u>subdivision where the sale of beer, wine, mixed beverages, and</u>	21997
<u>spirituous liquor is otherwise permitted by law on that day, if</u>	21998
<u>both of the following requirements are met:</u>	21999
<u>(1) The superintendent of liquor control is satisfied that</u>	22000
<u>the organization is a nonprofit organization. For this purpose,</u>	22001
<u>the superintendent may accept as proof a sworn statement by the</u>	22002
<u>president or other chief executive officer of the applicant</u>	22003
<u>organization.</u>	22004
<u>(2) The superintendent is satisfied that the event for which</u>	22005
<u>the F-7 permit is sought to be issued is a qualified golf event.</u>	22006
<u>For this purpose, the superintendent may accept as proof a sworn</u>	22007
<u>statement by the president or other chief executive officer of the</u>	22008
<u>applicant organization.</u>	22009
<u>(C) The premises for which the F-7 permit is issued shall</u>	22010
<u>meet all of the following requirements:</u>	22011
<u>(1) Be owned or leased by the nonprofit organization to which</u>	22012
<u>the F-7 permit issued;</u>	22013

(2) Be limited to areas in which the qualified golf event is conducted and to other areas that are contiguous to those areas in which the qualified golf event is conducted, which areas are specifically designated for food and beverage consumption and hospitality for the qualified golf event; 22014  
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(3) Be clearly defined; 22019

(4) Be sufficiently restricted to allow proper supervision of use of the permit by state and local law enforcement personnel. 22020  
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(D) A nonprofit organization to which an F-7 permit is issued shall be held responsible for any conduct that violates the laws pertaining to the sale of beer, wine, mixed beverages, or spirituous liquor. 22022  
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(E) The division of liquor control shall prepare and make available an F-7 permit application form and may require applicants for the permit to provide information that, in addition to the information required by this section, is necessary for the administration of this section. 22026  
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(F) An F-7 permit shall be effective for a period not to exceed eight consecutive days. The division of liquor control shall not issue more than two F-7 permits per calendar year to the same nonprofit organization. The fee for an F-7 permit is four hundred fifty dollars. 22031  
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**Sec. 4303.29.** (A) No permit, other than an H permit, shall be issued to a firm or partnership unless all the members of the firm or partnership are citizens of the United States and a majority have resided in this state for one year prior to application for the permit. No permit, other than an H permit, shall be issued to an individual who is not a citizen of the United States who has resided in this state for at least one year prior to application for the permit. No permit, other than an E or H permit, shall be 22036  
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issued to any corporation organized under the laws of any country, 22044  
territory, or state other than this state until it has furnished 22045  
the division of liquor control with evidence that it has complied 22046  
with the laws of this state relating to the transaction of 22047  
business in this state. 22048

The division may refuse to issue any permit to or refuse to 22049  
renew any permit of any person convicted of any felony that is 22050  
reasonably related to the person's fitness to operate a liquor 22051  
permit business in this state. No holder of a permit shall sell, 22052  
assign, transfer, or pledge the permit without the written consent 22053  
of the division. 22054

(B)(1) No more than one of each type of C or D permit shall 22055  
be issued to any one person, firm, or corporation in any county 22056  
having a population of less than twenty-five thousand, and no more 22057  
than one of each type of C or D permit shall be issued to any one 22058  
person, firm, or corporation for any additional twenty-five 22059  
thousand or major fraction thereof in any county having a greater 22060  
population than twenty-five thousand, provided that, in the case 22061  
of D-3, D-3a, D-4, and D-5 permits, no more than one permit shall 22062  
be issued to any one person, firm, or corporation in any county 22063  
having a population of less than fifty thousand, and no more than 22064  
one such permit shall be issued to any one person, firm, or 22065  
corporation for any additional fifty thousand or major fraction 22066  
thereof in any county having a greater population than fifty 22067  
thousand. 22068

(2) No D-3 permit shall be issued to any club unless the club 22069  
has been continuously engaged in the activity specified in section 22070  
4303.15 of the Revised Code, as a qualification for that class of 22071  
permit, for two years at the time the permit is issued. 22072

(3)(a) Subject to division (B)(3)(b) of this section, upon 22073  
application by properly qualified persons, one C-1 and C-2 permit 22074  
shall be issued for each one thousand population or part of that 22075

population, and one D-1 and D-2 permit shall be issued for each 22076  
two thousand population or part of that population, in each 22077  
municipal corporation and in the unincorporated area of each 22078  
township. 22079

Subject to division (B)(3)(b) of this section, not more than 22080  
one D-3, D-4, or D-5 permit shall be issued for each two thousand 22081  
population or part of that population in any municipal corporation 22082  
and in the unincorporated area of any township, except that, in 22083  
any city of a population of fifty-five thousand or more, one D-3 22084  
permit may be issued for each fifteen hundred population or part 22085  
of that population. 22086

(b)(i) Division (B)(3)(a) of this section does not prohibit 22087  
the transfer of location or the transfer of ownership and location 22088  
of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal 22089  
corporation or the unincorporated area of a township in which the 22090  
number of permits of that class exceeds the number of such permits 22091  
authorized to be issued under division (B)(3)(a) of this section 22092  
to an economic development project located in another municipal 22093  
corporation or the unincorporated area of another township in 22094  
which no additional permits of that class may be issued to the 22095  
applicant under division (B)(3)(a) of this section, but the 22096  
transfer of location or transfer of ownership and location of the 22097  
permit may occur only if the applicant notifies the municipal 22098  
corporation or township to which the location of the permit will 22099  
be transferred regarding the transfer and that municipal 22100  
corporation or township acknowledges in writing to the division of 22101  
liquor control, at the time the application for the transfer of 22102  
location or transfer of ownership and location of the permit is 22103  
filed, that the transfer will be to an economic development 22104  
project. This acknowledgment by the municipal corporation or 22105  
township does not prohibit it from requesting a hearing under 22106  
section 4303.26 of the Revised Code. The applicant is eligible to 22107

apply for and receive the transfer of location of the permit under 22108  
division (B)(3)(b) of this section if all permits of that class 22109  
that may be issued under division (B)(3)(a) of this section in the 22110  
applicable municipal corporation or unincorporated area of the 22111  
township have already been issued or if the number of applications 22112  
filed for permits of that class in that municipal corporation or 22113  
the unincorporated area of that township exceed the number of 22114  
permits of that class that may be issued there under division 22115  
(B)(3)(a) of this section. 22116

A permit transferred under division (B)(3)(b) of this section 22117  
may be subsequently transferred to a different owner at the same 22118  
location, or to the same owner or a different owner at a different 22119  
location in the same municipal corporation or in the 22120  
unincorporated area of the same township, as long as the same or 22121  
new location meets the economic development project criteria set 22122  
forth in this section. 22123

(ii) Factors that shall be used to determine the designation 22124  
of an economic development project include, but are not limited 22125  
to, architectural certification of the plans and the cost of the 22126  
project, the number of jobs that will be created by the project, 22127  
projected earnings of the project, projected tax revenues for the 22128  
political subdivisions in which the project will be located, and 22129  
the amount of financial investment in the project. The 22130  
superintendent of liquor control shall determine whether the 22131  
existing or proposed business that is seeking a permit described 22132  
in division (B)(3)(b) of this section qualifies as an economic 22133  
development project and, if the superintendent determines that it 22134  
so qualifies, shall designate the business as an economic 22135  
development project. 22136

(4) Nothing in this section shall be construed to restrict 22137  
the issuance of a permit to a municipal corporation for use at a 22138  
municipally owned airport at which commercial airline companies 22139

operate regularly scheduled flights on which space is available to 22140  
the public. A municipal corporation applying for a permit for such 22141  
a municipally owned airport is exempt, in regard to that 22142  
application, from the population restrictions contained in this 22143  
section and from population quota restrictions contained in any 22144  
rule of the liquor control commission. A municipal corporation 22145  
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 22146  
municipally owned airport is subject to section 4303.31 of the 22147  
Revised Code. 22148

(5) Nothing in this section shall be construed to prohibit 22149  
the issuance of a D permit to the board of trustees of a soldiers' 22150  
memorial for a premises located at a soldiers' memorial 22151  
established pursuant to Chapter 345. of the Revised Code. An 22152  
application for a D permit by the board for those premises is 22153  
exempt from the population restrictions contained in this section 22154  
and from the population quota restrictions contained in any rule 22155  
of the liquor control commission. The location of a D permit 22156  
issued to the board for those premises shall not be transferred. A 22157  
board of trustees of a soldiers' memorial applying for a D-1, D-2, 22158  
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 22159  
section 4303.31 of the Revised Code. 22160

(6) Nothing in this section shall be construed to restrict 22161  
the issuance of a permit for a premises located at a golf course 22162  
owned by a municipal corporation, township, or county, owned by a 22163  
park district created under Chapter 1545. of the Revised Code, or 22164  
owned by the state. The location of such a permit issued on or 22165  
after September 26, 1984, for a premises located at such a golf 22166  
course shall not be transferred. Any application for such a permit 22167  
is exempt from the population quota restrictions contained in this 22168  
section and from the population quota restrictions contained in 22169  
any rule of the liquor control commission. A municipal 22170  
corporation, township, county, park district, or state agency 22171

applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 22172  
course is subject to section 4303.31 of the Revised Code. 22173

(7) As used in division (B)(7) of this section, "fair" has 22174  
the same meaning as in section 991.01 of the Revised Code; i "state 22175  
fairgrounds" means the property that is held by the state for the 22176  
purpose of conducting fairs, expositions, and exhibits and that is 22177  
maintained and managed by the Ohio expositions commission under 22178  
section 991.03 of the Revised Code; ~~and~~ i "capitol square" has the 22179  
same meaning as in section 105.41 of the Revised Code; and "Ohio 22180  
judicial center" means the site of the Ohio supreme court and its 22181  
grounds. 22182

Nothing in this section shall be construed to restrict the 22183  
issuance of one or more D permits to one or more applicants for 22184  
all or a part of ~~either~~ the state fairgrounds ~~or~~, capitol square, 22185  
or the Ohio judicial center. An application for a D permit for the 22186  
state fairgrounds ~~or~~, capitol square, or the Ohio judicial center 22187  
is exempt from the population quota restrictions contained in this 22188  
section and from the population quota restrictions contained in 22189  
any rule of the liquor control commission. The location of a D 22190  
permit issued for the state fairgrounds ~~or~~, capitol square, or the 22191  
Ohio judicial center shall not be transferred. An applicant for a 22192  
D-1, D-2, D-3, or D-5 permit for the state fairgrounds is not 22193  
subject to section 4303.31 of the Revised Code. 22194

Pursuant to section 1711.09 of the Revised Code, the holder 22195  
of a D permit issued for the state fairgrounds shall not deal in 22196  
spirituous liquor at the state fairgrounds during, or for one week 22197  
before or for three days after, any fair held at the state 22198  
fairgrounds. 22199

(8) Nothing in this section shall be construed to prohibit 22200  
the issuance of a D permit for a premises located at a zoological 22201  
park at which sales have been approved in an election held under 22202

former section 4301.356 of the Revised Code. An application for a 22203  
D permit for such a premises is exempt from the population 22204  
restrictions contained in this section, from the population quota 22205  
restrictions contained in any rule of the liquor control 22206  
commission, and from section 4303.31 of the Revised Code. The 22207  
location of a D permit issued for a premises at such a zoological 22208  
park shall not be transferred, and no quota or other restrictions 22209  
shall be placed on the number of D permits that may be issued for 22210  
a premises at such a zoological park. 22211

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 22212  
any election precinct in any municipal corporation or in any 22213  
election precinct in the unincorporated area of any township, in 22214  
which at the November, 1933, election a majority of the electors 22215  
voting thereon in the municipal corporation or in the 22216  
unincorporated area of the township voted against the repeal of 22217  
Section 9 of Article XV, Ohio Constitution, unless the sale of 22218  
spirituous liquor by the glass is authorized by a majority vote of 22219  
the electors voting on the question in the precinct at an election 22220  
held pursuant to this section or by a majority vote of the 22221  
electors of the precinct voting on question (C) at a special local 22222  
option election held in the precinct pursuant to section 4301.35 22223  
of the Revised Code. Upon the request of an elector, the board of 22224  
elections of the county that encompasses the precinct shall 22225  
furnish the elector with a copy of the instructions prepared by 22226  
the secretary of state under division (P) of section 3501.05 of 22227  
the Revised Code and, within fifteen days after the request, a 22228  
certificate of the number of signatures required for a valid 22229  
petition under this section. 22230

Upon the petition of thirty-five per cent of the total number 22231  
of voters voting in any such precinct for the office of governor 22232  
at the preceding general election, filed with the board of 22233  
elections of the county in which such precinct is located not 22234

later than seventy-five days before a general election, the board  
shall prepare ballots and hold an election at such general  
election upon the question of allowing spirituous liquor to be  
sold by the glass in such precinct. The ballots shall be approved  
in form by the secretary of state. The results of the election  
shall be certified by the board to the secretary of state, who  
shall certify the results to the division.

(2) No holder of a class D-3 permit issued for a boat or  
vessel shall sell spirituous liquor in any precinct, in which the  
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; 22265  
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(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. 22269  
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(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. 22274  
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(C) As used in this section, "motor vehicle renting dealer" has the same meaning as in section 4549.65 of the Revised Code. 22283  
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**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. 22285  
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(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or 22293  
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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  
acceptable scientific methods in the selection of drugs or other  
modalities for treatment of disease;

(3) Selling, giving away, personally furnishing, prescribing,  
or administering drugs for other than legal and legitimate  
therapeutic purposes or a plea of guilty to, a judicial finding of  
guilt of, or a judicial finding of eligibility for intervention in  
lieu of conviction of, a violation of any federal or state law  
regulating the possession, distribution, or use of any drug;

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a  
professional confidence" does not include providing any  
information, documents, or reports to a child fatality review  
board under sections 307.621 to 307.629 of the Revised Code and  
does not include the making of a report of an employee's use of a  
drug of abuse, or a report of a condition of an employee other  
than one involving the use of a drug of abuse, to the employer of  
the employee as described in division (B) of section 2305.33 of  
the Revised Code. Nothing in this division affects the immunity  
from civil liability conferred by that section upon a physician  
who makes either type of report in accordance with division (B) of  
that section. As used in this division, "employee," "employer,"

and "physician" have the same meanings as in section 2305.33 of  
the Revised Code. 22326  
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(5) Making a false, fraudulent, deceptive, or misleading  
statement in the solicitation of or advertising for patients; in 22328  
relation to the practice of medicine and surgery, osteopathic 22329  
medicine and surgery, podiatric medicine and surgery, or a limited 22330  
branch of medicine; or in securing or attempting to secure any 22331  
certificate to practice or certificate of registration issued by 22332  
the board. 22333  
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As used in this division, "false, fraudulent, deceptive, or  
misleading statement" means a statement that includes a 22335  
misrepresentation of fact, is likely to mislead or deceive because 22336  
of a failure to disclose material facts, is intended or is likely 22337  
to create false or unjustified expectations of favorable results, 22338  
or includes representations or implications that in reasonable 22339  
probability will cause an ordinarily prudent person to 22340  
misunderstand or be deceived. 22341  
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(6) A departure from, or the failure to conform to, minimal 22343  
standards of care of similar practitioners under the same or 22344  
similar circumstances, whether or not actual injury to a patient 22345  
is established; 22346

(7) Representing, with the purpose of obtaining compensation 22347  
or other advantage as personal gain or for any other person, that 22348  
an incurable disease or injury, or other incurable condition, can 22349  
be permanently cured; 22350

(8) The obtaining of, or attempting to obtain, money or 22351  
anything of value by fraudulent misrepresentations in the course 22352  
of practice; 22353

(9) A plea of guilty to, a judicial finding of guilt of, or a 22354  
judicial finding of eligibility for intervention in lieu of 22355  
conviction for, a felony; 22356

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	22357 22358 22359
(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;	22360 22361 22362
(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;	22363 22364 22365
(13) 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 involving moral turpitude;	22366 22367 22368
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	22369 22370 22371
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	22372 22373
(16) Failure to pay license renewal fees specified in this chapter;	22374 22375
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	22376 22377 22378 22379
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional	22380 22381 22382 22383 22384 22385 22386

organizations. The individual whose certificate is being suspended 22387  
or revoked shall not be found to have violated any provision of a 22388  
code of ethics of an organization not appropriate to the 22389  
individual's profession. 22390

For purposes of this division, a "provision of a code of 22391  
ethics of a national professional organization" does not include 22392  
any provision that would preclude the making of a report by a 22393  
physician of an employee's use of a drug of abuse, or of a 22394  
condition of an employee other than one involving the use of a 22395  
drug of abuse, to the employer of the employee as described in 22396  
division (B) of section 2305.33 of the Revised Code. Nothing in 22397  
this division affects the immunity from civil liability conferred 22398  
by that section upon a physician who makes either type of report 22399  
in accordance with division (B) of that section. As used in this 22400  
division, "employee," "employer," and "physician" have the same 22401  
meanings as in section 2305.33 of the Revised Code. 22402

(19) Inability to practice according to acceptable and 22403  
prevailing standards of care by reason of mental illness or 22404  
physical illness, including, but not limited to, physical 22405  
deterioration that adversely affects cognitive, motor, or 22406  
perceptive skills. 22407

In enforcing this division, the board, upon a showing of a 22408  
possible violation, may compel any individual authorized to 22409  
practice by this chapter or who has submitted an application 22410  
pursuant to this chapter to submit to a mental examination, 22411  
physical examination, including an HIV test, or both a mental and 22412  
a physical examination. The expense of the examination is the 22413  
responsibility of the individual compelled to be examined. Failure 22414  
to submit to a mental or physical examination or consent to an HIV 22415  
test ordered by the board constitutes an admission of the 22416  
allegations against the individual unless the failure is due to 22417  
circumstances beyond the individual's control, and a default and 22418

final order may be entered without the taking of testimony or  
presentation of evidence. If the board finds an individual unable  
to practice because of the reasons set forth in this division, the  
board shall require the individual to submit to care, counseling,  
or treatment by physicians approved or designated by the board, as  
a condition for initial, continued, reinstated, or renewed  
authority to practice. An individual affected under this division  
shall be afforded an opportunity to demonstrate to the board the  
ability to resume practice in compliance with acceptable and  
prevailing standards under the provisions of the individual's  
certificate. For the purpose of this division, any individual who  
applies for or receives a certificate to practice under this  
chapter accepts the privilege of practicing in this state and, by  
so doing, shall be deemed to have given consent to submit to a  
mental or physical examination when directed to do so in writing  
by the board, and to have waived all objections to the  
admissibility of testimony or examination reports that constitute  
a privileged communication.

(20) Except when civil penalties are imposed under section  
4731.225 or 4731.281 of the Revised Code, and subject to section  
4731.226 of the Revised Code, violating or attempting to violate,  
directly or indirectly, or assisting in or abetting the violation  
of, or conspiring to violate, any provisions of this chapter or  
any rule promulgated by the board.

This division does not apply to a violation or attempted  
violation of, assisting in or abetting the violation of, or a  
conspiracy to violate, any provision of this chapter or any rule  
adopted by the board that would preclude the making of a report by  
a physician of an employee's use of a drug of abuse, or of a  
condition of an employee other than one involving the use of a  
drug of abuse, to the employer of the employee as described in  
division (B) of section 2305.33 of the Revised Code. Nothing in

this division affects the immunity from civil liability conferred 22451  
by that section upon a physician who makes either type of report 22452  
in accordance with division (B) of that section. As used in this 22453  
division, "employee," "employer," and "physician" have the same 22454  
meanings as in section 2305.33 of the Revised Code. 22455

(21) The violation of section 3701.79 of the Revised Code or 22456  
of any abortion rule adopted by the public health council pursuant 22457  
to section 3701.341 of the Revised Code; 22458

(22) Any of the following actions taken by the agency 22459  
responsible for regulating the practice of medicine and surgery, 22460  
osteopathic medicine and surgery, podiatric medicine and surgery, 22461  
or the limited branches of medicine in another jurisdiction, for 22462  
any reason other than the nonpayment of fees: the limitation, 22463  
revocation, or suspension of an individual's license to practice; 22464  
acceptance of an individual's license surrender; denial of a 22465  
license; refusal to renew or reinstate a license; imposition of 22466  
probation; or issuance of an order of censure or other reprimand; 22467

(23) The violation of section 2919.12 of the Revised Code or 22468  
the performance or inducement of an abortion upon a pregnant woman 22469  
with actual knowledge that the conditions specified in division 22470  
(B) of section 2317.56 of the Revised Code have not been satisfied 22471  
or with a heedless indifference as to whether those conditions 22472  
have been satisfied, unless an affirmative defense as specified in 22473  
division (H)(2) of that section would apply in a civil action 22474  
authorized by division (H)(1) of that section; 22475

(24) The revocation, suspension, restriction, reduction, or 22476  
termination of clinical privileges by the United States department 22477  
of defense or department of veterans affairs or the termination or 22478  
suspension of a certificate of registration to prescribe drugs by 22479  
the drug enforcement administration of the United States 22480  
department of justice; 22481

(25) Termination or suspension from participation in the 22482  
medicare or medicaid programs by the department of health and 22483  
human services or other responsible agency for any act or acts 22484  
that also would constitute a violation of division (B)(2), (3), 22485  
(6), (8), or (19) of this section; 22486

(26) Impairment of ability to practice according to 22487  
acceptable and prevailing standards of care because of habitual or 22488  
excessive use or abuse of drugs, alcohol, or other substances that 22489  
impair ability to practice. 22490

For the purposes of this division, any individual authorized 22491  
to practice by this chapter accepts the privilege of practicing in 22492  
this state subject to supervision by the board. By filing an 22493  
application for or holding a certificate to practice under this 22494  
chapter, an individual shall be deemed to have given consent to 22495  
submit to a mental or physical examination when ordered to do so 22496  
by the board in writing, and to have waived all objections to the 22497  
admissibility of testimony or examination reports that constitute 22498  
privileged communications. 22499

If it has reason to believe that any individual authorized to 22500  
practice by this chapter or any applicant for certification to 22501  
practice suffers such impairment, the board may compel the 22502  
individual to submit to a mental or physical examination, or both. 22503  
The expense of the examination is the responsibility of the 22504  
individual compelled to be examined. Any mental or physical 22505  
examination required under this division shall be undertaken by a 22506  
treatment provider or physician who is qualified to conduct the 22507  
examination and who is chosen by the board. 22508

Failure to submit to a mental or physical examination ordered 22509  
by the board constitutes an admission of the allegations against 22510  
the individual unless the failure is due to circumstances beyond 22511  
the individual's control, and a default and final order may be 22512

entered without the taking of testimony or presentation of 22513  
evidence. If the board determines that the individual's ability to 22514  
practice is impaired, the board shall suspend the individual's 22515  
certificate or deny the individual's application and shall require 22516  
the individual, as a condition for initial, continued, reinstated, 22517  
or renewed certification to practice, to submit to treatment. 22518

Before being eligible to apply for reinstatement of a 22519  
certificate suspended under this division, the impaired 22520  
practitioner shall demonstrate to the board the ability to resume 22521  
practice in compliance with acceptable and prevailing standards of 22522  
care under the provisions of the practitioner's certificate. The 22523  
demonstration shall include, but shall not be limited to, the 22524  
following: 22525

(a) Certification from a treatment provider approved under 22526  
section 4731.25 of the Revised Code that the individual has 22527  
successfully completed any required inpatient treatment; 22528

(b) Evidence of continuing full compliance with an aftercare 22529  
contract or consent agreement; 22530

(c) Two written reports indicating that the individual's 22531  
ability to practice has been assessed and that the individual has 22532  
been found capable of practicing according to acceptable and 22533  
prevailing standards of care. The reports shall be made by 22534  
individuals or providers approved by the board for making the 22535  
assessments and shall describe the basis for their determination. 22536

The board may reinstate a certificate suspended under this 22537  
division after that demonstration and after the individual has 22538  
entered into a written consent agreement. 22539

When the impaired practitioner resumes practice, the board 22540  
shall require continued monitoring of the individual. The 22541  
monitoring shall include, but not be limited to, compliance with 22542  
the written consent agreement entered into before reinstatement or 22543

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:

(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;

(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.

(29) Failure to use universal blood and body fluid  
precautions established by rules adopted under section 4731.051 of  
the Revised Code;

(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;

(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;	22574
(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;	22575 22576 22577 22578 22579 22580 22581
(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;	22582 22583 22584
(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;	22585 22586 22587 22588 22589 22590 22591 22592 22593
(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;	22594 22595 22596
(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;	22597 22598 22599
(37) Assisting suicide as defined in section 3795.01 of the Revised Code.	22600 22601
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an	22602 22603

adjudication under Chapter 119. of the Revised Code, except that 22604  
in lieu of an adjudication, the board may enter into a consent 22605  
agreement with an individual to resolve an allegation of a 22606  
violation of this chapter or any rule adopted under it. A consent 22607  
agreement, when ratified by an affirmative vote of not fewer than 22608  
six members of the board, shall constitute the findings and order 22609  
of the board with respect to the matter addressed in the 22610  
agreement. If the board refuses to ratify a consent agreement, the 22611  
admissions and findings contained in the consent agreement shall 22612  
be of no force or effect. 22613

If the board takes disciplinary action against an individual 22614  
under division (B) of this section for a second or subsequent plea 22615  
of guilty to, or judicial finding of guilt of, a violation of 22616  
section 2919.123 of the Revised Code, the disciplinary action 22617  
shall consist of a suspension of the individual's certificate to 22618  
practice for a period of at least one year or, if determined 22619  
appropriate by the board, a more serious sanction involving the 22620  
individual's certificate to practice. Any consent agreement 22621  
entered into under this division with an individual that pertains 22622  
to a second or subsequent plea of guilty to, or judicial finding 22623  
of guilt of, a violation of that section shall provide for a 22624  
suspension of the individual's certificate to practice for a 22625  
period of at least one year or, if determined appropriate by the 22626  
board, a more serious sanction involving the individual's 22627  
certificate to practice. 22628

(D) For purposes of divisions (B)(10), (12), and (14) of this 22629  
section, the commission of the act may be established by a finding 22630  
by the board, pursuant to an adjudication under Chapter 119. of 22631  
the Revised Code, that the individual committed the act. The board 22632  
does not have jurisdiction under those divisions if the trial 22633  
court renders a final judgment in the individual's favor and that 22634  
judgment is based upon an adjudication on the merits. The board 22635

has jurisdiction under those divisions if the trial court issues 22636  
an order of dismissal upon technical or procedural grounds. 22637

(E) The sealing of conviction records by any court shall have 22638  
no effect upon a prior board order entered under this section or 22639  
upon the board's jurisdiction to take action under this section 22640  
if, based upon a plea of guilty, a judicial finding of guilt, or a 22641  
judicial finding of eligibility for intervention in lieu of 22642  
conviction, the board issued a notice of opportunity for a hearing 22643  
prior to the court's order to seal the records. The board shall 22644  
not be required to seal, destroy, redact, or otherwise modify its 22645  
records to reflect the court's sealing of conviction records. 22646

(F)(1) The board shall investigate evidence that appears to 22647  
show that a person has violated any provision of this chapter or 22648  
any rule adopted under it. Any person may report to the board in a 22649  
signed writing any information that the person may have that 22650  
appears to show a violation of any provision of this chapter or 22651  
any rule adopted under it. In the absence of bad faith, any person 22652  
who reports information of that nature or who testifies before the 22653  
board in any adjudication conducted under Chapter 119. of the 22654  
Revised Code shall not be liable in damages in a civil action as a 22655  
result of the report or testimony. Each complaint or allegation of 22656  
a violation received by the board shall be assigned a case number 22657  
and shall be recorded by the board. 22658

(2) Investigations of alleged violations of this chapter or 22659  
any rule adopted under it shall be supervised by the supervising 22660  
member elected by the board in accordance with section 4731.02 of 22661  
the Revised Code and by the secretary as provided in section 22662  
4731.39 of the Revised Code. The president may designate another 22663  
member of the board to supervise the investigation in place of the 22664  
supervising member. No member of the board who supervises the 22665  
investigation of a case shall participate in further adjudication 22666  
of the case. 22667

(3) In investigating a possible violation of this chapter or 22668  
any rule adopted under this chapter, the board may administer 22669  
oaths, order the taking of depositions, issue subpoenas, and 22670  
compel the attendance of witnesses and production of books, 22671  
accounts, papers, records, documents, and testimony, except that a 22672  
subpoena for patient record information shall not be issued 22673  
without consultation with the attorney general's office and 22674  
approval of the secretary and supervising member of the board. 22675  
Before issuance of a subpoena for patient record information, the 22676  
secretary and supervising member shall determine whether there is 22677  
probable cause to believe that the complaint filed alleges a 22678  
violation of this chapter or any rule adopted under it and that 22679  
the records sought are relevant to the alleged violation and 22680  
material to the investigation. The subpoena may apply only to 22681  
records that cover a reasonable period of time surrounding the 22682  
alleged violation. 22683

On failure to comply with any subpoena issued by the board 22684  
and after reasonable notice to the person being subpoenaed, the 22685  
board may move for an order compelling the production of persons 22686  
or records pursuant to the Rules of Civil Procedure. 22687

A subpoena issued by the board may be served by a sheriff, 22688  
the sheriff's deputy, or a board employee designated by the board. 22689  
Service of a subpoena issued by the board may be made by 22690  
delivering a copy of the subpoena to the person named therein, 22691  
reading it to the person, or leaving it at the person's usual 22692  
place of residence. When the person being served is a person whose 22693  
practice is authorized by this chapter, service of the subpoena 22694  
may be made by certified mail, restricted delivery, return receipt 22695  
requested, and the subpoena shall be deemed served on the date 22696  
delivery is made or the date the person refuses to accept 22697  
delivery. 22698

A sheriff's deputy who serves a subpoena shall receive the 22699

same fees as a sheriff. Each witness who appears before the board 22700  
in obedience to a subpoena shall receive the fees and mileage 22701  
provided for witnesses in civil cases in the courts of common 22702  
pleas. 22703

(4) All hearings and investigations of the board shall be 22704  
considered civil actions for the purposes of section 2305.252 of 22705  
the Revised Code. 22706

(5) Information received by the board pursuant to an 22707  
investigation is confidential and not subject to discovery in any 22708  
civil action. 22709

The board shall conduct all investigations and proceedings in 22710  
a manner that protects the confidentiality of patients and persons 22711  
who file complaints with the board. The board shall not make 22712  
public the names or any other identifying information about 22713  
patients or complainants unless proper consent is given or, in the 22714  
case of a patient, a waiver of the patient privilege exists under 22715  
division (B) of section 2317.02 of the Revised Code, except that 22716  
consent or a waiver of that nature is not required if the board 22717  
possesses reliable and substantial evidence that no bona fide 22718  
physician-patient relationship exists. 22719

The board may share any information it receives pursuant to 22720  
an investigation, including patient records and patient record 22721  
information, with law enforcement agencies, other licensing 22722  
boards, and other governmental agencies that are prosecuting, 22723  
adjudicating, or investigating alleged violations of statutes or 22724  
administrative rules. An agency or board that receives the 22725  
information shall comply with the same requirements regarding 22726  
confidentiality as those with which the state medical board must 22727  
comply, notwithstanding any conflicting provision of the Revised 22728  
Code or procedure of the agency or board that applies when it is 22729  
dealing with other information in its possession. In a judicial 22730

proceeding, the information may be admitted into evidence only in  
accordance with the Rules of Evidence, but the court shall require  
that appropriate measures are taken to ensure that confidentiality  
is maintained with respect to any part of the information that  
contains names or other identifying information about patients or  
complainants whose confidentiality was protected by the state  
medical board when the information was in the board's possession.  
Measures to ensure confidentiality that may be taken by the court  
include sealing its records or deleting specific information from  
its records.

(6) On a quarterly basis, the board shall prepare a report  
that documents the disposition of all cases during the preceding  
three months. The report shall contain the following information  
for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged  
violation;

(b) The type of certificate to practice, if any, held by the  
individual against whom the complaint is directed;

(c) A description of the allegations contained in the  
complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and  
shall be prepared in a manner that protects the identity of each  
person involved in each case. The report shall be a public record  
under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine that  
there is clear and convincing evidence that an individual has  
violated division (B) of this section and that the individual's  
continued practice presents a danger of immediate and serious harm  
to the public, they may recommend that the board suspend the

individual's certificate to practice without a prior hearing. 22761  
Written allegations shall be prepared for consideration by the 22762  
board. 22763

The board, upon review of those allegations and by an 22764  
affirmative vote of not fewer than six of its members, excluding 22765  
the secretary and supervising member, may suspend a certificate 22766  
without a prior hearing. A telephone conference call may be 22767  
utilized for reviewing the allegations and taking the vote on the 22768  
summary suspension. 22769

The board shall issue a written order of suspension by 22770  
certified mail or in person in accordance with section 119.07 of 22771  
the Revised Code. The order shall not be subject to suspension by 22772  
the court during pendency of any appeal filed under section 119.12 22773  
of the Revised Code. If the individual subject to the summary 22774  
suspension requests an adjudicatory hearing by the board, the date 22775  
set for the hearing shall be within fifteen days, but not earlier 22776  
than seven days, after the individual requests the hearing, unless 22777  
otherwise agreed to by both the board and the individual. 22778

Any summary suspension imposed under this division shall 22779  
remain in effect, unless reversed on appeal, until a final 22780  
adjudicative order issued by the board pursuant to this section 22781  
and Chapter 119. of the Revised Code becomes effective. The board 22782  
shall issue its final adjudicative order within sixty days after 22783  
completion of its hearing. A failure to issue the order within 22784  
sixty days shall result in dissolution of the summary suspension 22785  
order but shall not invalidate any subsequent, final adjudicative 22786  
order. 22787

(H) If the board takes action under division (B)(9), (11), or 22788  
(13) of this section and the judicial finding of guilt, guilty 22789  
plea, or judicial finding of eligibility for intervention in lieu 22790  
of conviction is overturned on appeal, upon exhaustion of the 22791

criminal appeal, a petition for reconsideration of the order may 22792  
be filed with the board along with appropriate court documents. 22793  
Upon receipt of a petition of that nature and supporting court 22794  
documents, the board shall reinstate the individual's certificate 22795  
to practice. The board may then hold an adjudication under Chapter 22796  
119. of the Revised Code to determine whether the individual 22797  
committed the act in question. Notice of an opportunity for a 22798  
hearing shall be given in accordance with Chapter 119. of the 22799  
Revised Code. If the board finds, pursuant to an adjudication held 22800  
under this division, that the individual committed the act or if 22801  
no hearing is requested, the board may order any of the sanctions 22802  
identified under division (B) of this section. 22803

(I) The certificate to practice issued to an individual under 22804  
this chapter and the individual's practice in this state are 22805  
automatically suspended as of the date of the individual's second 22806  
or subsequent plea of guilty to, or judicial finding of guilt of, 22807  
a violation of section 2919.123 of the Revised Code, or the date 22808  
the individual pleads guilty to, is found by a judge or jury to be 22809  
guilty of, or is subject to a judicial finding of eligibility for 22810  
intervention in lieu of conviction in this state or treatment or 22811  
intervention in lieu of conviction in another jurisdiction for any 22812  
of the following criminal offenses in this state or a 22813  
substantially equivalent criminal offense in another jurisdiction: 22814  
aggravated murder, murder, voluntary manslaughter, felonious 22815  
assault, kidnapping, rape, sexual battery, gross sexual 22816  
imposition, aggravated arson, aggravated robbery, or aggravated 22817  
burglary. Continued practice after suspension shall be considered 22818  
practicing without a certificate. 22819

The board shall notify the individual subject to the 22820  
suspension by certified mail or in person in accordance with 22821  
section 119.07 of the Revised Code. If an individual whose 22822  
certificate is automatically suspended under this division fails 22823

to make a timely request for an adjudication under Chapter 119. of 22824  
the Revised Code, the board shall do whichever of the following is 22825  
applicable: 22826

(1) If the automatic suspension under this division is for a 22827  
second or subsequent plea of guilty to, or judicial finding of 22828  
guilt of, a violation of section 2919.123 of the Revised Code, the 22829  
board shall enter an order suspending the individual's certificate 22830  
to practice for a period of at least one year or, if determined 22831  
appropriate by the board, imposing a more serious sanction 22832  
involving the individual's certificate to practice. 22833

(2) In all circumstances in which division (I)(1) of this 22834  
section does not apply, enter a final order permanently revoking 22835  
the individual's certificate to practice. 22836

(J) If the board is required by Chapter 119. of the Revised 22837  
Code to give notice of an opportunity for a hearing and if the 22838  
individual subject to the notice does not timely request a hearing 22839  
in accordance with section 119.07 of the Revised Code, the board 22840  
is not required to hold a hearing, but may adopt, by an 22841  
affirmative vote of not fewer than six of its members, a final 22842  
order that contains the board's findings. In that final order, the 22843  
board may order any of the sanctions identified under division (A) 22844  
or (B) of this section. 22845

(K) Any action taken by the board under division (B) of this 22846  
section resulting in a suspension from practice shall be 22847  
accompanied by a written statement of the conditions under which 22848  
the individual's certificate to practice may be reinstated. The 22849  
board shall adopt rules governing conditions to be imposed for 22850  
reinstatement. Reinstatement of a certificate suspended pursuant 22851  
to division (B) of this section requires an affirmative vote of 22852  
not fewer than six members of the board. 22853

(L) When the board refuses to grant a certificate to an 22854

applicant, revokes an individual's certificate to practice, 22855  
refuses to register an applicant, or refuses to reinstate an 22856  
individual's certificate to practice, the board may specify that 22857  
its action is permanent. An individual subject to a permanent 22858  
action taken by the board is forever thereafter ineligible to hold 22859  
a certificate to practice and the board shall not accept an 22860  
application for reinstatement of the certificate or for issuance 22861  
of a new certificate. 22862

(M) Notwithstanding any other provision of the Revised Code, 22863  
all of the following apply: 22864

(1) The surrender of a certificate issued under this chapter 22865  
shall not be effective unless or until accepted by the board. 22866  
Reinstatement of a certificate surrendered to the board requires 22867  
an affirmative vote of not fewer than six members of the board. 22868

(2) An application for a certificate made under the 22869  
provisions of this chapter may not be withdrawn without approval 22870  
of the board. 22871

(3) Failure by an individual to renew a certificate of 22872  
registration in accordance with this chapter shall not remove or 22873  
limit the board's jurisdiction to take any disciplinary action 22874  
under this section against the individual. 22875

(N) Sanctions shall not be imposed under division (B)(28) of 22876  
this section against any person who waives deductibles and 22877  
copayments as follows: 22878

(1) In compliance with the health benefit plan that expressly 22879  
allows such a practice. Waiver of the deductibles or copayments 22880  
shall be made only with the full knowledge and consent of the plan 22881  
purchaser, payer, and third-party administrator. Documentation of 22882  
the consent shall be made available to the board upon request. 22883

(2) For professional services rendered to any other person 22884

authorized to practice pursuant to this chapter, to the extent 22885  
allowed by this chapter and rules adopted by the board. 22886

(0) Under the board's investigative duties described in this 22887  
section and subject to division (F) of this section, the board 22888  
shall develop and implement a quality intervention program 22889  
designed to improve through remedial education the clinical and 22890  
communication skills of individuals authorized under this chapter 22891  
to practice medicine and surgery, osteopathic medicine and 22892  
surgery, and podiatric medicine and surgery. In developing and 22893  
implementing the quality intervention program, the board may do 22894  
all of the following: 22895

(1) Offer in appropriate cases as determined by the board an 22896  
educational and assessment program pursuant to an investigation 22897  
the board conducts under this section; 22898

(2) Select providers of educational and assessment services, 22899  
including a quality intervention program panel of case reviewers; 22900

(3) Make referrals to educational and assessment service 22901  
providers and approve individual educational programs recommended 22902  
by those providers. The board shall monitor the progress of each 22903  
individual undertaking a recommended individual educational 22904  
program. 22905

(4) Determine what constitutes successful completion of an 22906  
individual educational program and require further monitoring of 22907  
the individual who completed the program or other action that the 22908  
board determines to be appropriate; 22909

(5) Adopt rules in accordance with Chapter 119. of the 22910  
Revised Code to further implement the quality intervention 22911  
program. 22912

An individual who participates in an individual educational 22913  
program pursuant to this division shall pay the financial 22914

obligations arising from that educational program. 22915

**Sec. 4731.281.** (A) On or before the deadline established 22916  
under division (B) of this section for applying for renewal of a 22917  
certificate of registration, each person holding a certificate 22918  
under this chapter to practice medicine and surgery, osteopathic 22919  
medicine and surgery, or podiatric medicine and surgery shall 22920  
certify to the state medical board that in the preceding two years 22921  
the person has completed one hundred hours of continuing medical 22922  
education. The certification shall be made upon the application 22923  
for biennial registration submitted pursuant to division (B) of 22924  
this section. The board shall adopt rules providing for pro rata 22925  
reductions by month of the number of hours of continuing education 22926  
required for persons who are in their first registration period, 22927  
who have a registration period of less than two years due to 22928  
initial implementation of the staggered renewal schedule 22929  
established under division (B) of this section, who have been 22930  
disabled due to illness or accident, or who have been absent from 22931  
the country. 22932

In determining whether a course, program, or activity 22933  
qualifies for credit as continuing medical education, the board 22934  
shall approve all continuing medical education taken by persons 22935  
holding a certificate to practice medicine and surgery that is 22936  
certified by the Ohio state medical association, all continuing 22937  
medical education taken by persons holding a certificate to 22938  
practice osteopathic medicine and surgery that is certified by the 22939  
Ohio osteopathic association, and all continuing medical education 22940  
taken by persons holding a certificate to practice podiatry that 22941  
is certified by the Ohio podiatric medical association. Each 22942  
person holding a certificate to practice under this chapter shall 22943  
be given sufficient choice of continuing education programs to 22944  
ensure that the person has had a reasonable opportunity to 22945

participate in continuing education programs that are relevant to 22946  
the person's medical practice in terms of subject matter and 22947  
level. 22948

The board may require a random sample of persons holding a 22949  
certificate to practice under this chapter to submit materials 22950  
documenting completion of the continuing medical education 22951  
requirement during the preceding registration period, but this 22952  
provision shall not limit the board's authority to investigate 22953  
pursuant to section 4731.22 of the Revised Code. 22954

(B)(1) Every person holding a certificate under this chapter 22955  
to practice medicine and surgery, osteopathic medicine and 22956  
surgery, or podiatric medicine and surgery wishing to renew that 22957  
certificate shall apply to the board for a certificate of 22958  
registration upon an application furnished by the board, and pay 22959  
to the board at the time of application a fee of three hundred 22960  
five dollars, according to the following schedule: 22961

(a) Persons whose last name begins with the letters "A" 22962  
through "B," on or before April 1, 2001, and the first day of 22963  
April of every odd-numbered year thereafter; 22964

(b) Persons whose last name begins with the letters "C" 22965  
through "D," on or before January 1, 2001, and the first day of 22966  
January of every odd-numbered year thereafter; 22967

(c) Persons whose last name begins with the letters "E" 22968  
through "G," on or before October 1, 2000, and the first day of 22969  
October of every even-numbered year thereafter; 22970

(d) Persons whose last name begins with the letters "H" 22971  
through "K," on or before July 1, 2000, and the first day of July 22972  
of every even-numbered year thereafter; 22973

(e) Persons whose last name begins with the letters "L" 22974  
through "M," on or before April 1, 2000, and the first day of 22975

April of every even-numbered year thereafter;	22976
(f) Persons whose last name begins with the letters "N"	22977
through "R," on or before January 1, 2000, and the first day of	22978
January of every even-numbered year thereafter;	22979
(g) Persons whose last name begins with the letters "S," on	22980
or before October 1, 1999, and the first day of October of every	22981
odd-numbered year thereafter;	22982
(h) Persons whose last name begins with the letters "T"	22983
through "Z," on or before July 1, 1999, and the first day of July	22984
of every odd-numbered year thereafter.	22985
The board shall deposit the fee in accordance with section	22986
4731.24 of the Revised Code, except that the board shall deposit	22987
twenty dollars of the fee into the state treasury to the credit of	22988
the physician loan repayment fund created by section 3702.78 of	22989
the Revised Code.	22990
(2) The board shall mail or cause to be mailed to every	22991
person registered to practice medicine and surgery, osteopathic	22992
medicine and surgery, or podiatric medicine and surgery, an	22993
application for registration addressed to the person's last known	22994
post-office address or may cause the application to be sent to the	22995
person through the secretary of any recognized medical,	22996
osteopathic, or podiatric society, according to the following	22997
schedule:	22998
(a) To persons whose last name begins with the letters "A"	22999
through "B," on or before January 1, 2001, and the first day of	23000
January of every odd-numbered year thereafter;	23001
(b) To persons whose last name begins with the letters "C"	23002
through "D," on or before October 1, 2000, and the first day of	23003
October of every even-numbered year thereafter;	23004
(c) To persons whose last name begins with the letters "E"	23005

through "G," on or before July 1, 2000, and the first day of July 23006  
of every even-numbered year thereafter; 23007

(d) To persons whose last name begins with the letters "H" 23008  
through "K," on or before April 1, 2000, and the first day of 23009  
April of every even-numbered year thereafter; 23010

(e) To persons whose last name begins with the letters "L" 23011  
through "M," on or before January 1, 2000, and the first day of 23012  
January of every even-numbered year thereafter; 23013

(f) To persons whose last name begins with the letters "N" 23014  
through "R," on or before October 1, 1999, and the first day of 23015  
October of every odd-numbered year thereafter; 23016

(g) To persons whose last name begins with the letters "S," 23017  
on or before July 1, 1999, and the first day of July of every 23018  
odd-numbered year thereafter; 23019

(h) To persons whose last name begins with the letters "T" 23020  
through "Z," on or before April 1, 1999, and the first day of 23021  
April of every odd-numbered year thereafter; 23022

Failure of any person to receive an application from the 23023  
board shall not excuse the person from the requirements contained 23024  
in this section. The application shall contain proper spaces for 23025  
the applicant's signature and the insertion of the required 23026  
information, including a statement that the person has fulfilled 23027  
the continuing education requirements imposed by this section. 23028

The applicant shall write or cause to be written upon the 23029  
application so furnished the applicant's full name, principal 23030  
practice address and residence address, the number of the 23031  
applicant's certificate to practice, and any other facts for the 23032  
identification of the applicant as a person holding a certificate 23033  
to practice under this chapter as the board considers necessary. 23034  
The applicant shall include with the application a list of the 23035

names and addresses of any clinical nurse specialists, certified 23036  
nurse-midwives, or certified nurse practitioners with whom the 23037  
applicant is currently collaborating, as defined in section 23038  
4723.01 of the Revised Code. The applicant shall execute and 23039  
deliver the application to the board by mail or in person. Every 23040  
person registered under this section shall give written notice to 23041  
the board of any change of principal practice address or residence 23042  
address or in the list within thirty days of the change. 23043

The applicant shall report any criminal offense that 23044  
constitutes grounds for refusal of registration under section 23045  
4731.22 of the Revised Code to which the applicant has pleaded 23046  
guilty, of which the applicant has been found guilty, or for which 23047  
the applicant has been found eligible for intervention in lieu of 23048  
conviction, since last signing an application for a certificate of 23049  
registration. 23050

(C) The board shall issue to any person holding a certificate 23051  
under this chapter to practice medicine and surgery, osteopathic 23052  
medicine and surgery, or podiatric medicine and surgery, upon 23053  
application and qualification therefor in accordance with this 23054  
section, a certificate of registration under the seal of the 23055  
board. A certificate of registration shall be valid for a two-year 23056  
period, commencing on the first day of the third month after the 23057  
registration fee is due and expiring on the last day of the month 23058  
two years thereafter. 23059

The board shall publish and cause to be mailed to each person 23060  
registered under this section, upon request, a printed list of the 23061  
persons so registered. 23062

(D) Failure of any certificate holder to register and comply 23063  
with this section shall operate automatically to suspend the 23064  
holder's certificate to practice. Continued practice after the 23065  
suspension of the certificate to practice shall be considered as 23066

practicing in violation of section 4731.41, 4731.43, or 4731.60 of 23067  
the Revised Code. If the certificate has been suspended pursuant 23068  
to this division for two years or less, it may be reinstated. The 23069  
board shall reinstate a certificate to practice for failure to 23070  
register upon an applicant's submission of the biennial 23071  
registration fee, the applicable monetary penalty, and 23072  
certification by signature of the applicant that the applicant has 23073  
completed the requisite continuing medical education. The penalty 23074  
for reinstatement shall be fifty dollars. If the certificate has 23075  
been suspended pursuant to this division for more than two years, 23076  
it may be restored. In accordance with section 4731.222 of the 23077  
Revised Code, the board may restore a certificate to practice for 23078  
failure to register upon an applicant's submission of a 23079  
restoration application, the biennial registration fee, and the 23080  
applicable monetary penalty. The penalty for restoration shall be 23081  
one hundred dollars. The board shall deposit the penalties in 23082  
accordance with section 4731.24 of the Revised Code. 23083

(E) If an individual certifies completion of the number of 23084  
hours and type of continuing medical education required to receive 23085  
a certificate of registration or reinstatement of a certificate to 23086  
practice, and the board finds through the random samples it 23087  
conducts under this section or through any other means that the 23088  
individual did not complete the requisite continuing medical 23089  
education, the board may impose a civil penalty of not more than 23090  
five thousand dollars. The board's finding shall be made pursuant 23091  
to an adjudication under Chapter 119. of the Revised Code and by 23092  
an affirmative vote of not fewer than six members. 23093

A civil penalty imposed under this division may be in 23094  
addition to or in lieu of any other action the board may take 23095  
under section 4731.22 of the Revised Code. The board shall deposit 23096  
civil penalties in accordance with section 4731.24 of the Revised 23097  
Code. 23098

(F) The state medical board may obtain information not 23099  
protected by statutory or common law privilege from courts and 23100  
other sources concerning malpractice claims against any person 23101  
holding a certificate to practice under this chapter or practicing 23102  
as provided in section 4731.36 of the Revised Code. 23103

(G) Each mailing sent by the board under division (B)(2) of 23104  
this section to a person registered to practice medicine and 23105  
surgery or osteopathic medicine and surgery shall inform the 23106  
applicant of the reporting requirement established by division (H) 23107  
of section 3701.79 of the Revised Code. At the discretion of the 23108  
board, the information may be included on the application or on an 23109  
accompanying page. 23110

**Sec. 4781.04.** (A) The manufactured homes commission shall 23111  
adopt rules pursuant to Chapter 119. of the Revised Code to do all 23112  
of the following: 23113

(1) Establish uniform standards that govern the installation 23114  
of manufactured housing. ~~The standards shall~~ Not later than one 23115  
hundred eighty days after the secretary of the United States 23116  
department of housing and urban development adopts model standards 23117  
for the installation of manufactured housing or amends those 23118  
standards, the commission shall amend its standards as necessary 23119  
to be consistent with, and not less stringent than, the model 23120  
standards for the design and installation of manufactured housing 23121  
~~adopted by the secretary of the United States department of~~ 23122  
~~housing and urban development~~ adopts or any manufacturers' 23123  
standards that the secretary determines are equal to or not less 23124  
stringent than the model standards. 23125

(2) Govern the inspection of the installation of manufactured 23126  
housing. The rules shall specify that the department of health or 23127  
a licenser, as determined by the director of health, shall conduct 23128  
all inspections of the installation of manufactured housing 23129

located in manufactured home parks to determine compliance with 23130  
the uniform installation standards the commission establishes 23131  
pursuant to this section. The rules shall specify that all 23132  
installation inspections in a manufactured home park the 23133  
department of health or the licensor conducts shall be conducted 23134  
by a person who has completed an installation training course 23135  
approved by the commission pursuant to division (B) of section 23136  
4781.04 of the Revised Code. 23137

As used in division (A)(2) of this section, "licensor" has 23138  
the same meaning as in section 3733.01 of the Revised Code. 23139

(3) Govern the design, construction, installation, approval, 23140  
and inspection of foundations and the base support systems for 23141  
manufactured housing. The rules shall specify that the department 23142  
of health or the licensor, as determined by the director of 23143  
health, shall conduct all inspections of the installation, 23144  
foundations, and base support systems of manufactured housing 23145  
located in manufactured home parks to determine compliance with 23146  
the uniform installation standards and foundation and base support 23147  
system design the commission establishes pursuant to this section. 23148  
The rules shall specify that all foundation and base support 23149  
system inspections in a manufactured home park the department of 23150  
health or the licensor conducts shall be conducted by a person who 23151  
has completed an installation training course approved by the 23152  
commission pursuant to division (B) of section 4781.04 of the 23153  
Revised Code. 23154

As used in division (A)(3) of this section, "licensor" has 23155  
the same meaning as in section 3733.01 of the Revised Code. 23156

(4) Govern the training, experience, and education 23157  
requirements for manufactured housing installers; 23158

(5) Establish a code of ethics for manufactured housing 23159  
installers; 23160

(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;	23161 23162
(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;	23163 23164 23165 23166
(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;	23167 23168
(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 without a license;	23169 23170 23171 23172 23173
(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, retailers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and delivers to the program within ten business days after the decision is issued.	23174 23175 23176 23177 23178 23179 23180 23181 23182 23183 23184 23185 23186 23187 23188
(11) Establish the requirements and procedures for the certification of building departments and building department personnel pursuant to section 4781.07 of the Revised Code;	23189 23190 23191

(12) Establish fees to be charged to building departments and building department personnel applying for certification and renewal of certification pursuant to section 4781.07 of the Revised Code;	23192 23193 23194 23195
(13) Carry out any other provision of this chapter.	23196
(B) The manufactured homes commission shall do all of the following:	23197 23198
(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the commission determines appropriate;	23199 23200 23201 23202
(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;	23203 23204 23205
(3) Prepare and distribute any application form this chapter requires;	23206 23207
(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	23208 23209
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	23210 23211
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	23212 23213 23214
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	23215 23216
(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;	23217 23218 23219 23220 23221

(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer;

(10) Determine appropriate disciplinary actions for violations of this chapter;

(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.

(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity;

(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it.

**Sec. 4905.79.** Any telephone company, as defined in section 5727.01 of the Revised Code, or, as authorized by the public utilities commission, any affiliate of such a company, that ~~is required to provide~~ provides any telephone service program implemented after March 27, 1991, to aid the communicatively impaired in accessing the telephone network shall be allowed a tax credit for the costs of any such program under section 5733.56 of the Revised Code. Relative to any such program, the ~~public utilities~~ public commission, in accordance with its rules, shall allow interested parties to intervene and participate in any proceeding or part of a proceeding brought before the commission pursuant to this section. The commission shall adopt rules it considers necessary to carry out this section.

**Sec. 5111.011.** (A) ~~As used in this section:~~

~~(1) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.~~ 23251  
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~~(2) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 23253  
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~~(3) "Institutionalized individual" means an individual who is a patient in a nursing facility or who receives home and community based services under a federal waiver granted the department of job and family services under 42 U.S.C. 1396a(10)(A)(ii)(VI).~~ 23255  
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~~(B) Subject to this section, the The director of job and family services shall, pursuant to section 111.15 of the Revised Code, adopt rules establishing eligibility requirements for the medicaid program and defining, . The rules shall be adopted pursuant to section 111.15 of the Revised Code and shall be consistent with federal and state law, the term "resources" as used in this section. The rules shall include rules that do all of the following:~~ 23260  
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23267

(1) Establish 23268

~~(C) In determining eligibility for the medicaid program, the following shall apply with respect to real property used by an aged, blind or disabled applicant or recipient as a homestead or principal place of residence:~~ 23269  
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~~(1) The value of the property shall be the maximum allowed under Title XVI of the "Social Security Act," 86 Stat. 1329 (1972), 42 U.S.C. 1381;~~ 23273  
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~~(2) Except as provided in division (C)(3) of this section, the department of job and family services may consider the property to not be the homestead or principal place of residence of the applicant or recipient if the applicant or recipient resides in a nursing facility, intermediate care facility for the~~ 23276  
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mentally retarded, or other medical institution for thirteen 23281  
months or longer. 23282

~~(3) Division (C)(2) of this section does not apply if any of 23283  
the following individuals reside in the applicant's or recipient's 23284  
real property used as a homestead or principal place of residence: 23285~~

~~(a) The applicant's or recipient's spouse; 23286~~

~~(b) A son or daughter of the applicant or recipient, if the 23287  
son or daughter is under twenty one years of age or blind or 23288  
disabled in accordance with rules adopted by the director of job 23289  
and family services; 23290~~

~~(c) A son or daughter of the applicant or recipient, if the 23291  
son or daughter is financially dependent on the applicant or 23292  
recipient for housing in accordance with rules adopted by the 23293  
director of job and family services; 23294~~

~~(d) A sibling of the applicant or recipient, if the sibling 23295  
has a verified equity and ownership interest in the real property 23296  
and has resided in the real property for at least one year 23297  
immediately before the date the applicant or recipient was 23298  
admitted to the nursing facility, intermediate care facility for 23299  
the mentally retarded, or other medical institution. 23300~~

~~(D) Except as provided in division (C) of this section, no 23301  
person is eligible for the medicaid program if on or prior to 23302  
December 31, 1989, the person has transferred real or personal 23303  
property for the purpose of securing medicaid eligibility and the 23304  
transfer occurred during the two years preceding the person's 23305  
application. In order to secure compliance with this division, the 23306  
director of job and family services shall require all applicants 23307  
for medicaid to submit true and correct copies of any federal 23308  
income or gift tax form or schedule filed, singly or jointly, by 23309  
the applicant during the preceding five taxable years. Such 23310  
copies, and the information disclosed thereon, shall be used 23311~~

~~solely for the purpose of determining the probability of whether  
the applicant has transferred assets in violation of this  
division. The director shall provide for the confidentiality and  
return of any copies of forms or schedules submitted under this  
division. Where such copies reveal the probability that an  
applicant has transferred assets in violation of this division, a  
presumption arises that the applicant has transferred assets in  
violation of this division, and the director shall deny the  
application until the applicant submits a true and accurate  
expenditure statement to the director that shows the applicant did  
not violate this division. The director of job and family services  
shall adopt rules to implement this provision.~~

~~(E)(1) Except as provided in divisions (E)(2) and (G) of this  
section, an institutionalized individual who is otherwise eligible  
for medicaid shall be ineligible for nursing facility services or  
services provided under a home and community based waiver for a  
period specified in rules adopted under division (E)(3) of this  
section if the institutionalized individual or individual's  
spouse, on or after January 1, 1990, transfers resources for less  
than fair market value at any time during or after the five year  
period immediately prior to either of the following:~~

~~(a) The date the individual becomes an institutionalized  
individual if the individual is eligible for medicaid on that  
date;~~

~~(b) The date the individual applies for medicaid while an  
institutionalized individual.~~

~~(2) The director shall apply to the United States secretary  
of health and human services for a waiver of federal law governing  
the medicaid program as necessary for the implementation of the  
five year look back period provided for by division (E)(1) of this  
section. If a waiver is not approved, the look back period shall~~

be the period of time specified in 42 U.S.C. 1396p(e). 23343

~~(3) The director shall adopt rules specifying, for the 23344  
purpose of division (E)(1) of this section, the length of the 23345  
period of ineligibility due to transfers of resources for less 23346  
than fair market value on or after the look back date. The period 23347  
of ineligibility shall begin with the month in which the resources 23348  
were transferred. The rules shall be consistent with Title XIX of 23349  
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396. 23350  
The department shall allow exceptions to the period of 23351  
ineligibility to the extent that exceptions are permitted by that 23352  
title. An exception based on undue hardship to the 23353  
institutionalized individual shall be allowed only so long as the 23354  
individual cooperates with the department or the county department 23355  
of job and family services in securing the return of transferred 23356  
resources. 23357~~

~~(4) To secure compliance with this division, the department 23358  
may require applicants for and recipients of medicaid, as a 23359  
condition of eligibility, to provide documentation of their income 23360  
and resources up to five years prior to the date the individual 23361  
becomes an institutionalized individual if the individual is 23362  
eligible for medicaid on that date or the date the individual 23363  
applies for medicaid while an institutionalized individual. 23364  
Documentation may include, but is not limited to, tax returns, 23365  
records from financial institutions, and real property records. 23366~~

~~(F) The director shall, by rule adopted in accordance with 23367  
section 111.15 of the Revised Code, establish standards consistent 23368  
with federal law for allocating income and resources as income and 23369  
resources of the spouse, children, parents, or stepparents of a 23370  
recipient of or applicant for medicaid. 23371~~

(2) Define the term "resources" as used in division (A)(1) of 23372  
this section; 23373

<u>(3) Specify the number of months that is to be used for the purpose of the term "look-back date" used in section 5111.0116 of the Revised Code;</u>	23374
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<u>(4) Establish processes to be used to determine both of the following:</u>	23377
	23378
<u>(a) The date an institutionalized individual's ineligibility for services under section 5111.0116 of the Revised Code is to begin;</u>	23379
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	23381
<u>(b) The number of months an institutionalized individual's ineligibility for such services is to continue.</u>	23382
	23383
<u>(5) Establish exceptions to the period of ineligibility that an institutionalized individual would otherwise be subject to under section 5111.0116 of the Revised Code;</u>	23384
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<u>(6) Define the term "other medicaid-funded long-term care services" as used in sections 5111.0117 and 5111.0118 of the Revised Code;</u>	23387
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	23389
<u>(7) For the purpose of division (C)(2)(c) of section 5111.0117 of the Revised Code, establish the process to determine whether the child of an aged, blind, or disabled individual is financially dependent on the individual for housing.</u>	23390
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<u>(B) Notwithstanding any provision of state law, including statutes, administrative rules, common law, and court rules, regarding real or personal property or domestic relations, the standards established under <del>this</del> <u>rules adopted under</u> division (A)(1) of this section shall be used to determine eligibility for medicaid.</u>	23394
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<del>(G) The director may, by rule adopted in accordance with section 111.15 of the Revised Code, exempt individuals who apply for or receive medicaid that may be provided pursuant to division (C) of section 5111.01 of the Revised Code from some or all of the</del>	23400
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~~requirements of this section.~~ 23404

**Sec. 5111.0112.** (A) Not later than July 1, 2006, the director 23405  
of job and family services shall institute a copayment program 23406  
under the medicaid program. ~~The~~ To the extent permitted by federal 23407  
law, the copayment program shall establish a copayment requirement 23408  
for only dental services, vision services, nonemergency emergency 23409  
department services, and prescription drugs, other than generic 23410  
drugs, ~~to the extent permitted by federal statutes and~~ 23411  
~~regulations~~. The director shall adopt rules under section 5111.02 23412  
of the Revised Code governing the copayment program. 23413  
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(B) The copayment program shall, to the extent permitted by 23415  
federal law, provide for all of the following with regard to any 23416  
providers participating in the medicaid program: 23417

(1) No provider shall refuse to provide a service to a 23418  
medicaid recipient who is unable to pay a required copayment for 23419  
the service. 23420

(2) Division (B)(1) of this section shall not be considered 23421  
to do either of the following with regard to a medicaid recipient 23422  
who is unable to pay a required copayment: 23423

(a) Relieve the medicaid recipient from the obligation to pay 23424  
a copayment; 23425

(b) Prohibit the provider from attempting to collect an 23426  
unpaid copayment. 23427

(3) ~~No~~ Except as provided in division (C) of this section, no 23428  
provider shall waive a medicaid recipient's obligation to pay the 23429  
provider a copayment. 23430

(4) No provider or drug manufacturer, including the 23431  
manufacturer's representative, employee, independent contractor, 23432  
or agent, shall pay any copayment on behalf of a medicaid 23433

recipient. 23434

(5) If it is the routine business practice of the provider to 23435  
refuse service to any individual who owes an outstanding debt to 23436  
the provider, the provider may consider an unpaid copayment 23437  
imposed by the copayment program as an outstanding debt and may 23438  
refuse service to a medicaid recipient who owes the provider an 23439  
outstanding debt. If the provider intends to refuse service to a 23440  
medicaid recipient who owes the provider an outstanding debt, the 23441  
provider shall notify the individual of the provider's intent to 23442  
refuse services. 23443

(C) In the case of a provider that is a hospital, the 23444  
copayment program shall permit the hospital to take action to 23445  
collect a copayment by providing, at the time services are 23446  
rendered to a medicaid recipient, notice that a copayment may be 23447  
owed. If the hospital provides the notice and chooses not to take 23448  
any further action to pursue collection of the copayment, the 23449  
prohibition against waiving copayments specified in division 23450  
(B)(3) of this section does not apply. 23451

**Sec. 5111.0116.** (A) As used in this section: 23452

(1) "Assets" include all of an individual's income and 23453  
resources and those of the individual's spouse, including any 23454  
income or resources the individual or spouse is entitled to but 23455  
does not receive because of action by any of the following: 23456

(a) The individual or spouse; 23457

(b) A person or government entity, including a court or 23458  
administrative agency, with legal authority to act in place of or 23459  
on behalf of the individual or spouse; 23460

(c) A person or government entity, including a court or 23461  
administrative agency, acting at the direction or on the request 23462  
of the individual or spouse. 23463

(2) "Home and community-based services" means home and community-based services furnished under a medicaid waiver granted by the United States secretary of health and human services under 42 U.S.C. 1396n(c) or (d). 23464  
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(3) "Institutionalized individual" means a resident of a nursing facility, an inpatient in a medical institution for whom a payment is made based on a level of care provided in a nursing facility, or an individual described in 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 23468  
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(4) "Look-back date" means the date that is a number of months specified in rules adopted under section 5111.011 of the Revised Code immediately before either of the following: 23473  
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(a) The date an individual becomes an institutionalized individual if the individual is eligible for medicaid on that date; 23476  
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(b) The date an individual applies for medicaid while an institutionalized individual. 23479  
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(5) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 23481  
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(6) "Nursing facility equivalent services" means services that are covered by the medicaid program, equivalent to nursing facility services, provided by an institution that provides the same level of care as a nursing facility, and provided to an inpatient of the institution who is a medicaid recipient eligible for medicaid-covered nursing facility equivalent services. 23483  
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(7) "Nursing facility services" means nursing facility services covered by the medicaid program that a nursing facility provides to a resident of the nursing facility who is a medicaid recipient eligible for medicaid-covered nursing facility services. 23489  
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(B) Except as provided in rules adopted under section 23493

5111.011 of the Revised Code, an institutionalized individual is 23494  
ineligible for nursing facility services, nursing facility 23495  
equivalent services, and home and community-based services if the 23496  
individual or individual's spouse disposes of assets for less than 23497  
fair market value on or after the look-back date. The 23498  
institutionalized individual's ineligibility shall begin on a date 23499  
determined in accordance with rules adopted under section 5111.011 23500  
of the Revised Code and shall continue for a number of months 23501  
determined in accordance with such rules. 23502

(C) To secure compliance with this section, the director of 23503  
job and family services may require an individual, as a condition 23504  
of initial or continued eligibility for medicaid, to provide 23505  
documentation of the individual's assets up to five years before 23506  
the date the individual becomes an institutionalized individual if 23507  
the individual is eligible for medicaid on that date or the date 23508  
the individual applies for medicaid while an institutionalized 23509  
individual. Documentation may include tax returns, records from 23510  
financial institutions, and real property records. 23511

**Sec. 5111.0117.** (A) As used in this section and section 23512  
5111.0118 of the Revised Code: 23513

(1) "ICF/MR services" means intermediate care facility for 23514  
the mentally retarded services covered by the medicaid program 23515  
that an intermediate care facility for the mentally retarded 23516  
provides to a resident of the facility who is a medicaid recipient 23517  
eligible for medicaid-covered intermediate care facility for the 23518  
mentally retarded services. 23519

(2) "Intermediate care facility for the mentally retarded" 23520  
has the same meaning as in section 5111.20 of the Revised Code. 23521

(3) "Nursing facility" has the same meaning as in section 23522  
5111.20 of the Revised Code. 23523

(4) "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. 23524  
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(5) "Other medicaid-funded long-term care services" has the meaning specified in rules adopted under section 5111.011 of the Revised Code. 23528  
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(B) Except as provided by division (C) of this section and for the purpose of determining whether an aged, blind, or disabled individual is eligible for nursing facility services, ICF/MR services, or other medicaid-funded long-term care services, the director of job and family services may consider an aged, blind, or disabled individual's real property to not be the individual's homestead or principal place of residence once the individual has resided in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution for at least thirteen months. 23531  
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(C) Division (B) of this section does not apply to an individual if any of the following reside in the individual's real property that, because of this division, continues to be considered the individual's homestead or principal place of residence: 23541  
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(1) The individual's spouse; 23546

(2) The individual's child if any of the following apply: 23547

(a) The child is under twenty-one years of age. 23548

(b) The child is considered blind or disabled under 42 U.S.C. 1382c. 23549  
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(c) The child is financially dependent on the individual for housing as determined in accordance with rules adopted under section 5111.011 of the Revised Code. 23551  
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23553

(3) The individual's sibling if the sibling has a verified equity interest in the real property and resided in the real property for at least one year immediately before the date the individual was admitted to the nursing facility, intermediate care facility for the mentally retarded, or other medical institution. 23554  
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**Sec. 5111.0118.** (A) Except as otherwise provided by this section, no individual shall qualify for nursing facility services or other medicaid-funded long-term care services if the individual's equity interest in the individual's home exceeds five hundred thousand dollars. The director of job and family services shall increase this amount effective January 1, 2011, and the first day of each year thereafter, by the percentage increase in the consumer price index for all urban consumers (all items; United States city average), rounded to the nearest one thousand dollars. 23559  
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(B) This section does not apply to an individual if either of the following applies: 23569  
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(1) Either of the following lawfully reside in the individual's home: 23571  
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(a) The individual's spouse; 23573

(b) The individual's child if the child is under twenty-one years of age or, under 42 U.S.C. 1382c, considered blind or disabled. 23574  
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(2) The individual qualifies, pursuant to the process established under division (C) of this section, for a waiver of this section due to a demonstrated hardship. 23577  
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(C) The director shall establish a process by which individuals may obtain a waiver of this section due to a demonstrated hardship. The process shall be consistent with the process for such waivers established by the United States 23580  
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<u>secretary of health and human services under 42 U.S.C.</u>	23584
<u>1396p(f)(4).</u>	23585
<u>(D) Nothing in this section shall be construed as preventing</u>	23586
<u>an individual from using a reverse mortgage or home equity loan to</u>	23587
<u>reduce the individual's total equity interest in the home.</u>	23588
<b>Sec. 5111.061.</b> (A) The department of job and family services	23589
may recover a medicaid payment or portion of a payment made to a	23590
provider to which the provider is not entitled. <del>The recovery may</del>	23591
<del>occur at any time</del> <u>if the department notifies the provider of the</u>	23592
<u>overpayment</u> during the five-year period immediately following the	23593
end of the state fiscal year in which the overpayment was made.	23594
(B) Among the overpayments that may be recovered under this	23595
section are the following:	23596
(1) Payment for a service, or a day of service, not rendered;	23597
(2) Payment for a day of service at a full per diem rate that	23598
should have been paid at a percentage of the full per diem rate;	23599
(3) Payment for a service, or day of service, that was paid	23600
by, or partially paid by, a third-party, as defined in section	23601
5101.571 of the Revised Code, and the third-party's payment or	23602
partial payment was not offset against the amount paid by the	23603
medicaid program to reduce or eliminate the amount that was paid	23604
by the medicaid program;	23605
(4) Payment when a medicaid recipient's responsibility for	23606
payment was understated and resulted in an overpayment to the	23607
provider.	23608
(C) <del>During the period specified in division (A) of this</del>	23609
<del>section, the</del> <u>The</u> department may recover an overpayment under this	23610
section prior to or after any of the following:	23611
(1) Adjudication of a final fiscal audit that section 5111.06	23612

of the Revised Code requires to be conducted in accordance with	23613
Chapter 119. of the Revised Code;	23614
(2) Adjudication of a finding under any other provision of	23615
this chapter or the rules adopted under it;	23616
(3) Expiration of the time to issue a final fiscal audit that	23617
section 5111.06 of the Revised Code requires to be conducted in	23618
accordance with Chapter 119. of the Revised Code;	23619
(4) Expiration of the time to issue a finding under any other	23620
provision of this chapter or the rules adopted under it.	23621
(D)(1) Subject to division (D)(2) of this section, the	23622
recovery of an overpayment under this section does not preclude	23623
the department from subsequently doing the following:	23624
(a) Issuing a final fiscal audit in accordance with Chapter	23625
119. of the Revised Code, as required under section 5111.06 of the	23626
Revised Code;	23627
(b) Issuing a finding under any other provision of this	23628
chapter or the rules adopted under it.	23629
(2) A final fiscal audit or finding issued subsequent to the	23630
recovery of an overpayment under this section shall be reduced by	23631
the amount of the prior recovery, as appropriate.	23632
(E) Nothing in this section limits the department's authority	23633
to recover overpayments pursuant to any other provision of the	23634
Revised Code.	23635
<b>Sec. <del>5111.082</del> 5111.081.</b> The director of job and family	23636
services, in rules adopted under section 5111.02 of the Revised	23637
Code, may establish and implement a supplemental drug rebate	23638
program under which drug manufacturers may be required to provide	23639
the department of job and family services a supplemental rebate as	23640
a condition of having the drug manufacturers' drug products	23641

covered by the medicaid program without prior approval. The 23642  
department may receive a supplemental rebate negotiated under the 23643  
program for a drug dispensed to a medicaid recipient pursuant to a 23644  
prescription or a drug purchased by a medicaid provider for 23645  
administration to a medicaid recipient in the provider's primary 23646  
place of business. If necessary, the director may apply to the 23647  
United States secretary of health and human services for a waiver 23648  
of federal statutes and regulations to establish the supplemental 23649  
drug rebate program. 23650

If the director establishes a supplemental drug rebate 23651  
program, the director shall consult with drug manufacturers 23652  
regarding the establishment and implementation of the program. 23653

**Sec. ~~5111.083~~ 5111.082.** (A) As used in this section: 23654

(1) "State maximum allowable cost" means the per unit amount 23655  
the department of job and family services reimburses a terminal 23656  
distributor of dangerous drugs for a prescription drug included in 23657  
the state maximum allowable cost program established under 23658  
division (B) of this section. "State maximum allowable cost" 23659  
excludes dispensing fees and copayments, coinsurance, or other 23660  
cost-sharing charges, if any. 23661

(2) "Terminal distributor of dangerous drugs" has the same 23662  
meaning as in section 4729.01 of the Revised Code. 23663

(B) The director of job and family services shall establish a 23664  
state maximum allowable cost program for purposes of managing 23665  
reimbursement to terminal distributors of dangerous drugs for 23666  
prescription drugs identified by the director pursuant to this 23667  
division. The director shall do all of the following with respect 23668  
to the program: 23669

(1) Identify and create a list of prescription drugs to be 23670  
included in the program. 23671

(2) Update the list of prescription drugs described in 23672  
division (B)(1) of this section on a weekly basis. 23673

(3) Review the state maximum allowable cost for each drug 23674  
included on the list described in division (B)(1) of this section 23675  
on a weekly basis. 23676

(C) The director may adopt rules in accordance with Chapter 23677  
119. of the Revised Code to implement this section. 23678

**Sec. ~~5111.084~~ 5111.083.** (A) As used in this section, 23679  
"licensed health professional authorized to prescribe drugs" has 23680  
the same meaning as in section 4729.01 of the Revised Code. 23681

(B) The director of job and family services may establish an 23682  
e-prescribing system for the medicaid program under which a 23683  
medicaid provider who is a licensed health professional authorized 23684  
to prescribe drugs shall use an electronic system to prescribe a 23685  
drug for a medicaid recipient when required to do so by division 23686  
(C) of this section. The e-prescribing system shall eliminate the 23687  
need for such medicaid providers to make prescriptions for 23688  
medicaid recipients by handwriting or telephone. The e-prescribing 23689  
system also shall provide such medicaid providers with an 23690  
up-to-date, clinically relevant drug information database and a 23691  
system of electronically monitoring medicaid recipients' medical 23692  
history, drug regimen compliance, and fraud and abuse. 23693

(C) If the director establishes an e-prescribing system under 23694  
division (B) of this section, the director shall do all of the 23695  
following: 23696

(1) Require that a medicaid provider who is a licensed health 23697  
professional authorized to prescribe drugs use the e-prescribing 23698  
system during a fiscal year if the medicaid provider was one of 23699  
the ten medicaid providers who, during the calendar year that 23700  
precedes that fiscal year, issued the most prescriptions for 23701

medicaid recipients receiving hospital services; 23702

(2) Before the beginning of each fiscal year, determine the 23703  
ten medicaid providers that issued the most prescriptions for 23704  
medicaid recipients receiving hospital services during the 23705  
calendar year that precedes the upcoming fiscal year and notify 23706  
those medicaid providers that they must use the e-prescribing 23707  
system for the upcoming fiscal year; 23708

(3) Seek the most federal financial participation available 23709  
for the development and implementation of the e-prescribing 23710  
system. 23711

**Sec. ~~5111.085~~ 5111.084.** There is hereby established the 23712  
pharmacy and therapeutics committee of the department of job and 23713  
family services. The committee shall consist of nine members and 23714  
shall be appointed by the director of job and family services. The 23715  
membership of the committee shall include: three pharmacists 23716  
licensed under Chapter 4729. of the Revised Code; two doctors of 23717  
medicine and two doctors of osteopathy licensed under Chapter 23718  
4731. of the Revised Code; a registered nurse licensed under 23719  
Chapter 4723. of the Revised Code; and a pharmacologist who has a 23720  
doctoral degree. The committee shall elect one of its members as 23721  
chairperson. 23722

**Sec. 5111.101.** (A) As used in this section, "federal health 23723  
care programs" has the same meaning as in 42 U.S.C. 1320a-7b(f). 23724

(B) Each person and government entity that receives or makes 23725  
medicaid payments in a calendar year that total five million 23726  
dollars or more shall, as a condition of receiving such payments, 23727  
do all of the following: 23728

(1) Provide each of the person or government entity's 23729  
employees (including management employees), contractors, and 23730  
agents, detailed, written information about the role of all of the 23731

<u>following in preventing and detecting fraud, waste, and abuse in</u>	23732
<u>federal health care programs:</u>	23733
<u>(a) Federal false claims law under 31 U.S.C. 3729 to 3733;</u>	23734
<u>(b) Federal administrative remedies for false claims and</u> <u>statements available under 31 U.S.C. 3801 to 3812;</u>	23735 23736
<u>(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the</u> <u>Revised Code and any other state laws pertaining to civil or</u> <u>criminal penalties for false claims and statements;</u>	23737 23738 23739
<u>(d) Whistleblower protections under the laws specified in</u> <u>divisions (B)(1)(a) to (c) of this section.</u>	23740 23741
<u>(2) Include in the written information provided under</u> <u>division (B)(1) of this section detailed information about the</u> <u>person or government entity's policies and procedures for</u> <u>preventing and detecting fraud, waste, and abuse.</u>	23742 23743 23744 23745
<u>(3) Include in the person or government entity's employee</u> <u>handbook a specific discussion of the laws specified in division</u> <u>(B)(1) of this section, the rights of employees to be protected as</u> <u>whistleblowers, and the person or government entity's policies and</u> <u>procedures for preventing and detecting fraud, waste, and abuse.</u>	23746 23747 23748 23749 23750
<b>Sec. 5111.11.</b> (A) As used in this section and section 5111.111 of the Revised Code:	23751 23752
(1) "Estate" includes both of the following:	23753
(a) All real and personal property and other assets to be administered under Title XXI of the Revised Code and property that would be administered under that title if not for section 2113.03 or 2113.031 of the Revised Code;	23754 23755 23756 23757
(b) Any other real and personal property and other assets in which an individual had any legal title or interest at the time of death (to the extent of the interest), including assets conveyed	23758 23759 23760

to a survivor, heir, or assign of the individual through joint 23761  
tenancy, tenancy in common, survivorship, life estate, living 23762  
trust, or other arrangement. 23763

(2) "Institution" means a nursing facility, intermediate care 23764  
facility for the mentally retarded, or a medical institution. 23765

(3) "Intermediate care facility for the mentally retarded" 23766  
and "nursing facility" have the same meanings as in section 23767  
5111.20 of the Revised Code. 23768

(4) "Permanently institutionalized individual" means an 23769  
individual to whom all of the following apply: 23770

(a) Is an inpatient in an institution; 23771

(b) Is required, as a condition of the medicaid program 23772  
paying for the individual's services in the institution, to spend 23773  
for costs of medical or nursing care all of the individual's 23774  
income except for an amount for personal needs specified by the 23775  
department of job and family services; 23776

(c) Cannot reasonably be expected to be discharged from the 23777  
institution and return home as determined by the department of job 23778  
and family services. 23779

(5) "Qualified state long-term care insurance partnership 23780  
program" means the program established under section 5111.18 of 23781  
the Revised Code. 23782

(6) "Time of death" shall not be construed to mean a time 23783  
after which a legal title or interest in real or personal property 23784  
or other asset may pass by survivorship or other operation of law 23785  
due to the death of the decedent or terminate by reason of the 23786  
decedent's death. 23787

(B) To the extent permitted by federal law, the department of 23788  
job and family services shall institute an estate recovery program 23789  
under which the department shall, except as provided in divisions 23790

(C) ~~and~~, (D), and (E) of this section, do both of the following: 23791

(1) For the costs of medicaid services the medicaid program 23792  
correctly paid or will pay on behalf of a permanently 23793  
institutionalized individual of any age, seek adjustment or 23794  
recovery from the individual's estate or on the sale of property 23795  
of the individual or spouse that is subject to a lien imposed 23796  
under section 5111.111 of the Revised Code; 23797

(2) For the costs of medicaid services the medicaid program 23798  
correctly paid or will pay on behalf of an individual fifty-five 23799  
years of age or older who is not a permanently institutionalized 23800  
individual, seek adjustment or recovery from the individual's 23801  
estate. 23802

(C)(1) No adjustment or recovery may be made under division 23803  
(B)(1) of this section from a permanently institutionalized 23804  
individual's estate or on the sale of property of a permanently 23805  
institutionalized individual that is subject to a lien imposed 23806  
under section 5111.111 of the Revised Code or under division 23807  
(B)(2) of this section from an individual's estate while either of 23808  
the following are alive: 23809

(a) The spouse of the permanently institutionalized 23810  
individual or individual; 23811

(b) The son or daughter of a permanently institutionalized 23812  
individual or individual if the son or daughter is under age 23813  
twenty-one or, under 42 U.S.C. 1382c, is considered blind or 23814  
disabled. 23815

(2) No adjustment or recovery may be made under division 23816  
(B)(1) of this section from a permanently institutionalized 23817  
individual's home that is subject to a lien imposed under section 23818  
5111.111 of the Revised Code while either of the following 23819  
lawfully reside in the home: 23820

(a) The permanently institutionalized individual's sibling 23821  
who resided in the home for at least one year immediately before 23822  
the date of the permanently institutionalized individual's 23823  
admission to the institution and on a continuous basis since that 23824  
time; 23825

(b) The permanently institutionalized individual's son or 23826  
daughter who provided care to the permanently institutionalized 23827  
individual that delayed the permanently institutionalized 23828  
individual's institutionalization and resided in the home for at 23829  
least two years immediately before the date of the permanently 23830  
institutionalized individual's admission to the institution and on 23831  
a continuous basis since that time. 23832

(D) In the case of a participant of the qualified state 23833  
long-term care insurance partnership program, adjustment or 23834  
recovery required by this section may be reduced in accordance 23835  
with rules adopted under division (G) of this section. 23836

(E) The department shall, in accordance with procedures and 23837  
criteria established in rules adopted under division (G) of this 23838  
section, waive seeking an adjustment or recovery otherwise 23839  
required by this section if the director of job and family 23840  
services determines that adjustment or recovery would work an 23841  
undue hardship. The department may limit the duration of the 23842  
waiver to the period during which the undue hardship exists. 23843

~~The director, in accordance with Chapter 119. of the Revised 23844  
Code, shall adopt rules regarding the estate recovery program, 23845  
including rules that establish procedures and criteria for waiver 23846  
of adjustment or recovery due to an undue hardship. These rules 23847  
shall meet the standards specified by the United States secretary 23848  
of health and human services under 42 U.S.C. 1396p(b)(3), as 23849  
amended.~~ 23850

~~(E)~~(F) For the purpose of determining whether an individual 23851

meets the definition of "permanently institutionalized individual" 23852  
established for this section, a rebuttable presumption exists that 23853  
the individual cannot reasonably be expected to be discharged from 23854  
an institution and return home if either of the following is the 23855  
case: 23856

(1) The individual declares that he or she does not intend to 23857  
return home. 23858

(2) The individual has been an inpatient in an institution 23859  
for at least six months. 23860

(G) The director of job and family services shall adopt rules 23861  
in accordance with Chapter 119. of the Revised Code regarding the 23862  
estate recovery program, including rules that do both of the 23863  
following: 23864

(1) For the purpose of division (D) of this section and 23865  
consistent with 42 U.S.C. 1396p(b)(1)(C), provide for reducing an 23866  
adjustment or recovery in the case of a participant of the 23867  
qualified state long-term care insurance partnership program; 23868

(2) For the purpose of division (E) of this section and 23869  
consistent with the standards specified by the United States 23870  
secretary of health and human services under 42 U.S.C. 23871  
1396p(b)(3), establish procedures and criteria for waiving 23872  
adjustment or recovery due to an undue hardship. 23873

**Sec. 5111.151.** (A) This section applies to eligibility 23874  
determinations for all cases involving ~~medical assistance~~ medicaid 23875  
provided pursuant to this chapter, qualified medicare 23876  
beneficiaries, specified low-income medicare beneficiaries, 23877  
qualifying individuals-1, qualifying individuals-2, and medical 23878  
assistance for covered families and children. 23879

(B) As used in this section: 23880

(1) "Trust" means any arrangement in which a grantor 23881

transfers real or personal property to a trust with the intention 23882  
that it be held, managed, or administered by at least one trustee 23883  
for the benefit of the grantor or beneficiaries. "Trust" includes 23884  
any legal instrument or device similar to a trust. 23885

(2) "Legal instrument or device similar to a trust" includes, 23886  
but is not limited to, escrow accounts, investment accounts, 23887  
partnerships, contracts, and other similar arrangements that are 23888  
not called trusts under state law but are similar to a trust and 23889  
to which all of the following apply: 23890

(a) The property in the trust is held, managed, retained, or 23891  
administered by a trustee. 23892

(b) The trustee has an equitable, legal, or fiduciary duty to 23893  
hold, manage, retain, or administer the property for the benefit 23894  
of the beneficiary. 23895

(c) The trustee holds identifiable property for the 23896  
beneficiary. 23897

(3) "Grantor" is a person who creates a trust, including all 23898  
of the following: 23899

(a) An individual; 23900

(b) An individual's spouse; 23901

(c) A person, including a court or administrative body, with 23902  
legal authority to act in place of or on behalf of an individual 23903  
or an individual's spouse; 23904

(d) A person, including a court or administrative body, that 23905  
acts at the direction or on request of an individual or the 23906  
individual's spouse. 23907

(4) "Beneficiary" is a person or persons, including a 23908  
grantor, who benefits in some way from a trust. 23909

(5) "Trustee" is a person who manages a trust's principal and 23910

income for the benefit of the beneficiaries.	23911
(6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association.	23912 23913 23914
(7) "Applicant" is an individual who applies for <del>medical assistance benefits</del> <u>medicaid</u> or the individual's spouse.	23915 23916
(8) "Recipient" is an individual who receives <del>medical assistance benefits</del> <u>medicaid</u> or the individual's spouse.	23917 23918
(9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable:	23919 23920 23921
(a) A trust that provides that the trust can be terminated only by a court;	23922 23923
(b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the grantor, beneficiary, or trustee.	23924 23925 23926
(10) "Irrevocable trust" is a trust that cannot be revoked by the grantor or terminated by a court and that terminates only on the occurrence of an event outside of the control or direction of the beneficiary or grantor.	23927 23928 23929 23930
(11) "Payment" is any disbursement from the principal or income of the trust, including actual cash, noncash or property disbursements, or the right to use and occupy real property.	23931 23932 23933
(12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient.	23934 23935 23936
(13) "Testamentary trust" is a trust that is established by a will and does not take effect until after the death of the person who created the trust.	23937 23938 23939

(C) If an applicant or recipient is a beneficiary of a trust, 23940  
the county department of job and family services shall determine 23941  
what type of trust it is and shall treat the trust in accordance 23942  
with the appropriate provisions of this section and rules adopted 23943  
by the department of job and family services governing trusts. The 23944  
county department of job and family services may determine that 23945  
the trust or portion of the trust is one of the following: 23946

(1) A countable resource; 23947

(2) Countable income; 23948

(3) A countable resource and countable income; 23949

(4) Not a countable resource or countable income. 23950

(D)(1) A trust or legal instrument or device similar to a 23951  
trust shall be considered a medicaid qualifying trust if all of 23952  
the following apply: 23953

(a) The trust was established on or prior to August 10, 1993. 23954

(b) The trust was not established by a will. 23955

(c) The trust was established by an applicant or recipient. 23956

(d) The applicant or recipient is or may become the 23957  
beneficiary of all or part of the trust. 23958

(e) Payment from the trust is determined by one or more 23959  
trustees who are permitted to exercise any discretion with respect 23960  
to the distribution to the applicant or recipient. 23961

(2) If a trust meets the requirement of division (D)(1) of 23962  
this section, the amount of the trust that is considered by the 23963  
county department of job and family services as an available 23964  
resource to the applicant or recipient shall be the maximum amount 23965  
of payments permitted under the terms of the trust to be 23966  
distributed to the applicant or recipient, assuming the full 23967  
exercise of discretion by the trustee or trustees. The maximum 23968

amount shall include only amounts that are permitted to be distributed but are not distributed from either the income or principal of the trust. 23969  
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(3) Amounts that are actually distributed from a ~~Medicaid~~ medicaid qualifying trust to a beneficiary for any purpose shall be treated in accordance with rules adopted by the department of job and family services governing income. 23972  
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(4) Availability of a medicaid qualifying trust shall be considered without regard to any of the following: 23976  
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(a) Whether or not the trust is irrevocable or was established for purposes other than to enable a grantor to qualify for medicaid, medical assistance for covered families and children, or as a qualified medicare beneficiary, specified low-income medicare beneficiary, qualifying individual-1, or qualifying individual-2; 23978  
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(b) Whether or not the trustee actually exercises discretion. 23984

(5) If any real or personal property is transferred to a medicaid qualifying trust that is not distributable to the applicant or recipient, the transfer shall be considered an improper ~~transfer~~ disposition of ~~resources~~ assets and shall be subject to section 5111.0116 of the Revised Code and rules to implement that section adopted by the department of job and family services governing improper transfers of resources under section 5111.011 of the Revised Code. 23985  
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(6) The baseline date for the look-back period for ~~transfers~~ disposition of assets involving a medicaid qualifying trust shall be the date on which the applicant or recipient is both institutionalized and first applies for ~~medical assistance~~. The following conditions also apply to look-back periods for transfers of assets involving medicaid qualifying trusts: 23993  
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~~(a) If a medicaid qualifying trust is a revocable trust and a portion of the trust is distributed to someone other than the applicant or recipient for the benefit of someone other than the applicant or recipient, the distribution shall be considered an improper transfer of resources. The look back period shall be sixty months from the baseline date. The transfer shall be considered to have taken place on the date on which the payment to someone other than the applicant or recipient was made.~~

~~(b) If a medicaid qualifying trust is an irrevocable trust and a portion of the trust is not distributable to the applicant or recipient, the trust shall be treated as an improper transfer of resources. The look back period shall be sixty months from the baseline date. The transfer is considered to have been made as of the later of the date the trust was established or the date on which payment to the applicant or recipient was foreclosed. The value of the assets shall not be reduced by any payments from the trust that may be made from these unavailable assets at a later date.~~

~~(c) If a medicaid qualifying trust is an irrevocable trust and a portion or all of the trust may be disbursed to or for the benefit of the applicant or recipient, any payment that is made to another person other than the applicant or recipient shall be considered an improper transfer of resources. The look back period shall be thirty six months from the baseline date. The transfer shall be considered to have been made as of the date of payment to the other person medicaid.~~

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

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

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

(c) The trust was established by an applicant or recipient, 24030  
spouse of an applicant or recipient, or a person, including a 24031  
court or administrative body, with legal authority to act in place 24032  
of or on behalf of an applicant, recipient, or spouse, or acting 24033  
at the direction or on request of an applicant, recipient, or 24034  
spouse. 24035

(2) A trust that meets the requirements of division (E)(1) of 24036  
this section and is a revocable trust shall be treated by the 24037  
county department of job and family services as follows: 24038

(a) The corpus of the trust shall be considered a resource 24039  
available to the applicant or recipient. 24040

(b) Payments from the trust to or for the benefit of the 24041  
applicant or recipient shall be considered unearned income of the 24042  
applicant or recipient. 24043

(c) Any other payments from the trust shall be considered an 24044  
improper ~~transfer disposition~~ of ~~resources~~ assets and shall be 24045  
subject to section 5111.0116 of the Revised Code and rules to 24046  
implement that section ~~adopted by the department of job and family~~ 24047  
~~services governing improper transfers of resources~~ under section 24048  
5111.011 of the Revised Code. 24049

(3) A trust that meets the requirements of division (E)(1) of 24050  
this section and is an irrevocable trust shall be treated by the 24051  
county department of job and family services as follows: 24052

(a) If there are any circumstances under which payment from 24053  
the trust could be made to or for the benefit of the applicant or 24054  
recipient, including a payment that can be made only in the 24055  
future, the portion from which payments could be made shall be 24056  
considered a resource available to the applicant or recipient. The 24057  
county department of job and family services shall not take into 24058  
account when payments can be made. 24059

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

(c) If a payment is made to someone other than to the applicant or recipient and the payment is not for the benefit of the applicant or recipient, the payment shall be considered an improper ~~transfer~~ disposition of ~~resources~~ assets and shall be subject to section 5111.0116 of the Revised Code and rules to implement that section adopted ~~by the department of job and family services governing improper transfers of resources under section 5111.011 of the Revised Code.~~

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

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

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

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

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

(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted by the

department of job and family services governing trusts shall apply 24090  
only to the portion of the trust attributable to the applicant or 24091  
recipient. 24092

(5) The availability of a self-settled trust shall be 24093  
considered without regard to any of the following: 24094

(a) The purpose for which the trust is established; 24095

(b) Whether the trustees have exercised or may exercise 24096  
discretion under the trust; 24097

(c) Any restrictions on when or whether distributions may be 24098  
made from the trust; 24099

(d) Any restrictions on the use of distributions from the 24100  
trust. 24101

(6) The baseline date for the look-back period for ~~transfers~~ 24102  
dispositions of assets involving a self-settled trust shall be the 24103  
date on which the applicant or recipient is both institutionalized 24104  
and first applies for ~~medical assistance~~. ~~The following conditions~~ 24105  
~~also apply to look-back periods for transfers of assets involving~~ 24106  
~~self-settled trusts:~~ 24107

~~(a) If a self-settled trust is a revocable trust and a 24108  
portion of the trust is distributed to someone other than the 24109  
applicant or recipient for the benefit of someone other than the 24110  
applicant or recipient, the distribution shall be considered an 24111  
improper transfer of resources. The look back period shall be 24112  
sixty months from the baseline date. The transfer shall be 24113  
considered to have taken place on the date on which the payment to 24114  
someone other than the applicant or recipient was made. 24115~~

~~(b) If a self-settled trust is an irrevocable trust and a 24116  
portion of the trust is not distributable to the applicant or 24117  
recipient, the trust shall be treated as an improper transfer of 24118  
resources. The look-back period shall be sixty months from the 24119~~

~~baseline date. The transfer is considered to have been made as of 24120  
the later of the date the trust was established or the date on 24121  
which payment to the applicant or recipient was foreclosed. The 24122  
value of these assets shall not be reduced by any payments from 24123  
the trust that may be made from these unavailable assets at a 24124  
later date. 24125~~

~~(c) If a self settled trust is an irrevocable trust and a 24126  
portion or all of the trust may be disbursed to or for the benefit 24127  
of the applicant or recipient, any payment that is made to another 24128  
person other than the applicant or recipient shall be considered 24129  
an improper transfer of resources. The look back period shall be 24130  
thirty six months from the baseline date. The transfer shall be 24131  
considered to have been made as of the date of payment to the 24132  
other person medicaid. 24133~~

(F) The principal or income from any of the following shall 24134  
be exempt from being counted as a resource by a county department 24135  
of job and family services: 24136

(1)(a) A special needs trust that meets all of the following 24137  
requirements: 24138

(i) The trust contains assets of an applicant or recipient 24139  
under sixty-five years of age and may contain the assets of other 24140  
individuals. 24141

(ii) The applicant or recipient is disabled as defined in 24142  
rules adopted by the department of job and family services. 24143

(iii) The trust is established for the benefit of the 24144  
applicant or recipient by a parent, grandparent, legal guardian, 24145  
or a court. 24146

(iv) The trust requires that on the death of the applicant or 24147  
recipient the state will receive all amounts remaining in the 24148  
trust up to an amount equal to the total amount of ~~medical~~ 24149  
~~assistance~~ medicaid paid on behalf of the applicant or recipient. 24150

(b) If a special needs trust meets the requirements of 24151  
division (F)(1)(a) of this section and has been established for a 24152  
disabled applicant or recipient under sixty-five years of age, the 24153  
exemption for the trust granted pursuant to division (F) of this 24154  
section shall continue after the disabled applicant or recipient 24155  
becomes sixty-five years of age if the applicant or recipient 24156  
continues to be disabled as defined in rules adopted by the 24157  
department of job and family services. Except for income earned by 24158  
the trust, the grantor shall not add to or otherwise augment the 24159  
trust after the applicant or recipient attains sixty-five years of 24160  
age. An addition or augmentation of the trust by the applicant or 24161  
recipient with the applicant's own assets after the applicant or 24162  
recipient attains sixty-five years of age shall be treated as an 24163  
improper ~~transfer~~ disposition of ~~resources~~ assets. 24164

(c) Cash distributions to the applicant or recipient shall be 24165  
counted as unearned income. All other distributions from the trust 24166  
shall be treated as provided in rules adopted by the department of 24167  
job and family services governing in-kind income. 24168

(d) Transfers of assets to a special needs trust shall not be 24169  
treated as an improper transfer of resources. Assets held prior to 24170  
the transfer to the trust shall be considered as countable assets 24171  
or countable income or countable assets and income. 24172

(2)(a) A qualifying income trust that meets all of the 24173  
following requirements: 24174

(i) The trust is composed only of pension, social security, 24175  
and other income to the applicant or recipient, including 24176  
accumulated interest in the trust. 24177

(ii) The income is received by the individual and the right 24178  
to receive the income is not assigned or transferred to the trust. 24179

(iii) The trust requires that on the death of the applicant 24180  
or recipient the state will receive all amounts remaining in the 24181

trust up to an amount equal to the total amount of ~~medical~~ 24182  
~~assistance~~ medicaid paid on behalf of the applicant or recipient. 24183

(b) No resources shall be used to establish or augment the 24184  
trust. 24185

(c) If an applicant or recipient has irrevocably transferred 24186  
or assigned the applicant's or recipient's right to receive income 24187  
to the trust, the trust shall not be considered a qualifying 24188  
income trust by the county department of job and family services. 24189

(d) Income placed in a qualifying income trust shall not be 24190  
counted in determining an applicant's or recipient's eligibility 24191  
for ~~medical assistance~~ medicaid. The recipient of the funds may 24192  
place any income directly into a qualifying income trust without 24193  
those funds adversely affecting the applicant's or recipient's 24194  
eligibility for ~~medical assistance~~ medicaid. Income generated by 24195  
the trust that remains in the trust shall not be considered as 24196  
income to the applicant or recipient. 24197

(e) All income placed in a qualifying income trust shall be 24198  
combined with any countable income not placed in the trust to 24199  
arrive at a base income figure to be used for spend down 24200  
calculations. 24201

(f) The base income figure shall be used for post-eligibility 24202  
deductions, including personal needs allowance, monthly income 24203  
allowance, family allowance, and medical expenses not subject to 24204  
third party payment. Any income remaining shall be used toward 24205  
payment of patient liability. Payments made from a qualifying 24206  
income trust shall not be combined with the base income figure for 24207  
post-eligibility calculations. 24208

(g) The base income figure shall be used when determining the 24209  
spend down budget for the applicant or recipient. Any income 24210  
remaining after allowable deductions are permitted as provided 24211  
under rules adopted by the department of job and family services 24212

shall be considered the applicant's or recipient's spend down liability. 24213  
24214

(3)(a) A pooled trust that meets all of the following requirements: 24215  
24216

(i) The trust contains the assets of the applicant or recipient of any age who is disabled as defined in rules adopted by the department of job and family services. 24217  
24218  
24219

(ii) The trust is established and managed by a nonprofit association. 24220  
24221

(iii) A separate account is maintained for each beneficiary of the trust but, for purposes of investment and management of funds, the trust pools the funds in these accounts. 24222  
24223  
24224

(iv) Accounts in the trust are established by the applicant or recipient, the applicant's or recipient's parent, grandparent, or legal guardian, or a court solely for the benefit of individuals who are disabled. 24225  
24226  
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(v) The trust requires that, to the extent that any amounts remaining in the beneficiary's account on the death of the beneficiary are not retained by the trust, the trust pay to the state the amounts remaining in the trust up to an amount equal to the total amount of ~~medical assistance~~ medicaid paid on behalf of the beneficiary. 24229  
24230  
24231  
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(b) Cash distributions to the applicant or recipient shall be counted as unearned income. All other distributions from the trust shall be treated as provided in rules adopted by the department of job and family services governing in-kind income. 24235  
24236  
24237  
24238

(c) Transfers of assets to a pooled trust shall not be treated as an improper ~~transfer~~ disposition of ~~resources~~ assets. Assets held prior to the transfer to the trust shall be considered as countable assets, countable income, or countable assets and 24239  
24240  
24241  
24242

income.	24243
(4) A supplemental services trust that meets the requirements	24244
of section 1339.51 of the Revised Code and to which all of the	24245
following apply:	24246
(a) A person may establish a supplemental services trust	24247
pursuant to section 1339.51 of the Revised Code only for another	24248
person who is eligible to receive services through one of the	24249
following agencies:	24250
(i) The department of mental retardation and developmental	24251
disabilities;	24252
(ii) A county board of mental retardation and developmental	24253
disabilities;	24254
(iii) The department of mental health;	24255
(iv) A board of alcohol, drug addiction, and mental health	24256
services.	24257
(b) A county department of job and family services shall not	24258
determine eligibility for another agency's program. An applicant	24259
or recipient shall do one of the following:	24260
(i) Provide documentation from one of the agencies listed in	24261
division (F)(4)(a) of this section that establishes that the	24262
applicant or recipient was determined to be eligible for services	24263
from the agency at the time of the creation of the trust;	24264
(ii) Provide an order from a court of competent jurisdiction	24265
that states that the applicant or recipient was eligible for	24266
services from one of the agencies listed in division (F)(4)(a) of	24267
this section at the time of the creation of the trust.	24268
(c) At the time the trust is created, the trust principal	24269
does not exceed the maximum amount permitted. The maximum amount	24270
permitted in calendar year <del>2002</del> <u>2006</u> is two hundred <del>fourteen</del>	24271
<u>twenty-two</u> thousand dollars. Each year thereafter, the maximum	24272

amount permitted is the prior year's amount plus two thousand 24273  
dollars. 24274

(d) A county department of job and family services shall 24275  
review the trust to determine whether it complies with the 24276  
provisions of section 1339.51 of the Revised Code. 24277

(e) Payments from supplemental services trusts shall be 24278  
exempt as long as the payments are for supplemental services as 24279  
defined in rules adopted by the department of job and family 24280  
services. All supplemental services shall be purchased by the 24281  
trustee and shall not be purchased through direct cash payments to 24282  
the beneficiary. 24283

(f) If a trust is represented as a supplemental services 24284  
trust and a county department of job and family services 24285  
determines that the trust does not meet the requirements provided 24286  
in division (F)(4) of this section and section 1339.51 of the 24287  
Revised Code, the county department of job and family services 24288  
shall not consider it an exempt trust. 24289

(G)(1) A trust or legal instrument or device similar to a 24290  
trust shall be considered a trust established by an individual for 24291  
the benefit of the applicant or recipient if all of the following 24292  
apply: 24293

(a) The trust is created by a person other than the applicant 24294  
or recipient. 24295

(b) The trust names the applicant or recipient as a 24296  
beneficiary. 24297

(c) The trust is funded with assets or property in which the 24298  
applicant or recipient has never held an ownership interest prior 24299  
to the establishment of the trust. 24300

(2) Any portion of a trust that meets the requirements of 24301  
division (G)(1) of this section shall be an available resource 24302

only if the trust permits the trustee to expend principal, corpus,  
or assets of the trust for the applicant's or recipient's medical  
care, care, comfort, maintenance, health, welfare, general well  
being, or any combination of these purposes.

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

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

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

(c) A provision that attempts to prevent the trust or its  
corpus or principal from being counted as an available resource.

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

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

(b) If a trust contains a clear statement requiring the  
trustee to use a portion of the trust for a purpose other than  
medical care, care, comfort, maintenance, welfare, or general well  
being of the applicant or recipient, that portion of the trust

shall not be counted as an available resource. Terms of a trust 24333  
that grant discretion to limit the use of a portion of the trust 24334  
shall not qualify as a clear statement requiring the trustee to 24335  
use a portion of the trust for a particular purpose. 24336

(c) If a trust contains a clear statement limiting the 24337  
trustee to making fixed periodic payments, the trust shall not be 24338  
counted as an available resource and payments shall be treated in 24339  
accordance with rules adopted by the department of job and family 24340  
services governing income. Terms of a trust that grant discretion 24341  
to limit payments shall not qualify as a clear statement requiring 24342  
the trustee to make fixed periodic payments. 24343

(d) If a trust contains a clear statement that requires the 24344  
trustee to terminate the trust if it is counted as an available 24345  
resource, the trust shall not be counted as an available resource. 24346  
Terms of a trust that grant discretion to terminate the trust do 24347  
not qualify as a clear statement requiring the trustee to 24348  
terminate the trust. 24349

(e) If a person obtains a judgment from a court of competent 24350  
jurisdiction that expressly prevents the trustee from using part 24351  
or all of the trust for the medical care, care, comfort, 24352  
maintenance, welfare, or general well being of the applicant or 24353  
recipient, the trust or that portion of the trust subject to the 24354  
court order shall not be counted as a resource. 24355

(f) If a trust is specifically exempt from being counted as 24356  
an available resource by a provision of the Revised Code, rules, 24357  
or federal law, the trust shall not be counted as a resource. 24358

(g) If an applicant or recipient presents a final judgment 24359  
from a court demonstrating that the applicant or recipient was 24360  
unsuccessful in a civil action against the trustee to compel 24361  
payments from the trust, the trust shall not be counted as an 24362  
available resource. 24363

(h) If an applicant or recipient presents a final judgment 24364  
from a court demonstrating that in a civil action against the 24365  
trustee the applicant or recipient was only able to compel limited 24366  
or periodic payments, the trust shall not be counted as an 24367  
available resource and payments shall be treated in accordance 24368  
with rules adopted by the department of job and family services 24369  
governing income. 24370

(i) If an applicant or recipient provides written 24371  
documentation showing that the cost of a civil action brought to 24372  
compel payments from the trust would be cost prohibitive, the 24373  
trust shall not be counted as an available resource. 24374

(5) Any actual payments to the applicant or recipient from a 24375  
trust that meet the requirements of division (G)(1) of this 24376  
section, including trusts that are not counted as an available 24377  
resource, shall be treated as provided in rules adopted by the 24378  
department of job and family services governing income. Payments 24379  
to any person other than the applicant or recipient shall not be 24380  
considered income to the applicant or recipient. Payments from the 24381  
trust to a person other than the applicant or recipient shall not 24382  
be considered an improper ~~transfer~~ disposition of assets. 24383

**Sec. 5111.161.** (A) There is hereby created the medicaid care 24384  
management working group, consisting of the following members: 24385

(1) Three individuals representing medicaid health insuring 24386  
corporations, as defined in section 5111.176 of the Revised Code, 24387  
one appointed by the president of the senate, one appointed by the 24388  
speaker of the house of representatives, and one appointed by the 24389  
governor; 24390

(2) One individual representing programs that provide 24391  
enhanced care management services, appointed by the governor; 24392

(3) Four individuals representing health care professional 24393

and trade associations, appointed as follows:	24394
(a) One representative of the American academy of pediatrics, appointed by the president of the senate;	24395 24396
(b) One representative of the American academy of family physicians, appointed by the speaker of the house of representatives;	24397 24398 24399
(c) One representative of the Ohio state medical association, appointed by the president of the senate;	24400 24401
(d) One representative of the Ohio hospital association, appointed by the speaker of the house of representatives.	24402 24403
(4) One individual representing behavioral health professional and trade associations, appointed by the speaker of the house of representatives;	24404 24405 24406
(5) Two individuals representing consumer advocates, one appointed by the president of the senate and one appointed by the speaker of the house of representatives;	24407 24408 24409
(6) One individual representing county departments of job and family services, appointed by the president of the senate;	24410 24411
(7) Three individuals representing the business community, one appointed by the president of the senate, one appointed by the speaker of the house of representatives, and one appointed by the governor;	24412 24413 24414 24415
(8) <u>One individual representing providers of services that the state has the option of providing under federal medicaid law. The individual shall be appointed by the president of the senate from among one nomination each from the Ohio optometric association, the Ohio dental association, and the Ohio podiatric medical association.</u>	24416 24417 24418 24419 24420 24421
(9) The director of job and family services or the director's designee;	24422 24423

<del>(9)</del> (10) The director of health or the director's designee;	24424
<del>(10)</del> (11) The director of aging or the director's designee.	24425
(B) The members of the working group shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner provided for original appointments.	24426 24427 24428
(C) The working group shall develop guidelines that the department of job and family services may consider when entering into contracts under section 5111.17 of the Revised Code with managed care organizations for purposes of the care management system established under section 5111.16 of the Revised Code. The working group shall consult regularly with the departments of insurance, alcohol and drug addiction services, mental health, and mental retardation and developmental disabilities and the rehabilitation services commission.	24429 24430 24431 24432 24433 24434 24435 24436 24437
In developing the guidelines, the working group shall do all of the following:	24438 24439
(1) Examine the best practice standards used in managed care programs and other health care and related systems to maximize patient and provider satisfaction, maintain quality of care, and obtain cost-effectiveness;	24440 24441 24442 24443
(2) Consider the most effective means of facilitating the expansion of the care management system and increasing consistency within the system;	24444 24445 24446
(3) Make recommendations for coordinating the regulatory relationships involved in the medicaid care management system;	24447 24448
(4) Make recommendations for improving the resolution of contracting issues among the providers involved in the care management system;	24449 24450 24451
(5) Make recommendations that the department may consider when developing and implementing the financial incentive program	24452 24453

under division (B) of section 5111.17 of the Revised Code to 24454  
improve and reward positive health outcomes through managed care 24455  
contracts. In making these recommendations, the working group 24456  
shall include all of the following: 24457

(a) Standards and procedures by which care management 24458  
contractors may receive financial incentives for positive health 24459  
outcomes measured on an individual basis; 24460

(b) Specific measures of positive health outcomes, 24461  
particularly among individuals with high-risk health conditions; 24462

(c) Criteria for determining what constitutes a completed 24463  
health outcome; 24464

(d) Methods of funding the program without requiring an 24465  
increase in appropriations. 24466

(D) The working group shall prepare an annual report on its 24467  
activities and shall submit the report to the president of the 24468  
senate, speaker of the house of representatives, and governor. The 24469  
report shall include any findings and recommendations the working 24470  
group considers relevant to its duties. The working group shall 24471  
complete an initial report not later than December 31, 2005. Each 24472  
year thereafter, the working group shall complete its annual 24473  
report by the last day of December. 24474

**Sec. 5111.162.** (A) As used in this section, ~~"medicaid:~~ 24475

(1) "Emergency services" has the same meaning as in section 24476  
1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 24477  
U.S.C. 1396u-2(b)(2), as amended. 24478

(2) "Medicaid managed care organization" means a managed care 24479  
organization that has entered into a contract with the department 24480  
of job and family services pursuant to section 5111.17 of the 24481  
Revised Code. 24482

(B) Except as provided in division (C) of this section, when  
a participant in the care management system established under  
section 5111.16 of the Revised Code is enrolled in a medicaid  
managed care organization and the organization refers the  
participant to receive services, other than emergency services  
provided on or after January 1, 2007, at a hospital that  
participates in the medicaid program but is not under contract  
with the organization, the hospital shall provide the service for  
which the referral was made and shall accept from the  
organization, as payment in full, the amount derived from the  
reimbursement rate used by the department to reimburse other  
hospitals of the same type for providing the same service to a  
medicaid recipient who is not enrolled in a medicaid managed care  
organization.

(C) A hospital is not subject to division (B) of this section  
if all of the following are the case:

(1) The hospital is located in a county in which participants  
in the care management system are required before January 1, 2006,  
to be enrolled in a medicaid managed care organization that is a  
health insuring corporation;

(2) The hospital has entered into a contract before January  
1, 2006, with at least one health insuring corporation serving the  
participants specified in division (C)(1) of this section;

(3) The hospital remains under contract with at least one  
health insuring corporation serving participants in the care  
management system who are required to be enrolled in a health  
insuring corporation.

(D) The director of job and family services shall adopt rules  
specifying the circumstances under which a medicaid managed care  
organization is permitted to refer a participant in the care  
management system to a hospital that is not under contract with

the organization. The director may adopt any other rules necessary 24514  
to implement this section. All rules adopted under this section 24515  
shall be adopted in accordance with Chapter 119. of the Revised 24516  
Code. 24517

**Sec. 5111.163.** (A) As used in this section: 24518

(1) "Emergency services" has the same meaning as in section 24519  
1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 24520  
U.S.C. 1396u-2(b)(2), as amended. 24521

(2) "Medicaid managed care organization" has the same meaning 24522  
as in section 5111.162 of the Revised Code. 24523

(3) "Provider" has the same meaning as in section 5111.06 of 24524  
the Revised Code. 24525

(B) When a participant in the care management system 24526  
established under section 5111.16 of the Revised Code is enrolled 24527  
in a medicaid managed care organization and receives emergency 24528  
services on or after January 1, 2007, from a provider that is not 24529  
under contract with the organization, the provider shall accept 24530  
from the organization, as payment in full, not more than the 24531  
amounts (less any payments for indirect costs of medical education 24532  
and direct costs of graduate medical education) that the provider 24533  
could collect if the participant received medicaid other than 24534  
through enrollment in a managed care organization. 24535

**Sec. ~~5101.93~~ 5111.178.** (A) The director of job and family 24536  
services shall determine whether a waiver of federal medicaid 24537  
requirements is necessary to fulfill the requirements of section 24538  
3901.3814 of the Revised Code. If the director determines a waiver 24539  
is necessary, the department of job and family services shall 24540  
apply to the United States secretary of health and human services 24541  
for the waiver. 24542

(B)(1) If the director determines that section 3901.3814 of the Revised Code can be implemented without a waiver or a waiver is granted, the department shall notify the department of insurance that the section can be implemented. Implementation of the section shall be effective eighteen months after the notice is sent.

(2) At the time the notice is given under division (B)(1) of this section, the department shall also give notice to each health insuring corporation that provides coverage to medicaid recipients. The notice shall inform the corporation that sections 3901.38 and 3901.381 to 3901.3814 of the Revised Code apply to claims for services rendered to recipients on the date determined under division (B)(1) of this section, instead of the prompt payment requirements of 42 C.F.R. 447.46. That date shall be specified in the notice.

**Sec. 5111.18.** Not later than September 1, 2007, the director of job and family services shall establish a qualified state long-term care insurance partnership program consistent with the definition of that term in 42 U.S.C. 1396p(b)(1)(C)(iii). An individual participating in the program who is subject to the medicaid estate recovery program instituted under section 5111.11 of the Revised Code shall be eligible for the reduced adjustment or recovery under division (D) of that section.

The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.

**Sec. 5111.20.** As used in sections 5111.20 to 5111.34 of the Revised Code:

(A) "Allowable costs" are those costs determined by the department of job and family services to be reasonable and do not

include fines paid under sections 5111.35 to 5111.61 and section 24573  
5111.99 of the Revised Code. 24574

(B) "Ancillary and support costs" means all reasonable costs 24575  
incurred by a nursing facility other than direct care costs or 24576  
capital costs. "Ancillary and support costs" includes, but is not 24577  
limited to, costs of activities, social services, pharmacy 24578  
consultants, habilitation supervisors, qualified mental 24579  
retardation professionals, program directors, medical and 24580  
habilitation records, program supplies, incontinence supplies, 24581  
food, enterals, dietary supplies and personnel, laundry, 24582  
housekeeping, security, administration, medical equipment, 24583  
utilities, liability insurance, bookkeeping, purchasing 24584  
department, human resources, communications, travel, dues, license 24585  
fees, subscriptions, home office costs not otherwise allocated, 24586  
legal services, accounting services, minor equipment, maintenance 24587  
and repairs, help-wanted advertising, informational advertising, 24588  
start-up costs, organizational expenses, other interest, property 24589  
insurance, employee training and staff development, employee 24590  
benefits, payroll taxes, and workers' compensation premiums or 24591  
costs for self-insurance claims and related costs as specified in 24592  
rules adopted by the director of job and family services under 24593  
section 5111.02 of the Revised Code, for personnel listed in this 24594  
division. "Ancillary and support costs" also means the cost of 24595  
equipment, including vehicles, acquired by operating lease 24596  
executed before December 1, 1992, if the costs are reported as 24597  
administrative and general costs on the facility's cost report for 24598  
the cost reporting period ending December 31, 1992. 24599

(C) "Capital costs" means costs of ownership and, in the case 24600  
of an intermediate care facility for the mentally retarded, costs 24601  
of nonextensive renovation. 24602

(1) "Cost of ownership" means the actual expense incurred for 24603  
all of the following: 24604

(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:	24605 24606
(i) Buildings;	24607
(ii) Building improvements that are not approved as nonextensive renovations under section 5111.251 of the Revised Code;	24608 24609 24610
(iii) Except as provided in division (B) of this section, equipment;	24611 24612
(iv) In the case of an intermediate care facility for the mentally retarded, extensive renovations;	24613 24614
(v) Transportation equipment.	24615
(b) Amortization and interest on land improvements and leasehold improvements;	24616 24617
(c) Amortization of financing costs;	24618
(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.	24619 24620
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.	24621 24622 24623
(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.	24624 24625 24626 24627
(D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	24628 24629
(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	24630 24631 24632 24633

retarded. 24634

(F) "Date of licensure," for a facility originally licensed 24635  
as a nursing home under Chapter 3721. of the Revised Code, means 24636  
the date specific beds were originally licensed as nursing home 24637  
beds under that chapter, regardless of whether they were 24638  
subsequently licensed as residential facility beds under section 24639  
5123.19 of the Revised Code. For a facility originally licensed as 24640  
a residential facility under section 5123.19 of the Revised Code, 24641  
"date of licensure" means the date specific beds were originally 24642  
licensed as residential facility beds under that section. 24643

(1) If nursing home beds licensed under Chapter 3721. of the 24644  
Revised Code or residential facility beds licensed under section 24645  
5123.19 of the Revised Code were not required by law to be 24646  
licensed when they were originally used to provide nursing home or 24647  
residential facility services, "date of licensure" means the date 24648  
the beds first were used to provide nursing home or residential 24649  
facility services, regardless of the date the present provider 24650  
obtained licensure. 24651

(2) If a facility adds nursing home beds or residential 24652  
facility beds or extensively renovates all or part of the facility 24653  
after its original date of licensure, it will have a different 24654  
date of licensure for the additional beds or extensively renovated 24655  
portion of the facility, unless the beds are added in a space that 24656  
was constructed at the same time as the previously licensed beds 24657  
but was not licensed under Chapter 3721. or section 5123.19 of the 24658  
Revised Code at that time. 24659

(G) "Desk-reviewed" means that costs as reported on a cost 24660  
report submitted under section 5111.26 of the Revised Code have 24661  
been subjected to a desk review under division (A) of section 24662  
5111.27 of the Revised Code and preliminarily determined to be 24663  
allowable costs. 24664

(H) "Direct care costs" means all of the following:	24665
(1)(a) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the facility;	24666 24667
(b) Costs for direct care staff, administrative nursing staff, medical directors, <del>habilitation staff, qualified mental retardation professionals, program directors,</del> respiratory therapists, <del>habilitation supervisors,</del> and except as provided in division <del>(G)</del> (H)(2) of this section, other persons holding degrees qualifying them to provide therapy;	24668 24669 24670 24671 24672 24673
(c) Costs of purchased nursing services;	24674
(d) Costs of quality assurance;	24675
(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;	24676 24677 24678 24679 24680 24681
(f) Costs of consulting and management fees related to direct care;	24682 24683
(g) Allocated direct care home office costs.	24684
(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.	24685 24686 24687 24688 24689
(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:	24690 24691 24692
(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy	24693 24694

assistants, speech therapists, audiologists, habilitation staff 24695  
(including habilitation supervisors), qualified mental retardation 24696  
professionals, program directors, social services staff, 24697  
activities staff, psychologists and psychology assistants, and 24698  
social workers and counselors; 24699

(b) Costs of training and staff development, employee 24700  
benefits, payroll taxes, and workers' compensation premiums or 24701  
costs for self-insurance claims and related costs as specified in 24702  
rules adopted under section 5111.02 of the Revised Code, for 24703  
personnel listed in division (H)(3)(a) of this section. 24704

(4) Costs of other direct-care resources that are specified 24705  
as direct care costs in rules adopted under section 5111.02 of the 24706  
Revised Code. 24707

(I) "Fiscal year" means the fiscal year of this state, as 24708  
specified in section 9.34 of the Revised Code. 24709

(J) "Franchise permit fee" means the fee imposed by sections 24710  
3721.50 to 3721.58 of the Revised Code. 24711

(K) "Indirect care costs" means all reasonable costs incurred 24712  
by an intermediate care facility for the mentally retarded other 24713  
than direct care costs, other protected costs, or capital costs. 24714  
"Indirect care costs" includes but is not limited to costs of 24715  
habilitation supplies, pharmacy consultants, medical and 24716  
habilitation records, program supplies, incontinence supplies, 24717  
food, enterals, dietary supplies and personnel, laundry, 24718  
housekeeping, security, administration, liability insurance, 24719  
bookkeeping, purchasing department, human resources, 24720  
communications, travel, dues, license fees, subscriptions, home 24721  
office costs not otherwise allocated, legal services, accounting 24722  
services, minor equipment, maintenance and repairs, help-wanted 24723  
advertising, informational advertising, start-up costs, 24724  
organizational expenses, other interest, property insurance, 24725

employee training and staff development, employee benefits, 24726  
payroll taxes, and workers' compensation premiums or costs for 24727  
self-insurance claims and related costs as specified in rules 24728  
adopted under section 5111.02 of the Revised Code, for personnel 24729  
listed in this division. Notwithstanding division (C)(1) of this 24730  
section, "indirect care costs" also means the cost of equipment, 24731  
including vehicles, acquired by operating lease executed before 24732  
December 1, 1992, if the costs are reported as administrative and 24733  
general costs on the facility's cost report for the cost reporting 24734  
period ending December 31, 1992. 24735

(L) "Inpatient days" means all days during which a resident, 24736  
regardless of payment source, occupies a bed in a nursing facility 24737  
or intermediate care facility for the mentally retarded that is 24738  
included in the facility's certified capacity under Title XIX. 24739  
Therapeutic or hospital leave days for which payment is made under 24740  
section 5111.33 of the Revised Code are considered inpatient days 24741  
proportionate to the percentage of the facility's per resident per 24742  
day rate paid for those days. 24743

(M) "Intermediate care facility for the mentally retarded" 24744  
means an intermediate care facility for the mentally retarded 24745  
certified as in compliance with applicable standards for the 24746  
medicaid program by the director of health in accordance with 24747  
Title XIX. 24748

(N) "Maintenance and repair expenses" means, except as 24749  
provided in division (BB)(2) of this section, expenditures that 24750  
are necessary and proper to maintain an asset in a normally 24751  
efficient working condition and that do not extend the useful life 24752  
of the asset two years or more. "Maintenance and repair expenses" 24753  
includes but is not limited to the cost of ordinary repairs such 24754  
as painting and wallpapering. 24755

(O) "Medicaid days" means all days during which a resident 24756

who is a Medicaid recipient eligible for nursing facility services 24757  
occupies a bed in a nursing facility that is included in the 24758  
nursing facility's certified capacity under Title XIX. Therapeutic 24759  
or hospital leave days for which payment is made under section 24760  
5111.33 of the Revised Code are considered Medicaid days 24761  
proportionate to the percentage of the nursing facility's per 24762  
resident per day rate paid for those days. 24763

(P) "Nursing facility" means a facility, or a distinct part 24764  
of a facility, that is certified as a nursing facility by the 24765  
director of health in accordance with Title XIX and is not an 24766  
intermediate care facility for the mentally retarded. "Nursing 24767  
facility" includes a facility, or a distinct part of a facility, 24768  
that is certified as a nursing facility by the director of health 24769  
in accordance with Title XIX and is certified as a skilled nursing 24770  
facility by the director in accordance with Title XVIII. 24771

(Q) "Operator" means the person or government entity 24772  
responsible for the daily operating and management decisions for a 24773  
nursing facility or intermediate care facility for the mentally 24774  
retarded. 24775

(R) "Other protected costs" means costs incurred by an 24776  
intermediate care facility for the mentally retarded for medical 24777  
supplies; real estate, franchise, and property taxes; natural gas, 24778  
fuel oil, water, electricity, sewage, and refuse and hazardous 24779  
medical waste collection; allocated other protected home office 24780  
costs; and any additional costs defined as other protected costs 24781  
in rules adopted under section 5111.02 of the Revised Code. 24782

(S)(1) "Owner" means any person or government entity that has 24783  
at least five per cent ownership or interest, either directly, 24784  
indirectly, or in any combination, in any of the following 24785  
regarding a nursing facility or intermediate care facility for the 24786  
mentally retarded: 24787

(a) The land on which the facility is located;	24788
(b) The structure in which the facility is located;	24789
(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;	24790 24791 24792
(d) Any lease or sublease of the land or structure on or in which the facility is located.	24793 24794
(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.	24795 24796 24797 24798 24799 24800
(T) "Patient" includes "resident."	24801
(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.	24802 24803 24804 24805 24806
(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.	24807 24808 24809 24810 24811 24812 24813 24814
(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	24815 24816 24817

cost reporting period divided by the greater of the facility's 24818  
inpatient days for that period or the number of inpatient days the 24819  
facility would have had during that period if its occupancy rate 24820  
had been ninety-five per cent. 24821

(V) "Provider" means an operator with a provider agreement. 24822

(W) "Provider agreement" means a contract between the 24823  
department of job and family services and the operator of a 24824  
nursing facility or intermediate care facility for the mentally 24825  
retarded for the provision of nursing facility services or 24826  
intermediate care facility services for the mentally retarded 24827  
under the medicaid program. 24828

(X) "Purchased nursing services" means services that are 24829  
provided in a nursing facility by registered nurses, licensed 24830  
practical nurses, or nurse aides who are not employees of the 24831  
facility. 24832

(Y) "Reasonable" means that a cost is an actual cost that is 24833  
appropriate and helpful to develop and maintain the operation of 24834  
patient care facilities and activities, including normal standby 24835  
costs, and that does not exceed what a prudent buyer pays for a 24836  
given item or services. Reasonable costs may vary from provider to 24837  
provider and from time to time for the same provider. 24838

(Z) "Related party" means an individual or organization that, 24839  
to a significant extent, has common ownership with, is associated 24840  
or affiliated with, has control of, or is controlled by, the 24841  
provider. 24842

(1) An individual who is a relative of an owner is a related 24843  
party. 24844

(2) Common ownership exists when an individual or individuals 24845  
possess significant ownership or equity in both the provider and 24846  
the other organization. Significant ownership or equity exists 24847

when an individual or individuals possess five per cent ownership 24848  
or equity in both the provider and a supplier. Significant 24849  
ownership or equity is presumed to exist when an individual or 24850  
individuals possess ten per cent ownership or equity in both the 24851  
provider and another organization from which the provider 24852  
purchases or leases real property. 24853

(3) Control exists when an individual or organization has the 24854  
power, directly or indirectly, to significantly influence or 24855  
direct the actions or policies of an organization. 24856

(4) An individual or organization that supplies goods or 24857  
services to a provider shall not be considered a related party if 24858  
all of the following conditions are met: 24859

(a) The supplier is a separate bona fide organization. 24860

(b) A substantial part of the supplier's business activity of 24861  
the type carried on with the provider is transacted with others 24862  
than the provider and there is an open, competitive market for the 24863  
types of goods or services the supplier furnishes. 24864

(c) The types of goods or services are commonly obtained by 24865  
other nursing facilities or intermediate care facilities for the 24866  
mentally retarded from outside organizations and are not a basic 24867  
element of patient care ordinarily furnished directly to patients 24868  
by the facilities. 24869

(d) The charge to the provider is in line with the charge for 24870  
the goods or services in the open market and no more than the 24871  
charge made under comparable circumstances to others by the 24872  
supplier. 24873

(AA) "Relative of owner" means an individual who is related 24874  
to an owner of a nursing facility or intermediate care facility 24875  
for the mentally retarded by one of the following relationships: 24876

(1) Spouse; 24877

(2) Natural parent, child, or sibling;	24878
(3) Adopted parent, child, or sibling;	24879
(4) Stepparent, stepchild, stepbrother, or stepsister;	24880
(5) Father-in-law, mother-in-law, son-in-law,	24881
daughter-in-law, brother-in-law, or sister-in-law;	24882
(6) Grandparent or grandchild;	24883
(7) Foster caregiver, foster child, foster brother, or foster	24884
sister.	24885
(BB) "Renovation" and "extensive renovation" mean:	24886
(1) Any betterment, improvement, or restoration of an	24887
intermediate care facility for the mentally retarded started	24888
before July 1, 1993, that meets the definition of a renovation or	24889
extensive renovation established in rules adopted by the director	24890
of job and family services in effect on December 22, 1992.	24891
(2) In the case of betterments, improvements, and	24892
restorations of intermediate care facilities for the mentally	24893
retarded started on or after July 1, 1993:	24894
(a) "Renovation" means the betterment, improvement, or	24895
restoration of an intermediate care facility for the mentally	24896
retarded beyond its current functional capacity through a	24897
structural change that costs at least five hundred dollars per	24898
bed. A renovation may include betterment, improvement,	24899
restoration, or replacement of assets that are affixed to the	24900
building and have a useful life of at least five years. A	24901
renovation may include costs that otherwise would be considered	24902
maintenance and repair expenses if they are an integral part of	24903
the structural change that makes up the renovation project.	24904
"Renovation" does not mean construction of additional space for	24905
beds that will be added to a facility's licensed or certified	24906
capacity.	24907

(b) "Extensive renovation" means a renovation that costs more than sixty-five per cent and no more than eighty-five per cent of the cost of constructing a new bed and that extends the useful life of the assets for at least ten years.

For the purposes of division (BB)(2) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.

The department of job and family services may treat a renovation that costs more than eighty-five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.

(CC) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.

(DD) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.

**Sec. 5111.222.** (A) Except as otherwise provided by sections 5111.20 to 5111.33 of the Revised Code and by division (B) of this section, the payments that the department of job and family services shall agree to make to the provider of a nursing facility pursuant to a provider agreement shall equal the sum of all of the following:

(1) The rate for direct care costs determined for the nursing facility under section 5111.231 of the Revised Code;

(2) The rate for ancillary and support costs determined for

the nursing facility's ancillary and support cost peer group under	24938
section 5111.24 of the Revised Code;	24939
(3) The rate for tax costs determined for the nursing	24940
facility under section 5111.242 of the Revised Code;	24941
(4) The rate for franchise permit fees determined for the	24942
nursing facility under section 5111.243 of the Revised Code;	24943
(5) The quality incentive payment paid to the nursing	24944
<del>facility's quality tier group</del> <u>facility</u> under section 5111.244 of	24945
the Revised Code;	24946
(6) The median rate for capital costs for the nursing	24947
facilities in the nursing facility's capital costs peer group as	24948
determined under section 5111.25 of the Revised Code.	24949
(B) The department shall adjust the <del>payment rates</del> otherwise	24950
determined under <del>division</del> <u>divisions</u> (A)(1), (2), (3), and (6) of	24951
this section as directed by the general assembly through the	24952
enactment of law governing medicaid payments to providers of	24953
nursing facilities, including any law that does either of the	24954
following:	24955
(1) Establishes factors by which the <del>payments</del> <u>rates</u> are to be	24956
adjusted;	24957
(2) Establishes a methodology for phasing in the rates	24958
determined for fiscal year 2006 under uncodified law the general	24959
assembly enacts to rates determined for subsequent fiscal years	24960
under sections 5111.20 to 5111.33 of the Revised Code.	24961
<b>Sec. 5111.231.</b> (A) As used in this section, "applicable	24962
calendar year" means the following:	24963
(1) For the purpose of the department of job and family	24964
services' initial determination under division (D) of this section	24965
of each peer group's cost per case-mix unit, calendar year 2003;	24966

(2) For the purpose of the department's subsequent 24967  
determinations under division (D) of this section of each peer 24968  
group's cost per case-mix unit, the calendar year the department 24969  
selects. 24970

(B) The department of job and family services shall pay a 24971  
provider for each of the provider's eligible nursing facilities a 24972  
per resident per day rate for direct care costs determined 24973  
~~semi-annually~~ semiannually by multiplying the cost per case-mix 24974  
unit determined under division (D) of this section for the 24975  
facility's peer group by the facility's semiannual case-mix score 24976  
determined under section 5111.232 of the Revised Code. 24977

(C) For the purpose of determining nursing facilities' rate 24978  
for direct care costs, the department shall establish three peer 24979  
groups. 24980

Each nursing facility located in any of the following 24981  
counties shall be placed in peer group one: Brown, Butler, 24982  
Clermont, Clinton, Hamilton, and Warren. 24983

Each nursing facility located in any of the following 24984  
counties shall be placed in peer group two: Ashtabula, Champaign, 24985  
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 24986  
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 24987  
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 24988  
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 24989  
and Wood. 24990

Each nursing facility located in any of the following 24991  
counties shall be placed in peer group three: Adams, Allen, 24992  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 24993  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 24994  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 24995  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 24996  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 24997

Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton,	24998
Washington, Wayne, Williams, and Wyandot.	24999
(D)(1) At least once every ten years, the department shall	25000
determine a cost per case-mix unit for each peer group established	25001
under division (C) of this section. A cost per case-mix unit	25002
determined under this division for a peer group shall be used for	25003
subsequent years until the department redetermines it. To	25004
determine a peer group's cost per case-mix unit, the department	25005
shall do all of the following:	25006
(a) Determine the cost per case-mix unit for each nursing	25007
facility in the peer group for the applicable calendar year by	25008
dividing each facility's desk-reviewed, actual, allowable, per	25009
diem direct care costs for the applicable calendar year by the	25010
facility's annual average case-mix score determined under section	25011
5111.232 of the Revised Code for the applicable calendar year.	25012
(b) Subject to division (D)(2) of this section, identify	25013
which nursing facility in the peer group is at the twenty-fifth	25014
percentile of the cost per case-mix units determined under	25015
division (D)(1)(a) of this section.	25016
(c) Calculate the amount that is seven per cent above the	25017
cost per case-mix unit determined under division (D)(1)(a) of this	25018
section for the nursing facility identified under division	25019
(D)(1)(b) of this section.	25020
(d) Multiply the amount calculated under division (D)(1)(c)	25021
of this section by the rate of inflation for the eighteen-month	25022
period beginning on the first day of July of the applicable	25023
calendar year and ending the last day of December of the calendar	25024
year immediately following the applicable calendar year using the	25025
employment cost index for total compensation, health services	25026
component, published by the United States bureau of labor	25027
statistics.	25028

(2) In making the identification under division (D)(1)(b) of 25029  
this section, the department shall exclude both of the following: 25030

(a) Nursing facilities that participated in the medicaid 25031  
program under the same provider for less than twelve months in the 25032  
applicable calendar year; 25033

(b) Nursing facilities whose ~~direct care costs are~~ cost per 25034  
case-mix unit is more than one standard deviation from the mean 25035  
~~desk reviewed, actual, allowable, per diem direct care cost~~ per 25036  
case-mix unit for all nursing facilities in the nursing facility's 25037  
peer group for the applicable calendar year. 25038

(3) The department shall not redetermine a peer group's cost 25039  
per case-mix unit under this division based on additional 25040  
information that it receives after the peer group's per case-mix 25041  
unit is determined. The department shall redetermine a peer 25042  
group's cost per case-mix unit only if it made an error in 25043  
determining the peer group's cost per case-mix unit based on 25044  
information available to the department at the time of the 25045  
original determination. 25046

**Sec. 5111.244.** (A) As used in this section, "deficiency" and 25047  
"standard survey" have the same meanings as in section 5111.35 of 25048  
the Revised Code. 25049

(B) Each fiscal year, the department of job and family 25050  
services shall pay the provider of each nursing facility ~~placed in~~ 25051  
~~the first, second, and third quality tier groups established under~~ 25052  
~~division (C) of this section~~ a quality incentive payment. ~~Nursing~~ 25053  
~~facilities placed in the first group shall receive the highest~~ 25054  
~~payment. Nursing facilities placed in the second group shall~~ 25055  
~~receive the second highest payment. Nursing facilities placed in~~ 25056  
~~the third group shall receive the third highest payment. Nursing~~ 25057  
~~facilities placed in the fourth group shall receive no payment.~~ 25058

The amount of a quality incentive payment paid to a provider for a 25059  
fiscal year shall be based on the number of points the provider's 25060  
nursing facility is awarded under division (C) of this section for 25061  
that fiscal year. The amount of a quality incentive payment paid 25062  
to a provider of a nursing facility that is awarded no points may 25063  
be zero. The mean payment for fiscal year 2007, weighted by 25064  
medicaid days, shall be two per cent of the average rate for all 25065  
nursing facilities calculated under sections 5111.20 to 5111.33 of 25066  
the Revised Code, excluding this section three dollars per 25067  
medicaid day. Nursing facilities placed in the fourth group shall 25068  
be included for the purpose of determining the mean payment. The 25069  
department shall adjust the mean payment for subsequent fiscal 25070  
years by the same adjustment factors the department uses to 25071  
adjust, pursuant to division (B) of section 5111.222 of the 25072  
Revised Code, nursing facilities' rates otherwise determined under 25073  
divisions (A)(1), (2), (3), and (6) of that section. 25074

~~(C) Each year, the department shall establish four quality~~ 25075  
~~tier groups. Each group shall consist of one quarter of all~~ 25076  
~~nursing facilities participating in the medicaid program. The~~ 25077  
~~first group shall consist of the quarter of nursing facilities~~ 25078  
~~individually awarded the most number of points under division (D)~~ 25079  
~~of this section. The second group shall consist of the quarter of~~ 25080  
~~nursing facilities individually awarded the second most number of~~ 25081  
~~points under division (D) of this section. The third group shall~~ 25082  
~~consist of the quarter of nursing facilities individually awarded~~ 25083  
~~the third most number of points under division (D) of this~~ 25084  
~~section. The fourth group shall consist of the quarter of nursing~~ 25085  
~~facilities individually awarded the least number of points under~~ 25086  
~~division (D) of this section.~~ 25087

~~(D) Each year (1) Except as provided by division (C)(2) of~~ 25088  
~~this section, the department shall annually award each nursing~~ 25089  
~~facility participating in the medicaid program one point for each~~ 25090

of the following accountability measures the facility meets:	25091
<del>(1)</del> (a) The facility had no health deficiencies on the facility's most recent standard survey.	25092 25093
<del>(2)</del> (b) The facility had no health deficiencies with a scope and severity level greater than E, as determined under nursing facility certification standards established under Title XIX, on the facility's most recent standard survey.	25094 25095 25096 25097
<del>(3)</del> (c) The facility's resident satisfaction is above the statewide average.	25098 25099
<del>(4)</del> (d) The facility's family satisfaction is above the statewide average.	25100 25101
<del>(5)</del> (e) The number of hours the facility employs nurses is above the statewide average.	25102 25103
<del>(6)</del> (f) The facility's employee retention rate is above the average for the facility's peer group established in division (C) of section 5111.231 of the Revised Code.	25104 25105 25106
<del>(7)</del> (g) The facility's occupancy rate is above the statewide average.	25107 25108
<del>(8)</del> (h) The facility's medicaid utilization rate is above the statewide average.	25109 25110
<del>(9)</del> (i) The facility's case-mix score is above the statewide average.	25111 25112
<del>(E)</del> (2) <u>The department shall award points pursuant to division (C)(1)(c) or (d) of this section only for a fiscal year immediately following a calendar year for which a survey of resident or family satisfaction has been conducted under section 173.47 of the Revised Code.</u>	25113 25114 25115 25116 25117
(D) The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section. The rules shall include rules establishing	25118 25119 25120

the system for awarding points under division ~~(D)~~(C) of this 25121  
section. 25122

**Sec. 5111.27.** (A) The department of job and family services 25123  
shall conduct a desk review of each cost report it receives under 25124  
section 5111.26 of the Revised Code. Based on the desk review, the 25125  
department shall make a preliminary determination of whether the 25126  
reported costs are allowable costs. The department shall notify 25127  
each provider of whether any of the reported costs are 25128  
preliminarily determined not to be allowable, the rate calculation 25129  
under sections 5111.20 to 5111.33 of the Revised Code that results 25130  
from that determination, and the reasons for the determination and 25131  
resulting rate. The department shall allow the provider to verify 25132  
the calculation and submit additional information. 25133

(B) The department may conduct an audit, as defined by rule 25134  
adopted under section 5111.02 of the Revised Code, of any cost 25135  
report and shall notify the provider of its findings. 25136

Audits shall be conducted by auditors under contract with or 25137  
employed by the department. The decision whether to conduct an 25138  
audit and the scope of the audit, which may be a desk or field 25139  
audit, shall be determined based on prior performance of the 25140  
provider and may be based on a risk analysis or other evidence 25141  
that gives the department reason to believe that the provider has 25142  
reported costs improperly. A desk or field audit may be performed 25143  
annually, but is required whenever a provider does not pass the 25144  
risk analysis tolerance factors. The department shall issue the 25145  
audit report no later than three years after the cost report is 25146  
filed, or upon the completion of a desk or field audit on the 25147  
report or a report for a subsequent cost reporting period, 25148  
whichever is earlier. During the time within which the department 25149  
may issue an audit report, the provider may amend the cost report 25150  
upon discovery of a material error or material additional 25151

information. The department shall review the amended cost report 25152  
for accuracy and notify the provider of its determination. 25153

The department may establish a contract for the auditing of 25154  
facilities by outside firms. Each contract entered into by bidding 25155  
shall be effective for one to two years. The department shall 25156  
establish an audit manual and program which shall require that all 25157  
field audits, conducted either pursuant to a contract or by 25158  
department employees: 25159

(1) Comply with the applicable rules prescribed pursuant to 25160  
Titles XVIII and XIX; 25161

(2) Consider generally accepted auditing standards prescribed 25162  
by the American institute of certified public accountants; 25163

(3) Include a written summary as to whether the costs 25164  
included in the report examined during the audit are allowable and 25165  
are presented fairly in accordance with generally accepted 25166  
accounting principles and department rules, and whether, in all 25167  
material respects, allowable costs are documented, reasonable, and 25168  
related to patient care; 25169

(4) Are conducted by accounting firms or auditors who, during 25170  
the period of the auditors' professional engagement or employment 25171  
and during the period covered by the cost reports, do not have nor 25172  
are committed to acquire any direct or indirect financial interest 25173  
in the ownership, financing, or operation of a nursing facility or 25174  
intermediate care facility for the mentally retarded in this 25175  
state; 25176

(5) Are conducted by accounting firms or auditors who, as a 25177  
condition of the contract or employment, shall not audit any 25178  
facility that has been a client of the firm or auditor; 25179

(6) Are conducted by auditors who are otherwise independent 25180  
as determined by the standards of independence established by the 25181

American institute of certified public accountants; 25182

(7) Are completed within the time period specified by the 25183  
department; 25184

(8) Provide to the provider complete written interpretations 25185  
that explain in detail the application of all relevant contract 25186  
provisions, regulations, auditing standards, rate formulae, and 25187  
departmental policies, with explanations and examples, that are 25188  
sufficient to permit the provider to calculate with reasonable 25189  
certainty those costs that are allowable and the rate to which the 25190  
provider's facility is entitled. 25191

For the purposes of division (B)(4) of this section, 25192  
employment of a member of an auditor's family by a nursing 25193  
facility or intermediate care facility for the mentally retarded 25194  
that the auditor does not review does not constitute a direct or 25195  
indirect financial interest in the ownership, financing, or 25196  
operation of the facility. 25197

(C) The department, pursuant to rules adopted under section 25198  
5111.02 of the Revised Code, may conduct an exception review of 25199  
assessment data submitted under section 5111.232 of the Revised 25200  
Code. The department may conduct an exception review based on the 25201  
findings of a certification survey conducted by the department of 25202  
health, a risk analysis, or prior performance of the provider. 25203

Exception reviews shall be conducted at the facility by 25204  
appropriate health professionals under contract with or employed 25205  
by the department of job and family services. The professionals 25206  
may review resident assessment forms and supporting documentation, 25207  
conduct interviews, and observe residents to identify any patterns 25208  
or trends of inaccurate assessments and resulting inaccurate 25209  
case-mix scores. 25210

The rules shall establish an exception review program that 25211  
requires that exception reviews do all of the following: 25212

(1) Comply with Titles XVIII and XIX;	25213
(2) Provide a written summary that states whether the resident assessment forms have been completed accurately;	25214 25215
(3) Are conducted by health professionals who, during the period of their professional engagement or employment with the department, neither have nor are committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of a nursing facility or intermediate care facility for the mentally retarded in this state;	25216 25217 25218 25219 25220 25221
(4) Are conducted by health professionals who, as a condition of their engagement or employment with the department, shall not review any provider that has been a client of the professional.	25222 25223 25224
For the purposes of division (C)(3) of this section, employment of a member of a health professional's family by a nursing facility or intermediate care facility for the mentally retarded that the professional does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the facility.	25225 25226 25227 25228 25229 25230
If an exception review is conducted before the effective date of the rate that is based on the case-mix data subject to the review and the review results in findings that exceed tolerance levels specified in the rules adopted under this division, the department, in accordance with those rules, may use the findings to recalculate individual resident case-mix scores, quarterly average facility case-mix scores, and annual average facility case-mix scores. The department may use the recalculated quarterly and annual facility average case-mix scores to calculate the facility's rate for direct care costs for the appropriate calendar quarter or quarters.	25231 25232 25233 25234 25235 25236 25237 25238 25239 25240 25241
(D) The department shall prepare a written summary of any audit disallowance or exception review finding that is made after	25242 25243

the effective date of the rate that is based on the cost or 25244  
case-mix data. Where the provider is pursuing judicial or 25245  
administrative remedies in good faith regarding the disallowance 25246  
or finding, the department shall not withhold from the provider's 25247  
current payments any amounts the department claims to be due from 25248  
the provider pursuant to section 5111.28 of the Revised Code. 25249

(E) The department shall not reduce rates calculated under 25250  
sections 5111.20 to 5111.33 of the Revised Code on the basis that 25251  
the provider charges a lower rate to any resident who is not 25252  
eligible for the medicaid program. 25253

(F) The department shall adjust the rates calculated under 25254  
sections 5111.20 to 5111.33 of the Revised Code to account for 25255  
reasonable additional costs that must be incurred by ~~nursing~~ 25256  
~~facilities and~~ intermediate care facilities for the mentally 25257  
retarded to comply with requirements of federal or state statutes, 25258  
rules, or policies enacted or amended after January 1, 1992, or 25259  
with orders issued by state or local fire authorities. 25260

**Sec. 5111.31.** (A) Every provider agreement with the provider 25261  
of a nursing facility or intermediate care facility for the 25262  
mentally retarded shall: 25263

(1) Prohibit the provider from failing or refusing to retain 25264  
as a patient any person because the person is, becomes, or may, as 25265  
a patient in the facility, become a medicaid recipient. For the 25266  
purposes of this division, a medicaid recipient who is a patient 25267  
in a facility shall be considered a patient in the facility during 25268  
any hospital stays totaling less than twenty-five days during any 25269  
twelve-month period. Recipients who have been identified by the 25270  
department of job and family services or its designee as requiring 25271  
the level of care of an intermediate care facility for the 25272  
mentally retarded shall not be subject to a maximum period of 25273  
absences during which they are considered patients if prior 25274

authorization of the department for visits with relatives and	25275
friends and participation in therapeutic programs is obtained	25276
under rules adopted under section 5111.02 of the Revised Code.	25277
(2) Except as provided by division (B)(1) of this section,	25278
include any part of the facility that meets standards for	25279
certification of compliance with federal and state laws and rules	25280
for participation in the medicaid program.	25281
(3) Prohibit the provider from discriminating against any	25282
patient on the basis of race, color, sex, creed, or national	25283
origin.	25284
(4) Except as otherwise prohibited under section 5111.55 of	25285
the Revised Code, prohibit the provider from failing or refusing	25286
to accept a patient because the patient is, becomes, or may, as a	25287
patient in the facility, become a medicaid recipient if less than	25288
eighty per cent of the patients in the facility are medicaid	25289
recipients.	25290
(B)(1) Except as provided by division (B)(2) of this section,	25291
the following are not required to be included in a provider	25292
agreement unless otherwise required by federal law:	25293
(a) Beds added during the period beginning July 1, 1987, and	25294
ending July 1, 1993, to a nursing home licensed under Chapter	25295
3721. of the Revised Code;	25296
(b) Beds in an intermediate care facility for the mentally	25297
retarded that are designated for respite care under a medicaid	25298
waiver component operated pursuant to a waiver sought under	25299
section 5111.87 of the Revised Code;	25300
<u>(c) Beds that are converted to providing home and</u>	25301
<u>community-based services under the ICF/MR conversion pilot program</u>	25302
<u>authorized by a waiver sought under division (B)(1) of section</u>	25303
<u>5111.88 of the Revised Code.</u>	25304

(2) If a provider chooses to include a bed specified in 25305  
division (B)(1)(a) of this section in a provider agreement, the 25306  
bed may not be removed from the provider agreement unless the 25307  
provider withdraws the facility in which the bed is located from 25308  
the medicaid program. 25309

(C) Nothing in this section shall bar a provider that is a 25310  
religious organization operating a religious or denominational 25311  
nursing facility or intermediate care facility for the mentally 25312  
retarded from giving preference to persons of the same religion or 25313  
denomination. Nothing in this section shall bar any provider from 25314  
giving preference to persons with whom the provider has contracted 25315  
to provide continuing care. 25316

(D) Nothing in this section shall bar the provider of a 25317  
county home organized under Chapter 5155. of the Revised Code from 25318  
admitting residents exclusively from the county in which the 25319  
county home is located. 25320

(E) No provider of a nursing facility or intermediate care 25321  
facility for the mentally retarded for which a provider agreement 25322  
is in effect shall violate the provider contract obligations 25323  
imposed under this section. 25324

(F) Nothing in divisions (A) and (C) of this section shall 25325  
bar a provider from retaining patients who have resided in the 25326  
provider's facility for not less than one year as private pay 25327  
patients and who subsequently become medicaid recipients, but 25328  
refusing to accept as a patient any person who is or may, as a 25329  
patient in the facility, become a medicaid recipient, if all of 25330  
the following apply: 25331

(1) The provider does not refuse to retain any patient who 25332  
has resided in the provider's facility for not less than one year 25333  
as a private pay patient because the patient becomes a medicaid 25334  
recipient, except as necessary to comply with division (F)(2) of 25335

this section;	25336
(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;	25337 25338 25339
(3) On July 1, 1980, all the patients in the facility were private pay patients.	25340 25341
<b>Sec. 5111.88.</b> (A) As used in sections 5111.88 to <del>5111.8812</del> <u>5111.8817</u> of the Revised Code:	25342 25343
"Administrative agency" means the department of job and family services or, if the department assigns the day-to-day administration of the ICF/MR conversion pilot program to the department of mental retardation and developmental disabilities pursuant to section 5111.887 of the Revised Code, the department of mental retardation and developmental disabilities.	25344 25345 25346 25347 25348 25349
"ICF/MR conversion pilot program" means the medicaid waiver component authorized by a waiver sought under division (B)(1) of this section.	25350 25351 25352
"ICF/MR services" means intermediate care facility for the mentally retarded services covered by the medicaid program that an intermediate care facility for the mentally retarded provides to a resident of the facility who is a medicaid recipient eligible for medicaid-covered intermediate care facility for the mentally retarded services.	25353 25354 25355 25356 25357 25358
"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.	25359 25360
"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.	25361 25362
(B) By July 1, 2006, or as soon thereafter as practical, but not later than January 1, 2007, the director of job and family	25363 25364

services shall, after consulting with and receiving input from the 25365  
ICF/MR conversion advisory council, submit both of the following 25366  
to the United States secretary of health and human services: 25367

(1) An application for a waiver authorizing the ICF/MR 25368  
conversion pilot program under which intermediate care facilities 25369  
for the mentally retarded, other than such facilities operated by 25370  
the department of mental retardation and developmental 25371  
disabilities, may volunteer to convert in whole or in part from 25372  
providing intermediate care facility for the mentally retarded 25373  
services to providing home and community-based services and 25374  
individuals with mental retardation or a developmental disability 25375  
who are eligible for ICF/MR services may volunteer to receive 25376  
instead home and community-based services; 25377

(2) An amendment to the state medicaid plan to authorize the 25378  
director, beginning on the first day that the ICF/MR conversion 25379  
pilot program begins implementation under section 5111.882 of the 25380  
Revised Code and except as provided by section 5111.8811 of the 25381  
Revised Code, to refuse to enter into or amend a medicaid provider 25382  
agreement with the operator of an intermediate care facility for 25383  
the mentally retarded if the provider agreement or amendment would 25384  
authorize the operator to receive medicaid payments for more 25385  
intermediate care facility for the mentally retarded beds than the 25386  
operator receives on the day before that day. 25387

(C) The director shall notify the governor, speaker and 25388  
minority leader of the house of representatives, and president and 25389  
minority leader of the senate when the director submits the 25390  
application for the ICF/MR conversion pilot program under division 25391  
(B)(1) of this section and the amendment to the state medicaid 25392  
plan under division (B)(2) of this section. The director is not 25393  
required to submit the application and the amendment at the same 25394  
time. 25395

Sec. 5111.882. If the United States secretary of health and human services approves the waiver requested under division (B)(1) of section 5111.88 of the Revised Code, the administrative agency shall implement the ICF/MR conversion pilot program for not less than three years as follows:

(A) Permit no more than two hundred individuals to participate in the program at one time;

(B) Select, from among volunteers only, enough intermediate care facilities for the mentally retarded to convert in whole or in part from providing ICF/MR services to providing home and community-based services as necessary to accommodate each individual participating in the program ~~and ensure that the facilities selected for conversion cease, except as provided by section 5111.8811 of the Revised Code, to provide any ICF/MR services once the conversion takes place;~~

(C) Subject to division (A) of this section, permit individuals who reside in an intermediate care facility for the mentally retarded that converts in whole or in part to providing home and community-based services to choose whether to participate in the program or, if the facility ceases to have enough ICF/MR-certified beds for the individual, to transfer to another intermediate care facility for the mentally retarded that ~~is not converting~~ has an available ICF/MR-certified bed for the individual;

(D) Ensure that no individual receiving ICF/MR services ~~on the effective date of this section~~ suffers an interruption in medicaid-covered services that the individual is eligible to receive;

(E) Collect information as necessary for the evaluation required by section 5111.889 of the Revised Code;

(F) After consulting with the ICF/MR conversion advisory council, make adjustments to the program that the administrative agency and, if the administrative agency is not the department of job and family services, the department agree are both necessary for the program to be implemented more effectively and consistent with the terms of the waiver authorizing the program. No adjustment may be made that expands the size or scope of the program.

**Sec. 5111.889.** (A) The administrative agency, in consultation with the ICF/MR conversion advisory council, shall conduct an evaluation of the ICF/MR conversion pilot program. All of the following shall be examined as part of the evaluation:

(1) The effectiveness of the home and community-based services provided under the program in meeting the health and welfare needs of the individuals participating in the program as identified in the individuals' written individual service plans;

(2) The satisfaction of the individuals participating in the program with the home and community-based services;

(3) The impact that the conversion in whole or in part from providing ICF/MR services to providing home and community-based services has on the intermediate care facilities for the mentally retarded that so convert;

(4) The program's cost effectiveness, including administrative cost effectiveness;

(5) Feedback about the program from the individuals participating in the program, such individuals' families and guardians, county boards of mental retardation and developmental disabilities, and providers of home and community-based services under the program;

(6) Other matters the administrative agency considers

appropriate for evaluation. 25456

(B) The administrative agency, in consultation with the 25457  
ICF/MR conversion advisory council, shall prepare two reports of 25458  
the evaluation conducted under this section. The initial report 25459  
shall be finished not sooner than the last day of the ICF/MR 25460  
conversion pilot program's first year of operation. The final 25461  
report shall be finished not sooner than the last day of the 25462  
program's second year of operation. The administrative agency 25463  
shall provide a copy of each report to the governor, president and 25464  
minority leader of the senate, and speaker and minority leader of 25465  
the house of representatives. 25466

**Sec. 5111.8811.** An intermediate care facility for the 25467  
mentally retarded that converts in whole or in part from providing 25468  
ICF/MR services to providing home and community-based services 25469  
under the ICF/MR conversion pilot program may reconvert the 25470  
converted beds to providing ICF/MR services after the program 25471  
terminates unless ~~either~~ any of the following is the case: 25472

(A) The program, following the general assembly's enactment 25473  
of law authorizing the program's statewide implementation, is 25474  
implemented statewide; 25475

(B) The facility no longer meets the requirements for 25476  
certification as an intermediate care facility for the mentally 25477  
retarded; 25478

(C) The facility no longer meets the requirements for 25479  
licensure as a residential facility under section 5123.19 of the 25480  
Revised Code or, if the facility is eligible under section 25481  
5123.192 of the Revised Code to be licensed as a nursing home, the 25482  
requirements for licensure as a nursing home under section 3721.02 25483  
or 3721.09 of the Revised Code. 25484

**Sec. 5111.8812.** (A) Subject to division (B) of this section 25485

and beginning not later than two and one-half years after the date 25486  
the ICF/MR conversion pilot program terminates, the department of 25487  
mental retardation and developmental disabilities shall be 25488  
responsible for a portion of the nonfederal share of medicaid 25489  
expenditures for ICF/MR services ~~provided by~~ incurred for any beds 25490  
of an intermediate care facility for the mentally retarded that 25491  
reconverts are reconverted to providing ICF/MR services under 25492  
section 5111.8811 of the Revised Code. The portion for which the 25493  
department shall be responsible shall be the portion that the 25494  
department and department of job and family services specify in an 25495  
agreement. 25496

(B) The department of mental retardation and developmental 25497  
disabilities shall not be responsible for any portion of the 25498  
nonfederal share of medicaid expenditures for ICF/MR services 25499  
incurred for any beds of an intermediate care facility for the 25500  
mentally retarded that are in excess of the number of beds the 25501  
facility had while participating in the ICF/MR conversion pilot 25502  
program. 25503

Sec. 5111.8813. The operator of an intermediate care facility 25504  
for the mentally retarded that converts only in part from 25505  
providing ICF/MR services to providing home and community-based 25506  
services under the ICF/MR conversion pilot program shall place the 25507  
beds that convert in a distinct part of the facility that houses 25508  
the intermediate care facility for the mentally retarded. 25509

Sec. 5111.8814. An intermediate care facility for the 25510  
mentally retarded that converts in whole to providing home and 25511  
community-based services under the ICF/MR conversion pilot program 25512  
shall either be licensed as a residential facility under section 25513  
5123.19 of the Revised Code or certified to provide supported 25514  
living under section 5126.431 of the Revised Code. If an 25515  
intermediate care facility for the mentally retarded converts in 25516

part to providing such home and community-based services, the 25517  
distinct part of the facility that provides the home and 25518  
community-based services shall either be licensed as a residential 25519  
facility under section 5123.19 of the Revised Code or certified to 25520  
provide supported living under section 5126.431 of the Revised 25521  
Code. The facility or distinct part of the facility shall be 25522  
licensed as a residential facility rather than certified to 25523  
provide supported living if it meets the definition of 25524  
"residential facility" in section 5123.19 of the Revised Code. 25525

**Sec. 5111.8815.** (A) Not later than thirty days after the date 25526  
a resident of an intermediate care facility for the mentally 25527  
retarded is enrolled in the ICF/MR conversion pilot program, the 25528  
operator of the intermediate care facility for the mentally 25529  
retarded shall do the following regardless of whether the resident 25530  
resides in a distinct part of a facility that also houses the 25531  
intermediate care facility for the mentally retarded: 25532

(1) If the intermediate care facility for the mentally 25533  
retarded is licensed as a residential facility under section 25534  
5123.19 of the Revised Code, notify the director of mental 25535  
retardation and developmental disabilities of the resident's 25536  
enrollment; 25537

(2) If the intermediate care facility for the mentally 25538  
retarded is licensed as a nursing home under section 3721.02 of 25539  
the Revised Code, notify the director of health of the resident's 25540  
enrollment; 25541

(3) If the intermediate care facility for the mentally 25542  
retarded is licensed as a nursing home by a political subdivision 25543  
under section 3721.09 of the Revised Code, notify the officials of 25544  
the political subdivision of the resident's enrollment. 25545

(B) The director of mental retardation and developmental 25546

disabilities, director of health, and officials of a political 25547  
subdivision shall reduce the licensed capacity of a residential 25548  
facility or nursing home by the number of the residential 25549  
facility's or nursing home's residents who enroll in the ICF/MR 25550  
conversion pilot program. The director of job and family services 25551  
shall be notified of each reduction in licensed capacity made 25552  
under this section. 25553

Sec. 5111.8816. Not later than thirty days after the date an 25554  
intermediate care facility for the mentally retarded converts in 25555  
whole or in part to providing home and community-based services 25556  
under the ICF/MR conversion pilot program, the operator of the 25557  
facility shall notify the director of job and family services of 25558  
the number of beds that converted. The director of job and family 25559  
services shall notify the director of health of the operator's 25560  
notice. The director of health shall reduce the facility's 25561  
certified capacity by the number of beds that convert. The 25562  
director of health shall notify the director of job and family 25563  
services whenever the director of health takes action under this 25564  
section. 25565

Sec. 5111.8817. On receipt of notice from the director of 25566  
health under section 5111.8816 of the Revised Code that the 25567  
director has reduced the certified capacity of an intermediate 25568  
care facility for the mentally retarded, the director of job and 25569  
family services shall amend the facility's medicaid provider 25570  
agreement to reflect the facility's reduced certified capacity or, 25571  
if the facility's certified capacity is reduced to zero, terminate 25572  
the facility's medicaid provider agreement. 25573

Sec. 5111.941. The medicaid revenue and collections fund is 25574  
hereby created in the state treasury. Except as otherwise provided 25575  
by statute or as authorized by the controlling board, the 25576

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. 25577  
25578  
25579  
25580

**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: 25581  
25582  
25583

(1) The non-federal share of all rebates paid by drug manufacturers to the department of job and family services in accordance with a rebate agreement required by 42 U.S.C.A. 1396r-8 shall be credited to the fund. The; 25584  
25585  
25586  
25587

(2) The non-federal share of all supplemental rebates paid by drug manufacturers to the department of job and family services in accordance with the supplemental drug rebate program established under section 5111.081 of the Revised Code. 25588  
25589  
25590  
25591

(B) The department of job and family services shall use money credited to the prescription drug rebates fund to pay for medicaid services and contracts. 25592  
25593  
25594

**Sec. 5111.943.** (A) The health care - federal fund is hereby created in the state treasury. All of the following shall be credited to the fund: 25595  
25596  
25597

(1) Funds that division (B) of section 5112.18 of the Revised Code requires be credited to the fund; 25598  
25599

(2) The federal share of all rebates paid by drug manufacturers to the department of job and family services in accordance with a rebate agreement required by 42 U.S.C. 1396r-8; 25600  
25601  
25602

(3) The federal share of all supplemental rebates paid by drug manufacturers to the department of job and family services in 25603  
25604

<u>accordance with the supplemental drug rebate program established</u>	25605
<u>under section 5111.081 of the Revised Code;</u>	25606
<u>(4) Except as otherwise provided by statute or as authorized</u>	25607
<u>by the controlling board, the federal share of all other</u>	25608
<u>medicaid-related revenues, collections, and recoveries.</u>	25609
<u>(B) All money credited to the health care - federal fund</u>	25610
<u>pursuant to division (B) of section 5112.18 of the Revised Code</u>	25611
<u>shall be used solely for distributing funds to hospitals under</u>	25612
<u>section 5112.08 of the Revised Code. The department of job and</u>	25613
<u>family services shall use all other money credited to the fund to</u>	25614
<u>pay for other medicaid services and contracts.</u>	25615
<b>Sec. 5112.08.</b> The director of job and family services shall	25616
adopt rules under section 5112.03 of the Revised Code establishing	25617
a methodology to pay hospitals that is sufficient to expend all	25618
money in the indigent care pool. Under the rules:	25619
(A) The department of job and family services may classify	25620
similar hospitals into groups and allocate funds for distribution	25621
within each group.	25622
(B) The department shall establish a method of allocating	25623
funds to hospitals, taking into consideration the relative amount	25624
of indigent care provided by each hospital or group of hospitals.	25625
The amount to be allocated shall be based on any combination of	25626
the following indicators of indigent care that the director	25627
considers appropriate:	25628
(1) Total costs, volume, or proportion of services to	25629
recipients of the medical assistance program, including recipients	25630
enrolled in health insuring corporations;	25631
(2) Total costs, volume, or proportion of services to	25632
low-income patients in addition to recipients of the medical	25633
assistance program, which may include recipients of Title V of the	25634

"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as  
amended, and recipients of financial or medical assistance  
provided under Chapter 5115. of the Revised Code;

(3) The amount of uncompensated care provided by the hospital  
or group of hospitals;

(4) Other factors that the director considers to be  
appropriate indicators of indigent care.

(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 25666  
Revised Code ~~is~~ are insufficient to make the total distributions 25667  
for which hospitals are eligible to receive in any period, the 25668  
department shall reduce the amount of each distribution by the 25669  
percentage by which the amount ~~is~~ and portion are insufficient. 25670  
The department shall distribute to hospitals any amounts not 25671  
distributed in the period in which they are due as soon as moneys 25672  
are available in the funds. 25673

**Sec. 5112.18.** (A) Except as provided in section 5112.19 of 25674  
the Revised Code, all payments of assessments by hospitals under 25675  
section 5112.06 of the Revised Code and all intergovernmental 25676  
transfers under section 5112.07 of the Revised Code shall be 25677  
deposited in the state treasury to the credit of the hospital care 25678  
assurance program fund, hereby created. All investment earnings of 25679  
the hospital care assurance program fund shall be credited to the 25680  
fund. The department of job and family services shall maintain 25681  
records that show the amount of money in the hospital care 25682  
assurance program fund at any time that has been paid by each 25683  
hospital and the amount of any investment earnings on that amount. 25684  
All moneys credited to the hospital care assurance program fund 25685  
shall be used solely to make payments to hospitals under division 25686  
(D) of this section and section 5112.08 of the Revised Code. 25687

(B) All federal matching funds received as a result of the 25688  
department distributing funds from the hospital care assurance 25689  
program fund to hospitals under section 5112.08 of the Revised 25690  
Code shall be credited to the ~~hospital care assurance match~~ health 25691  
care - federal fund, ~~which is hereby created in the state treasury~~ 25692  
under section 5111.943 of the Revised Code. All money credited to 25693  
~~the hospital care assurance match fund shall be used solely for~~ 25694  
~~distributing funds to hospitals under section 5112.08 of the~~ 25695  
~~Revised Code.~~ 25696

(C) All distributions of funds to hospitals under section 5112.08 of the Revised Code are conditional on:	25697 25698
(1) Expiration of the time for appeals under section 5112.09 of the Revised Code without the filing of an appeal, or on court determinations, in the event of appeals, that the hospital is entitled to the funds;	25699 25700 25701 25702
(2) <del>The availability of sufficient moneys in the hospital care assurance program fund and the hospital care assurance match fund</del> <u>sum of the following being sufficient</u> to distribute the funds after the final determination of any appeals+:	25703 25704 25705 25706
(a) <u>The available money in the hospital care assurance program fund;</u>	25707 25708
(b) <u>The available portion of the money in the health care - federal fund that is credited to that fund pursuant to division (B) of this section.</u>	25709 25710 25711
(3) The hospital's compliance with section 5112.17 of the Revised Code.	25712 25713
(D) If an audit conducted by the department of the amounts of payments made and funds received by hospitals under sections 5112.06, 5112.07, and 5112.08 of the Revised Code identifies amounts that, due to errors by the department, a hospital should not have been required to pay but did pay, should have been required to pay but did not pay, should not have received but did receive, or should have received but did not receive, the department shall:	25714 25715 25716 25717 25718 25719 25720 25721
(1) Make payments to any hospital that the audit reveals paid amounts it should not have been required to pay or did not receive amounts it should have received;	25722 25723 25724
(2) Take action to recover from a hospital any amounts that the audit reveals it should have been required to pay but did not	25725 25726

pay or that it should not have received but did receive. 25727

Payments made under division (D)(1) of this section shall be 25728  
made from the hospital care assurance program fund. Amounts 25729  
recovered under division (D)(2) of this section shall be deposited 25730  
to the credit of that fund. Any hospital may appeal the amount the 25731  
hospital is to be paid under division (D)(1) or the amount that is 25732  
to be recovered from the hospital under division (D)(2) of this 25733  
section to the court of common pleas of Franklin county. 25734

**Sec. 5112.31.** The department of job and family services shall 25735  
do all of the following: 25736

(A) For the purpose of providing home and community-based 25737  
services for mentally retarded and developmentally disabled 25738  
persons, annually assess each intermediate care facility for the 25739  
mentally retarded a franchise permit fee equal to nine dollars and 25740  
sixty-three cents multiplied, except as adjusted under section 25741  
5112.311 of the Revised Code, by the product of the following: 25742

(1) The number of beds certified under Title XIX of the 25743  
"Social Security Act" on the first day of May of the calendar year 25744  
in which the assessment is determined pursuant to division (A) of 25745  
section 5112.33 of the Revised Code; 25746

(2) The number of days in the fiscal year beginning on the 25747  
first day of July of the same calendar year. 25748

(B) Beginning July 1, 2007, and the first day of each July 25749  
thereafter, adjust fees determined under division (A) of this 25750  
section in accordance with the composite inflation factor 25751  
established in rules adopted under section 5112.39 of the Revised 25752  
Code. 25753

(C) If the United States secretary of health and human 25754  
services determines that the franchise permit fee established by 25755  
sections 5112.30 to 5112.39 of the Revised Code would be an 25756

impermissible health care-related tax under section 1903(w) of the "Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all necessary actions to cease implementation of those sections in accordance with rules adopted under section 5112.39 of the Revised Code.

Sec. 5112.311. If, under section 5111.8816 of the Revised Code, the certified capacity of an intermediate care facility for the mentally retarded is reduced, the department of job and family services shall adjust the franchise permit fee the facility was assessed under section 5112.31 of the Revised Code accordingly. If, under section 5111.8811 of the Revised Code, the certified capacity of an intermediate care facility for the mentally retarded is increased, the department may adjust the franchise permit fee the facility was assessed under section 5112.31 of the Revised Code accordingly.

**Sec. 5115.04.** (A) The department of job and family services shall supervise and administer the disability financial assistance program, except that the department may require county departments of job and family services to perform any administrative function specified in rules adopted by the director of job and family services.

(B) If the department requires county departments to perform administrative functions under this section, the director shall adopt rules in accordance with section 111.15 of the Revised Code governing the performance of the functions to be performed by county departments. County departments shall perform the functions in accordance with the rules. The director shall conduct investigations to determine whether disability financial assistance is being administered in compliance with the Revised Code and rules adopted by the director.

(C) If disability financial assistance payments are made by 25787  
the county department of job and family services, the department 25788  
shall advance sufficient funds to provide the county treasurer 25789  
with the amount estimated for the payments. Financial assistance 25790  
payments shall be distributed in accordance with sections ~~117.45~~ 25791  
126.35, 319.16, and 329.03 of the Revised Code. 25792

**Sec. 5119.16.** As used in this section, "free clinic" has the 25793  
same meaning as in section 2305.2341 of the Revised Code. 25794

(A) The department of mental health is hereby designated to 25795  
provide certain goods and services for the department of mental 25796  
health, the department of mental retardation and developmental 25797  
disabilities, the department of rehabilitation and correction, the 25798  
department of youth services, and other state, county, or 25799  
municipal agencies requesting such goods and services when the 25800  
department of mental health determines that it is in the public 25801  
interest, and considers it advisable, to provide these goods and 25802  
services. The department of mental health also may provide goods 25803  
and services to agencies operated by the United States government 25804  
and to public or private nonprofit agencies, other than free 25805  
clinics, that are funded in whole or in part by the state if the 25806  
public or private nonprofit agencies are designated for 25807  
participation in this program by the director of mental health for 25808  
community mental health agencies, the director of mental 25809  
retardation and developmental disabilities for community mental 25810  
retardation and developmental disabilities agencies, the director 25811  
of rehabilitation and correction for community rehabilitation and 25812  
correction agencies, or the director of youth services for 25813  
community youth services agencies. ~~The director of aging may~~ 25814  
~~designate for participation community agencies holding a contract~~ 25815  
~~with an area agency on aging established under the "Older~~ 25816  
~~Americans Act," 79 Stat. 219, 42 U.S.C.A. 3001, as amended.~~ 25817

Designated	25818
<u>Designated</u> community agencies shall receive goods and	25819
services through the department of mental health only in those	25820
cases where the designating state agency certifies that providing	25821
such goods and services to the agency will conserve public	25822
resources to the benefit of the public and where the provision of	25823
such goods and services is considered feasible by the department	25824
of mental health.	25825
<del>Purchases of goods or services under this section are not</del>	25826
<del>subject to section 307.86 of the Revised Code.</del>	25827
<del>(A)(B) The department of mental health may permit free</del>	25828
<del>clinics to purchase certain goods and services to the extent the</del>	25829
<del>purchases fall within the exemption to the Robinson-Patman Act, 15</del>	25830
<del>U.S.C. 13 et seq., applicable to non-profit institutions, in 15</del>	25831
<del>U.S.C. 13c, as amended.</del>	25832
(C) The goods and services to be provided by the department	25833
of mental health <u>under divisions (A) and (B) of this section</u> may	25834
include:	25835
(1) Procurement, storage, processing, and distribution of	25836
food and professional consultation on food operations;	25837
(2) Procurement, storage, and distribution of medical and	25838
laboratory supplies, dental supplies, medical records, forms,	25839
optical supplies, and sundries, subject to section 5120.135 of the	25840
Revised Code;	25841
(3) Procurement, storage, repackaging, distribution, and	25842
dispensing of drugs, the provision of professional pharmacy	25843
consultation, and drug information services;	25844
(4) Other goods and services as may be agreed to.	25845
<del>(B)(D) The department of mental health shall provide the</del>	25846
goods and services designated in division <del>(A)</del> (C) of this section	25847

to its institutions and to state-operated community-based mental 25848  
health services. 25849

~~(C)~~(E) After consultation with and advice from the director 25850  
of mental retardation and developmental disabilities, the director 25851  
of rehabilitation and correction, and the director of youth 25852  
services, the department of mental health shall provide the goods 25853  
and services designated in division ~~(A)~~(C) of this section to the 25854  
department of mental retardation and developmental disabilities, 25855  
the department of rehabilitation and correction, and the 25856  
department of youth services. 25857

~~(D)~~(F) The cost of administration of this section shall be 25858  
determined by the department of mental health and paid by the 25859  
agencies or free clinics receiving the goods and services to the 25860  
department for deposit in the state treasury to the credit of the 25861  
mental health fund, which is hereby created. The fund shall be 25862  
used to pay the cost of administration of this section to the 25863  
department. 25864

~~(E)~~(G) If the goods or services designated in division ~~(A)~~(C) 25865  
of this section are not provided in a satisfactory manner by the 25866  
department of mental health to the agencies described in division 25867  
(A) of this section, the director of mental retardation and 25868  
developmental disabilities, the director of rehabilitation and 25869  
correction, the director of youth services, or the managing 25870  
officer of a department of mental health institution shall attempt 25871  
to resolve unsatisfactory service with the director of mental 25872  
health. If, after such attempt, the provision of goods or services 25873  
continues to be unsatisfactory, the director or officer shall 25874  
notify the director of mental health. If within thirty days of 25875  
such notice the department of mental health does not provide the 25876  
specified goods and services in a satisfactory manner, the 25877  
director of mental retardation and developmental disabilities, the 25878  
director of rehabilitation and correction, the director of youth 25879

services, or the managing officer of the department of mental 25880  
health institution shall notify the director of mental health of 25881  
the director's or managing officer's intent to cease purchasing 25882  
goods and services from the department. Following a sixty-day 25883  
cancellation period from the date of such notice, the department 25884  
of mental retardation, department of rehabilitation and 25885  
correction, department of youth services, or the department of 25886  
mental health institution may obtain the goods and services from a 25887  
source other than the department of mental health, if the 25888  
department certifies to the department of administrative services 25889  
that the requirements of this division have been met. 25890

~~(F)~~(H) Whenever a state agency fails to make a payment for 25891  
goods and services provided under this section within thirty-one 25892  
days after the date the payment was due, the office of budget and 25893  
management may transfer moneys from the state agency to the 25894  
department of mental health. The amount transferred shall not 25895  
exceed the amount of overdue payments. Prior to making a transfer 25896  
under this division, the office of budget and management shall 25897  
apply any credits the state agency has accumulated in payments for 25898  
goods and services provided under this section. 25899

(I) Purchases of goods and services under this section are 25900  
not subject to section 307.86 of the Revised Code. 25901

**Sec. 5123.0413.** (A) The department of mental retardation and 25902  
developmental disabilities, in consultation with the department of 25903  
job and family services, office of budget and management, and 25904  
county boards of mental retardation and developmental 25905  
disabilities, shall adopt rules in accordance with Chapter 119. of 25906  
the Revised Code no later than January 1, 2002, establishing a 25907  
method of paying for extraordinary costs, including extraordinary 25908  
costs for services to individuals with mental retardation or other 25909  
developmental disability, and ensure the availability of adequate 25910

funds in the event a county property tax levy for services for 25911  
individuals with mental retardation or other developmental 25912  
disability fails. The rules may provide for using and managing ~~one~~ 25913  
either or ~~more~~ both of the following: 25914

(1) ~~County MR/DD medicaid reserve funds established in 25915~~  
~~accordance with section 5705.091 of the Revised Code;~~ 25916

~~(2)~~ A state MR/DD risk fund, which is hereby created in the 25917  
state treasury; 25918

~~(3)~~(2) A state insurance against MR/DD risk fund, which is 25919  
hereby created in the state treasury. 25920

(B) Beginning January 1, 2002, the department of job and 25921  
family services may not request approval from the United States 25922  
secretary of health and human services to increase the number of 25923  
slots for home and community-based services until the rules 25924  
required by division (A) of this section are in effect. 25925

**Sec. 5123.196.** (A) Except as provided in ~~divisions~~ division 25926  
(F) of this section, the director of mental retardation and 25927  
developmental disabilities shall not issue a license under section 25928  
5123.19 of the Revised Code on or after July 1, 2003, if issuance 25929  
will result in there being more beds in all residential facilities 25930  
licensed under that section than is permitted under division (B) 25931  
of this section. 25932

(B) ~~The~~ Except as provided in division (D) of this section, 25933  
the maximum number of beds for the purpose of division (A) of this 25934  
section shall not exceed ten thousand eight hundred thirty-eight 25935  
minus, except as provided in division (C) of this section, both of 25936  
the following: 25937

(1) The number of such beds that cease to be residential 25938  
facility beds on or after July 1, 2003, because a residential 25939  
facility license is revoked, terminated, or not renewed for any 25940

reason or is surrendered in accordance with section 5123.19 of the Revised Code and after the issuance of an adjudication order pursuant to Chapter 119. of the Revised Code;

(2) The number of such beds for which a licensee voluntarily converts to use for supported living on or after July 1, 2003.

(C) The director is not required to reduce the maximum number of beds pursuant to division (B) of this section by a bed that ceases to be a residential facility bed if the director determines that the bed is needed to provide services to an individual with mental retardation or a developmental disability who resided in the residential facility in which the bed was located unless the reason the bed ceases to be a residential facility bed is because it is converted to providing home and community-based services under the ICF/MR conversion pilot program that is authorized by a waiver sought under division (B)(1) of section 5111.88 of the Revised Code.

(D) The director shall increase the number of beds determined under division (B) of this section if necessary to enable the operator of a residential facility to do either of the following:

(1) Obtain a residential facility license as required by section 5111.8814 of the Revised Code;

(2) Reconvert beds to providing ICF/MR services under section 5111.8811 of the Revised Code.

(E) The director shall maintain an up-to-date written record of the maximum number of residential facility beds provided for by division (B) of this section.

(F) The director may issue an interim license under division (R) of section 5123.19 of the Revised Code and issue, pursuant to rules adopted under division (G)(11) of that section, a waiver allowing a residential facility to admit more residents than the

facility is licensed to admit regardless of whether the interim 25971  
license or waiver will result in there being more beds in all 25972  
residential facilities licensed under that section than is 25973  
permitted under division (B) of this section. 25974

**Sec. 5123.36.** (A) To the extent funds are available and on 25975  
application by a county ~~boards~~ board of mental retardation and 25976  
developmental disabilities or private nonprofit ~~agencies~~ agency 25977  
incorporated to provide mental retardation or developmental 25978  
disability services, ~~state participation in the director of mental~~ 25979  
retardation and developmental disabilities may enter into an 25980  
agreement with the county board or agency to assist the county 25981  
board or agency with a mental retardation or developmental 25982  
disability construction ~~programs may be approved by the director~~ 25983  
~~of mental retardation and developmental disabilities as follows:~~ 25984

~~(1) The~~ project. Except as provided by division (B) of this 25985  
section, the director may ~~approve the provision of~~ provide up to 25986  
ninety per cent of the total project cost where circumstances 25987  
warrant. 25988

~~(2).~~ The director may, where circumstances warrant, use 25989  
existing facilities or other in-kind match for the local share of 25990  
the communities' share of the cost. 25991

(B) Upon the recommendation of the director, for ~~programs~~ 25992  
projects of the highest priority of the department of mental 25993  
retardation and developmental disabilities, ~~state participation~~ 25994  
~~may be approved by~~ the controlling board ~~in amounts that vary from~~ 25995  
~~the amount authorized under division (A)(1) of this section~~ may 25996  
authorize the director to provide more than ninety per cent of the 25997  
total cost of a project under this section. 25998

(C) A county board is eligible for funds under this section 25999  
for a project bid on or after January 1, 1992, under either 26000

section 153.07 or 307.86 of the Revised Code, as long as all other applicable requirements were followed. 26001  
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(D) The director may not assist a project under this section unless the controlling board or director of budget and management also approves the project pursuant to section 126.14 of the Revised Code. 26003  
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Sec. 5123.37. A county board of mental retardation and developmental disabilities or private, nonprofit agency that receives state funds pursuant to an agreement with the director of mental retardation and developmental disabilities under section 5123.36 of the Revised Code to acquire a facility may apply to the director for approval to sell the facility before the terms of the agreement expire for the purpose of acquiring a replacement facility to be used to provide mental retardation or developmental disability services to individuals the county board or agency serves. The application shall be made on a form the director shall prescribe. The county board or agency shall include in the application the specific purpose for which the replacement facility is to be used. The director may refuse to approve the application if the director determines that any of the following apply: 26007  
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(A) The application is incomplete or indicates that the county board or agency is unable to purchase a replacement facility. 26022  
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(B) The replacement facility would not be used to continue to provide mental retardation or developmental disability services that the director determines are appropriate for the individuals the county board or agency serves. 26025  
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(C) The county board or agency has failed to comply with a provision of Chapter 5123. or 5126. of the Revised Code or a rule 26029  
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adopted by the director.

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(D) Approving the application would be inconsistent with the plans and priorities of the department of mental retardation and developmental disabilities.

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**Sec. 5123.371.** If the director of mental retardation and developmental disabilities approves an application submitted under section 5123.37 of the Revised Code, the county board of mental retardation and developmental disabilities or private, nonprofit agency that submitted the application shall, after selling the facility for which the county board or agency received approval to sell, pay to the director the portion of the proceeds that equals the amount that the director determines the county board or agency owes the department of mental retardation and developmental disabilities, including the department's security interest in the facility, for the state funds used to acquire the facility.

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**Sec. 5123.372.** If the director of mental retardation and developmental disabilities approves an application submitted under section 5123.37 of the Revised Code, the director shall establish a deadline by which the county board of mental retardation and developmental disabilities or private, nonprofit agency that submitted the application must notify the director that the county board or agency is ready to acquire a replacement facility to be used for the purpose stated in the application. The director may extend the deadline as many times as the director determines necessary.

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**Sec. 5123.373.** If, on or before the deadline or, if any, the last extended deadline established under section 5123.372 of the Revised Code for a county board of mental retardation and developmental disabilities or private, nonprofit agency, the county board or agency notifies the director of mental retardation

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and developmental disabilities that the county board or agency is 26061  
ready to acquire the replacement facility, the director shall 26062  
enter into an agreement with the county board or agency that 26063  
provides for the director to pay to the county board or agency a 26064  
percentage of the cost of acquiring the replacement facility. The 26065  
agreement shall specify the amount that the director shall pay. 26066  
The amount may be the amount of the security interest that the 26067  
department of mental retardation and developmental disabilities 26068  
had in the previous facility or a different amount. The agreement 26069  
may provide for the department to hold a security interest in the 26070  
replacement facility. 26071

Sec. 5123.374. (A) The director of mental retardation and 26072  
developmental disabilities may rescind approval of an application 26073  
submitted under section 5123.37 of the Revised Code if either of 26074  
the following occurs: 26075

(1) The county board of mental retardation and developmental 26076  
disabilities or private, nonprofit agency that submitted the 26077  
application fails, on or before the deadline or, if any, the last 26078  
extended deadline established under section 5123.372 of the 26079  
Revised Code for the county board or agency, to notify the 26080  
director that the county board or agency is ready to acquire the 26081  
replacement facility. 26082

(2) The county board or agency at any time notifies the 26083  
director that the county board or agency no longer intends to 26084  
acquire a replacement facility. 26085

(B) If the director rescinds approval of an application, the 26086  
director shall use any funds the county board or agency paid to 26087  
the director under section 5123.371 of the Revised Code to assist 26088  
mental retardation or developmental disabilities construction 26089  
projects under section 5123.36 of the Revised Code. 26090

Sec. 5123.375. The MR/DD community capital replacement facilities fund is hereby created in the state treasury. The director of mental retardation and developmental disabilities shall credit all amounts paid to the director under section 5123.371 of the Revised Code to the fund. The director shall use the money in the fund as follows:

(A) To make payments to county boards of mental retardation and developmental disabilities and private, nonprofit agencies pursuant to agreements entered into under section 5123.373 of the Revised Code;

(B) To provide, pursuant to section 5123.374 of the Revised Code, assistance for mental retardation or developmental disabilities construction projects under section 5123.36 of the Revised Code.

**Sec. 5139.50.** (A) The release authority of the department of youth services is hereby created as a bureau in the department. The release authority shall consist of five members who are appointed by the director of youth services and who have the qualifications specified in division (B) of this section. The members of the release authority shall devote their full time to the duties of the release authority and shall neither seek nor hold other public office. The members shall be in the unclassified civil service.

(B) A person appointed as a member of the release authority shall have a bachelor's degree from an accredited college or university or equivalent relevant experience and shall have the skills, training, or experience necessary to analyze issues of law, administration, and public policy. The membership of the release authority shall represent, insofar as practicable, the diversity found in the children in the legal custody of the

department of youth services. 26121

In appointing the five members, the director shall ensure 26122  
that the appointments include all of the following: 26123

(1) At least four members who have five or more years of 26124  
experience in criminal justice, juvenile justice, or an equivalent 26125  
relevant profession; 26126

(2) At least one member who has experience in victim services 26127  
or advocacy or who has been a victim of a crime or is a family 26128  
member of a victim; 26129

(3) At least one member who has experience in direct care 26130  
services to delinquent children; 26131

~~(4) At least one member who holds a juris doctor degree from 26132  
an accredited college or university. 26133~~

(C) The initial appointments of members of the release 26134  
authority shall be for a term of six years for the chairperson and 26135  
one member, a term of four years for two members, and a term of 26136  
two years for one member. Thereafter, members shall be appointed 26137  
for six-year terms. At the conclusion of a term, a member shall 26138  
hold office until the appointment and qualification of the 26139  
member's successor. The director shall fill a vacancy occurring 26140  
before the expiration of a term for the remainder of that term 26141  
and, if a member is on extended leave or disability status for 26142  
more than thirty work days, may appoint an interim member to 26143  
fulfill the duties of that member. A member may be reappointed, 26144  
but a member may serve no more than two consecutive terms 26145  
regardless of the length of the member's initial term. A member 26146  
may be removed for good cause by the director. 26147

(D) The director of youth services shall designate as 26148  
chairperson of the release authority one of the members who has 26149  
experience in criminal justice, juvenile justice, or an equivalent 26150

relevant profession. The chairperson shall be a managing officer  
of the department, shall supervise the members of the board and  
the other staff in the bureau, and shall perform all duties and  
functions necessary to ensure that the release authority  
discharges its responsibilities. The chairperson shall serve as  
the official spokesperson for the release authority.

(E) The release authority shall do all of the following: 26157

(1) Serve as the final and sole authority for making  
decisions, in the interests of public safety and the children  
involved, regarding the release and discharge of all children  
committed to the legal custody of the department of youth  
services, except children placed by a juvenile court on judicial  
release to court supervision or on judicial release to department  
of youth services supervision, children who have not completed a  
prescribed minimum period of time or prescribed period of time in  
a secure facility, or children who are required to remain in a  
secure facility until they attain twenty-one years of age;

(2) Establish written policies and procedures for conducting  
reviews of the status for all youth in the custody of the  
department, setting or modifying dates of release and discharge,  
specifying the duration, terms, and conditions of release to be  
carried out in supervised release subject to the addition of  
additional consistent terms and conditions by a court in  
accordance with section 5139.51 of the Revised Code, and giving a  
child notice of all reviews;

(3) Maintain records of its official actions, decisions,  
orders, and hearing summaries and make the records accessible in  
accordance with division (D) of section 5139.05 of the Revised  
Code;

(4) Cooperate with public and private agencies, communities,  
private groups, and individuals for the development and

improvement of its services;	26182
(5) Collect, develop, and maintain statistical information regarding its services and decisions;	26183 26184
(6) Submit to the director an annual report that includes a description of the operations of the release authority, an evaluation of its effectiveness, recommendations for statutory, budgetary, or other changes necessary to improve its effectiveness, and any other information required by the director.	26185 26186 26187 26188 26189
(F) The release authority may do any of the following:	26190
(1) Conduct inquiries, investigations, and reviews and hold hearings and other proceedings necessary to properly discharge its responsibilities;	26191 26192 26193
(2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing;	26194 26195 26196 26197
(3) Administer oaths and receive testimony of persons under oath;	26198 26199
(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;	26200 26201 26202 26203
(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the department's legal custody information to enable the release authority to properly discharge its responsibilities with respect to that child and receive the information from the public agency or other entity in a reasonable period of time.	26204 26205 26206 26207 26208 26209
(G) The release authority may delegate responsibilities to hearing officers or other designated staff under the release	26210 26211

authority's auspices. However, the release authority shall not  
delegate its authority to make final decisions regarding policy or  
the release of a child.

The release authority shall adopt a written policy and  
procedures governing appeals of its release and discharge  
decisions.

(H) The legal staff of the department of youth services shall  
provide assistance to the release authority in the formulation of  
policy and in its handling of individual cases.

Sec. 5502.261. A board of county commissioners that has  
entered into an agreement to establish a countywide emergency  
management agency may appropriate money from its general fund to  
support the functions and operations of the agency, including the  
development, acquisition, operation, and maintenance of a  
countywide public safety communication system and any  
communication devices, radios, and other equipment necessary for  
the system's operation and use. Money appropriated under this  
section may be expended to purchase and maintain the assets or  
equipment of the agency, including equipment used by the personnel  
of other political subdivisions that have entered into the  
agreement with the board establishing the agency. Money also may  
be appropriated under this section directly to a political  
subdivision that has entered into the agreement with the board  
establishing the agency, to enable the political subdivision to  
purchase communication devices, radios, and other equipment  
necessary for the countywide public safety communication system's  
operation and use.

**Sec. 5505.27.** All amounts due the state highway patrol  
retirement system 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 26242  
by the director ~~of budget and management~~. 26243

**Sec. 5531.10.** (A) As used in this chapter: 26244

(1) "Bond proceedings" means the resolution, order, trust 26245  
agreement, indenture, lease, lease-purchase agreements, and other 26246  
agreements, amendments and supplements to the foregoing, or any 26247  
one or more or combination thereof, authorizing or providing for 26248  
the terms and conditions applicable to, or providing for the 26249  
security or liquidity of, obligations issued pursuant to this 26250  
section, and the provisions contained in such obligations. 26251

(2) "Bond service charges" means principal, including 26252  
mandatory sinking fund requirements for retirement of obligations, 26253  
and interest, and redemption premium, if any, required to be paid 26254  
by the state on obligations. 26255

(3) "Bond service fund" means the applicable fund and 26256  
accounts therein created for and pledged to the payment of bond 26257  
service charges, which may be, or may be part of, the state 26258  
infrastructure bank revenue bond service fund created by division 26259  
(R) of this section including all moneys and investments, and 26260  
earnings from investments, credited and to be credited thereto. 26261

(4) "Issuing authority" means the treasurer of state, or the 26262  
officer who by law performs the functions of the treasurer of 26263  
state. 26264

(5) "Obligations" means bonds, notes, or other evidence of 26265  
obligation including interest coupons pertaining thereto, issued 26266  
pursuant to this section. 26267

(6) "Pledged receipts" means moneys accruing to the state 26268  
from the lease, lease-purchase, sale, or other disposition, or 26269  
use, of qualified projects, and from the repayment, including 26270  
interest, of loans made from proceeds received from the sale of 26271

obligations; accrued interest received from the sale of 26272  
obligations; income from the investment of the special funds; any 26273  
gifts, grants, donations, and pledges, and receipts therefrom, 26274  
available for the payment of bond service charges; and any amounts 26275  
in the state infrastructure bank pledged to the payment of such 26276  
charges. If the amounts in the state infrastructure bank are 26277  
insufficient for the payment of such charges, "pledged receipts" 26278  
also means moneys that are apportioned by the United States 26279  
secretary of transportation under United States Code, Title XXIII, 26280  
as amended, or any successor legislation, or under any other 26281  
federal law relating to aid for highways, and that are to be 26282  
received as a grant by the state, to the extent the state is not 26283  
prohibited by state or federal law from using such moneys and the 26284  
moneys are pledged to the payment of such bond service charges. 26285

(7) "Special funds" or "funds" means, except where the 26286  
context does not permit, the bond service fund, and any other 26287  
funds, including reserve funds, created under the bond 26288  
proceedings, and the state infrastructure bank revenue bond 26289  
service fund created by division (R) of this section to the extent 26290  
provided in the bond proceedings, including all moneys and 26291  
investments, and earnings from investment, credited and to be 26292  
credited thereto. 26293

(8) "State infrastructure project" means any public 26294  
transportation project undertaken by the state, including, but not 26295  
limited to, all components of any such project, as described in 26296  
division (D) of section 5531.09 of the Revised Code. 26297

(9) "District obligations" means bonds, notes, or other 26298  
evidence of obligation including interest coupons pertaining 26299  
thereto, issued to finance a qualified project by a transportation 26300  
improvement district created pursuant to section 5540.02 of the 26301  
Revised Code, of which the principal, including mandatory sinking 26302  
fund requirements for retirement of such obligations, and interest 26303

and redemption premium, if any, are payable by the department of transportation. 26304  
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(B) The issuing authority, after giving written notice to the director of budget and management and upon the certification by the director of transportation to the issuing authority of the amount of moneys or additional moneys needed either for state infrastructure projects or to provide financial assistance for any of the purposes for which the state infrastructure bank may be used under section 5531.09 of the Revised Code, or needed for capitalized interest, funding reserves, and paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, shall issue obligations of the state under this section in the required amount. The proceeds of such obligations, except for the portion to be deposited in special funds, including reserve funds, as may be provided in the bond proceedings, shall as provided in the bond proceedings be credited to the infrastructure bank obligations fund of the state infrastructure bank created by section 5531.09 of the Revised Code and disbursed as provided in the bond proceedings for such obligations. The issuing authority may appoint trustees, paying agents, transfer agents, and authenticating agents, and may retain the services of financial advisors, accounting experts, and attorneys, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing 26306  
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services, as are necessary in the issuing authority's judgment to 26336  
carry out this section. The costs of such services are payable 26337  
from funds of the state infrastructure bank. 26338

(C) ~~Except as otherwise provided in this division, the~~ The 26339  
holders or owners of such obligations shall have no right to have 26340  
moneys raised by taxation by the state of Ohio obligated or 26341  
pledged, and moneys so raised shall not be obligated or pledged, 26342  
for the payment of bond service charges. ~~The municipal~~ 26343  
~~corporations and counties may pledge and obligate moneys received~~ 26344  
~~pursuant to sections 4501.04, 5709.42, 5709.79, 5735.23, 5735.27,~~ 26345  
~~and 5735.291 of the Revised Code to the payment of amounts payable~~ 26346  
~~by those municipal corporations and counties to the state~~ 26347  
~~infrastructure bank pursuant to section 5531.09 of the Revised~~ 26348  
~~Code, and the bond proceedings for obligations may provide that~~ 26349  
~~such payments shall constitute pledged receipts, provided such~~ 26350  
~~moneys are obligated, pledged, and paid only with respect to~~ 26351  
~~obligations issued exclusively for public transportation projects.~~ 26352  
The right of such holders and owners to the payment of bond 26353  
service charges is limited to all or that portion of the pledged 26354  
receipts and those special funds pledged thereto pursuant to the 26355  
bond proceedings for such obligations in accordance with this 26356  
section, and each such obligation shall bear on its face a 26357  
statement to that effect. Moneys received as repayment of loans 26358  
made by the state infrastructure bank pursuant to section 5531.09 26359  
of the Revised Code shall not be considered moneys raised by 26360  
taxation by the state of Ohio regardless of the source of the 26361  
moneys. 26362

(D) Obligations shall be authorized by order of the issuing 26363  
authority and the bond proceedings shall provide for the purpose 26364  
thereof and the principal amount or amounts, and shall provide for 26365  
or authorize the manner or agency for determining the principal 26366  
maturity or maturities, not exceeding twenty-five years from the 26367

date of issuance, the interest rate or rates or the maximum  
interest rate, the date of the obligations and the dates of  
payment of interest thereon, their denomination, and the  
establishment within or without the state of a place or places of  
payment of bond service charges. Sections 9.98 to 9.983 of the  
Revised Code are applicable to obligations issued under this  
section. The purpose of such obligations may be stated in the bond  
proceedings in terms describing the general purpose or purposes to  
be served. The bond proceedings also shall provide, subject to the  
provisions of any other applicable bond proceedings, for the  
pledge of all, or such part as the issuing authority may  
determine, of the pledged receipts and the applicable special fund  
or funds to the payment of bond service charges, which pledges may  
be made either prior or subordinate to other expenses, claims, or  
payments, and may be made to secure the obligations on a parity  
with obligations theretofore or thereafter issued, if and to the  
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 26401  
authorized by this section, and to any trustee therefor, for the 26402  
further security of the payment of the bond service charges. 26403  
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(E) The bond proceedings may contain additional provisions as 26405  
to: 26406

(1) The redemption of obligations prior to maturity at the 26407  
option of the issuing authority at such price or prices and under 26408  
such terms and conditions as are provided in the bond proceedings; 26409

(2) Other terms of the obligations; 26410

(3) Limitations on the issuance of additional obligations; 26411

(4) The terms of any trust agreement or indenture securing 26412  
the obligations or under which the same may be issued; 26413

(5) The deposit, investment, and application of special 26414  
funds, and the safeguarding of moneys on hand or on deposit, 26415  
without regard to Chapter 131. or 135. of the Revised Code, but 26416  
subject to any special provisions of this section with respect to 26417  
particular funds or moneys, provided that any bank or trust 26418  
company which acts as depository of any moneys in the special 26419  
funds may furnish such indemnifying bonds or may pledge such 26420  
securities as required by the issuing authority; 26421

(6) Any or every provision of the bond proceedings being 26422  
binding upon such officer, board, commission, authority, agency, 26423  
department, or other person or body as may from time to time have 26424  
the authority under law to take such actions as may be necessary 26425  
to perform all or any part of the duty required by such provision; 26426

(7) Any provision that may be made in a trust agreement or 26427  
indenture; 26428

(8) Any other or additional agreements with the holders of 26429  
the obligations, or the trustee therefor, relating to the 26430

obligations or the security therefor, including the assignment of 26431  
mortgages or other security relating to financial assistance for 26432  
qualified projects under section 5531.09 of the Revised Code. 26433

(F) The obligations may have the great seal of the state or a 26434  
facsimile thereof affixed thereto or printed thereon. The 26435  
obligations and any coupons pertaining to obligations shall be 26436  
signed or bear the facsimile signature of the issuing authority. 26437  
Any obligations or coupons may be executed by the person who, on 26438  
the date of execution, is the proper issuing authority although on 26439  
the date of such bonds or coupons such person was not the issuing 26440  
authority. In case the issuing authority whose signature or a 26441  
facsimile of whose signature appears on any such obligation or 26442  
coupon ceases to be the issuing authority before delivery thereof, 26443  
such signature or facsimile nevertheless is valid and sufficient 26444  
for all purposes as if the former issuing authority had remained 26445  
the issuing authority until such delivery; and in case the seal to 26446  
be affixed to obligations has been changed after a facsimile of 26447  
the seal has been imprinted on such obligations, such facsimile 26448  
seal shall continue to be sufficient as to such obligations and 26449  
obligations issued in substitution or exchange therefor. 26450

(G) All obligations are negotiable instruments and securities 26451  
under Chapter 1308. of the Revised Code, subject to the provisions 26452  
of the bond proceedings as to registration. The obligations may be 26453  
issued in coupon or in registered form, or both, as the issuing 26454  
authority determines. Provision may be made for the registration 26455  
of any obligations with coupons attached thereto as to principal 26456  
alone or as to both principal and interest, their exchange for 26457  
obligations so registered, and for the conversion or reconversion 26458  
into obligations with coupons attached thereto of any obligations 26459  
registered as to both principal and interest, and for reasonable 26460  
charges for such registration, exchange, conversion, and 26461  
reconversion. 26462

(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.	26463 26464
(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.	26465 26466 26467
(J) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee which may be any trust company or bank having its principal place of business within the state. Any such agreement or indenture may contain the order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including, but not limited to:	26468 26469 26470 26471 26472 26473 26474 26475 26476
(1) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made;	26477 26478 26479 26480
(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuing authority made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;	26481 26482 26483 26484 26485 26486
(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on the rights of individual holders of obligations;	26487 26488 26489 26490
(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;	26491 26492

(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing. 26493  
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(K) Any holder of obligations or a trustee under the bond proceedings, except to the extent that the holder's or trustee's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority and the director of transportation required by the bond proceedings or sections 5531.09 and 5531.10 of the Revised Code; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority or the director of transportation in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the state or local governmental entities, or agencies thereof, to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities. 26496  
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Each duty of the issuing authority and the issuing authority's officers and employees, and of each state or local 26523  
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governmental agency and its officers, members, or employees, 26525  
undertaken pursuant to the bond proceedings or any loan, loan 26526  
guarantee, lease, lease-purchase agreement, or other agreement 26527  
made under authority of section 5531.09 of the Revised Code, and 26528  
in every agreement by or with the issuing authority, is hereby 26529  
established as a duty of the issuing authority, and of each such 26530  
officer, member, or employee having authority to perform such 26531  
duty, specifically enjoined by the law resulting from an office, 26532  
trust, or station within the meaning of section 2731.01 of the 26533  
Revised Code. 26534

The person who is at the time the issuing authority, or the 26535  
issuing authority's officers or employees, are not liable in their 26536  
personal capacities on any obligations issued by the issuing 26537  
authority or any agreements of or with the issuing authority. 26538

(L) The issuing authority may authorize and issue obligations 26539  
for the refunding, including funding and retirement, and advance 26540  
refunding with or without payment or redemption prior to maturity, 26541  
of any obligations previously issued by the issuing authority or 26542  
district obligations. Such refunding obligations may be issued in 26543  
amounts sufficient for payment of the principal amount of the 26544  
prior obligations or district obligations, any redemption premiums 26545  
thereon, principal maturities of any such obligations or district 26546  
obligations maturing prior to the redemption of the remaining 26547  
obligations or district obligations on a parity therewith, 26548  
interest accrued or to accrue to the maturity dates or dates of 26549  
redemption of such obligations or district obligations, and any 26550  
expenses incurred or to be incurred in connection with such 26551  
issuance and such refunding, funding, and retirement. Subject to 26552  
the bond proceedings therefor, the portion of proceeds of the sale 26553  
of refunding obligations issued under this division to be applied 26554  
to bond service charges on the prior obligations or district 26555  
obligations shall be credited to an appropriate account held by 26556

the trustee for such prior or new obligations or to the 26557  
appropriate account in the bond service fund for such obligations 26558  
or district obligations. Obligations authorized under this 26559  
division shall be deemed to be issued for those purposes for which 26560  
such prior obligations or district obligations were issued and are 26561  
subject to the provisions of this section pertaining to other 26562  
obligations, except as otherwise provided in this section. The 26563  
last maturity of obligations authorized under this division shall 26564  
not be later than twenty-five years from the date of issuance of 26565  
the original securities issued for the original purpose. 26566

(M) The authority to issue obligations under this section 26567  
includes authority to issue obligations in the form of bond 26568  
anticipation notes and to renew the same from time to time by the 26569  
issuance of new notes. The holders of such notes or interest 26570  
coupons pertaining thereto shall have a right to be paid solely 26571  
from the pledged receipts and special funds that may be pledged to 26572  
the payment of the bonds anticipated, or from the proceeds of such 26573  
bonds or renewal notes, or both, as the issuing authority provides 26574  
in the order authorizing such notes. Such notes may be 26575  
additionally secured by covenants of the issuing authority to the 26576  
effect that the issuing authority and the state will do such or 26577  
all things necessary for the issuance of such bonds or renewal 26578  
notes in the appropriate amount, and apply the proceeds thereof to 26579  
the extent necessary, to make full payment of the principal of and 26580  
interest on such notes at the time or times contemplated, as 26581  
provided in such order. For such purpose, the issuing authority 26582  
may issue bonds or renewal notes in such principal amount and upon 26583  
such terms as may be necessary to provide funds to pay when 26584  
required the principal of and interest on such notes, 26585  
notwithstanding any limitations prescribed by or for purposes of 26586  
this section. Subject to this division, all provisions for and 26587  
references to obligations in this section are applicable to notes 26588

authorized under this division. 26589

The issuing authority in the bond proceedings authorizing the 26590  
issuance of bond anticipation notes shall set forth for such bonds 26591  
an estimated interest rate and a schedule of principal payments 26592  
for such bonds and the annual maturity dates thereof. 26593

(N) Obligations issued under this section are lawful 26594  
investments for banks, societies for savings, savings and loan 26595  
associations, deposit guarantee associations, trust companies, 26596  
trustees, fiduciaries, insurance companies, including domestic for 26597  
life and domestic not for life, trustees or other officers having 26598  
charge of sinking and bond retirement or other special funds of 26599  
political subdivisions and taxing districts of this state, the 26600  
commissioners of the sinking fund of the state, the administrator 26601  
of workers' compensation, the state teachers retirement system, 26602  
the public employees retirement system, the school employees 26603  
retirement system, and the Ohio police and fire pension fund, 26604  
notwithstanding any other provisions of the Revised Code or rules 26605  
adopted pursuant thereto by any agency of the state with respect 26606  
to investments by them, and are also acceptable as security for 26607  
the deposit of public moneys. 26608

(O) Unless otherwise provided in any applicable bond 26609  
proceedings, moneys to the credit of or in the special funds 26610  
established by or pursuant to this section may be invested by or 26611  
on behalf of the issuing authority only in notes, bonds, or other 26612  
obligations of the United States, or of any agency or 26613  
instrumentality of the United States, obligations guaranteed as to 26614  
principal and interest by the United States, obligations of this 26615  
state or any political subdivision of this state, and certificates 26616  
of deposit of any national bank located in this state and any 26617  
bank, as defined in section 1101.01 of the Revised Code, subject 26618  
to inspection by the superintendent of financial institutions. If 26619  
the law or the instrument creating a trust pursuant to division 26620

(J) of this section expressly permits investment in direct obligations of the United States or an agency of the United States, unless expressly prohibited by the instrument, such moneys also may be invested in no-front-end-load money market mutual funds consisting exclusively of obligations of the United States or an agency of the United States and in repurchase agreements, including those issued by the fiduciary itself, secured by obligations of the United States or an agency of the United States; and in collective investment funds as defined in division (A) of section 1111.01 of the Revised Code and consisting exclusively of any such securities. The income from such investments shall be credited to such funds as the issuing authority determines, and such investments may be sold at such times as the issuing authority determines or authorizes.

(P) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the several special funds established pursuant to this section shall be disbursed on the order of the treasurer of state, provided that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

(Q)(1) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions are controlling notwithstanding

any other provisions of law pertaining thereto. 26653

(2) An action taken under division (Q)(2) of this section 26654  
does not limit the generality of division (Q)(1) of this section, 26655  
and is subject to division (C) of this section and, if and to the 26656  
extent otherwise applicable, Section 13 of Article VIII, Ohio 26657  
Constitution. The bond proceedings may contain a covenant that, in 26658  
the event the pledged receipts primarily pledged and required to 26659  
be used for the payment of bond service charges on obligations 26660  
issued under this section, and for the establishment and 26661  
maintenance of any reserves, as provided in the bond proceedings, 26662  
are insufficient to make any such payment in full when due, or to 26663  
maintain any such reserve, the director of transportation shall so 26664  
notify the governor, and shall determine to what extent, if any, 26665  
the payment may be made or moneys may be restored to the reserves 26666  
from lawfully available moneys previously appropriated for that 26667  
purpose to the department of transportation. The covenant also may 26668  
provide that if the payments are not made or the moneys are not 26669  
immediately and fully restored to the reserves from such moneys, 26670  
the director shall promptly submit to the governor and to the 26671  
director of budget and management a written request for either or 26672  
both of the following: 26673

(a) That the next biennial budget submitted by the governor 26674  
to the general assembly include an amount to be appropriated from 26675  
lawfully available moneys to the department for the purpose of and 26676  
sufficient for the payment in full of bond service charges 26677  
previously due and for the full replenishment of the reserves; 26678

(b) That the general assembly be requested to increase 26679  
appropriations from lawfully available moneys for the department 26680  
in the current biennium sufficient for the purpose of and for the 26681  
payment in full of bond service charges previously due and to come 26682  
due in the biennium and for the full replenishment of the 26683  
reserves. 26684

The director of transportation shall include with such requests a recommendation that the payment of the bond service charges and the replenishment of the reserves be made in the interest of maximizing the benefits of the state infrastructure bank. Any such covenant shall not obligate or purport to obligate the state to pay the bond service charges on such bonds or notes or to deposit moneys in a reserve established for such payments other than from moneys that may be lawfully available and appropriated for that purpose during the then-current biennium.

(R) There is hereby created the state infrastructure bank revenue bond service fund, which shall be in the custody of the treasurer of state but shall not be a part of the state treasury. All moneys received by or on account of the issuing authority or state agencies and required by the applicable bond proceedings, consistent with this section, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be deposited and credited to such fund and to any separate accounts therein, subject to applicable provisions of the bond proceedings, but without necessity for any act of appropriation. The state infrastructure bank revenue bond service fund is a trust fund and is hereby pledged to the payment of bond service charges to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation.

(S) The obligations issued pursuant to this section, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within this state.

**Sec. 5531.101.** (A) Municipal corporations, counties, and

townships may not use revenue raised under section 5735.29 of the 26716  
Revised Code to repay loans made by the state infrastructure bank 26717  
under section 5531.09 of the Revised Code if both of the following 26718  
apply: 26719

(1) The loans were made for highway, road, or street projects 26720  
begun prior to March 31, 2003. 26721

(2) The revenue: 26722

(a) Results from the increase in the tax imposed under 26723  
section 5735.29 of the Revised Code pursuant to the amendment of 26724  
the section by Am. Sub. H.B. 87 of the 125th General Assembly; and 26725

(b) Is distributed under section 5735.291 of the Revised 26726  
Code. 26727

(B) While the loans described in division (A)(1) of this 26728  
section are outstanding, the tax commissioner shall notify 26729  
municipal corporations, counties, and townships receiving the 26730  
revenue described in division (A)(2) of this section of the amount 26731  
that cannot be used for the loan repayments. 26732

**Sec. 5577.99.** (A) Whoever violates the weight provisions of 26733  
sections 5577.01 to 5577.07 or the weight provisions in regard to 26734  
highways under section 5577.04 of the Revised Code shall be fined 26735  
eighty dollars for the first two thousand pounds, or fraction 26736  
thereof, of overload; for overloads in excess of two thousand 26737  
pounds, but not in excess of five thousand pounds, such person 26738  
shall be fined one hundred dollars, and in addition thereto one 26739  
dollar per one hundred pounds of overload; for overloads in excess 26740  
of five thousand pounds, but not in excess of ten thousand pounds, 26741  
such person shall be fined one hundred thirty dollars and in 26742  
addition thereto two dollars per one hundred pounds of overload, 26743  
or imprisoned not more than thirty days, or both. For all 26744  
overloads in excess of ten thousand pounds such person shall be 26745

fined one hundred sixty dollars, and in addition thereto three 26746  
dollars per one hundred pounds of overload, or imprisoned not more 26747  
than thirty days, or both. Whoever violates the weight provisions 26748  
of vehicle and load relating to gross load limits shall be fined 26749  
not less than one hundred dollars. No penalty prescribed in this 26750  
division shall be imposed on any vehicle combination if the 26751  
overload on any axle does not exceed one thousand pounds, and if 26752  
the immediately preceding or following axle, excepting the front 26753  
axle of the vehicle combination, is underloaded by the same or a 26754  
greater amount. For purposes of this division, two axles on one 26755  
vehicle less than eight feet apart, shall be considered as one 26756  
axle. 26757

(B) Whoever violates the weight provisions of section 26758  
~~5571.071~~ 5577.071 or 5577.08 or the weight provisions in regard to 26759  
bridges under section 5577.09, and whoever exceeds the carrying 26760  
capacity specified under section 5591.42 of the Revised Code, 26761  
shall be fined eighty dollars for the first two thousand pounds, 26762  
or fraction thereof, of overload; for overloads in excess of two 26763  
thousand pounds, but not in excess of five thousand pounds, the 26764  
person shall be fined one hundred dollars, and in addition thereto 26765  
one dollar per one hundred pounds of overload; for overloads in 26766  
excess of five thousand pounds, but not in excess of ten thousand 26767  
pounds, the person shall be fined one hundred thirty dollars, and 26768  
in addition thereto two dollars per one hundred pounds of 26769  
overload, or imprisoned not more than thirty days, or both. For 26770  
all overloads in excess of ten thousand pounds, the person shall 26771  
be fined one hundred sixty dollars, and in addition thereto three 26772  
dollars per one hundred pounds of overload, or imprisoned not more 26773  
than thirty days, or both. 26774

Notwithstanding any other provision of the Revised Code that 26775  
specifies a procedure for the distribution of fines, all fines 26776  
collected pursuant to division (B) of this section shall be paid 26777

into the treasury of the county and credited to any fund for the 26778  
maintenance and repair of roads, highways, bridges, or culverts. 26779

(C) Whoever violates any other provision of sections 5577.01 26780  
to 5577.09 of the Revised Code is guilty of a minor misdemeanor on 26781  
a first offense; on a second or subsequent offense, such person is 26782  
guilty of a misdemeanor of the fourth degree. 26783

(D) Whoever violates section 5577.10 of the Revised Code 26784  
shall be fined not more than five thousand dollars or imprisoned 26785  
for not less than thirty days nor more than six months, or both. 26786

(E) Whoever violates section 5577.11 of the Revised Code 26787  
shall be fined not more than twenty-five dollars. 26788

Sec. 5701.11. (A) Except as provided under division (B) of 26789  
this section, any reference in Title LVII of the Revised Code to 26790  
the Internal Revenue Code, to the Internal Revenue Code "as 26791  
amended," to other laws of the United States, or to other laws of 26792  
the United States, "as amended" means the Internal Revenue Code or 26793  
other laws of the United States as they exist on the effective 26794  
date of this section as enacted by H.B. 530 of the 126th general 26795  
assembly. This section does not apply to any reference to the 26796  
Internal Revenue Code or to other laws of the United States as of 26797  
a date certain specifying the day, month, and year. 26798

(B) For purposes of applying section 5733.04, 5745.01, or 26799  
5747.01 of the Revised Code to a taxpayer's taxable year ending in 26800  
2005, and also to the subsequent taxable year if it ends before 26801  
the effective date of this section, a taxpayer may irrevocably 26802  
elect to incorporate the provisions of the Internal Revenue Code 26803  
or other laws of the United States that are in effect for federal 26804  
income tax purposes for those taxable years if those provisions 26805  
differ from the provisions that would otherwise be incorporated 26806  
into section 5733.04, 5745.01, or 5747.01 of the Revised Code for 26807  
those taxable years under division (A) of this section. The filing 26808

of a report or return by the taxpayer for the taxable year ending 26809  
in 2005 that incorporates the provisions of the Internal Revenue 26810  
Code or other laws of the United States applicable for federal 26811  
income tax purposes to that taxable year, without adjustments to 26812  
reverse the effects of any differences between those provisions 26813  
and the provisions that would otherwise be incorporated under 26814  
division (A) of this section, constitutes the making of an 26815  
irrevocable election under this division for that taxable year and 26816  
for the subsequent taxable year if it ends before the effective 26817  
date of this section. 26818

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 26819  
of this section, no agent of the department of taxation, except in 26820  
the agent's report to the department or when called on to testify 26821  
in any court or proceeding, shall divulge any information acquired 26822  
by the agent as to the transactions, property, or business of any 26823  
person while acting or claiming to act under orders of the 26824  
department. Whoever violates this provision shall thereafter be 26825  
disqualified from acting as an officer or employee or in any other 26826  
capacity under appointment or employment of the department. 26827  
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(B)(1) For purposes of an audit pursuant to section 117.15 of 26829  
the Revised Code, or an audit of the department pursuant to 26830  
Chapter 117. of the Revised Code, or an audit, pursuant to that 26831  
chapter, the objective of which is to express an opinion on a 26832  
financial report or statement prepared or issued pursuant to 26833  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 26834  
officers and employees of the auditor of state charged with 26835  
conducting the audit shall have access to and the right to examine 26836  
any state tax returns and state tax return information in the 26837  
possession of the department to the extent that the access and 26838  
examination are necessary for purposes of the audit. Any 26839

information acquired as the result of that access and examination 26840  
shall not be divulged for any purpose other than as required for 26841  
the audit or unless the officers and employees are required to 26842  
testify in a court or proceeding under compulsion of legal 26843  
process. Whoever violates this provision shall thereafter be 26844  
disqualified from acting as an officer or employee or in any other 26845  
capacity under appointment or employment of the auditor of state. 26846

(2) As provided by section 6103(d)(2) of the Internal Revenue 26847  
Code, any federal tax returns or federal tax information that the 26848  
department has acquired from the internal revenue service, through 26849  
federal and state statutory authority, may be disclosed to the 26850  
auditor of state solely for purposes of an audit of the 26851  
department. 26852

(C) Division (A) of this section does not prohibit any of the 26853  
following: 26854

(1) Divulging information contained in applications, 26855  
complaints, and related documents filed with the department under 26856  
section 5715.27 of the Revised Code or in applications filed with 26857  
the department under section 5715.39 of the Revised Code; 26858

(2) Providing information to the office of child support 26859  
within the department of job and family services pursuant to 26860  
section 3125.43 of the Revised Code; 26861

(3) Disclosing to the board of motor vehicle collision repair 26862  
registration any information in the possession of the department 26863  
that is necessary for the board to verify the existence of an 26864  
applicant's valid vendor's license and current state tax 26865  
identification number under section 4775.07 of the Revised Code; 26866

(4) Providing information to the administrator of workers' 26867  
compensation pursuant to section 4123.591 of the Revised Code; 26868

(5) Providing to the attorney general information the 26869

department obtains under division (J) of section 1346.01 of the Revised Code; 26870  
26871

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code; 26872  
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(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; 26876  
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(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; 26884  
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(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; 26886  
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(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code. 26891  
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**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. 26893  
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(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 26896  
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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.

(2) The following ex officio members:

(a) The director or other highest officer of each state  
agency that has tax reporting forms or other tax documents filed  
with it through the Ohio business gateway or the director's  
designee;

(b) The secretary of state or the secretary of state's  
designee;

(c) The treasurer of state or the treasurer of state's  
designee;

(d) The director of budget and management or the director's  
designee;

(e) The director of ~~administrative services~~ the office of  
information technology or the director's designee; and

(f) The tax commissioner or the tax commissioner's designee.

An appointed member shall serve until the member resigns or 26929  
is removed by the governor. Vacancies shall be filled in the same 26930  
manner as original appointments. 26931

(D) A vacancy on the committee does not impair the right of 26932  
the other members to exercise all the functions of the committee. 26933  
The presence of a majority of the members of the committee 26934  
constitutes a quorum for the conduct of business of the committee. 26935  
The concurrence of at least a majority of the members of the 26936  
committee is necessary for any action to be taken by the 26937  
committee. On request, each member of the committee shall be 26938  
reimbursed for the actual and necessary expenses incurred in the 26939  
discharge of the member's duties. 26940

(E) The committee is a part of the department of taxation for 26941  
administrative purposes. 26942

(F) Each year, the governor shall select a member of the 26943  
committee to serve as chairperson. The chairperson shall appoint 26944  
an official or employee of the department of taxation to act as 26945  
the committee's secretary. The secretary shall keep minutes of the 26946  
committee's meetings and a journal of all meetings, proceedings, 26947  
findings, and determinations of the committee. 26948

(G) The committee shall hire professional, technical, and 26949  
clerical staff needed to support its activities. 26950

(H) The committee shall meet as often as necessary to perform 26951  
its duties. 26952

**Sec. 5705.03.** (A) The taxing authority of each subdivision 26953  
may levy taxes annually, subject to the limitations of sections 26954  
5705.01 to 5705.47 of the Revised Code, on the real and personal 26955  
property within the subdivision for the purpose of paying the 26956  
current operating expenses of the subdivision and acquiring or 26957  
constructing permanent improvements. The taxing authority of each 26958

subdivision and taxing unit shall, subject to the limitations of 26959  
such sections, levy such taxes annually as are necessary to pay 26960  
the interest and sinking fund on and retire at maturity the bonds, 26961  
notes, and certificates of indebtedness of such subdivision and 26962  
taxing unit, including levies in anticipation of which the 26963  
subdivision or taxing unit has incurred indebtedness. 26964

(B)(1) When a taxing authority determines that it is 26965  
necessary to levy a tax outside the ten-mill limitation for any 26966  
purpose authorized by the Revised Code, the taxing authority shall 26967  
certify to the county auditor a resolution or ordinance requesting 26968  
that the county auditor certify to the taxing authority the total 26969  
current tax valuation of the subdivision, and the number of mills 26970  
required to generate a specified amount of revenue, or the dollar 26971  
amount of revenue that would be generated by a specified number of 26972  
mills. The resolution or ordinance shall state the purpose of the 26973  
tax, whether the tax is an additional levy or a renewal or a 26974  
replacement of an existing tax, and the section of the Revised 26975  
Code authorizing submission of the question of the tax. If a 26976  
subdivision is located in more than one county, the county auditor 26977  
shall obtain from the county auditor of each other county in which 26978  
the subdivision is located the current tax valuation for the 26979  
portion of the subdivision in that county. The county auditor 26980  
shall issue the certification to the taxing authority within ten 26981  
days after receiving the taxing authority's resolution or 26982  
ordinance requesting it. 26983

(2) When considering the tangible personal property component 26984  
of the tax valuation of the subdivision, the county auditor shall 26985  
take into account the assessment percentages prescribed in section 26986  
5711.22 of the Revised Code. The tax commissioner may issue rules, 26987  
orders, or instructions directing how the assessment percentages 26988  
must be utilized. 26989

(3) If, upon receiving the certification from the county 26990

auditor, the taxing authority proceeds with the submission of the 26991  
question of the tax to electors, the taxing authority shall 26992  
certify its resolution or ordinance, accompanied by a copy of the 26993  
county auditor's certification, to the proper county board of 26994  
elections in the manner and within the time prescribed by the 26995  
section of the Revised Code governing submission of the question, 26996  
and shall include with its certification the rate of the tax levy, 26997  
expressed in mills for each one dollar in tax valuation as 26998  
estimated by the county auditor. The county board of elections 26999  
shall not submit the question of the tax to electors unless a copy 27000  
of the county auditor's certification accompanies the resolution 27001  
or ordinance the taxing authority certifies to the board. Before 27002  
requesting a taxing authority to submit a tax levy, any agency or 27003  
authority authorized to make that request shall first request the 27004  
certification from the county auditor provided under this section. 27005

(4) This division is supplemental to, and not in derogation 27006  
of, any similar requirement governing the certification by the 27007  
county auditor of the tax valuation of a subdivision or necessary 27008  
tax rates for the purposes of the submission of the question of a 27009  
tax in excess of the ten-mill limitation, including sections 27010  
133.18 and 5705.195 of the Revised Code. 27011

(C) All taxes levied on property shall be extended on the tax 27012  
duplicate by the county auditor of the county in which the 27013  
property is located, and shall be collected by the county 27014  
treasurer of such county in the same manner and under the same 27015  
laws and rules as are prescribed for the assessment and collection 27016  
of county taxes. The proceeds of any tax levied by or for any 27017  
subdivision when received by its fiscal officer shall be deposited 27018  
in its treasury to the credit of the appropriate fund. 27019

**Sec. 5705.091.** The board of county commissioners of each 27020  
county shall establish a county mental retardation and 27021

developmental disabilities general fund. Notwithstanding ~~sections~~ 27022  
~~5705.09~~ and section 5705.10 of the Revised Code, proceeds from 27023  
levies under section 5705.222 and division (L) of section 5705.19 27024  
of the Revised Code shall be deposited to the credit of the county 27025  
mental retardation and developmental disabilities general fund. 27026  
Accounts shall be established within the county mental retardation 27027  
and developmental disabilities general fund for each of the 27028  
several particular purposes of the levies as specified in the 27029  
resolutions under which the levies were approved, and proceeds 27030  
from different levies that were approved for the same particular 27031  
purpose shall be credited to accounts for that purpose. Other 27032  
money received by the county for the purposes of Chapters 3323. 27033  
and 5126. of the Revised Code and not required by state or federal 27034  
law to be deposited to the credit of a different fund shall also 27035  
be deposited to the credit of the county mental retardation and 27036  
developmental disabilities general fund, in an account appropriate 27037  
to the particular purpose for which the money was received. Unless 27038  
otherwise provided by law, an unexpended balance at the end of a 27039  
fiscal year in any account in the county mental retardation and 27040  
developmental disabilities general fund shall be appropriated the 27041  
next fiscal year to the same fund. 27042

A county board of mental retardation and developmental 27043  
disabilities may request, by resolution, that the board of county 27044  
commissioners establish a county mental retardation and 27045  
developmental disabilities capital fund for money to be used for 27046  
acquisition, construction, or improvement of capital facilities or 27047  
acquisition of capital equipment used in providing services to 27048  
mentally retarded and developmentally disabled persons. The county 27049  
board of mental retardation and developmental disabilities shall 27050  
transmit a certified copy of the resolution to the board of county 27051  
commissioners. Upon receiving the resolution, the board of county 27052  
commissioners shall establish a county mental retardation and 27053  
developmental disabilities capital fund. 27054

~~A county board shall request, by resolution, that the board of county commissioners establish a county MR/DD medicaid reserve fund. On receipt of the resolution, the board of county commissioners shall establish a county MR/DD medicaid reserve fund. The portion of federal revenue funds that the county board earns for providing medicaid case management services and home and community based services that is needed for the county board to pay for extraordinary costs, including extraordinary costs for services to individuals with mental retardation or other developmental disability, and ensure the availability of adequate funds in the event a county property tax levy for services for individuals with mental retardation or other developmental disability fails shall be deposited into the fund. The county board shall use money in the fund for those purposes in accordance with rules adopted under section 5123.0413 of the Revised Code.~~

**Sec. 5705.19.** This section does not apply to school districts or county school financing districts.

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than seventy-five days before the election upon which it will be voted that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation for any of the following purposes:

(A) For current expenses of the subdivision, except that the total levy for current expenses of a detention facility district or district organized under section 2151.65 of the Revised Code shall not exceed two mills and that the total levy for current expenses of a combined district organized under sections 2151.65

and 2152.41 of the Revised Code shall not exceed four mills;	27086
(B) For the payment of debt charges on certain described	27087
bonds, notes, or certificates of indebtedness of the subdivision	27088
issued subsequent to January 1, 1925;	27089
(C) For the debt charges on all bonds, notes, and	27090
certificates of indebtedness issued and authorized to be issued	27091
prior to January 1, 1925;	27092
(D) For a public library of, or supported by, the subdivision	27093
under whatever law organized or authorized to be supported;	27094
(E) For a municipal university, not to exceed two mills over	27095
the limitation of one mill prescribed in section 3349.13 of the	27096
Revised Code;	27097
(F) For the construction or acquisition of any specific	27098
permanent improvement or class of improvements that the taxing	27099
authority of the subdivision may include in a single bond issue;	27100
(G) For the general construction, reconstruction,	27101
resurfacing, and repair of streets, roads, and bridges in	27102
municipal corporations, counties, or townships;	27103
(H) For parks and recreational purposes;	27104
(I) For the purpose of providing and maintaining fire	27105
apparatus, appliances, buildings, or sites therefor, or sources of	27106
water supply and materials therefor, or the establishment and	27107
maintenance of lines of fire alarm telegraph, or the payment of	27108
permanent, part-time, or volunteer firefighters or firefighting	27109
companies to operate the same, including the payment of the	27110
firefighter employers' contribution required under section 742.34	27111
of the Revised Code, or the purchase of ambulance equipment, or	27112
the provision of ambulance, paramedic, or other emergency medical	27113
services operated by a fire department or firefighting company;	27114
(J) For the purpose of providing and maintaining motor	27115

vehicles, communications, other equipment, buildings, and sites	27116
for such buildings used directly in the operation of a police	27117
department, or the payment of salaries of permanent police	27118
personnel, including the payment of the police officer employers'	27119
contribution required under section 742.33 of the Revised Code, or	27120
the payment of the costs incurred by townships as a result of	27121
contracts made with other political subdivisions in order to	27122
obtain police protection, or the provision of ambulance or	27123
emergency medical services operated by a police department;	27124
(K) For the maintenance and operation of a county home or	27125
detention facility;	27126
(L) For community mental retardation and developmental	27127
disabilities programs and services pursuant to Chapter 5126. of	27128
the Revised Code, except that the procedure for such levies shall	27129
be as provided in section 5705.222 of the Revised Code;	27130
(M) For regional planning;	27131
(N) For a county's share of the cost of maintaining and	27132
operating schools, district detention facilities, forestry camps,	27133
or other facilities, or any combination thereof, established under	27134
section 2151.65 or 2152.41 of the Revised Code or both of those	27135
sections;	27136
(O) For providing for flood defense, providing and	27137
maintaining a flood wall or pumps, and other purposes to prevent	27138
floods;	27139
(P) For maintaining and operating sewage disposal plants and	27140
facilities;	27141
(Q) For the purpose of purchasing, acquiring, constructing,	27142
enlarging, improving, equipping, repairing, maintaining, or	27143
operating, or any combination of the foregoing, a county transit	27144
system pursuant to sections 306.01 to 306.13 of the Revised Code,	27145

or of making any payment to a board of county commissioners	27146
operating a transit system or a county transit board pursuant to	27147
section 306.06 of the Revised Code;	27148
(R) For the subdivision's share of the cost of acquiring or	27149
constructing any schools, forestry camps, detention facilities, or	27150
other facilities, or any combination thereof, under section	27151
2151.65 or 2152.41 of the Revised Code or both of those sections;	27152
(S) For the prevention, control, and abatement of air	27153
pollution;	27154
(T) For maintaining and operating cemeteries;	27155
(U) For providing ambulance service, emergency medical	27156
service, or both;	27157
(V) For providing for the collection and disposal of garbage	27158
or refuse, including yard waste;	27159
(W) For the payment of the police officer employers'	27160
contribution or the firefighter employers' contribution required	27161
under sections 742.33 and 742.34 of the Revised Code;	27162
(X) For the construction and maintenance of a drainage	27163
improvement pursuant to section 6131.52 of the Revised Code;	27164
(Y) For providing or maintaining senior citizens services or	27165
facilities as authorized by section 307.694, 307.85, 505.70, or	27166
505.706 or division (EE) of section 717.01 of the Revised Code;	27167
(Z) For the provision and maintenance of zoological park	27168
services and facilities as authorized under section 307.76 of the	27169
Revised Code;	27170
(AA) For the maintenance and operation of a free public	27171
museum of art, science, or history;	27172
(BB) For the establishment and operation of a 9-1-1 system,	27173
as defined in section 4931.40 of the Revised Code;	27174

(CC) For the purpose of acquiring, rehabilitating, or 27175  
developing rail property or rail service. As used in this 27176  
division, "rail property" and "rail service" have the same 27177  
meanings as in section 4981.01 of the Revised Code. This division 27178  
applies only to a county, township, or municipal corporation. 27179

(DD) For the purpose of acquiring property for, constructing, 27180  
operating, and maintaining community centers as provided for in 27181  
section 755.16 of the Revised Code; 27182

(EE) For the creation and operation of an office or joint 27183  
office of economic development, for any economic development 27184  
purpose of the office, and to otherwise provide for the 27185  
establishment and operation of a program of economic development 27186  
pursuant to sections 307.07 and 307.64 of the Revised Code; 27187

(FF) For the purpose of acquiring, establishing, 27188  
constructing, improving, equipping, maintaining, or operating, or 27189  
any combination of the foregoing, a township airport, landing 27190  
field, or other air navigation facility pursuant to section 505.15 27191  
of the Revised Code; 27192

(GG) For the payment of costs incurred by a township as a 27193  
result of a contract made with a county pursuant to section 27194  
505.263 of the Revised Code in order to pay all or any part of the 27195  
cost of constructing, maintaining, repairing, or operating a water 27196  
supply improvement; 27197

(HH) For a board of township trustees to acquire, other than 27198  
by appropriation, an ownership interest in land, water, or 27199  
wetlands, or to restore or maintain land, water, or wetlands in 27200  
which the board has an ownership interest, not for purposes of 27201  
recreation, but for the purposes of protecting and preserving the 27202  
natural, scenic, open, or wooded condition of the land, water, or 27203  
wetlands against modification or encroachment resulting from 27204  
occupation, development, or other use, which may be styled as 27205

protecting or preserving "greenspace" in the resolution, notice of election, or ballot form;	27206 27207
(II) For the support by a county of a crime victim assistance program that is provided and maintained by a county agency or a private, nonprofit corporation or association under section 307.62 of the Revised Code;	27208 27209 27210 27211
(JJ) For any or all of the purposes set forth in divisions (I) and (J) of this section. This division applies only to a township.	27212 27213 27214
(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.	27215 27216 27217
(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;	27218 27219
(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;	27220 27221 27222
(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold agricultural fairs. This division applies only to a county.	27223 27224 27225
(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements;	27226 27227 27228 27229
(PP) For both of the purposes set forth in divisions (G) and (OO) of this section.	27230 27231
(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.	27232 27233
(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board	27234 27235

of township trustees of a township to acquire agricultural 27236  
easements, as defined in section 5301.67 of the Revised Code, and 27237  
to supervise and enforce the easements. 27238

(SS) For both of the purposes set forth in divisions (BB) and 27239  
(KK) of this section. This division applies only to a county. 27240

(TT) For the maintenance and operation of a facility that is 27241  
organized in whole or in part to promote the sciences and natural 27242  
history under section 307.761 of the Revised Code. 27243

The resolution shall be confined to the purpose or purposes 27244  
described in one division of this section, to which the revenue 27245  
derived therefrom shall be applied. The existence in any other 27246  
division of this section of authority to levy a tax for any part 27247  
or all of the same purpose or purposes does not preclude the use 27248  
of such revenues for any part of the purpose or purposes of the 27249  
division under which the resolution is adopted. 27250

The resolution shall specify the amount of the increase in 27251  
rate that it is necessary to levy, the purpose of that increase in 27252  
rate, and the number of years during which the increase in rate 27253  
shall be in effect, which may or may not include a levy upon the 27254  
duplicate of the current year. The number of years may be any 27255  
number not exceeding five, except as follows: 27256

(1) When the additional rate is for the payment of debt 27257  
charges, the increased rate shall be for the life of the 27258  
indebtedness. 27259

(2) When the additional rate is for any of the following, the 27260  
increased rate shall be for a continuing period of time: 27261

(a) For the current expenses for a detention facility 27262  
district, a district organized under section 2151.65 of the 27263  
Revised Code, or a combined district organized under sections 27264  
2151.65 and 2152.41 of the Revised Code; 27265

(b) For providing a county's share of the cost of maintaining 27266  
and operating schools, district detention facilities, forestry 27267  
camps, or other facilities, or any combination thereof, 27268  
established under section 2151.65 or 2152.41 of the Revised Code 27269  
or under both of those sections. 27270

(3) When the additional rate is for either of the following, 27271  
the increased rate may be for a continuing period of time: 27272

(a) For the purposes set forth in division (I), (J), (U), or 27273  
(KK) of this section; 27274

(b) For the maintenance and operation of a joint recreation 27275  
district. 27276

(4) When the increase is for the purpose or purposes set 27277  
forth in division (D), (G), (H), (CC), or (PP) of this section, 27278  
the tax levy may be for any specified number of years or for a 27279  
continuing period of time, as set forth in the resolution. 27280

(5) When the additional rate is for the purpose described in 27281  
division (Z) of this section, the increased rate shall be for any 27282  
number of years not exceeding ten. 27283

A levy for one of the purposes set forth in division (G), 27284  
(I), (J), or (U) of this section may be reduced pursuant to 27285  
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 27286  
the purposes set forth in division (G), (I), (J), or (U) of this 27287  
section may also be terminated or permanently reduced by the 27288  
taxing authority if it adopts a resolution stating that the 27289  
continuance of the levy is unnecessary and the levy shall be 27290  
terminated or that the millage is excessive and the levy shall be 27291  
decreased by a designated amount. 27292

A resolution of a detention facility district, a district 27293  
organized under section 2151.65 of the Revised Code, or a combined 27294  
district organized under both sections 2151.65 and 2152.41 of the 27295

Revised Code may include both current expenses and other purposes, 27296  
provided that the resolution shall apportion the annual rate of 27297  
levy between the current expenses and the other purpose or 27298  
purposes. The apportionment need not be the same for each year of 27299  
the levy, but the respective portions of the rate actually levied 27300  
each year for the current expenses and the other purpose or 27301  
purposes shall be limited by the apportionment. 27302

Whenever a board of county commissioners, acting either as 27303  
the taxing authority of its county or as the taxing authority of a 27304  
sewer district or subdistrict created under Chapter 6117. of the 27305  
Revised Code, by resolution declares it necessary to levy a tax in 27306  
excess of the ten-mill limitation for the purpose of constructing, 27307  
improving, or extending sewage disposal plants or sewage systems, 27308  
the tax may be in effect for any number of years not exceeding 27309  
twenty, and the proceeds of the tax, notwithstanding the general 27310  
provisions of this section, may be used to pay debt charges on any 27311  
obligations issued and outstanding on behalf of the subdivision 27312  
for the purposes enumerated in this paragraph, provided that any 27313  
such obligations have been specifically described in the 27314  
resolution. 27315

The resolution shall go into immediate effect upon its 27316  
passage, and no publication of the resolution is necessary other 27317  
than that provided for in the notice of election. 27318

When the electors of a subdivision have approved a tax levy 27319  
under this section, the taxing authority of the subdivision may 27320  
anticipate a fraction of the proceeds of the levy and issue 27321  
anticipation notes in accordance with section 5705.191 or 5705.193 27322  
of the Revised Code. 27323

**Sec. 5705.195.** Within five days after the resolution is 27324  
certified to the county auditor as provided by section 5705.194 of 27325  
the Revised Code, the auditor shall calculate and certify to the 27326

taxing authority the annual levy, expressed in dollars and cents 27327  
for each one hundred dollars of valuation as well as in mills for 27328  
each one dollar of valuation, throughout the life of the levy 27329  
which will be required to produce the annual amount set forth in 27330  
the resolution assuming that the amount of the tax list of such 27331  
subdivision remains throughout the life of the levy the same as 27332  
the amount of the tax list for the current year, and if this is 27333  
not determined, the estimated amount submitted by the auditor to 27334  
the county budget commission. ~~Thereupon~~ When considering the 27335  
tangible personal property component of the tax valuation of the 27336  
subdivision, the county auditor shall take into account the 27337  
assessment percentages prescribed in section 5711.22 of the 27338  
Revised Code. The tax commissioner may issue rules, orders, or 27339  
instructions directing how the assessment percentages must be 27340  
utilized. 27341

Upon receiving the certification from the county auditor, if 27342  
the taxing authority desires to proceed with the submission of the 27343  
question it shall, not less than seventy-five days before the day 27344  
of such election, certify its resolution, together with the amount 27345  
of the average tax levy, expressed in dollars and cents for each 27346  
one hundred dollars of valuation as well as in mills for each one 27347  
dollar of valuation, estimated by the auditor, and the number of 27348  
years the levy is to run to the board of elections of the county 27349  
which shall prepare the ballots and make other necessary 27350  
arrangements for the submission of the question to the voters of 27351  
the subdivision. 27352

**Sec. 5705.211.** (A) As used in this section: 27353

(1) "Adjusted charge-off increase" for a tax year means two 27354  
and three-tenths per cent of the cumulative carryover property 27355  
value increase. 27356

(2) "Cumulative carryover property value increase" means the 27357

sum of the increases in carryover value certified under division 27358  
(B)(2) of section 3317.015 of the Revised Code and included in a 27359  
school district's total taxable value in the computation of 27360  
recognized valuation under division (B) of that section for all 27361  
fiscal years from the fiscal year that ends in the first tax year 27362  
a levy under this section is extended on the tax list of real and 27363  
public utility property until and including the fiscal year that 27364  
ends in the current tax year. 27365

(3) "Taxes charged and payable" means the taxes charged and 27366  
payable from a tax levy extended on the real and public utility 27367  
property tax list and the general list of personal property before 27368  
any reduction under section 319.302, 323.152, or 323.158 of the 27369  
Revised Code. 27370

(B) The board of education of a city, local, or exempted 27371  
village school district may adopt a resolution proposing the levy 27372  
of a tax in excess of the ten-mill limitation for the purpose of 27373  
paying the current operating expenses of the district. If the 27374  
resolution is approved as provided in division (D) of this 27375  
section, the tax may be levied at such a rate each tax year that 27376  
the total taxes charged and payable from the levy equals the 27377  
adjusted charge-off increase for the tax year or equals a lesser 27378  
amount as prescribed under division (C) of this section. The tax 27379  
may be levied for a continuing period of time or for a specific 27380  
number of years, but not fewer than five years, as provided in the 27381  
resolution. The tax may not be placed on the tax list for a tax 27382  
year beginning before the first day of January following adoption 27383  
of the resolution. A board of education may not adopt a resolution 27384  
under this section proposing to levy a tax under this section 27385  
concurrently with any other tax levied by the board under this 27386  
section. 27387

(C) After the first year a tax is levied under this section, 27388  
the rate of the tax in any year shall not exceed the rate, 27389

estimated by the county auditor, that would cause the sums levied 27390  
from the tax against carryover property to exceed one hundred four 27391  
per cent of the sums levied from the tax against carryover 27392  
property in the preceding year. A board of education imposing a 27393  
tax under this section may specify in the resolution imposing the 27394  
tax that the percentage shall be less than one hundred four per 27395  
cent, but the percentage shall not be less than one hundred per 27396  
cent. At any time after a resolution adopted under this section is 27397  
approved by a majority of electors as provided in division (D) of 27398  
this section, the board of education, by resolution, may decrease 27399  
the percentage specified in the resolution levying the tax. 27400

(D) A resolution adopted under this section shall state that 27401  
the purpose of the tax is to pay current operating expenses of the 27402  
district, and shall specify the first year in which the tax is to 27403  
be levied, the number of years the tax will be levied or that it 27404  
will be levied for a continuing period of time, and the election 27405  
at which the question of the tax is to appear on the ballot, which 27406  
shall be a general or special election consistent with the 27407  
requirements of section 3501.01 of the Revised Code. If the board 27408  
of education specifies a percentage less than one hundred four per 27409  
cent pursuant to division (C) of this section, the percentage 27410  
shall be specified in the resolution. 27411

Upon adoption of the resolution, the board of education may 27412  
certify a copy of the resolution to the proper county board of 27413  
elections. The copy of the resolution shall be certified to the 27414  
board of elections not later than seventy-five days before the day 27415  
of the election at which the question of the tax is to appear on 27416  
the ballot. Upon receiving a timely certified copy of such a 27417  
resolution, the board of elections shall make the necessary 27418  
arrangements for the submission of the question to the electors of 27419  
the school district, and the election shall be conducted, 27420  
canvassed, and certified in the same manner as regular elections 27421

in the school district for the election of members of the board of 27422  
education. Notice of the election shall be published in one or 27423  
more newspapers of general circulation in the school district once 27424  
per week for four consecutive weeks. The notice shall state that 27425  
the purpose of the tax is for the current operating expenses of 27426  
the school district, the first year the tax is to be levied, the 27427  
number of years the tax is to be levied or that it is to be levied 27428  
for a continuing period of time, that the tax is to be levied each 27429  
year in an amount estimated to offset decreases in state base cost 27430  
funding caused by appreciation in real estate values, and that the 27431  
estimated additional tax in any year shall not exceed the previous 27432  
year's by more than four per cent, or a lesser percentage 27433  
specified in the resolution levying the tax, except for increases 27434  
caused by the addition of new taxable property. 27435

The question shall be submitted as a separate proposition but 27436  
may be printed on the same ballot with any other proposition 27437  
submitted at the same election other than the election of 27438  
officers. 27439

The form of the ballot shall be substantially as follows: 27440

"An additional tax for the benefit of (name of school 27441  
district) for the purpose of paying the current operating expenses 27442  
of the district, for ..... (number of years or for continuing 27443  
period of time), at a rate sufficient to offset any reduction in 27444  
basic state funding caused by appreciation in real estate values? 27445

	<u>For the tax levy</u>	
	<u>Against the tax levy</u>	"

27446  
27447  
27448  
27449

If a majority of the electors of the school district voting 27450  
on the question vote in favor of the question, the board of 27451  
elections shall certify the results of the election to the board 27452

of education and to the tax commissioner immediately after the 27453  
canvass. 27454

(E) When preparing any estimate of the contemplated receipts 27455  
from a tax levied pursuant to this section for the purposes of 27456  
sections 5705.28 to 5705.40 of the Revised Code, and in preparing 27457  
to certify the tax under section 5705.34 of the Revised Code, a 27458  
board of education authorized to levy such a tax shall use 27459  
information supplied by the department of education to determine 27460  
the adjusted charge-off increase for the tax year for which that 27461  
certification is made. If the board levied a tax under this 27462  
section in the preceding tax year, the sum to be certified for 27463  
collection from the tax shall not exceed the sum that would exceed 27464  
the limitation imposed under division (C) of this section. At the 27465  
request of the board of education or the treasurer of the school 27466  
district, the county auditor shall assist the board of education 27467  
in determining the rate or sum that may be levied under this 27468  
section. 27469

The board of education shall certify the sum authorized to be 27470  
levied to the county auditor, and, for the purpose of the county 27471  
auditor determining the rate at which the tax is to be levied in 27472  
the tax year, the sum so certified shall be the sum to be raised 27473  
by the tax unless the sum exceeds the limitation imposed by 27474  
division (C) of this section. A tax levied pursuant to this 27475  
section shall not be levied at a rate in excess of the rate 27476  
estimated by the county auditor to produce the sum certified by 27477  
the board of education before the reductions under sections 27478  
319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding 27479  
section 5705.34 of the Revised Code, a board of education 27480  
authorized to levy a tax under this section shall certify the tax 27481  
to the county auditor before the first day of October of the tax 27482  
year in which the tax is to be levied, or at a later date as 27483  
approved by the tax commissioner. 27484

Sec. 5705.34. When the budget commission has completed its 27485  
work with respect to a tax budget or other information required to 27486  
be provided under section 5705.281 of the Revised Code, it shall 27487  
certify its action to the taxing authority, together with an 27488  
estimate by the county auditor of the rate of each tax necessary 27489  
to be levied by the taxing authority within its subdivision or 27490  
taxing unit, and what part thereof is in excess of, and what part 27491  
within, the ten-mill tax limitation. The certification shall also 27492  
indicate the date on which each tax levied by the taxing authority 27493  
will expire. 27494

If a taxing authority levies a tax for a fixed sum of money 27495  
or to pay debt charges for the tax year for which the tax budget 27496  
is prepared, and a payment on account of that tax is payable to 27497  
the taxing authority for the tax year under section 5727.85 ~~or~~ 27498  
5727.86, 5751.21, or 5751.22 of the Revised Code, the county 27499  
auditor, when estimating the rate at which the tax shall be levied 27500  
in the current year, shall estimate the rate necessary to raise 27501  
the required sum less the estimated amount of any payments made 27502  
for the tax year to a taxing unit for fixed-sum levies under those 27503  
sections ~~5727.85 and 5727.86 of the Revised Code~~. The estimated 27504  
rate shall be the rate of the levy that the budget commission 27505  
certifies with its action under this section. 27506

Each taxing authority, by ordinance or resolution, shall 27507  
authorize the necessary tax levies and certify them to the county 27508  
auditor before the first day of October in each year, or at such 27509  
later date as is approved by the tax commissioner, except that the 27510  
certification by a board of education shall be made by the first 27511  
day of April or at such later date as is approved by the 27512  
commissioner, and except that a township board of park 27513  
commissioners that is appointed by the board of township trustees 27514  
and oversees a township park district that contains only 27515

unincorporated territory shall authorize only those taxes approved 27516  
by, and only at the rate approved by, the board of township 27517  
trustees as required by division (C) of section 511.27 of the 27518  
Revised Code. If the levying of a tax to be placed on the 27519  
duplicate of the current year is approved by the electors of the 27520  
subdivision under sections 5705.01 to 5705.47 of the Revised Code; 27521  
if the rate of a school district tax is increased due to the 27522  
repeal of a school district income tax and property tax rate 27523  
reduction at an election held pursuant to section 5748.04 of the 27524  
Revised Code; or if refunding bonds to refund all or a part of the 27525  
principal of bonds payable from a tax levy for the ensuing fiscal 27526  
year are issued or sold and in the process of delivery, the budget 27527  
commission shall reconsider and revise its action on the budget of 27528  
the subdivision or school library district for whose benefit the 27529  
tax is to be levied after the returns of such election are fully 27530  
canvassed, or after the issuance or sale of such refunding bonds 27531  
is certified to it. 27532

**Sec. 5709.08. (A)(1)** Real or personal property belonging to 27533  
the state or United States used exclusively for a public purpose, 27534  
and public property used exclusively for a public purpose, shall 27535  
be exempt from taxation. ~~Real~~ 27536

(2) For purposes of division (A)(1) of this section, real and 27537  
personal property owned by the state, even when the property is 27538  
leased or otherwise operated by a private party, and used as 27539  
public service facilities described in section 1501.07 of the 27540  
Revised Code, as concessions or other special projects described 27541  
in division (F) of section 1531.06 of the Revised Code, as refuge 27542  
harbors or marine recreational facilities described in section 27543  
1547.72 of the Revised Code, or areas described in section 1503.03 27544  
of the Revised Code, is hereby declared to be public property 27545  
"used exclusively for a public purpose." 27546

(B) Real and personal property, when devoted to public use 27547  
and not held for pecuniary profit, owned by an adjoining state or 27548  
any political subdivision or agency of such adjoining state, which 27549  
would be exempt from taxation if owned by the state of Ohio or a 27550  
political subdivision or agency thereof, shall be exempt from 27551  
taxation providing that such adjoining state exempts from taxation 27552  
real and personal property devoted to public use and not held for 27553  
pecuniary profit, owned by the state of Ohio or any political 27554  
subdivision or agency thereof, which would be exempt from taxation 27555  
if owned by the adjoining state or political subdivision or agency 27556  
thereof. 27557

**Sec. 5709.081.** (A) Real and tangible personal property owned 27558  
by a political subdivision that is a public recreational facility 27559  
for athletic events shall be exempt from taxation if all of the 27560  
following apply: 27561

(1) The property is controlled and managed by a political 27562  
subdivision or a county-related corporation or by a similar 27563  
corporation under the direct control of a political subdivision 27564  
and whose members and trustees are chosen or appointed by the 27565  
subdivision; 27566

(2) All revenues and receipts derived by the subdivision or 27567  
corporation that controls and manages the property, after 27568  
deducting amounts needed to pay necessary expenses for the 27569  
operation and management of the property, accrue to the political 27570  
subdivision owning the property; 27571

(3) The property is not occupied and used for more than seven 27572  
days in any calendar month by any private entity for profit or for 27573  
more than a total of fifteen days in any calendar month by all 27574  
such private entities for profit; 27575

(4) The property is under the direction and control of the 27576

political subdivision or managing corporation whenever it is being 27577  
used by a private entity for profit; 27578

(5) The primary user or users of the property, if such a 27579  
primary user exists, are controlled and managed by the political 27580  
subdivision or corporation that controls and manages the property. 27581

(B) Tangible personal property, and all buildings, 27582  
structures, fixtures, and improvements, ~~and fixtures~~ of any kind 27583  
~~en~~ to the land, that are constructed or, in the case of personal 27584  
property, acquired after March 2, 1992, and are part of or used in 27585  
a public recreational facility used by a major league professional 27586  
athletic team or a class A to class AAA minor league affiliate of 27587  
a major league baseball team for a significant portion of its home 27588  
schedule, and land acquired by a political subdivision in 1999 for 27589  
such purposes or originally leased from a political subdivision, 27590  
such political subdivision qualifying as such pursuant to division 27591  
(G) of this section, in 1998 for such purposes, are declared to be 27592  
public property used for a public purpose and are exempt from 27593  
taxation, if all of the following apply: 27594

(1) Such property, or the land upon which such property is 27595  
located if such land was originally leased in 1998 from a 27596  
political subdivision that qualifies as such pursuant to division 27597  
(G) of this section, is owned by one or more political 27598  
subdivisions or by a corporation controlled by such subdivisions; 27599

(2) Such property was or is any of the following: 27600

(a) Constructed or, in the case of personal property, 27601  
acquired pursuant to an agreement with a municipal corporation to 27602  
implement a development, redevelopment, or renewal plan for an 27603  
area declared by the municipal corporation to be a slum or 27604  
blighted area, as those terms are defined in section 725.01 of the 27605  
Revised Code; 27606

(b) Financed in whole or in part with public obligations as 27607

defined in section 5709.76 of the Revised Code or otherwise paid	27608
for in whole or in part by one or more political subdivisions;	27609
(c) An improvement or addition to property defined in	27610
division (B)(2)(a) or (b) of this section.	27611
(3) Such property is controlled and managed by either of the	27612
following:	27613
(a) One or more of the political subdivisions or the	27614
corporation that owns it;	27615
(b) A designee, tenant, or agent of such political	27616
subdivision or subdivisions or corporation pursuant to a	27617
management, lease, or similar written agreement.	27618
(4) The primary user or users of such property, if a primary	27619
user or primary users exist, either:	27620
(a) Are controlled and managed by one or more of the	27621
political subdivisions or the corporation that owns the property;	27622
or	27623
(b) Operate under leases, licenses, management agreements, or	27624
similar arrangements with, and providing for the payment of rents,	27625
revenues, or other remuneration to, one or more of the political	27626
subdivisions or the corporation that owns the property.	27627
(5) Any residual cash accrues to the political subdivision or	27628
subdivisions that own the property or that control the corporation	27629
that owns the property, and is used for the public purposes of the	27630
subdivision or subdivisions. As used in division (B)(5) of this	27631
section, "residual cash" means any revenue and receipts derived	27632
from the property by the political subdivision or subdivisions or	27633
corporation that owns the property and that are available for	27634
unencumbered use by the political subdivision or subdivisions or	27635
corporation, after deducting amounts needed to make necessary	27636
expenditures, pay debt service, and provide for working capital	27637

related to the ownership, management, operation, and use of the 27638  
property, including payments of taxes on the taxable part of the 27639  
public recreational facility, contractually obligated payments or 27640  
deposits into reserves or otherwise, and service payments under 27641  
section 307.699 of the Revised Code. 27642

(C) The exemption provided in division (B) of this section 27643  
also applies to both of the following: 27644

(1) The property during its construction or, in the case of 27645  
tangible personal property, acquisition during the construction 27646  
period, if the owner meets the condition of division (B)(1) of 27647  
this section and has agreements that provide for the satisfaction 27648  
of all other conditions of division (B) of this section upon the 27649  
completion of the construction; 27650

(2) Any improvement or addition made after March 2, 1992, to 27651  
a public recreational facility that was constructed before March 27652  
2, 1992, as long as all other conditions in division (B) of this 27653  
section are met. 27654

(D) A corporation that owns property exempt from taxation 27655  
under division (B) of this section is a public body for the 27656  
purposes of section 121.22 of the Revised Code. The corporation's 27657  
records are public records for the purposes of section 149.43 of 27658  
the Revised Code, except records related to matters set forth in 27659  
division (G) of section 121.22 of the Revised Code and records 27660  
related to negotiations that are not yet completed for financing, 27661  
leases, or other agreements. 27662

(E) The exemption under division (B) of this section applies 27663  
to property that is owned by the political subdivision or 27664  
subdivisions or the corporation that owns the public recreational 27665  
facility. Tangible personal property owned by users, managers, or 27666  
lessees of the facility is taxable when used in the public 27667  
recreational facility. 27668

(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.

(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:

(1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code.

(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.

(3) "Housing renovation" means a project carried out for residential purposes.

(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 27699  
the exemption granted by that ordinance. 27700

(5) "Incentive district" means an area not more than three 27701  
hundred acres in size enclosed by a continuous boundary in which a 27702  
project is being, or will be, undertaken and having one or more of 27703  
the following distress characteristics: 27704

(a) At least fifty-one per cent of the residents of the 27705  
district have incomes of less than eighty per cent of the median 27706  
income of residents of the political subdivision in which the 27707  
district is located, as determined in the same manner specified 27708  
under section 119(b) of the "Housing and Community Development Act 27709  
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 27710

(b) The average rate of unemployment in the district during 27711  
the most recent twelve-month period for which data are available 27712  
is equal to at least one hundred fifty per cent of the average 27713  
rate of unemployment for this state for the same period. 27714

(c) At least twenty per cent of the people residing in the 27715  
district live at or below the poverty level as defined in the 27716  
federal Housing and Community Development Act of 1974, 42 U.S.C. 27717  
5301, as amended, and regulations adopted pursuant to that act. 27718

(d) The district is a blighted area. 27719

(e) The district is in a situational distress area as 27720  
designated by the director of development under division (F) of 27721  
section 122.23 of the Revised Code. 27722

(f) As certified by the engineer for the political 27723  
subdivision, the public infrastructure serving the district is 27724  
inadequate to meet the development needs of the district as 27725  
evidenced by a written economic development plan or urban renewal 27726  
plan for the district that has been adopted by the legislative 27727  
authority of the subdivision. 27728

(g) The district is comprised entirely of unimproved land 27729  
that is located in a distressed area as defined in section 122.23 27730  
of the Revised Code. 27731

(6) "Project" means development activities undertaken on one 27732  
or more parcels, including, but not limited to, construction, 27733  
expansion, and alteration of buildings or structures, demolition, 27734  
remediation, and site development, and any building or structure 27735  
that results from those activities. 27736

(7) "Public infrastructure improvement" includes, but is not 27737  
limited to, public roads and highways; water and sewer lines; 27738  
environmental remediation; land acquisition, including acquisition 27739  
in aid of industry, commerce, distribution, or research; 27740  
demolition, including demolition on private property when 27741  
determined to be necessary for economic development purposes; 27742  
stormwater and flood remediation projects, including such projects 27743  
on private property when determined to be necessary for public 27744  
health, safety, and welfare; the provision of gas, electric, and 27745  
communications service facilities; and the enhancement of public 27746  
waterways through improvements that allow for greater public 27747  
access. ~~"Public infrastructure improvement" does not include~~ 27748  
~~police or fire equipment.~~ 27749

(B) The legislative authority of a municipal corporation, by 27750  
ordinance, may declare improvements to certain parcels of real 27751  
property located in the municipal corporation to be a public 27752  
purpose. Improvements with respect to a parcel that is used or to 27753  
be used for residential purposes may be declared a public purpose 27754  
under this division only if the parcel is located in a blighted 27755  
area of an impacted city. Except as otherwise provided in with the 27756  
approval under division (D) of this section of the board of 27757  
education of each city, local, or exempted village school district 27758  
within which the improvements are located, not more than 27759  
seventy-five per cent of an improvement thus declared to be a 27760

public purpose may be exempted from real property taxation for a 27761  
period of not more than ten years. The ordinance shall specify the 27762  
percentage of the improvement to be exempted from taxation and the 27763  
life of the exemption. 27764

An ordinance adopted or amended under this division shall 27765  
designate the specific public infrastructure improvements made, to 27766  
be made, or in the process of being made by the municipal 27767  
corporation that directly benefit, or that once made will directly 27768  
benefit, the parcels for which improvements are declared to be a 27769  
public purpose. The service payments provided for in section 27770  
5709.42 of the Revised Code shall be used to finance the public 27771  
infrastructure improvements designated in the ordinance ~~or~~, for 27772  
the purpose described in division (D)(1) of this section or as 27773  
provided in section 5709.43 of the Revised Code. 27774

(C)(1) The legislative authority of a municipal corporation 27775  
may adopt an ordinance creating an incentive district and 27776  
declaring improvements to parcels within the district to be a 27777  
public purpose and, except as provided in division (F) of this 27778  
section, exempt from taxation as provided in this section, but no 27779  
legislative authority of a municipal corporation that has a 27780  
population that exceeds twenty-five thousand, as shown by the most 27781  
recent federal decennial census, shall adopt an ordinance that 27782  
creates an incentive district ~~if, as a result of adopting the~~ 27783  
~~ordinance, more than~~ the sum of the taxable value of real property 27784  
in the proposed district for the preceding tax year and the 27785  
taxable value of all real property in the municipal corporation 27786  
that would have been taxable in the preceding year were it not for 27787  
the fact that the property was in an existing incentive district 27788  
and therefore exempt from taxation exceeds twenty-five per cent of 27789  
the ~~municipal corporation's taxable value, as of the first day of~~ 27790  
~~January of the year in which the ordinance takes effect, is~~ 27791  
~~subject to an exemption because of an incentive district. The~~ 27792

~~twenty five per cent limitation does not apply to an incentive~~ 27793  
~~district that was created by an ordinance adopted prior to January~~ 27794  
~~1, 2006, unless the legislative authority creates an additional~~ 27795  
~~incentive district after that date taxable value of real property~~ 27796  
~~in the municipal corporation for the preceding tax year.~~ The 27797  
ordinance shall delineate the boundary of the district and 27798  
specifically identify each parcel within the district. A district 27799  
may not include any parcel that is or has been exempted from 27800  
taxation under division (B) of this section or that is or has been 27801  
within another district created under this division. An ordinance 27802  
may create more than one such district, and more than one 27803  
ordinance may be adopted under division (C)(1) of this section. 27804

(2) Not later than thirty days prior to adopting an ordinance 27805  
under division (C)(1) of this section, if the municipal 27806  
corporation intends to apply for exemptions from taxation under 27807  
section 5709.911 of the Revised Code on behalf of owners of real 27808  
property located within the proposed incentive district, the 27809  
legislative authority of a municipal corporation shall conduct a 27810  
public hearing on the proposed ordinance. Not later than thirty 27811  
days prior to the public hearing, the legislative authority shall 27812  
give notice of the public hearing and the proposed ordinance by 27813  
first class mail to every real property owner whose property is 27814  
located within the boundaries of the proposed incentive district 27815  
that is the subject of the proposed ordinance. 27816

(3)(a) An ordinance adopted under division (C)(1) of this 27817  
section shall specify the life of the incentive district and the 27818  
percentage of the improvements to be exempted, shall designate the 27819  
public infrastructure improvements made, to be made, or in the 27820  
process of being made, that benefit or serve, or, once made, will 27821  
benefit or serve parcels in the district. The ordinance also shall 27822  
identify one or more specific projects being, or to be, undertaken 27823  
in the district that place additional demand on the public 27824

infrastructure improvements designated in the ordinance. The 27825  
project identified may, but need not be, the project under 27826  
division (C)(3)(b) of this section that places real property in 27827  
use for commercial or industrial purposes. Except as otherwise 27828  
permitted under that division, the service payments provided for 27829  
in section 5709.42 of the Revised Code shall be used to finance 27830  
the designated public infrastructure improvements ~~or~~, for the 27831  
purpose described in division (D)(1) or (E) of this section, or as 27832  
provided in section 5709.43 of the Revised Code. 27833

An ordinance adopted under division (C)(1) of this section on 27834  
or after the effective date of this amendment shall not designate 27835  
police or fire equipment as public infrastructure improvements, 27836  
and no service payment provided for in section 5709.42 of the 27837  
Revised Code and received by the municipal corporation under the 27838  
ordinance shall be used for police or fire equipment. 27839

(b) An ordinance adopted under division (C)(1) of this 27840  
section may authorize the use of service payments provided for in 27841  
section 5709.42 of the Revised Code for the purpose of housing 27842  
renovations within the incentive district, provided that the 27843  
ordinance also designates public infrastructure improvements that 27844  
benefit or serve the district, and that a project within the 27845  
district places real property in use for commercial or industrial 27846  
purposes. Service payments may be used to finance or support 27847  
loans, deferred loans, and grants to persons for the purpose of 27848  
housing renovations within the district. The ordinance shall 27849  
designate the parcels within the district that are eligible for 27850  
housing renovation. The ordinance shall state separately the 27851  
amounts or the percentages of the expected aggregate service 27852  
payments that are designated for each public infrastructure 27853  
improvement and for the general purpose of housing renovations. 27854

(4) Except with the approval of the board of education of 27855  
each city, local, or exempted village school district within the 27856

territory of which the incentive district is or will be located, 27857  
and subject to division (E) of this section, the life of an 27858  
incentive district shall not exceed ten years, and the percentage 27859  
of improvements to be exempted shall not exceed seventy-five per 27860  
cent. With approval of the board of education, the life of a 27861  
district may be not more than thirty years, and the percentage of 27862  
improvements to be exempted may be not more than one hundred per 27863  
cent. The approval 27864

~~(5) Approval of a board of education shall be obtained in the 27865  
manner provided in division (D) of this section for exemptions 27866  
under division (B) of this section, except that the notice to the 27867  
board of education shall delineate the boundaries of the district, 27868  
specifically identify each parcel within the district, identify 27869  
each anticipated improvement in the district, provide an estimate 27870  
of the true value in money of each such improvement, specify the 27871  
life of the district and the percentage of improvements that would 27872  
be exempted, and indicate the date on which the legislative 27873  
authority intends to adopt the ordinance. 27874~~

(D)(1) If the ordinance declaring improvements to a parcel to 27875  
be a public purpose or creating an incentive district specifies 27876  
that payments in lieu of taxes provided for in section 5709.42 of 27877  
the Revised Code shall be paid to the city, local, or exempted 27878  
village school district in which the parcel or incentive district 27879  
is located in the amount of the taxes that would have been payable 27880  
to the school district if the improvements had not been exempted 27881  
from taxation, the percentage of the improvement that may be 27882  
exempted from taxation may exceed seventy-five per cent, and the 27883  
exemption may be granted for up to thirty years, without the 27884  
approval of the board of education as otherwise required under 27885  
division (D)(2) of this section. 27886

(2) Improvements with respect to a parcel may be exempted 27887  
from taxation under division (B) of this section, and improvements 27888

to parcels within an incentive district may be exempted from 27889  
taxation under division (C) of this section, for up to ten years 27890  
or, with the approval under this paragraph of the board of 27891  
education of the city, local, or exempted village school district 27892  
within which the parcel or district is located, for up to thirty 27893  
years. The percentage of the improvement exempted from taxation 27894  
may, with such approval, exceed seventy-five per cent, but shall 27895  
not exceed one hundred per cent. Not later than forty-five 27896  
business days prior to adopting an ordinance under this section 27897  
declaring improvements to be a public purpose that is subject to 27898  
approval by a board of education under this division, the 27899  
legislative authority shall deliver to the board of education a 27900  
notice stating its intent to adopt an ordinance making that 27901  
declaration. The notice regarding improvements with respect to a 27902  
parcel under division (B) of this section shall identify the 27903  
parcels for which improvements are to be exempted from taxation, 27904  
provide an estimate of the true value in money of the 27905  
improvements, specify the period for which the improvements would 27906  
be exempted from taxation and the percentage of the improvement 27907  
that would be exempted, and indicate the date on which the 27908  
legislative authority intends to adopt the ordinance. The notice 27909  
regarding improvements to parcels within an incentive district 27910  
under division (C) of this section shall delineate the boundaries 27911  
of the district, specifically identify each parcel within the 27912  
district, identify each anticipated improvement in the district, 27913  
provide an estimate of the true value in money of each such 27914  
improvement, specify the life of the district and the percentage 27915  
of improvements that would be exempted, and indicate the date on 27916  
which the legislative authority intends to adopt the ordinance. 27917  
The board of education, by resolution adopted by a majority of the 27918  
board, may approve the exemption for the period or for the 27919  
exemption percentage specified in the notice; i may disapprove the 27920  
exemption for the number of years in excess of ten, may disapprove 27921

the exemption for the percentage of the improvement to be exempted 27922  
in excess of seventy-five per cent, or both~~7~~<sub>i</sub> or may approve the 27923  
exemption on the condition that the legislative authority and the 27924  
board negotiate an agreement providing for compensation to the 27925  
school district equal in value to a percentage of the amount of 27926  
taxes exempted in the eleventh and subsequent years of the 27927  
exemption period or, in the case of exemption percentages in 27928  
excess of seventy-five per cent, compensation equal in value to a 27929  
percentage of the taxes that would be payable on the portion of 27930  
the improvement in excess of seventy-five per cent were that 27931  
portion to be subject to taxation, or other mutually agreeable 27932  
compensation. ~~The~~ 27933

(3) The board of education shall certify its resolution to 27934  
the legislative authority not later than fourteen days prior to 27935  
the date the legislative authority intends to adopt the ordinance 27936  
as indicated in the notice. If the board of education and the 27937  
legislative authority negotiate a mutually acceptable compensation 27938  
agreement, the ordinance may declare the improvements a public 27939  
purpose for the number of years specified in the ordinance or, in 27940  
the case of exemption percentages in excess of seventy-five per 27941  
cent, for the exemption percentage specified in the ordinance. In 27942  
either case, if the board and the legislative authority fail to 27943  
negotiate a mutually acceptable compensation agreement, the 27944  
ordinance may declare the improvements a public purpose for not 27945  
more than ten years, ~~but~~ and shall not exempt more than 27946  
seventy-five per cent of the improvements from taxation. If the 27947  
board fails to certify a resolution to the legislative authority 27948  
within the time prescribed by this division, the legislative 27949  
authority thereupon may adopt the ordinance and may declare the 27950  
improvements a public purpose for up to thirty years, or, in the 27951  
case of exemption percentages proposed in excess of seventy-five 27952  
per cent, for the exemption percentage specified in the ordinance. 27953  
The legislative authority may adopt the ordinance at any time 27954

after the board of education certifies its resolution approving 27955  
the exemption to the legislative authority, or, if the board 27956  
approves the exemption on the condition that a mutually acceptable 27957  
compensation agreement be negotiated, at any time after the 27958  
compensation agreement is agreed to by the board and the 27959  
legislative authority. 27960

~~(3)~~(4) If a board of education has adopted a resolution 27961  
waiving its right to approve exemptions from taxation under this 27962  
section and the resolution remains in effect, approval of 27963  
exemptions by the board is not required under ~~this~~ division (D) of 27964  
this section. If a board of education has adopted a resolution 27965  
allowing a legislative authority to deliver the notice required 27966  
under division (D)~~(2)~~ of this section fewer than forty-five 27967  
business days prior to the legislative authority's adoption of the 27968  
ordinance, the legislative authority shall deliver the notice to 27969  
the board not later than the number of days prior to such adoption 27970  
as prescribed by the board in its resolution. If a board of 27971  
education adopts a resolution waiving its right to approve 27972  
agreements or shortening the notification period, the board shall 27973  
certify a copy of the resolution to the legislative authority. If 27974  
the board of education rescinds such a resolution, it shall 27975  
certify notice of the rescission to the legislative authority. 27976

~~(4)~~(5) If the legislative authority is not required by 27977  
division (D)~~(1), (2), or (3)~~ of this section to notify the board 27978  
of education of the legislative authority's intent to declare 27979  
improvements to be a public purpose, the legislative authority 27980  
shall comply with the notice requirements imposed under section 27981  
5709.83 of the Revised Code, unless the board has adopted a 27982  
resolution under that section waiving its right to receive such a 27983  
notice. 27984

(E)(1) If a proposed ordinance under division (C)(1) of this 27985  
section exempts improvements with respect to a parcel within an 27986

incentive district for more than ten years, or the percentage of 27987  
the improvement exempted from taxation exceeds seventy-five per 27988  
cent, not later than forty-five business days prior to adopting 27989  
the ordinance the legislative authority of the municipal 27990  
corporation shall deliver to the board of county commissioners of 27991  
the county within which the incentive district ~~is or~~ will be 27992  
located a notice that states its intent to adopt an ordinance 27993  
creating an incentive district. The notice shall include a copy of 27994  
the proposed ordinance, identify the parcels for which 27995  
improvements are to be exempted from taxation, provide an estimate 27996  
of the true value in money of the improvements, specify the period 27997  
of time for which the improvements would be exempted from 27998  
taxation, specify the percentage of the improvements that would be 27999  
exempted from taxation, and indicate the date on which the 28000  
legislative authority intends to adopt the ordinance. 28001

(2) The board of county commissioners, by resolution adopted 28002  
by a majority of the board, may object to the exemption for the 28003  
number of years in excess of ten, may object to the exemption for 28004  
the percentage of the improvement to be exempted in excess of 28005  
seventy-five per cent, or both, ~~or may accept either or both~~ 28006  
~~exemptions~~. If the board of county commissioners objects, the 28007  
board may negotiate ~~an~~ a mutually acceptable compensation 28008  
agreement with the legislative authority ~~that provides~~. In no case 28009  
shall the compensation provided to the board exceed the property 28010  
taxes foregone due to the exemption. If the board of county 28011  
commissioners objects, and the board and legislative authority 28012  
fail to negotiate a mutually acceptable compensation agreement, 28013  
the ordinance adopted under division (C)(1) of this section shall 28014  
provide to the board compensation in the eleventh and subsequent 28015  
years of the exemption period ~~compensation~~ equal in value to not 28016  
more than fifty per cent of the taxes that would be payable to the 28017  
county or, if the board's objection includes an objection to an 28018  
exemption percentage in excess of seventy-five per cent, 28019

compensation equal in value to not more than fifty per cent of the 28020  
taxes that would be payable to the county, on the portion of the 28021  
improvement in excess of seventy-five per cent, were that portion 28022  
to be subject to taxation. The board of county commissioners shall 28023  
certify its resolution to the legislative authority not later than 28024  
thirty days after receipt of the notice. 28025

(3) If the board of county commissioners does not object or 28026  
fails to certify its resolution objecting to an exemption within 28027  
thirty days after receipt of the notice, the legislative authority 28028  
may adopt the ordinance, and no compensation shall be provided to 28029  
the board of county commissioners. If the board timely certifies 28030  
its resolution objecting to the ordinance, the legislative 28031  
authority may adopt the ordinance at any time after ~~the~~ a mutually 28032  
acceptable compensation agreement is agreed to by the board and 28033  
the legislative authority, or, if no compensation agreement is 28034  
negotiated, at any time after the legislative authority agrees in 28035  
the proposed ordinance to provide compensation to the board of 28036  
fifty per cent of the taxes that would be payable to the county in 28037  
the eleventh and subsequent years of the exemption period or on 28038  
the portion of the improvement in excess of seventy-five per cent, 28039  
were that portion to be subject to taxation. 28040

(F) ~~Any of the following property tax levies that are enacted~~ 28041  
Service payments in lieu of taxes that are attributable to any 28042  
amount by which the effective tax rate of either a renewal levy 28043  
with an increase or a replacement levy exceeds the effective tax 28044  
rate of the levy renewed or replaced, or that are attributable to 28045  
an additional levy, for a levy authorized by the voters for any of 28046  
the following purposes on or after January 1, 2006, and ~~after the~~ 28047  
~~date~~ which are provided pursuant to an ordinance creating an 28048  
incentive district under division (C)(1) of this section that is 28049  
adopted on or after January 1, 2006, ~~under division (C)(1) of this~~ 28050  
~~section shall be levied on property that was exempted from~~ 28051

~~taxation distributed to the appropriate taxing authority as~~ 28052  
~~required under division (C) of section 5709.42 of the Revised Code~~ 28053  
~~in an amount equal to the amount of taxes from that additional~~ 28054  
~~levy or from the increase in the effective tax rate of such~~ 28055  
~~renewal or replacement levy that would have been payable to that~~ 28056  
~~taxing authority from the following levies were it not for the~~ 28057  
~~exemption authorized under division (C) of this section, and~~ 28058  
~~revenues collected from such levies shall not be used to provide~~ 28059  
~~service payments under this section:~~ 28060

(1) A tax levied under division (L) of section 5705.19 or 28061  
section 5705.191 of the Revised Code for community mental 28062  
retardation and developmental disabilities programs and services 28063  
pursuant to Chapter 5126. of the Revised Code; 28064

(2) A tax levied under division (Y) of section 5705.19 of the 28065  
Revised Code for providing or maintaining senior citizens services 28066  
or facilities; 28067

(3) A tax levied under section 5705.22 of the Revised Code 28068  
for county hospitals; 28069

(4) A tax levied by a joint-county district or by a county 28070  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 28071  
for alcohol, drug addiction, and mental health services or 28072  
facilities; 28073

(5) A tax levied under section 5705.23 of the Revised Code 28074  
for library purposes; 28075

(6) A tax levied under section 5705.24 of the Revised Code 28076  
for the support of children services and the placement and care of 28077  
children; 28078

(7) A tax levied under division (Z) of section 5705.19 of the 28079  
Revised Code for the provision and maintenance of zoological park 28080  
services and facilities under section 307.76 of the Revised Code; 28081

<u>(8) A tax levied under section 511.27 or division (H) of</u>	28082
<u>section 5705.19 of the Revised Code for the support of township</u>	28083
<u>park districts;</u>	28084
<u>(9) A tax levied under division (A), (F), or (H) of section</u>	28085
<u>5705.19 of the Revised Code for parks and recreational purposes of</u>	28086
<u>a joint recreation district organized pursuant to division (B) of</u>	28087
<u>section 755.14 of the Revised Code;</u>	28088
<u>(10) A tax levied under section 1545.20 or 1545.21 of the</u>	28089
<u>Revised Code for park district purposes;</u>	28090
<u>(11) A tax levied under section 5705.191 of the Revised Code</u>	28091
<u>for the purpose of making appropriations for public assistance;</u>	28092
<u>human or social services; public relief; public welfare; public</u>	28093
<u>health and hospitalization; and support of general hospitals;</u>	28094
<u>(12) A tax levied under section 3709.29 of the Revised Code</u>	28095
<u>for a general health district program.</u>	28096
(G) An exemption from taxation granted under this section	28097
commences with the tax year specified in the ordinance <u>so long as</u>	28098
<u>the year specified in the ordinance commences after the effective</u>	28099
<u>date of the ordinance. If the ordinance specifies a year</u>	28100
<u>commencing before the effective date of the resolution or</u>	28101
<u>specifies no year whatsoever, the exemption commences with the tax</u>	28102
<u>year in which an exempted improvement first appears on the tax</u>	28103
<u>list and duplicate of real and public utility property and that</u>	28104
<u>commences after the effective date of the ordinance. Except as</u>	28105
otherwise provided in this division, the exemption ends on the	28106
date specified in the ordinance as the date the improvement ceases	28107
to be a public purpose or the incentive district expires, or ends	28108
on the date on which the public infrastructure improvements and	28109
housing renovations are paid in full from the municipal public	28110
improvement tax increment equivalent fund established under	28111
division (A) of section 5709.43 of the Revised Code, whichever	28112

occurs first. The exemption of an improvement with respect to a 28113  
parcel or within an incentive district may end on a later date, as 28114  
specified in the ordinance, if the legislative authority and the 28115  
board of education of the city, local, or exempted village school 28116  
district within which the parcel or district is located have 28117  
entered into a compensation agreement under section 5709.82 of the 28118  
Revised Code with respect to the improvement ~~or district~~, and the 28119  
board of education has approved the term of the exemption under 28120  
division (D)(2) of this section, but in no case shall the 28121  
improvement be exempted from taxation for more than thirty years. 28122  
Exemptions shall be claimed and allowed in the same manner as in 28123  
the case of other real property exemptions. If an exemption status 28124  
changes during a year, the procedure for the apportionment of the 28125  
taxes for that year is the same as in the case of other changes in 28126  
tax exemption status during the year. 28127

(H) Additional municipal financing of public infrastructure 28128  
improvements and housing renovations may be provided by any 28129  
methods that the municipal corporation may otherwise use for 28130  
financing such improvements or renovations. If the municipal 28131  
corporation issues bonds or notes to finance the public 28132  
infrastructure improvements and housing renovations and pledges 28133  
money from the municipal public improvement tax increment 28134  
equivalent fund to pay the interest on and principal of the bonds 28135  
or notes, the bonds or notes are not subject to Chapter 133. of 28136  
the Revised Code. 28137

(I) The municipal corporation, not later than fifteen days 28138  
after the adoption of an ordinance under this section, shall 28139  
submit to the director of development a copy of the ordinance. On 28140  
or before the thirty-first day of March of each year, the 28141  
municipal corporation shall submit a status report to the director 28142  
of development. The report shall indicate, in the manner 28143  
prescribed by the director, the progress of the project during 28144

each year that an exemption remains in effect, including a summary 28145  
of the receipts from service payments in lieu of taxes; 28146  
expenditures of money from the funds created under section 5709.43 28147  
of the Revised Code; a description of the public infrastructure 28148  
improvements and housing renovations financed with such 28149  
expenditures; and a quantitative summary of changes in employment 28150  
and private investment resulting from each project. 28151

(J) Nothing in this section shall be construed to prohibit a 28152  
legislative authority from declaring to be a public purpose 28153  
improvements with respect to more than one parcel. 28154

**Sec. 5709.42.** (A) A municipal corporation that has declared 28155  
an improvement to be a public purpose under section 5709.40 or 28156  
5709.41 of the Revised Code may require the owner of any structure 28157  
located on the parcel to make annual service payments in lieu of 28158  
taxes to the county treasurer on or before the final dates for 28159  
payment of real property taxes. Each such payment shall be charged 28160  
and collected in the same manner and in the same amount as the 28161  
real property taxes that would have been charged and payable 28162  
against the improvement if it were not exempt from taxation. If 28163  
any reduction in the levies otherwise applicable to such exempt 28164  
property is made by the county budget commission under section 28165  
5705.31 of the Revised Code, the amount of the service payment in 28166  
lieu of taxes shall be calculated as if such reduction in levies 28167  
had not been made. 28168

(B) Moneys collected as service payments in lieu of taxes 28169  
shall be distributed at the same time and in the same manner as 28170  
real property tax payments. However, subject to division (C) of 28171  
this section or section 5709.913 of the Revised Code, the entire 28172  
amount so collected shall be distributed to the municipal 28173  
corporation in which the improvement is located. If an ordinance 28174  
adopted under section 5709.40 or 5709.41 of the Revised Code 28175

specifies that service payments shall be paid to the city, local, 28176  
or exempted village school district in which the improvements are 28177  
located, the county treasurer shall distribute the portion of the 28178  
service payments to that school district in an amount equal to the 28179  
property tax payments the school district would have received from 28180  
the portion of the improvements exempted from taxation had the 28181  
improvements not been exempted, as directed in the ordinance. The 28182  
treasurer shall maintain a record of the service payments in lieu 28183  
of taxes made from property in each municipal corporation. 28184

(C) If annual service payments in lieu of taxes are required 28185  
under this section, the county treasurer shall distribute to the 28186  
appropriate taxing authorities the portion of the service payments 28187  
that represents payments required under division (F) of section 28188  
5709.40 of the Revised Code. 28189

(D) Nothing in this section or section 5709.40 or 5709.41 of 28190  
the Revised Code affects the taxes levied against that portion of 28191  
the value of any parcel of property that is not exempt from 28192  
taxation. 28193

**Sec. 5709.43.** (A) A municipal corporation that grants a tax 28194  
exemption under section 5709.40 of the Revised Code shall 28195  
establish a municipal public improvement tax increment equivalent 28196  
fund into which shall be deposited service payments in lieu of 28197  
taxes distributed to the municipal corporation under section 28198  
5709.42 of the Revised Code. If the legislative authority of the 28199  
municipal corporation has adopted an ordinance under division (C) 28200  
of section 5709.40 of the Revised Code, the municipal corporation 28201  
shall establish at least one account in that fund with respect to 28202  
ordinances adopted under division (B) of that section, and one 28203  
account with respect to each incentive district created in an 28204  
ordinance adopted under division (C) of that section. If an 28205  
ordinance adopted under division (C) of section 5709.40 of the 28206

Revised Code also authorizes the use of service payments for 28207  
housing renovations within the district, the municipal corporation 28208  
shall establish separate accounts for the service payments 28209  
designated for public infrastructure improvements and for the 28210  
service payments authorized for the purpose of housing 28211  
renovations. Money in an account of the municipal public 28212  
improvement tax increment equivalent fund shall be used to finance 28213  
the public infrastructure improvements designated in, or the 28214  
housing renovations authorized by, the ordinance with respect to 28215  
which the account is established; in the case of an account 28216  
established with respect to an ordinance adopted under division 28217  
(C) of that section, money in the account shall be used to finance 28218  
the public infrastructure improvements designated, or the housing 28219  
renovations authorized, for each incentive district created in the 28220  
ordinance. Money in an account shall not be used to finance or 28221  
support housing renovations that take place after the incentive 28222  
district has expired. The municipal corporation also may deposit 28223  
into any of those accounts municipal income tax revenue that has 28224  
been designated by ordinance to finance the public infrastructure 28225  
improvements and housing renovations. 28226

(B) A municipal corporation may establish an urban 28227  
redevelopment tax increment equivalent fund, by resolution or 28228  
ordinance of its legislative authority, into which shall be 28229  
deposited service payments in lieu of taxes distributed to the 28230  
municipal corporation by the county treasurer as provided in 28231  
section 5709.42 of the Revised Code for improvements exempt from 28232  
taxation pursuant to an ordinance adopted under section 5709.41 of 28233  
the Revised Code. Moneys deposited in the urban redevelopment tax 28234  
increment equivalent fund shall be used for such purposes as are 28235  
authorized in the resolution or ordinance establishing the fund. 28236  
The municipal corporation also may deposit into the urban 28237  
redevelopment tax increment equivalent fund municipal income tax 28238  
revenue that has been dedicated to fund any of the purposes for 28239

which the fund is established. 28240

(C)(1)(a) A municipal corporation ~~also~~ may distribute money 28241  
in the municipal public improvement tax increment equivalent fund 28242  
or the urban redevelopment tax increment equivalent fund to any 28243  
school district in which the exempt property is located, in an 28244  
amount not to exceed the amount of real property taxes that such 28245  
school district would have received from the improvement if it 28246  
were not exempt from taxation, or use money in either or both 28247  
funds to finance specific public improvements benefiting the 28248  
school district. The resolution or ordinance establishing the fund 28249  
shall set forth the percentage of such maximum amount that will be 28250  
distributed to any affected school district or used to finance 28251  
specific public improvements benefiting the school district. 28252

(b) A municipal corporation also may distribute money in the 28253  
municipal public improvement tax increment equivalent fund or the 28254  
urban redevelopment tax increment equivalent fund as follows: 28255

(i) To a board of county commissioners, in the amount that is 28256  
owed to the board pursuant to division (E) of section 5709.40 of 28257  
the Revised Code; 28258

(ii) To a county in accordance with section 5709.913 of the 28259  
Revised Code. 28260

(2) Money from an account in a municipal public improvement 28261  
tax increment equivalent fund or from an urban redevelopment tax 28262  
increment equivalent fund may be distributed under division 28263  
(C)(1)(b) of this section, regardless of the date a resolution or 28264  
an ordinance was adopted under section 5709.40 or 5709.41 of the 28265  
Revised Code that prompted the establishment of the account or the 28266  
establishment of the urban redevelopment tax increment equivalent 28267  
fund, even if the resolution or ordinance was adopted prior to the 28268  
effective date of this amendment. 28269

(D) Any incidental surplus remaining in the municipal public 28270

improvement tax increment equivalent fund or an account of that 28271  
fund, or in the urban redevelopment tax increment equivalent fund, 28272  
upon dissolution of the account or fund shall be transferred to 28273  
the general fund of the municipal corporation. 28274

**Sec. 5709.73.** (A) As used in this section and section 5709.74 28275  
of the Revised Code: 28276

(1) "Business day" means a day of the week excluding 28277  
Saturday, Sunday, and a legal holiday as defined in section 1.14 28278  
of the Revised Code. 28279

(2) "Further improvements" or "improvements" means the 28280  
increase in the assessed value of real property that would first 28281  
appear on the tax list and duplicate of real and public utility 28282  
property after the effective date of a resolution adopted under 28283  
this section were it not for the exemption granted by that 28284  
resolution. For purposes of division (B) of this section, 28285  
"improvements" do not include any property used or to be used for 28286  
residential purposes. 28287

(3) "Housing renovation" means a project carried out for 28288  
residential purposes. 28289

(4) "Incentive district" has the same meaning as in section 28290  
5709.40 of the Revised Code, except that a blighted area is in the 28291  
unincorporated area of a township. 28292

(5) "Project" and "public infrastructure improvement" have 28293  
the same meanings as in section 5709.40 of the Revised Code. 28294

(B) A board of township trustees may, by unanimous vote, 28295  
adopt a resolution that declares to be a public purpose any public 28296  
infrastructure improvements made that are necessary for the 28297  
development of certain parcels of land located in the 28298  
unincorporated area of the township. ~~Except as otherwise provided~~ 28299  
~~in~~ with the approval under division (D) of this section of the 28300

board of education of each city, local, or exempted village school 28301  
district within which the improvements are located, the resolution 28302  
may exempt from real property taxation not more than seventy-five 28303  
per cent of further improvements to a parcel of land that directly 28304  
benefits from the public infrastructure improvements, for a period 28305  
of not more than ten years. The resolution shall specify the 28306  
percentage of the further improvements to be exempted and the life 28307  
of the exemption. 28308

(C)(1) A board of township trustees may adopt, by unanimous 28309  
vote, a resolution creating an incentive district and declaring 28310  
improvements to parcels within the district to be a public purpose 28311  
and, except as provided in division (F) of this section, exempt 28312  
from taxation as provided in this section, but no board of 28313  
township trustees of a township that has a population that exceeds 28314  
twenty-five thousand, as shown by the most recent federal 28315  
decennial census, shall adopt a resolution that creates an 28316  
incentive district if, ~~as a result of adopting the resolution,~~ 28317  
~~more than~~ the sum of the taxable value of real property in the 28318  
proposed district for the preceding tax year and the taxable value 28319  
of all real property in the township that would have been taxable 28320  
in the preceding year were it not for the fact that the property 28321  
was in an existing incentive district and therefore exempt from 28322  
taxation exceeds twenty-five per cent of the ~~township's taxable~~ 28323  
~~value, as of the first day of January of the year in which the~~ 28324  
~~resolution takes effect, is subject to exemption because of an~~ 28325  
~~incentive district. The twenty five per cent limitation does not~~ 28326  
~~apply to an incentive district that was created by a resolution~~ 28327  
~~adopted prior to January 1, 2006, unless the board creates an~~ 28328  
~~additional incentive district after that date~~ taxable value of 28329  
real property in the township for the preceding tax year. The 28330  
district shall be located within the unincorporated area of the 28331  
township and shall not include any territory that is included 28332  
within a district created under division (B) of section 5709.78 of 28333

the Revised Code. The resolution shall delineate the boundary of 28334  
the district and specifically identify each parcel within the 28335  
district. A district may not include any parcel that is or has 28336  
been exempted from taxation under division (B) of this section or 28337  
that is or has been within another district created under this 28338  
division. A resolution may create more than one district, and more 28339  
than one resolution may be adopted under division (C)(1) of this 28340  
section. 28341

(2) Not later than thirty days prior to adopting a resolution 28342  
under division (C)(1) of this section, if the township intends to 28343  
apply for exemptions from taxation under section 5709.911 of the 28344  
Revised Code on behalf of owners of real property located within 28345  
the proposed incentive district, the board shall conduct a public 28346  
hearing on the proposed resolution. Not later than thirty days 28347  
prior to the public hearing, the board shall give notice of the 28348  
public hearing and the proposed resolution by first class mail to 28349  
every real property owner whose property is located within the 28350  
boundaries of the proposed incentive district that is the subject 28351  
of the proposed resolution. 28352

(3)(a) A resolution adopted under division (C)(1) of this 28353  
section shall specify the life of the incentive district and the 28354  
percentage of the improvements to be exempted, shall designate the 28355  
public infrastructure improvements made, to be made, or in the 28356  
process of being made, that benefit or serve, or, once made, will 28357  
benefit or serve parcels in the district. The resolution also 28358  
shall identify one or more specific projects being, or to be, 28359  
undertaken in the district that place additional demand on the 28360  
public infrastructure improvements designated in the resolution. 28361  
The project identified may, but need not be, the project under 28362  
division (C)(3)(b) of this section that places real property in 28363  
use for commercial or industrial purposes. 28364

A resolution adopted under division (C)(1) of this section on 28365

or after the effective date of this amendment shall not designate 28366  
police or fire equipment as public infrastructure improvements, 28367  
and no service payment provided for in section 5709.74 of the 28368  
Revised Code and received by the township under the resolution 28369  
shall be used for police or fire equipment. 28370

(b) A resolution adopted under division (C)(1) of this 28371  
section may authorize the use of service payments provided for in 28372  
section 5709.74 of the Revised Code for the purpose of housing 28373  
renovations within the incentive district, provided that the 28374  
resolution also designates public infrastructure improvements that 28375  
benefit or serve the district, and that a project within the 28376  
district places real property in use for commercial or industrial 28377  
purposes. Service payments may be used to finance or support 28378  
loans, deferred loans, and grants to persons for the purpose of 28379  
housing renovations within the district. The resolution shall 28380  
designate the parcels within the district that are eligible for 28381  
housing renovations. The resolution shall state separately the 28382  
amount or the percentages of the expected aggregate service 28383  
payments that are designated for each public infrastructure 28384  
improvement and for the purpose of housing renovations. 28385

(4) Except with the approval of the board of education of 28386  
each city, local, or exempted village school district within the 28387  
territory of which the incentive district is or will be located, 28388  
and subject to division (E) of this section, the life of an 28389  
incentive district shall not exceed ten years, and the percentage 28390  
of improvements to be exempted shall not exceed seventy-five per 28391  
cent. With approval of the board of education, the life of a 28392  
district may be not more than thirty years, and the percentage of 28393  
improvements to be exempted may be not more than one hundred per 28394  
cent. The approval 28395

~~(5) Approval~~ of a board of education shall be obtained in the 28396  
manner provided in division (D) of this section ~~for exemptions~~ 28397

~~under division (B) of this section, except that the notice to the board of education shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the board of township trustees intends to adopt the resolution.~~

(D) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (C) of this section, for up to ten years or, with the approval of the board of education of the city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvements exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting a resolution under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the board of township trustees shall deliver to the board of education a notice stating its intent to adopt a resolution making that declaration. The notice regarding improvements with respect to a parcel under division (B) of this section shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvements that would be exempted, and indicate the date on which the board of township trustees intends to adopt the resolution. The notice regarding improvements made under division (C) of this section to parcels within an incentive district shall delineate the boundaries of the district, specifically identify

each parcel within the district, identify each anticipated 28431  
improvement in the district, provide an estimate of the true value 28432  
in money of each such improvement, specify the life of the 28433  
district and the percentage of improvements that would be 28434  
exempted, and indicate the date on which the board of township 28435  
trustees intends to adopt the resolution. The board of education, 28436  
by resolution adopted by a majority of the board, may approve the 28437  
exemption for the period or for the exemption percentage specified 28438  
in the notice; i may disapprove the exemption for the number of 28439  
years in excess of ten, may disapprove the exemption for the 28440  
percentage of the improvements to be exempted in excess of 28441  
seventy-five per cent, or both; i or may approve the exemption on 28442  
the condition that the board of township trustees and the board of 28443  
education negotiate an agreement providing for compensation to the 28444  
school district equal in value to a percentage of the amount of 28445  
taxes exempted in the eleventh and subsequent years of the 28446  
exemption period or, in the case of exemption percentages in 28447  
excess of seventy-five per cent, compensation equal in value to a 28448  
percentage of the taxes that would be payable on the portion of 28449  
the improvements in excess of seventy-five per cent were that 28450  
portion to be subject to taxation, or other mutually agreeable 28451  
compensation. ~~The~~ 28452

The board of education shall certify its resolution to the 28453  
board of township trustees not later than fourteen days prior to 28454  
the date the board of township trustees intends to adopt the 28455  
resolution as indicated in the notice. If the board of education 28456  
and the board of township trustees negotiate a mutually acceptable 28457  
compensation agreement, the resolution may declare the 28458  
improvements a public purpose for the number of years specified in 28459  
the resolution or, in the case of exemption percentages in excess 28460  
of seventy-five per cent, for the exemption percentage specified 28461  
in the resolution. In either case, if the board of education and 28462  
the board of township trustees fail to negotiate a mutually 28463

acceptable compensation agreement, the resolution may declare the 28464  
improvements a public purpose for not more than ten years, ~~but~~ and 28465  
shall not exempt more than seventy-five per cent of the 28466  
improvements from taxation. If the board of education fails to 28467  
certify a resolution to the board of township trustees within the 28468  
time prescribed by this section, the board of township trustees 28469  
thereupon may adopt the resolution and may declare the 28470  
improvements a public purpose for up to thirty years or, in the 28471  
case of exemption percentages proposed in excess of seventy-five 28472  
per cent, for the exemption percentage specified in the 28473  
resolution. The board of township trustees may adopt the 28474  
resolution at any time after the board of education certifies its 28475  
resolution approving the exemption to the board of township 28476  
trustees, or, if the board of education approves the exemption on 28477  
the condition that a mutually acceptable compensation agreement be 28478  
negotiated, at any time after the compensation agreement is agreed 28479  
to by the board of education and the board of township trustees. 28480

If a board of education has adopted a resolution waiving its 28481  
right to approve exemptions from taxation under this section and 28482  
the resolution remains in effect, approval of such exemptions by 28483  
the board of education is not required under ~~this~~ division (D) of 28484  
this section. If a board of education has adopted a resolution 28485  
allowing a board of township trustees to deliver the notice 28486  
required under ~~this~~ division (D) of this section fewer than 28487  
forty-five business days prior to adoption of the resolution by 28488  
the board of township trustees, the board of township trustees 28489  
shall deliver the notice to the board of education not later than 28490  
the number of days prior to the adoption as prescribed by the 28491  
board of education in its resolution. If a board of education 28492  
adopts a resolution waiving its right to approve exemptions or 28493  
shortening the notification period, the board of education shall 28494  
certify a copy of the resolution to the board of township 28495  
trustees. If the board of education rescinds the resolution, it 28496

shall certify notice of the rescission to the board of township trustees. 28497  
28498

If the board of township trustees is not required by ~~this~~ 28499  
division (D) of this section to notify the board of education of 28500  
the board of township trustees' intent to declare improvements to 28501  
be a public purpose, the board of township trustees shall comply 28502  
with the notice requirements imposed under section 5709.83 of the 28503  
Revised Code before taking formal action to adopt the resolution 28504  
making that declaration, unless the board of education has adopted 28505  
a resolution under that section waiving its right to receive the 28506  
notice. 28507

(E)(1) If a proposed resolution under division (C)(1) of this 28508  
section exempts improvements with respect to a parcel within an 28509  
incentive district for more than ten years, or the percentage of 28510  
the improvement exempted from taxation exceeds seventy-five per 28511  
cent, not later than forty-five business days prior to adopting 28512  
the ~~ordinance~~ resolution the board of township trustees shall 28513  
deliver to the board of county commissioners of the county within 28514  
which the incentive district is or will be located a notice that 28515  
states its intent to adopt a resolution creating an incentive 28516  
district. The notice shall include a copy of the proposed 28517  
resolution, identify the parcels for which improvements are to be 28518  
exempted from taxation, provide an estimate of the true value in 28519  
money of the improvements, specify the period of time for which 28520  
the improvements would be exempted from taxation, specify the 28521  
percentage of the improvements that would be exempted from 28522  
taxation, and indicate the date on which the board of township 28523  
trustees intends to adopt the resolution. 28524

(2) The board of county commissioners, by resolution adopted 28525  
by a majority of the board, may object to the exemption for the 28526  
number of years in excess of ten, may object to the exemption for 28527  
the percentage of the improvement to be exempted in excess of 28528

seventy-five per cent, or both, ~~or may accept either or both~~ 28529  
~~exemptions~~. If the board of county commissioners objects, the 28530  
board may negotiate ~~an~~ a mutually acceptable compensation 28531  
agreement with the board of township trustees ~~that provides~~. In no 28532  
case shall the compensation provided to the board of county 28533  
commissioners exceed the property taxes foregone due to the 28534  
exemption. If the board of county commissioners objects, and the 28535  
board of county commissioners and board of township trustees fail 28536  
to negotiate a mutually acceptable compensation agreement, the 28537  
resolution adopted under division (C)(1) of this section shall 28538  
provide to the board of county commissioners compensation in the 28539  
eleventh and subsequent years of the exemption period ~~compensation~~ 28540  
equal in value to not more than fifty per cent of the taxes that 28541  
would be payable to the county or, if the board of county 28542  
commissioner's objection includes an objection to an exemption 28543  
percentage in excess of seventy-five per cent, compensation equal 28544  
in value to not more than fifty per cent of the taxes that would 28545  
be payable to the county, on the portion of the improvement in 28546  
excess of seventy-five per cent, were that portion to be subject 28547  
to taxation. The board of county commissioners shall certify its 28548  
resolution to the board of township trustees not later than thirty 28549  
days after receipt of the notice. 28550

(3) If the board of county commissioners does not object or 28551  
fails to certify its resolution objecting to an exemption within 28552  
thirty days after receipt of the notice, the board of township 28553  
trustees may adopt its resolution, and no compensation shall be 28554  
provided to the board of county commissioners. If the board of 28555  
county commissioners timely certifies its resolution objecting to 28556  
the trustees' resolution, the board of township trustees may adopt 28557  
its resolution at any time after ~~the~~ a mutually acceptable 28558  
compensation agreement is agreed to by the board of county 28559  
commissioners and the board of township trustees, or, if no 28560

compensation agreement is negotiated, at any time after the board 28561  
of township trustees agrees in the proposed resolution to provide 28562  
compensation to the board of county commissioners of fifty per 28563  
cent of the taxes that would be payable to the county in the 28564  
eleventh and subsequent years of the exemption period or on the 28565  
portion of the improvement in excess of seventy-five per cent, 28566  
were that portion to be subject to taxation. 28567

(F) ~~Any of the following property tax levies that are enacted~~ 28568  
Service payments in lieu of taxes that are attributable to any 28569  
amount by which the effective tax rate of either a renewal levy 28570  
with an increase or a replacement levy exceeds the effective tax 28571  
rate of the levy renewed or replaced, or that are attributable to 28572  
an additional levy, for a levy authorized by the voters for any of 28573  
the following purposes on or after January 1, 2006, and ~~after the~~ 28574  
~~date an ordinance~~ which are provided pursuant to a resolution 28575  
creating an incentive district under division (C)(1) of this 28576  
section that is adopted on or after January 1, 2006, ~~under~~ 28577  
~~division (C)(1) of this section~~ shall be levied on property that 28578  
~~was exempted from taxation~~ distributed to the appropriate taxing 28579  
authority as required under division (C) of section 5709.74 of the 28580  
Revised Code in an amount equal to the amount of taxes from that 28581  
additional levy or from the increase in the effective tax rate of 28582  
such renewal or replacement levy that would have been payable to 28583  
that taxing authority from the following levies were it not for 28584  
the exemption authorized under division (C) of this section ~~and~~ 28585  
~~revenues collected from such levies shall not be used to provide~~ 28586  
~~service payments under this section:~~ 28587

(1) A tax levied under division (L) of section 5705.19 or 28588  
section 5705.191 of the Revised Code for community mental 28589  
retardation and developmental disabilities programs and services 28590  
pursuant to Chapter 5126. of the Revised Code; 28591

(2) A tax levied under division (Y) of section 5705.19 of the 28592

Revised Code for providing or maintaining senior citizens services	28593
or facilities;	28594
(3) A tax levied under section 5705.22 of the Revised Code	28595
for county hospitals;	28596
(4) A tax levied <u>by a joint-county district or by a county</u>	28597
under section <u>5705.19, 5705.191, or 5705.221</u> of the Revised Code	28598
for alcohol, drug addiction, and mental health services <u>or</u>	28599
<u>families;</u>	28600
(5) A tax levied under section 5705.23 of the Revised Code	28601
for library purposes;	28602
(6) A tax levied under section 5705.24 of the Revised Code	28603
for the support of children services and the placement and care of	28604
children;	28605
<u>(7) A tax levied under division (Z) of section 5705.19 of the</u>	28606
<u>Revised Code for the provision and maintenance of zoological park</u>	28607
<u>services and facilities under section 307.76 of the Revised Code;</u>	28608
<u>(8) A tax levied under section 511.27 or division (H) of</u>	28609
<u>section 5705.19 of the Revised Code for the support of township</u>	28610
<u>park districts;</u>	28611
<u>(9) A tax levied under division (A), (F), or (H) of section</u>	28612
<u>5705.19 of the Revised Code for parks and recreational purposes of</u>	28613
<u>a joint recreation district organized pursuant to division (B) of</u>	28614
<u>section 755.14 of the Revised Code;</u>	28615
<u>(10) A tax levied under section 1545.20 or 1545.21 of the</u>	28616
<u>Revised Code for park district purposes;</u>	28617
<u>(11) A tax levied under section 5705.191 of the Revised Code</u>	28618
<u>for the purpose of making appropriations for public assistance;</u>	28619
<u>human or social services; public relief; public welfare; public</u>	28620
<u>health and hospitalization; and support of general hospitals;</u>	28621
<u>(12) A tax levied under section 3709.29 of the Revised Code</u>	28622

for a general health district program. 28623

(G) An exemption from taxation granted under this section 28624  
commences with the tax year specified in the resolution ~~that~~ 28625  
~~begins~~ so long as the year specified in the resolution commences 28626  
after the effective date of the resolution. If the resolution 28627  
specifies a year commencing before the effective date of the 28628  
resolution or specifies no year whatsoever, the exemption 28629  
commences with the tax year in which an exempted improvement first 28630  
appears on the tax list and duplicate of real and public utility 28631  
property and that commences after the effective date of the 28632  
resolution. Except as otherwise provided in this division, the 28633  
exemption ends on the date specified in the resolution as the date 28634  
the improvement ceases to be a public purpose or the incentive 28635  
district expires, or ends on the date on which the public 28636  
infrastructure improvements and housing renovations are paid in 28637  
full from the township public improvement tax increment equivalent 28638  
fund established under section 5709.75 of the Revised Code, 28639  
whichever occurs first. The exemption of an improvement with 28640  
respect to a parcel or within an incentive district may end on a 28641  
later date, as specified in the resolution, if the board of 28642  
township trustees and the board of education of the city, local, 28643  
or exempted village school district within which the parcel or 28644  
district is located have entered into a compensation agreement 28645  
under section 5709.82 of the Revised Code with respect to the 28646  
improvement ~~or district~~ and the board of education has approved 28647  
the term of the exemption under division (D) of this section, but 28648  
in no case shall the improvement be exempted from taxation for 28649  
more than thirty years. The board of township trustees may, by 28650  
majority vote, adopt a resolution permitting the township to enter 28651  
into such agreements as the board finds necessary or appropriate 28652  
to provide for the construction or undertaking of public 28653  
infrastructure improvements and housing renovations. Any exemption 28654

shall be claimed and allowed in the same or a similar manner as in 28655  
the case of other real property exemptions. If an exemption status 28656  
changes during a tax year, the procedure for the apportionment of 28657  
the taxes for that year is the same as in the case of other 28658  
changes in tax exemption status during the year. 28659

(H) The board of township trustees may issue the notes of the 28660  
township to finance all costs pertaining to the construction or 28661  
undertaking of public infrastructure improvements and housing 28662  
renovations made pursuant to this section. The notes shall be 28663  
signed by the board and attested by the signature of the township 28664  
fiscal officer, shall bear interest not to exceed the rate 28665  
provided in section 9.95 of the Revised Code, and are not subject 28666  
to Chapter 133. of the Revised Code. The resolution authorizing 28667  
the issuance of the notes shall pledge the funds of the township 28668  
public improvement tax increment equivalent fund established 28669  
pursuant to section 5709.75 of the Revised Code to pay the 28670  
interest on and principal of the notes. The notes, which may 28671  
contain a clause permitting prepayment at the option of the board, 28672  
shall be offered for sale on the open market or given to the 28673  
vendor or contractor if no sale is made. 28674

(I) The township, not later than fifteen days after the 28675  
adoption of a resolution under this section, shall submit to the 28676  
director of development a copy of the resolution. On or before the 28677  
thirty-first day of March of each year, the township shall submit 28678  
a status report to the director of development. The report shall 28679  
indicate, in the manner prescribed by the director, the progress 28680  
of the project during each year that the exemption remains in 28681  
effect, including a summary of the receipts from service payments 28682  
in lieu of taxes; expenditures of money from ~~funds~~ the fund 28683  
created under section 5709.75 of the Revised Code; a description 28684  
of the public infrastructure improvements and housing renovations 28685  
financed with the expenditures; and a quantitative summary of 28686

changes in private investment resulting from each project. 28687

(J) Nothing in this section shall be construed to prohibit a 28688  
board of township trustees from declaring to be a public purpose 28689  
improvements with respect to more than one parcel. 28690

(K) A board of township trustees that adopted a resolution 28691  
under this section prior to July 21, 1994, may amend that 28692  
resolution to include any additional public infrastructure 28693  
improvement. A board of township trustees that seeks by the 28694  
amendment to utilize money from its township public improvement 28695  
tax increment equivalent fund for land acquisition in aid of 28696  
industry, commerce, distribution, or research, demolition on 28697  
private property, or stormwater and flood remediation projects may 28698  
do so provided that the board currently is a party to a 28699  
hold-harmless agreement with the board of education of the city, 28700  
local, or exempted village school district within the territory of 28701  
which are located the parcels that are subject to an exemption. 28702  
For the purposes of this division, a "hold-harmless agreement" 28703  
means an agreement under which the board of township trustees 28704  
agrees to compensate the school district for one hundred per cent 28705  
of the tax revenue that the school district would have received 28706  
from further improvements to parcels designated in the resolution 28707  
were it not for the exemption granted by the resolution. 28708

**Sec. 5709.74.** (A) A township that has declared an improvement 28709  
to be a public purpose under section 5709.73 of the Revised Code 28710  
may require the owner of the parcel to make annual service 28711  
payments in lieu of taxes to the county treasurer on or before the 28712  
final dates for payment of real property taxes. Each payment shall 28713  
be charged and collected in the same manner and in the same amount 28714  
as the real property taxes that would have been charged and 28715  
payable against any improvement made on the parcel if it were not 28716  
exempt from taxation. If any reduction in the levies otherwise 28717

applicable to the exempt property is made by the county budget 28718  
commission under section 5705.31 of the Revised Code, the amount 28719  
of the service payment in lieu of taxes shall be calculated as if 28720  
a reduction in levies had not been made. A township shall not 28721  
require an owner to make annual service payments in lieu of taxes 28722  
pursuant to this section after the date on which the township has 28723  
been paid back in full for the public infrastructure improvements 28724  
made pursuant to sections 5709.73 to 5709.75 of the Revised Code. 28725  
28726

(B) Moneys collected as service payments in lieu of taxes 28727  
shall be distributed at the same time and in the same manner as 28728  
real property tax payments. However, subject to division (C) of 28729  
this section or section 5709.913 of the Revised Code, the entire 28730  
amount so collected shall be distributed to the township in which 28731  
the improvement is located. If a parcel upon which moneys are 28732  
collected as service payments in lieu of taxes is annexed to a 28733  
municipal corporation, the service payments shall continue to be 28734  
collected and distributed to the township in which the parcel was 28735  
located before its annexation until the township is paid back in 28736  
full for the cost of any public infrastructure improvements it 28737  
made on the parcel. The treasurer shall maintain a record of the 28738  
service payments in lieu of taxes made from property in each 28739  
township. 28740

(C) If annual service payments in lieu of taxes are required 28741  
under this section, the county treasurer shall distribute to the 28742  
appropriate taxing authorities the portion of the service payments 28743  
that represent payments required under division (F) of section 28744  
5709.73 of the Revised Code. 28745

(D) Nothing in this section or section 5709.73 of the Revised 28746  
Code affects the taxes levied against that portion of the value of 28747  
any parcel of property that is not exempt from taxation. 28748

Sec. 5709.75. (A) Any township that receives service payments 28749  
in lieu of taxes under section 5709.74 of the Revised Code shall 28750  
establish a township public improvement tax increment equivalent 28751  
fund into which those payments shall be deposited. If the board of 28752  
township trustees has adopted a resolution under division (C) of 28753  
section 5709.73 of the Revised Code, the township shall establish 28754  
at least one account in that fund with respect to resolutions 28755  
adopted under division (B) of that section, and one account with 28756  
respect to each incentive district created by a resolution adopted 28757  
under division (C) of that section. If a resolution adopted under 28758  
division (C) of section 5709.73 of the Revised Code also 28759  
authorizes the use of service payments for housing renovations 28760  
within the incentive district, the township shall establish 28761  
separate accounts for the service payments designated for public 28762  
infrastructure improvements and for the service payments 28763  
authorized for the purpose of housing renovations. 28764

(B) Except as otherwise provided in division (C) or (D) of 28765  
this section, money deposited in an account of the township public 28766  
improvement tax increment equivalent fund shall be used by the 28767  
township to pay the costs of public infrastructure improvements 28768  
designated in or the housing renovations authorized by the 28769  
resolution with respect to which the account is established, 28770  
including any interest on and principal of the notes; in the case 28771  
of an account established with respect to a resolution adopted 28772  
under division (C) of that section, money in the account shall be 28773  
used to finance the public infrastructure improvements designated, 28774  
or the housing renovations authorized, for each incentive district 28775  
created in the resolution. Money in an account shall not be used 28776  
to finance or support housing renovations that take place after 28777  
the incentive district has expired. 28778

(C)(1)(a) A township may ~~also~~ distribute money in such an 28779

account to any school district in which the exempt property is 28780  
located in an amount not to exceed the amount of real property 28781  
taxes that such school district would have received from the 28782  
improvement if it were not exempt from taxation. The resolution 28783  
establishing the fund shall set forth the percentage of such 28784  
maximum amount that will be distributed to any affected school 28785  
district. 28786

(b) A township also may distribute money in such an account 28787  
as follows: 28788

(i) To a board of county commissioners, in the amount that is 28789  
owed to the board pursuant to division (E) of section 5709.73 of 28790  
the Revised Code; 28791

(ii) To a county in accordance with section 5709.913 of the 28792  
Revised Code. 28793

(2) Money from an account in a township public improvement 28794  
tax increment equivalent fund may be distributed under division 28795  
(C)(1)(b) of this section, regardless of the date a resolution was 28796  
adopted under section 5709.73 of the Revised Code that prompted 28797  
the establishment of the account, even if the resolution was 28798  
adopted prior to the effective date of this amendment. 28799

(D) On or before January 1, 2007, a board of township 28800  
trustees that adopted a resolution under division (B) of section 28801  
5709.73 of the Revised Code before January 1, 1995, and that, with 28802  
respect to property exempted under such a resolution, is party to 28803  
a hold-harmless agreement, may appropriate and expend unencumbered 28804  
money in the fund to pay current public safety expenses of the 28805  
township. A township appropriating and expending money under this 28806  
division shall reimburse the fund for the sum so appropriated and 28807  
expended not later than the day the exemption granted under the 28808  
resolution expires. For the purposes of this division, a 28809  
"hold-harmless agreement" is an agreement with the board of 28810

education of a city, local, or exempted village school district 28811  
under which the board of township trustees agrees to compensate 28812  
the school district for one hundred per cent of the tax revenue 28813  
the school district would have received from improvements to 28814  
parcels designated in the resolution were it not for the exemption 28815  
granted by the resolution. 28816

(E) Any incidental surplus remaining in the township public 28817  
improvement tax increment equivalent fund or an account of that 28818  
fund upon dissolution of the account or fund shall be transferred 28819  
to the general fund of the township. 28820

**Sec. 5709.78.** (A) A board of county commissioners may, by 28821  
resolution, declare improvements to certain parcels of real 28822  
property located in the unincorporated territory of the county to 28823  
be a public purpose. Except as otherwise provided in with the 28824  
approval under division (C) of this section of the board of 28825  
education of each city, local, or exempted village school district 28826  
within which the improvements are located, not more than 28827  
seventy-five per cent of an improvement thus declared to be a 28828  
public purpose may be exempted from real property taxation, for a 28829  
period of not more than ten years. The resolution shall specify 28830  
the percentage of the improvement to be exempted and the life of 28831  
the exemption. 28832

A resolution adopted under this division shall designate the 28833  
specific public infrastructure improvements made, to be made, or 28834  
in the process of being made by the county that directly benefit, 28835  
or that once made will directly benefit, the parcels for which 28836  
improvements are declared to be a public purpose. The service 28837  
payments provided for in section 5709.79 of the Revised Code shall 28838  
be used to finance the public infrastructure improvements 28839  
designated in the resolution, or as provided in section 5709.80 of 28840  
the Revised Code. 28841

(B)(1) A board of county commissioners may adopt a resolution 28842  
creating an incentive district and declaring improvements to 28843  
parcels within the district to be a public purpose and, except as 28844  
provided in division (E) of this section, exempt from taxation as 28845  
provided in this section, but no board of county commissioners of 28846  
a county that has a population that exceeds twenty-five thousand, 28847  
as shown by the most recent federal decennial census, shall adopt 28848  
a resolution that creates an incentive district if, ~~as a result of~~ 28849  
~~adopting the resolution, more than~~ the sum of the taxable value of 28850  
real property in the proposed district for the preceding tax year 28851  
and the taxable value of all real property in the county that 28852  
would have been taxable in the preceding year were it not for the 28853  
fact that the property was in an existing incentive district and 28854  
therefore exempt from taxation exceeds twenty-five per cent of the 28855  
county's taxable value, ~~as of the first day of January of the year~~ 28856  
~~in which the resolution takes effect, is subject to exemption~~ 28857  
~~because of an incentive district. The twenty five per cent~~ 28858  
~~limitation does not apply to an incentive district that was~~ 28859  
~~created by a resolution adopted prior to January 1, 2006, unless~~ 28860  
~~the board creates an additional incentive district after that date~~ 28861  
taxable value of real property in the county for the preceding tax 28862  
year. The district shall be located within the unincorporated 28863  
territory of the county and shall not include any territory that 28864  
is included within a district created under division (C) of 28865  
section 5709.73 of the Revised Code. The resolution shall 28866  
delineate the boundary of the district and specifically identify 28867  
each parcel within the district. A district may not include any 28868  
parcel that is or has been exempted from taxation under division 28869  
(A) of this section or that is or has been within another district 28870  
created under this division. A resolution may create more than one 28871  
such district, and more than one resolution may be adopted under 28872  
division (B)(1) of this section. 28873

(2) Not later than thirty days prior to adopting a resolution 28874  
under division (B)(1) of this section, if the county intends to 28875  
apply for exemptions from taxation under section 5709.911 of the 28876  
Revised Code on behalf of owners of real property located within 28877  
the proposed incentive district, the board of county commissioners 28878  
shall conduct a public hearing on the proposed resolution. Not 28879  
later than thirty days prior to the public hearing, the board 28880  
shall give notice of the public hearing and the proposed 28881  
resolution by first class mail to every real property owner whose 28882  
property is located within the boundaries of the proposed 28883  
incentive district that is the subject of the proposed resolution. 28884  
The board also shall provide the notice by first class mail to the 28885  
clerk of each township in which the proposed incentive district 28886  
will be located. 28887

(3)(a) A resolution adopted under division (B)(1) of this 28888  
section shall specify the life of the incentive district and the 28889  
percentage of the improvements to be exempted, shall designate the 28890  
public infrastructure improvements made, to be made, or in the 28891  
process of being made, that benefit or serve, or, once made, will 28892  
benefit or serve parcels in the district. The resolution also 28893  
shall identify one or more specific projects being, or to be, 28894  
undertaken in the district that place additional demand on the 28895  
public infrastructure improvements designated in the resolution. 28896  
The project identified may, but need not be, the project under 28897  
division (B)(3)(b) of this section that places real property in 28898  
use for commercial or industrial purposes. 28899

A resolution adopted under division (B)(1) of this section on 28900  
or after the effective date of this amendment shall not designate 28901  
police or fire equipment as public infrastructure improvements, 28902  
and no service payment provided for in section 5709.79 of the 28903  
Revised Code and received by the county under the resolution shall 28904  
be used for police or fire equipment. 28905

(b) A resolution adopted under division (B)(1) of this section may authorize the use of service payments provided for in section 5709.79 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. 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 resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the 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 (D) 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 (C) of this section ~~for exemptions under division (A) 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~~ 28938  
~~be exempted, and indicate the date on which the board of county~~ 28939  
~~commissioners intends to adopt the resolution.~~ 28940

(C)(1) Improvements with respect to a parcel may be exempted 28941  
from taxation under division (A) of this section, and improvements 28942  
to parcels within an incentive district may be exempted from 28943  
taxation under division (B) of this section, for up to ten years 28944  
or, with the approval of the board of education of the city, 28945  
local, or exempted village school district within which the parcel 28946  
or district is located, for up to thirty years. The percentage of 28947  
the improvements exempted from taxation may, with such approval, 28948  
exceed seventy-five per cent, but shall not exceed one hundred per 28949  
cent. Not later than forty-five business days prior to adopting a 28950  
resolution under this section declaring improvements to be a 28951  
public purpose that is subject to the approval of a board of 28952  
education under this division, the board of county commissioners 28953  
shall deliver to the board of education a notice stating its 28954  
intent to adopt a resolution making that declaration. The notice 28955  
regarding improvements with respect to a parcel under division (A) 28956  
of this section shall identify the parcels for which improvements 28957  
are to be exempted from taxation, provide an estimate of the true 28958  
value in money of the improvements, specify the period for which 28959  
the improvements would be exempted from taxation and the 28960  
percentage of the improvements that would be exempted, and 28961  
indicate the date on which the board of county commissioners 28962  
intends to adopt the resolution. The notice regarding improvements 28963  
to parcels within an incentive district under division (B) of this 28964  
section shall delineate the boundaries of the district, 28965  
specifically identify each parcel within the district, identify 28966  
each anticipated improvement in the district, provide an estimate 28967  
of the true value in money of each such improvement, specify the 28968  
life of the district and the percentage of improvements that would 28969  
be exempted, and indicate the date on which the board of county 28970

commissioners intends to adopt the resolution. The board of 28971  
education, by resolution adopted by a majority of the board, may 28972  
approve the exemption for the period or for the exemption 28973  
percentage specified in the notice<sup>7i</sup> may disapprove the exemption 28974  
for the number of years in excess of ten, may disapprove the 28975  
exemption for the percentage of the improvements to be exempted in 28976  
excess of seventy-five per cent, or both<sup>7i</sup> or may approve the 28977  
exemption on the condition that the board of county commissioners 28978  
and the board of education negotiate an agreement providing for 28979  
compensation to the school district equal in value to a percentage 28980  
of the amount of taxes exempted in the eleventh and subsequent 28981  
years of the exemption period or, in the case of exemption 28982  
percentages in excess of seventy-five per cent, compensation equal 28983  
in value to a percentage of the taxes that would be payable on the 28984  
portion of the improvements in excess of seventy-five per cent 28985  
were that portion to be subject to taxation, or other mutually 28986  
agreeable compensation. ~~The~~ 28987

(2) The board of education shall certify its resolution to 28988  
the board of county commissioners not later than fourteen days 28989  
prior to the date the board of county commissioners intends to 28990  
adopt its resolution as indicated in the notice. If the board of 28991  
education and the board of county commissioners negotiate a 28992  
mutually acceptable compensation agreement, the resolution of the 28993  
board of county commissioners may declare the improvements a 28994  
public purpose for the number of years specified in that 28995  
resolution or, in the case of exemption percentages in excess of 28996  
seventy-five per cent, for the exemption percentage specified in 28997  
the resolution. In either case, if the board of education and the 28998  
board of county commissioners fail to negotiate a mutually 28999  
acceptable compensation agreement, the resolution may declare the 29000  
improvements a public purpose for not more than ten years, ~~but~~ and 29001  
shall not exempt more than seventy-five per cent of the 29002  
improvements from taxation. If the board of education fails to 29003

certify a resolution to the board of county commissioners within 29004  
the time prescribed by this section, the board of county 29005  
commissioners thereupon may adopt the resolution and may declare 29006  
the improvements a public purpose for up to thirty years or, in 29007  
the case of exemption percentages proposed in excess of 29008  
seventy-five per cent, for the exemption percentage specified in 29009  
the resolution. The board of county commissioners may adopt the 29010  
resolution at any time after the board of education certifies its 29011  
resolution approving the exemption to the board of county 29012  
commissioners, or, if the board of education approves the 29013  
exemption on the condition that a mutually acceptable compensation 29014  
agreement be negotiated, at any time after the compensation 29015  
agreement is agreed to by the board of education and the board of 29016  
county commissioners. 29017

~~(2)~~(3) If a board of education has adopted a resolution 29018  
waiving its right to approve exemptions from taxation under this 29019  
section and the resolution remains in effect, approval of such 29020  
exemptions by the board of education is not required under 29021  
division (C)~~(1)~~ of this section. If a board of education has 29022  
adopted a resolution allowing a board of county commissioners to 29023  
deliver the notice required under division (C)~~(1)~~ of this section 29024  
fewer than forty-five business days prior to approval of the 29025  
resolution by the board of county commissioners, the board of 29026  
county commissioners shall deliver the notice to the board of 29027  
education not later than the number of days prior to such approval 29028  
as prescribed by the board of education in its resolution. If a 29029  
board of education adopts a resolution waiving its right to 29030  
approve exemptions or shortening the notification period, the 29031  
board of education shall certify a copy of the resolution to the 29032  
board of county commissioners. If the board of education rescinds 29033  
such a resolution, it shall certify notice of the rescission to 29034  
the board of county commissioners. 29035

(D)(1) If a proposed resolution under division (B)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ~~ordinance~~ resolution the board of county commissioners shall deliver to the board of township trustees of any township ~~or legislative authority of any municipal corporation~~ within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the board intends to adopt the resolution.

(2) The board of township trustees ~~or legislative authority of the municipal corporation, or both,~~ by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both, ~~or may accept either or both exemptions.~~ If the board of township trustees ~~or legislative authority, or both,~~ objects, the board of township trustees ~~or legislative authority~~ may negotiate an a mutually acceptable compensation agreement with the board of county commissioners ~~that provides.~~ In no case shall the compensation provided to the board of township trustees exceed the property taxes foregone due to the exemption. If the board of township trustees objects, and the board of township trustees and the board of county commissioners

fail to negotiate a mutually acceptable compensation agreement, 29068  
the resolution adopted under division (B)(1) of this section shall 29069  
provide to the board of township trustees ~~or legislative~~ 29070  
authority, ~~or both,~~ compensation in the eleventh and subsequent 29071  
years of the exemption period ~~compensation~~ equal in value to not 29072  
more than fifty per cent of the taxes that would be payable to the 29073  
township ~~or municipal corporation~~ or, if the board of township 29074  
trustee's objection includes an objection to an exemption 29075  
percentage in excess of seventy-five per cent, compensation equal 29076  
in value to not more than fifty per cent of the taxes that would 29077  
be payable to the township on the portion of the improvement in 29078  
excess of seventy-five per cent, were that portion to be subject 29079  
to taxation. The board of township trustees ~~and legislative~~ 29080  
~~authority~~ shall certify its resolution to the board of county 29081  
commissioners not later than thirty days after receipt of the 29082  
notice. 29083

(3) If the board of township trustees ~~and the legislative~~ 29084  
~~authority of the municipal corporation~~ does not object or fails to 29085  
certify a resolution objecting to an exemption within thirty days 29086  
after receipt of the notice, the board of county commissioners may 29087  
adopt its resolution, and no compensation shall be provided to the 29088  
board of township trustees ~~or legislative authority~~. If ~~both~~ the 29089  
board of township trustees ~~or legislative authority of the~~ 29090  
~~municipal corporation certify resolutions~~ certifies its resolution 29091  
objecting to the commissioners' resolution, the board of county 29092  
commissioners may adopt its resolution at any time after ~~both a~~ 29093  
mutually acceptable compensation agreements are agreement is 29094  
agreed to by the board of county commissioners and the ~~respective~~ 29095  
~~party to the agreement~~ board of township trustees. If ~~either~~ the 29096  
board of township trustees ~~or legislative authority of the~~ 29097  
~~municipal corporation certify~~ certifies a resolution objecting to 29098  
the commissioners' resolution, the board of county commissioners 29099  
may adopt its resolution at any time after ~~the a mutually~~ 29100

acceptable compensation agreement is agreed to by the board of 29101  
county commissioners and the board ~~or legislative authority of~~ 29102  
township trustees, or, if no compensation agreement is negotiated, 29103  
at any time after the board of county commissioners ~~agrees in the~~ 29104  
proposed resolution to provide compensation to the board of 29105  
township trustees ~~or legislative authority, or to both,~~ of fifty 29106  
per cent of the taxes that would be payable to the township ~~or~~ 29107  
~~municipal corporation~~ in the eleventh and subsequent years of the 29108  
exemption period or on the portion of the improvement in excess of 29109  
seventy-five per cent, were that portion to be subject to 29110  
taxation. 29111

(E) ~~Any of the following property tax levies that are enacted~~ 29112  
Service payments in lieu of taxes that are attributable to any 29113  
amount by which the effective tax rate of either a renewal levy 29114  
with an increase or a replacement levy exceeds the effective tax 29115  
rate of the levy renewed or replaced, or that are attributable to 29116  
an additional levy, for a levy authorized by the voters for any of 29117  
the following purposes on or after January 1, 2006, and ~~after the~~ 29118  
~~date an ordinance~~ which are provided pursuant to a resolution 29119  
creating an incentive district under division (B)(1) of this 29120  
section that is adopted on or after January 1, 2006, ~~under~~ 29121  
~~division (C)(1) of this section~~ shall be levied on property that 29122  
~~was exempted from taxation~~ distributed to the appropriate taxing 29123  
authority as required under division (D) of section 5709.79 of the 29124  
Revised Code in an amount equal to the amount of taxes from that 29125  
additional levy or from the increase in the effective tax rate of 29126  
such renewal or replacement levy that would have been payable to 29127  
that taxing authority from the following levies were it not for 29128  
the exemption authorized under division ~~(C)(B)~~ of this section ~~and~~ 29129  
~~revenues collected from such levies shall not be used to provide~~ 29130  
~~service payments under this section:~~ 29131

(1) A tax levied under division (L) of section 5705.19 or 29132

<u>section 5705.191</u> of the Revised Code for community mental	29133
retardation and developmental disabilities programs and services	29134
pursuant to Chapter 5126. of the Revised Code;	29135
(2) A tax levied under division (Y) of section 5705.19 of the	29136
Revised Code for providing or maintaining senior citizens services	29137
or facilities;	29138
(3) A tax levied under section 5705.22 of the Revised Code	29139
for county hospitals;	29140
(4) A tax levied <u>by a joint-county district or by a county</u>	29141
under section <u>5705.19, 5705.191, or 5705.221</u> of the Revised Code	29142
for alcohol, drug addiction, and mental health services <u>or</u>	29143
<u>facilities;</u>	29144
(5) A tax levied under section 5705.23 of the Revised Code	29145
for library purposes;	29146
(6) A tax levied under section 5705.24 of the Revised Code	29147
for the support of children services and the placement and care of	29148
children;	29149
<u>(7) A tax levied under division (Z) of section 5705.19 of the</u>	29150
<u>Revised Code for the provision and maintenance of zoological park</u>	29151
<u>services and facilities under section 307.76 of the Revised Code;</u>	29152
<u>(8) A tax levied under section 511.27 or division (H) of</u>	29153
<u>section 5705.19 of the Revised Code for the support of township</u>	29154
<u>park districts;</u>	29155
<u>(9) A tax levied under division (A), (F), or (H) of section</u>	29156
<u>5705.19 of the Revised Code for parks and recreational purposes of</u>	29157
<u>a joint recreation district organized pursuant to division (B) of</u>	29158
<u>section 755.14 of the Revised Code;</u>	29159
<u>(10) A tax levied under section 1545.20 or 1545.21 of the</u>	29160
<u>Revised Code for park district purposes;</u>	29161
<u>(11) A tax levied under section 5705.191 of the Revised Code</u>	29162

for the purpose of making appropriations for public assistance; 29163  
human or social services; public relief; public welfare; public 29164  
health and hospitalization; and support of general hospitals; 29165

(12) A tax levied under section 3709.29 of the Revised Code 29166  
for a general health district program. 29167

(F) An exemption from taxation granted under this section 29168  
commences with the tax year specified in the resolution ~~that~~ 29169  
~~begins~~ so long as the year specified in the resolution commences 29170  
after the effective date of the resolution. If the resolution 29171  
specifies a year commencing before the effective date of the 29172  
resolution or specifies no year whatsoever, the exemption 29173  
commences with the tax year in which an exempted improvement first 29174  
appears on the tax list and duplicate of real and public utility 29175  
property and that commences after the effective date of the 29176  
resolution. Except as otherwise provided in this division, the 29177  
exemption ends on the date specified in the resolution as the date 29178  
the improvement ceases to be a public purpose or the incentive 29179  
district expires, or ends on the date on which the county can no 29180  
longer require annual service payments in lieu of taxes under 29181  
section 5709.79 of the Revised Code, whichever occurs first. The 29182  
exemption of an improvement with respect to a parcel or within an 29183  
incentive district may end on a later date, as specified in the 29184  
resolution, if the board of commissioners and the board of 29185  
education of the city, local, or exempted village school district 29186  
within which the parcel or district is located have entered into a 29187  
compensation agreement under section 5709.82 of the Revised Code 29188  
with respect to the improvement ~~or district,~~ and the board of 29189  
education has approved the term of the exemption under division 29190  
(C)(1) of this section, but in no case shall the improvement be 29191  
exempted from taxation for more than thirty years. Exemptions 29192  
shall be claimed and allowed in the same or a similar manner as in 29193  
the case of other real property exemptions. If an exemption status 29194

changes during a tax year, the procedure for the apportionment of 29195  
the taxes for that year is the same as in the case of other 29196  
changes in tax exemption status during the year. 29197

(G) If the board of county commissioners is not required by 29198  
this section to notify the board of education of the board of 29199  
county commissioners' intent to declare improvements to be a 29200  
public purpose, the board of county commissioners shall comply 29201  
with the notice requirements imposed under section 5709.83 of the 29202  
Revised Code before taking formal action to adopt the resolution 29203  
making that declaration, unless the board of education has adopted 29204  
a resolution under that section waiving its right to receive such 29205  
a notice. 29206

(H) The county, not later than fifteen days after the 29207  
adoption of a resolution under this section, shall submit to the 29208  
director of development a copy of the resolution. On or before the 29209  
thirty-first day of March of each year, the county shall submit a 29210  
status report to the director of development. The report shall 29211  
indicate, in the manner prescribed by the director, the progress 29212  
of the project during each year that an exemption remains in 29213  
effect, including a summary of the receipts from service payments 29214  
in lieu of taxes; expenditures of money from ~~funds~~ the fund 29215  
created under section ~~5709.75~~ 5709.80 of the Revised Code; a 29216  
description of the public infrastructure improvements and housing 29217  
renovations financed with such expenditures; and a quantitative 29218  
summary of changes in employment and private investment resulting 29219  
from each project. 29220

(I) Nothing in this section shall be construed to prohibit a 29221  
board of county commissioners from declaring to be a public 29222  
purpose improvements with respect to more than one parcel. 29223

**Sec. 5709.79.** (A) A board of county commissioners that adopts 29224  
a resolution under section 5709.78 of the Revised Code shall in 29225

the resolution require that the owner of the improvement make 29226  
annual service payments in lieu of taxes to the county treasurer 29227  
on or before the final dates for payment of real property taxes. 29228  
Each such payment shall be charged and collected in the same 29229  
manner and in the same amount as the real property taxes that 29230  
would have been charged and payable against the improvement if its 29231  
value were not exempt from taxation. If any reduction in the 29232  
levies otherwise applicable to the improvement is made by the 29233  
county budget commission under section 5705.31 of the Revised 29234  
Code, the amount of the service payment in lieu of taxes shall be 29235  
calculated as if the reduction in levies had not been made. 29236

29237

(B) The county shall not require the owner to make annual 29238  
service payments in lieu of taxes pursuant to this section after 29239  
the date on which one of the following occurs: 29240

~~(A)~~(1) If bonds or notes were not issued under section 29241  
307.082 or 5709.81 of the Revised Code for any public 29242  
infrastructure improvements benefiting the parcel on which the 29243  
improvement is located, or for any housing renovations within an 29244  
incentive district, and if service payments were not pledged 29245  
pursuant to division (B) of section 5709.81 of the Revised Code, 29246  
the date the county has collected sufficient money in the 29247  
applicable account of the redevelopment tax equivalent fund to pay 29248  
the cost of constructing or repairing the public infrastructure 29249  
improvements designated in, or the housing renovations authorized 29250  
by, the resolution adopted under section 5709.78 of the Revised 29251  
Code; 29252

~~(B)~~(2) If service payments were pledged under division (B) of 29253  
section 5709.81 of the Revised Code to secure payment of any 29254  
obligation issued to finance the public infrastructure improvement 29255  
and housing renovations, the date the purposes for which the 29256  
payments were pledged are paid in full; 29257

~~(C)~~(3) If bonds or notes were issued under section 307.082 or 5709.81 of the Revised Code, the date the interest on and principal of such bonds and notes have been paid in full.

(C) Money collected as service payments in lieu of taxes shall be distributed at the same time and in the same manner as real property tax payments. However, subject to division (D) of this section or section 5709.914 of the Revised Code, the entire amount so collected shall be distributed to the county in which the parcel is located. The county treasurer shall maintain a record of the service payments in lieu of taxes made for each parcel. If a parcel upon which moneys are collected as service payments in lieu of taxes is annexed to a municipal corporation, the service payments shall continue to be collected and distributed to the county until the date described in division ~~(A)~~, (B), ~~or (C)~~(1), (2), or (3) of this section.

(D) The county treasurer shall distribute to the appropriate taxing authorities the portion of the annual service payments in lieu of taxes that represents payments required under division (E) of section 5709.78 of the Revised Code.

(E) Nothing in this section or section 5709.78 of the Revised Code affects the taxes levied against that portion of the value of any parcel that is not exempt from taxation.

**Sec. 5709.80.** (A) The board of county commissioners of a county that receives service payments in lieu of taxes under section 5709.79 of the Revised Code shall establish a redevelopment tax equivalent fund into which those payments shall be deposited. Separate accounts shall be established in the fund for each resolution adopted by the board of county commissioners under section 5709.78 of the Revised Code. If the board of county commissioners has adopted a resolution under division (B) of that section, the county shall establish an account for each incentive

district created in that resolution. If a resolution adopted under 29289  
division (B) of section 5709.78 of the Revised Code also 29290  
authorizes the use of service payments for housing renovations 29291  
within the incentive district, the county shall establish separate 29292  
accounts for the service payments designated for public 29293  
infrastructure improvements and for the service payments 29294  
authorized for the purpose of housing renovations. ~~Moneys~~ 29295

(B) Moneys deposited into each account of the fund shall be 29296  
used by the county to pay the cost of constructing or repairing 29297  
the public infrastructure improvements designated in, or the 29298  
housing renovations authorized by, the resolution, or for each 29299  
incentive district for which the account is established, to pay 29300  
the interest on and principal of bonds or notes issued under 29301  
division (B) of section 307.082 or division (A) of section 5709.81 29302  
of the Revised Code, or for the purposes pledged under division 29303  
(B) of section 5709.81 of the Revised Code. Money in an account 29304  
shall not be used to finance or support housing renovations that 29305  
take place after the incentive district has expired. ~~The~~ 29306

(C)(1)(a) The board of county commissioners may ~~also~~ 29307  
distribute money in an account to any school district in which the 29308  
exempt property is located in an amount not to exceed the amount 29309  
of real property taxes that such school district would have 29310  
received from the improvement if it were not exempt from taxation. 29311  
The resolution under which an account is established shall set 29312  
forth the percentage of such maximum amount that will be 29313  
distributed to any affected school district. ~~An~~ 29314

(b) A board of county commissioners also may distribute money 29315  
in such an account as follows: 29316

(i) To a board of township trustees or legislative authority 29317  
of a municipal corporation, as applicable, in the amount that is 29318  
owed to the board of township trustees or legislative authority 29319  
pursuant to division (D) of section 5709.78 of the Revised Code; 29320

(ii) To a township in accordance with section 5709.914 of the Revised Code. 29321  
29322

(2) Money from an account in the redevelopment tax equivalent fund may be distributed under division (C)(1)(b) of this section, regardless of the date a resolution was adopted under section 5709.78 of the Revised Code that prompted the establishment of the account, even if the resolution was adopted prior to the effective date of this amendment. 29323  
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(D) An account dissolves upon fulfillment of the purposes for which money in the account may be used. An incidental surplus remaining in an account upon its dissolution shall be transferred to the general fund of the county. 29329  
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**Sec. 5711.01.** As used in this chapter: 29333

(A) "Taxable property" includes all the kinds of property mentioned in division (B) of section 5709.01 and section 5709.02 of the Revised Code, and also the amount or value as of the date of conversion of all taxable property converted into bonds or other securities not taxed on or after the first day of November 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 29334  
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the public utility or interexchange telecommunications company 29352  
pursuant to a sale and leaseback transaction as defined in 29353  
division (I) of section 5727.01 of the Revised Code. For tax year 29354  
2007 and thereafter, "taxable property" of a telephone, telegraph, 29355  
or interexchange telecommunications company, as defined in section 29356  
5727.01 of the Revised Code, includes property subject to such a 29357  
sale and leaseback transaction. 29358

For tax year 2007 and thereafter, taxable property leased to 29359  
a telephone, telegraph, or interexchange telecommunications 29360  
company, as defined in section 5727.01 of the Revised Code, shall 29361  
be listed and assessed by the owner of the property at the 29362  
percentage of true value in money required under division (H) of 29363  
section 5711.22 of the Revised Code. 29364

(B) "Taxpayer" means any owner of taxable property, including 29365  
property exempt under division (C) of section 5709.01 of the 29366  
Revised Code, and includes every person residing in, or 29367  
incorporated or organized by or under the laws of this state, or 29368  
doing business in this state, or owning or having a beneficial 29369  
interest in taxable personal property in this state and every 29370  
fiduciary required by sections 5711.01 to 5711.36 of the Revised 29371  
Code, to make a return for or on behalf of another. For tax year 29372  
2007 and thereafter, "taxpayer" includes telephone companies, 29373  
telegraph companies, and interexchange telecommunications company 29374  
as defined in section 5727.01 of the Revised Code. The tax 29375  
commissioner may by rule define and designate the taxpayer, as to 29376  
any taxable property which would not otherwise be required by this 29377  
section to be returned; and any such rule shall be considered 29378  
supplementary to the enumeration of kinds of taxpayers following: 29379

(1) Individuals of full age and sound mind residing in this 29380  
state; 29381

(2) Partnerships, corporations, associations, and joint-stock 29382  
companies, under whatever laws organized or existing, doing 29383

business or having taxable property in this state; and	29384
corporations incorporated by or organized under the laws of this	29385
state, wherever their actual business is conducted;	29386
(3) Fiduciaries appointed by any court in this state or	29387
having title, possession, or custody of taxable personal property	29388
in this state or engaged in business in this state;	29389
(4) Unincorporated mutual funds.	29390
Taxpayer excludes all individuals, partnerships,	29391
corporations, associations, and joint-stock companies, their	29392
executors, administrators, and receivers who are defined in Title	29393
LVII of the Revised Code as financial institutions, dealers in	29394
intangibles, domestic insurance companies, or public utilities,	29395
except to the extent they may be required by sections 5711.01 to	29396
5711.36 of the Revised Code, to make returns as fiduciaries, or by	29397
section 5725.26 of the Revised Code, to make returns of property	29398
leased, or held for the purpose of leasing, to others if the owner	29399
or lessor of the property acquired it for the sole purpose of	29400
leasing it to others or to the extent that property is taxable	29401
under section 5725.25 of the Revised Code.	29402
(C) "Return" means the taxpayer's annual report of taxable	29403
property.	29404
(D) "List" means the designation, in a return, of the	29405
description of taxable property, the valuation or amount thereof,	29406
the name of the owner, and the taxing district where assessable.	29407
(E) "Taxing district" means, in the case of property	29408
assessable on the classified tax list and duplicate, a municipal	29409
corporation or the territory in a county outside the limits of all	29410
municipal corporations therein; in the case of property assessable	29411
on the general tax list and duplicate, a municipal corporation or	29412
township, or part thereof, in which the aggregate rate of taxation	29413
is uniform.	29414

(F) "Assessor" includes the tax commissioner and the county auditor as deputy of the commissioner.	29415 29416
(G) "Fiduciary" includes executors, administrators, parents, guardians, receivers, assignees, official custodians, factors, bailees, lessees, agents, attorneys, and employees, but does not include trustees unless the sense so requires.	29417 29418 29419 29420
(H) "General tax list and duplicate" means the books or records containing the assessments of property subject to local tax levies.	29421 29422 29423
(I) "Classified tax list and duplicate" means the books or records containing the assessments of property not subject to local tax levies.	29424 29425 29426
(J) "Investment company" means any corporation, the shares of which are regularly offered for sale to the public, engaged solely in the business of investing and reinvesting funds in real property or investments, or holding or selling real property or investments for the purpose of realizing income or profit which is distributed to its shareholders. Investment company does not include any dealer in intangibles, as defined in section 5725.01 of the Revised Code.	29427 29428 29429 29430 29431 29432 29433 29434
(K) "Unincorporated mutual fund" means any partnership, each partner of which is a corporation, engaged solely in the business of investing and reinvesting funds in investments, or holding or selling investments for the purpose of realizing income or profit which is distributed to its partners and which is subject to Chapter 1707. of the Revised Code. An unincorporated mutual fund does not include any dealer in intangibles as defined in section 5725.01 of the Revised Code.	29435 29436 29437 29438 29439 29440 29441 29442
<b>Sec. 5725.221.</b> For the purposes of this section, interest shall be computed at a rate per calendar month, rounded to the	29443 29444

nearest one-hundredth of one per cent, equal to one-twelfth of the 29445  
rate per annum prescribed by section 5703.47 of the Revised Code 29446  
for the calendar year that includes the month for which the 29447  
interest accrues. 29448

(A) When taxes levied by ~~sections~~ section 3737.71, 5707.03 29449  
~~and, or~~ 5725.18 of the Revised Code are assessed as the result of 29450  
a tax return being filed late, the treasurer of state shall add 29451  
interest to the taxes due. The interest shall accrue from the 29452  
first day of the month following the last day on which such taxes 29453  
were required to be paid, had the assessment been certified by the 29454  
date prescribed, to the last day of the month preceding the date 29455  
on which the assessment was certified, and shall be computed on 29456  
the taxes due. 29457

(B) If an assessment has been certified pursuant to section 29458  
5711.13, 5725.08, 5725.16, 5725.20, or ~~5727.15~~ 5725.222 of the 29459  
Revised Code and an amended or final assessment is certified for 29460  
the same taxpayer and the same tax year, the treasurer of state 29461  
shall add interest to the deficiency or excess. The interest shall 29462  
be computed on the excess or deficiency, and shall be accrued in 29463  
the following manner: 29464

(1) On a deficiency, interest shall accrue from the first day 29465  
of the month following the last day on which the previous 29466  
assessment was required to be paid, to the last day of the month 29467  
preceding the date on which the amended or final assessment is 29468  
certified; 29469

(2) On an excess, interest shall be allowed from the first 29470  
day of the month following the date of payment of the previous 29471  
assessment, to the last day of the month preceding the date on 29472  
which the amended or final assessment is certified. 29473

**Sec. 5725.222.** (A) An application to refund to a domestic 29474  
insurance company any taxes imposed by section 3737.71 of the 29475

Revised Code or this chapter that are overpaid, paid illegally or 29476  
erroneously, or paid on any illegal, erroneous, or excessive 29477  
assessment, with interest thereon as provided by section 5725.221 29478  
of the Revised Code, shall be filed with the superintendent of 29479  
insurance, on the form prescribed by the superintendent, within 29480  
three years after the date of the illegal, erroneous, or excessive 29481  
payment of the tax. No refund shall be allowed unless an 29482  
application has been filed in accordance with this section. The 29483  
time limit imposed under this division may be extended if both the 29484  
domestic insurance company and the superintendent of insurance 29485  
agree in writing to the extension. 29486

(B) Except as otherwise provided in this division, the 29487  
superintendent may make an assessment against a domestic insurance 29488  
company for any deficiency for the period for which a report, tax 29489  
return, or tax payment is due for any taxes imposed by section 29490  
3737.71 of the Revised Code or this chapter, based on any 29491  
information in the superintendent's possession. No assessment 29492  
shall be made against a domestic insurance company more than three 29493  
years after the later of the final date the report, tax return, or 29494  
tax payment subject to the assessment was required to be filed or 29495  
paid, or the date the report or tax return was filed, provided 29496  
that there shall be no bar if the domestic insurance company 29497  
failed to file the required report or tax return or if the 29498  
deficiency results from fraud or any felonious act. The time limit 29499  
may be extended if both the domestic insurance company and the 29500  
superintendent agree in writing to the extension. For the purposes 29501  
of this division, an assessment is made on the date the 29502  
notification of the assessment is sent by the department of 29503  
insurance or the date of an invoice for the assessment from the 29504  
treasurer of state, whichever is earlier. 29505

**Sec. 5725.98.** (A) To provide a uniform procedure for 29506

calculating the amount of tax imposed by section 5725.18 of the 29507  
Revised Code that is due under this chapter, a taxpayer shall 29508  
claim any credits and offsets against tax liability to which it is 29509  
entitled in the following order: 29510

(1) The credit for an insurance company or insurance company 29511  
group under section 5729.031 of the Revised Code. 29512

(2) The credit for eligible employee training costs under 29513  
section 5725.31 of the Revised Code. 29514

(3) The credit under section 5725.19 of the Revised Code for 29515  
losses on loans made under the Ohio venture capital authority 29516  
program under sections 150.01 to 150.10 of the Revised Code if the 29517  
taxpayer elected a nonrefundable credit under section 150.07 of 29518  
the Revised Code. 29519

(4) The offset of assessments by the Ohio life and health 29520  
insurance guaranty association permitted by section 3956.20 of the 29521  
Revised Code. 29522

(5) The refundable credit for Ohio job creation under section 29523  
5725.32 of the Revised Code. 29524

(6) The credit under section 5729.08 of the Revised Code for 29525  
losses on loans made under the Ohio venture capital program under 29526  
sections 150.01 to 150.10 of the Revised Code if the taxpayer 29527  
elected a refundable credit under section 150.07 of the Revised 29528  
Code. 29529

(B) For any credit except the credits enumerated in divisions 29530  
(A)(5) and (6) of this section, the amount of the credit for a 29531  
taxable year shall not exceed the tax due after allowing for any 29532  
other credit that precedes it in the order required under this 29533  
section. Any excess amount of a particular credit may be carried 29534  
forward if authorized under the section creating that credit. 29535  
Nothing in this chapter shall be construed to allow a taxpayer to 29536

claim, directly or indirectly, a credit more than once for a 29537  
taxable year. 29538

**Sec. 5727.06.** (A) Except as otherwise provided by law, the 29539  
following constitutes the taxable property of a public utility, 29540  
interexchange telecommunications company, or public utility 29541  
property lessor that shall be assessed by the tax commissioner: 29542

(1) For tax years before tax year 2006: 29543

(a) In the case of a railroad company, all real property and 29544  
tangible personal property owned or operated by the railroad 29545  
company in this state on the thirty-first day of December of the 29546  
preceding year; 29547

(b) In the case of a water transportation company, all 29548  
tangible personal property, except watercraft, owned or operated 29549  
by the water transportation company in this state on the 29550  
thirty-first day of December of the preceding year and all 29551  
watercraft owned or operated by the water transportation company 29552  
in this state during the preceding calendar year; 29553

(c) In the case of all other public utilities and 29554  
interexchange telecommunications companies, all tangible personal 29555  
property that on the thirty-first day of December of the preceding 29556  
year was both located in this state and: 29557

(i) Owned by the public utility or interexchange 29558  
telecommunications company; or 29559

(ii) Leased by the public utility or interexchange 29560  
telecommunications company under a sale and leaseback transaction. 29561

(2) For tax years 2006, 2007, and 2008: 29562

(a) In the case of a railroad company, all real property used 29563  
in railroad operations and tangible personal property owned or 29564  
operated by the railroad company in this state on the thirty-first 29565

day of December of the preceding year;	29566
(b) In the case of a water transportation company, all	29567
tangible personal property, except watercraft, owned or operated	29568
by the water transportation company in this state on the	29569
thirty-first day of December of the preceding year and all	29570
watercraft owned or operated by the water transportation company	29571
in this state during the preceding calendar year;	29572
(c) In the case of all other public utilities except	29573
telephone and telegraph companies, all tangible personal property	29574
that on the thirty-first day of December of the preceding year was	29575
both located in this state and either owned by the public utility	29576
or leased by the public utility under a sale and leaseback	29577
transaction.	29578
(3) For tax year 2009 and each tax year thereafter:	29579
(a) In the case of a railroad company, all real property used	29580
in railroad operations and tangible personal property owned or	29581
operated by the railroad company in this state on the thirty-first	29582
day of December of the preceding year;	29583
(b) In the case of a water transportation company, all	29584
tangible personal property, except watercraft, owned or operated	29585
by the water transportation company in this state on the	29586
thirty-first day of December of the preceding year and all	29587
watercraft owned or operated by the water transportation company	29588
in this state during the preceding calendar year;	29589
(c) In the case of all other public utilities except	29590
telephone and telegraph companies, all tangible personal property	29591
that on the thirty-first day of December of the preceding year was	29592
both located in this state and either owned by the public utility	29593
or leased by the public utility under a sale and leaseback	29594
transaction;	29595

(d) In the case of a public utility property lessor, all 29596  
personal property that on the thirty-first day of December of the 29597  
preceding year was both located in this state and leased, in other 29598  
than a sale and leaseback transaction, to ~~an interexchange~~ 29599  
~~telecommunications company~~ or a public utility other than a 29600  
railroad ~~company, telephone, telegraph,~~ or water transportation 29601  
company. The assessment rate used under section 5727.111 of the 29602  
Revised Code shall be based on the assessment rate that would 29603  
apply if the ~~interexchange telecommunications company~~ or public 29604  
utility owned the property. 29605

(4) For tax years 2005 and 2006, in the case of telephone, 29606  
telegraph, or interexchange telecommunications companies, all 29607  
tangible personal property that on the thirty-first day of 29608  
December of the preceding year was both located in this state and 29609  
either owned by the telephone, telegraph, or interexchange 29610  
telecommunications company or leased by the telephone, telegraph, 29611  
or interexchange telecommunications company under a sale and 29612  
leaseback transaction. 29613

(5) For tax year 2007 and thereafter, in the case of 29614  
telephone, telegraph, or interexchange telecommunications 29615  
companies, all tangible personal property shall be listed and 29616  
assessed for taxation under Chapter 5711. of the Revised Code. 29617

(B) This division applies to tax years before tax year 2007. 29618

In the case of an interexchange telecommunications company, 29619  
all taxable property shall be subject to the provisions of this 29620  
chapter and shall be valued by the commissioner in accordance with 29621  
division (A) of section 5727.11 of the Revised Code. A person 29622  
described by this division shall file the report required by 29623  
section 5727.08 of the Revised Code. Persons described in this 29624  
division shall not be considered taxpayers, as defined in division 29625  
(B) of section 5711.01 of the Revised Code, and shall not be 29626

required to file a return and list their taxable property under  
any provision of Chapter 5711. of the Revised Code. 29627  
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(C) The lien of the state for taxes levied each year on the  
real and personal property of public utilities and interexchange  
telecommunications companies and on the personal property of  
public utility property lessors shall attach thereto on the  
thirty-first day of December of the preceding year. 29629  
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(D) Property that is required by division (A)(3)(b) of this  
section to be assessed by the tax commissioner under this chapter  
shall not be listed by the owner of the property under Chapter  
5711. of the Revised Code. 29634  
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(E) The tax commissioner may adopt rules governing the  
listing of the taxable property of public utilities and  
interexchange telecommunications companies and the determination  
of true value. 29638  
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**Sec. 5727.85.** (A) By the thirty-first day of July of each  
year, beginning in 2002 and ending in 2016, the department of  
education shall determine the following for each school district  
and each joint vocational school district eligible for payment  
under division (C) or (D) of this section: 29642  
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(1) The state education aid offset, which is the difference  
obtained by subtracting the amount described in division (A)(1)(b)  
of this section from the amount described in division (A)(1)(a) of  
this section: 29647  
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(a) The state education aid computed for the school district  
or joint vocational school district for the current fiscal year as  
of the thirty-first day of July; 29651  
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(b) The state education aid that would be computed for the  
school district or joint vocational school district for the  
current fiscal year as of the thirty-first day of July if the 29654  
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recognized valuation included the tax value loss for the school district or joint vocational school district. 29657  
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(2) The greater of zero or the difference obtained by subtracting the state education aid offset determined under division (A)(1) of this section from the fixed-rate levy loss certified under division (J) of section 5727.84 of the Revised Code for all taxing districts in each school district and joint vocational school district. 29659  
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By the fifth day of August of each such year, the department of education shall certify the amount so determined under division (A)(1) of this section to the director of budget and management. 29665  
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(B) Not later than the thirty-first day of October of the years 2006 through 2016, the department of education shall determine all of the following for each school district: 29668  
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(1) The amount obtained by subtracting the district's state education aid computed for fiscal year 2002 from the district's state education aid computed for the current fiscal year; 29671  
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(2) The inflation-adjusted property tax loss. The 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. 29674  
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(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 29683  
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school district property tax replacement fund. 29688

(C) The department of education shall pay from the school 29689  
district property tax replacement fund to each school district all 29690  
of the following: 29691

(1) In February 2002, one-half of the fixed-rate levy loss 29692  
certified under division (J) of section 5727.84 of the Revised 29693  
Code between the twenty-first and twenty-eighth days of February. 29694

(2) From August 2002 through August ~~2006~~ 2017, one-half of 29695  
the amount calculated for that fiscal year under division (A)(2) 29696  
of this section between the twenty-first and twenty-eighth days of 29697  
August and of February, provided the difference computed under 29698  
division (B)(3) of this section is not less than or equal to zero. 29699

~~(3) From February 2007 through August 2016, one half of the~~ 29700  
~~amount calculated for that calendar year under division (B)(3) of~~ 29701  
~~this section between the twenty first and twenty eighth days of~~ 29702  
~~August and of February.~~ 29703

~~(4) For taxes levied within the ten-mill limitation for debt~~ 29704  
~~purposes in tax year 1998 in the case of electric company tax~~ 29705  
~~value losses, and in tax year 1999 in the case of natural gas~~ 29706  
~~company tax value losses, payments shall be made equal to one~~ 29707  
~~hundred per cent of the loss computed as if the tax were a~~ 29708  
~~fixed-rate levy, but those payments shall extend from fiscal year~~ 29709  
~~2006 through fiscal year 2016.~~ 29710

The department of education shall report to each school 29711  
district the apportionment of the payments among the school 29712  
district's funds based on the certifications under division (J) of 29713  
section 5727.84 of the Revised Code. 29714

(D) Not later than January 1, 2002, for all taxing districts 29715  
in each joint vocational school district, the tax commissioner 29716  
shall certify to the department of education the fixed-rate levy 29717

loss determined under division (G) of section 5727.84 of the Revised Code. From February 2002 to August 2016, the department shall pay from the school district property tax replacement fund to the joint vocational school district 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.

(E)(1) Not later than January 1, 2002, for each fixed-sum levy levied by each school district or joint vocational school district and for each year for which a determination is made under division (H) of section 5727.84 of the Revised Code that a fixed-sum levy loss is to be reimbursed, the tax commissioner shall certify to the department of education the fixed-sum levy loss determined under that division. The certification shall cover a time period sufficient to include all fixed-sum levies for which the tax commissioner made such a determination. The department shall pay from the school district property tax replacement fund to the school district or joint vocational school district one-half of the fixed-sum levy loss so certified for each year between the twenty-first and twenty-eighth days of August and of February.

(2) Beginning in 2003, by the thirty-first day of January of each year, the tax commissioner shall review the certification originally made under division (E)(1) of this section. If the commissioner determines that a debt levy that had been scheduled to be reimbursed in the current year has expired, a revised certification for that and all subsequent years shall be made to the department of education.

(F) If the balance of the half-mill equalization fund created under section 3318.18 of the Revised Code is insufficient to make the full amount of payments required under division (D) of that section, the department of education, at the end of the third

quarter of the fiscal year, shall certify to the director of 29750  
budget and management the amount of the deficiency, and the 29751  
director shall transfer an amount equal to the deficiency from the 29752  
school district property tax replacement fund to the half-mill 29753  
equalization fund. 29754

(G) Beginning in August 2002, and ending in May 2017, the 29755  
director of budget and management shall transfer from the school 29756  
district property tax replacement fund to the general revenue fund 29757  
each of the following: 29758

(1) Between the twenty-eighth day of August and the fifth day 29759  
of September, the lesser of one-half of the amount certified for 29760  
that fiscal year under division (A)(2) of this section or the 29761  
balance in the school district property tax replacement fund; 29762

(2) Between the first and fifth days of May, the lesser of 29763  
one-half of the amount certified for that fiscal year under 29764  
division (A)(2) of this section or the balance in the school 29765  
district property tax replacement fund. 29766

(H) On the first day of June each year, the director of 29767  
budget and management shall transfer any balance remaining in the 29768  
school district property tax replacement fund after the payments 29769  
have been made under divisions (C), (D), (E), (F), and (G) of this 29770  
section to the half-mill equalization fund created under section 29771  
3318.18 of the Revised Code. 29772

(I) From fiscal year 2002 through fiscal year 2016, if the 29773  
total amount in the school district property tax replacement fund 29774  
is insufficient to make all payments under divisions (C), (D), 29775  
(E), and (F) of this section at the time the payments are to be 29776  
made, the director of budget and management shall transfer from 29777  
the general revenue fund to the school district property tax 29778  
replacement fund the difference between the total amount to be 29779  
paid and the total amount in the school district property tax 29780

replacement fund, except that no transfer shall be made by reason 29781  
of a deficiency to the extent that it results from the amendment 29782  
of section 5727.84 of the Revised Code by Amended Substitute House 29783  
Bill No. 95 of the 125th general assembly. 29784

(J) If all of the territory of a school district or joint 29785  
vocational school district is merged with an existing district, or 29786  
if a part of the territory of a school district or joint 29787  
vocational school district is transferred to an existing or new 29788  
district, the department of education, in consultation with the 29789  
tax commissioner, shall adjust the payments made under this 29790  
section as follows: 29791

(1) For the merger of all of the territory of two or more 29792  
districts, the fixed-rate levy loss and the fixed-sum levy loss of 29793  
the successor district shall be equal to the sum of the fixed-rate 29794  
levy losses and the fixed-sum levy losses for each of the 29795  
districts involved in the merger. 29796

(2) For the transfer of a part of one district's territory to 29797  
an existing district, the amount of the fixed-rate levy loss that 29798  
is transferred to the recipient district shall be an amount equal 29799  
to the transferring district's total fixed-rate levy loss times a 29800  
fraction, the numerator of which is the value of electric company 29801  
tangible personal property located in the part of the territory 29802  
that was transferred, and the denominator of which is the total 29803  
value of electric company tangible personal property located in 29804  
the entire district from which the territory was transferred. The 29805  
value of electric company tangible personal property under this 29806  
division shall be determined for the most recent year for which 29807  
data is available. Fixed-sum levy losses for both districts shall 29808  
be determined under division (J)(4) of this section. 29809

(3) For the transfer of a part of the territory of one or 29810  
more districts to create a new district: 29811

(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~~ 2008. From February ~~2007~~ 2009 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~~ equal to the new district's fixed-rate levy loss multiplied by the percentage prescribed by the following 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:

<u>YEAR</u>	<u>PERCENTAGE</u>
<u>2009</u>	<u>75%</u>
<u>2010</u>	<u>70%</u>
<u>2011</u>	<u>70%</u>
<u>2012</u>	<u>60%</u>
<u>2013</u>	<u>50%</u>
<u>2014</u>	<u>40%</u>
<u>2015</u>	<u>24%</u>
<u>2016</u>	<u>11.5%</u>
<u>2017 and thereafter</u>	<u>0%</u>

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

territory was transferred, and any of the districts transferring  
the territory had fixed-sum levy losses, the department of  
education, in consultation with the tax commissioner, shall make  
an equitable division of the fixed-sum levy losses.

(K) There is hereby created the public utility property tax  
study committee, effective January 1, 2011. The committee shall  
consist of the following seven members: the tax commissioner,  
three members of the senate appointed by the president of the  
senate, and three members of the house of representatives  
appointed by the speaker of the house of representatives. The  
appointments shall be made not later than January 31, 2011. The  
tax commissioner shall be the chairperson of the committee.

The committee shall study the extent to which each school  
district or joint vocational school district has been compensated,  
under sections 5727.84 and 5727.85 of the Revised Code as enacted  
by Substitute Senate Bill No. 3 of the 123rd general assembly and  
any subsequent acts, for the property tax loss caused by the  
reduction in the assessment rates for natural gas, electric, and  
rural electric company tangible personal property. Not later than  
June 30, 2011, the committee shall issue a report of its findings,  
including any recommendations for providing additional  
compensation for the property tax loss or regarding remedial  
legislation, to the president of the senate and the speaker of the  
house of representatives, at which time the committee shall cease  
to exist.

The department of taxation and department of education shall  
provide such information and assistance as is required for the  
committee to carry out its duties.

**Sec. 5729.05.** On ~~or before October 15, 1965 and on~~ or before  
the fifteenth day of October each ~~succeeding~~ year, each foreign  
insurance company shall pay to the treasurer of state an amount

equal to one-half of the previous calendar year's tax, before 29875  
credits, which was assessed and paid under section ~~5729.03~~ 3737.71 29876  
of the Revised Code and this chapter. This payment shall be 29877  
considered as a partial payment of the tax upon the business done 29878  
in this state during the calendar year in which the payment date 29879  
provided by this paragraph is contained. 29880

At the time of filing its annual statement, each foreign 29881  
insurance company shall pay to the treasurer of state the tax 29882  
assessable under section ~~5729.03~~ 3737.71 of the Revised Code and 29883  
this chapter, calculated by such company from such annual 29884  
statement. The company may deduct the part of such tax already 29885  
paid as a partial payment. 29886

The superintendent shall determine the correctness of the 29887  
reports and statements of insurance companies, compute the annual 29888  
tax ~~provided for in such sections~~, and, on or before the fifteenth 29889  
day of May, prepare and furnish to the treasurer of state lists of 29890  
all taxable companies, showing as to each company the whole amount 29891  
of the annual tax computed by ~~him~~ the superintendent. The 29892  
treasurer of state, after deducting the tax already paid, shall 29893  
promptly notify each such company of any amount due, which amount 29894  
shall be paid by each such company to the treasurer of state by 29895  
the fifteenth day of June next succeeding. If a company has for 29896  
any reason overpaid or was illegally or erroneously assessed or 29897  
charged for collection a larger amount of tax than its annual tax 29898  
as computed by the superintendent of insurance and an application 29899  
for refund was timely filed under section 5729.102 of the Revised 29900  
Code, a refund of the excess amount shall be paid from the tax 29901  
refund fund created by section 5703.052 of the Revised Code. 29902

Sec. 5729.101. For the purposes of this section, interest 29903  
shall be computed at a rate per calendar month, rounded to the 29904  
nearest one-hundredth of one per cent, equal to one-twelfth of the 29905

rate per annum prescribed by section 5703.47 of the Revised Code 29906  
for the calendar year that includes the month for which the 29907  
interest accrues. 29908

(A) When taxes levied by this chapter or by section 3737.71 29909  
of the Revised Code are assessed as the result of a tax return 29910  
being filed late, the treasurer of state shall add interest to the 29911  
taxes due. The interest shall accrue from the first day of the 29912  
month following the last day on which the taxes were required to 29913  
be paid had the assessment been certified by the date prescribed, 29914  
to the last day of the month preceding the date on which the 29915  
assessment was certified, and shall be computed on the basis of 29916  
the taxes due. 29917

(B) If an assessment has been certified pursuant to this 29918  
chapter and an amended or final assessment is certified for the 29919  
same taxpayer and the same tax year, the treasurer of state shall 29920  
add interest to the deficiency or excess. The interest shall be 29921  
computed on the excess or deficiency and shall accrue as follows: 29922

(1) On a deficiency, interest shall accrue from the first day 29923  
of the month following the last day on which the previous 29924  
assessment was required to be paid to the last day of the month 29925  
preceding the date on which the amended or final assessment is 29926  
certified. 29927

(2) On an excess, interest shall be allowed from the first 29928  
day of the month following the date of payment of the previous 29929  
assessment to the last day of the month preceding the date on 29930  
which the amended or final assessment is certified. 29931

**Sec. 5729.102.** (A) An application to refund to a foreign 29932  
insurance company any taxes imposed by section 3737.71 of the 29933  
Revised Code or this chapter that are overpaid, paid illegally or 29934  
erroneously, or paid on any illegal, erroneous, or excessive 29935

assessment, with interest thereon as provided by section 5729.101 29936  
of the Revised Code, shall be filed with the superintendent of 29937  
insurance, on the form prescribed by the superintendent, within 29938  
three years after the date of the illegal, erroneous, or excessive 29939  
payment of the tax. No refund shall be allowed unless an 29940  
application has been filed in accordance with this section. The 29941  
time limit imposed under this division may be extended if both the 29942  
foreign insurance company and the superintendent of insurance 29943  
agree in writing to the extension. 29944

(B) Except as otherwise provided in this division, the 29945  
superintendent may make an assessment against a foreign insurance 29946  
company for any deficiency for the period for which a report, tax 29947  
return, or tax payment is due for any taxes imposed by section 29948  
3737.71 of the Revised Code or this chapter, based on any 29949  
information in the superintendent's possession. No assessment 29950  
shall be made against a foreign insurance company more than three 29951  
years after the later of the final date the report, tax return, or 29952  
tax payment subject to the assessment was required to be filed or 29953  
paid, or the date the report or tax return was filed, provided 29954  
that there shall be no bar if the foreign insurance company failed 29955  
to file the required report or tax return or if the deficiency 29956  
results from fraud or any felonious act. The time limit may be 29957  
extended if both the foreign insurance company and the 29958  
superintendent agree in writing to the extension. For the purposes 29959  
of this division, an assessment is made on the date the 29960  
notification of the assessment is sent by the department of 29961  
insurance or the date of an invoice for the assessment from the 29962  
treasurer of state, whichever is earlier. 29963

Sec. 5729.98. (A) To provide a uniform procedure for 29964  
calculating the amount of tax due under this chapter, a taxpayer 29965  
shall claim any credits and offsets against tax liability to which 29966

it is entitled in the following order: 29967

(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code. 29968  
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(2) The credit for eligible employee training costs under section 5729.07 of the Revised Code. 29970  
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(3) 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 nonrefundable credit under section 150.07 of the Revised Code. 29972  
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(4) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code. 29977  
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(5) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code. 29980  
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(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. 29982  
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(B) For any credit except the credits enumerated in divisions (A)(5) and (6) of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. 29987  
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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. 29993  
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**Sec. 5733.01.** (A) The tax provided by this chapter for 29996  
domestic corporations shall be the amount charged against each 29997  
corporation organized for profit under the laws of this state and 29998  
each nonprofit corporation organized pursuant to Chapter 1729. of 29999  
the Revised Code, except as provided in sections 5733.09 and 30000  
5733.10 of the Revised Code, for the privilege of exercising its 30001  
franchise during the calendar year in which that amount is 30002  
payable, and the tax provided by this chapter for foreign 30003  
corporations shall be the amount charged against each corporation 30004  
organized for profit and each nonprofit corporation organized or 30005  
operating in the same or similar manner as nonprofit corporations 30006  
organized under Chapter 1729. of the Revised Code, under the laws 30007  
of any state or country other than this state, except as provided 30008  
in sections 5733.09 and 5733.10 of the Revised Code, for the 30009  
privilege of doing business in this state, owning or using a part 30010  
or all of its capital or property in this state, holding a 30011  
certificate of compliance with the laws of this state authorizing 30012  
it to do business in this state, or otherwise having nexus in or 30013  
with this state under the Constitution of the United States, 30014  
during the calendar year in which that amount is payable. 30015

(B) A corporation is subject to the tax imposed by section 30016  
5733.06 of the Revised Code for each calendar year that it is so 30017  
organized, doing business, owning or using a part or all of its 30018  
capital or property, holding a certificate of compliance, or 30019  
otherwise having nexus in or with this state under the 30020  
Constitution of the United States, on the first day of January of 30021  
that calendar year. 30022

(C) Any corporation subject to this chapter that is not 30023  
subject to the federal income tax shall file its returns and 30024  
compute its tax liability as required by this chapter in the same 30025  
manner as if that corporation were subject to the federal income 30026

tax. 30027

(D) For purposes of this chapter, a federally chartered 30028  
financial institution shall be deemed to be organized under the 30029  
laws of the state within which its principal office is located. 30030

(E) For purposes of this chapter, any person, as defined in 30031  
section 5701.01 of the Revised Code, shall be treated as a 30032  
corporation if the person is classified for federal income tax 30033  
purposes as an association taxable as a corporation, and an equity 30034  
interest in the person shall be treated as capital stock of the 30035  
person. 30036

(F) For the purposes of this chapter, "disregarded entity" 30037  
has the same meaning as in division (D) of section 5745.01 of the 30038  
Revised Code. 30039

(1) A person's interest in a disregarded entity, whether held 30040  
directly or indirectly, shall be treated as the person's ownership 30041  
of the assets and liabilities of the disregarded entity, and the 30042  
income, including gain or loss, shall be included in the person's 30043  
net income under this chapter. 30044

(2) Any sale, exchange, or other disposition of the person's 30045  
interest in the disregarded entity, whether held directly or 30046  
indirectly, shall be treated as a sale, exchange, or other 30047  
disposition of the person's share of the disregarded entity's 30048  
underlying assets or liabilities, and the gain or loss from such 30049  
sale, exchange, or disposition shall be included in the person's 30050  
net income under this chapter. 30051

(3) The disregarded entity's payroll, property, and sales 30052  
factors shall be included in the person's factors. 30053

(G) The tax a corporation is required to pay under this 30054  
chapter shall be as follows: 30055

(1)(a) For financial institutions, the greater of the minimum 30056

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; 30088

(iii) For tax year 2007, the greater of the minimum payment 30089  
required under division (E) of section 5733.06 of the Revised Code 30090  
or three-fifths of the difference between all taxes charged the 30091  
corporation under this chapter and any credits allowable against 30092  
such tax except the qualifying pass-through entity tax credit 30093  
described in division (A)(30) and the refundable credits described 30094  
in divisions (A)(31), (32), ~~and (33)~~, and (34) of section 5733.98 30095  
of the Revised Code; 30096

(iv) For tax year 2008, the greater of the minimum payment 30097  
required under division (E) of section 5733.06 of the Revised Code 30098  
or two-fifths of the difference between all taxes charged the 30099  
corporation under this chapter and any credits allowable against 30100  
such tax except the qualifying pass-through entity tax credit 30101  
described in division (A)(30) and the refundable credits described 30102  
in divisions (A)(31), (32), ~~and (33)~~, and (34) of section 5733.98 30103  
of the Revised Code; 30104

(v) For tax year 2009, the greater of the minimum payment 30105  
required under division (E) of section 5733.06 of the Revised Code 30106  
or one-fifth of the difference between all taxes charged the 30107  
corporation under this chapter and any credits allowable against 30108  
such tax except the qualifying pass-through entity tax credit 30109  
described in division (A)(30) and the refundable credits described 30110  
in divisions (A)(31), (32), and (33) of section 5733.98 of the 30111  
Revised Code; 30112

(vi) For tax year 2010 and each tax year thereafter, no tax. 30113

(b) A corporation shall subtract from the amount calculated 30114  
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 30115  
any qualifying pass-through entity tax credit described in 30116  
division (A)(30) and any refundable credits described in divisions 30117  
(A)(31), (32), ~~and (33)~~, and (34) of section 5733.98 of the 30118

Revised Code to which the corporation is entitled. Any unused 30119  
qualifying pass-through entity tax credit is not refundable. 30120

(c) For the purposes of computing the amount of a credit that 30121  
may be carried forward to a subsequent tax year under division 30122  
(G)(2) of this section, a credit is utilized against the tax for a 30123  
tax year to the extent the credit applies against the tax for that 30124  
tax year, even if the difference is then multiplied by the 30125  
applicable fraction under division (G)(2)(a) of this section. 30126

(3) Nothing in division (G) of this section eliminates or 30127  
reduces the tax imposed by section 5733.41 of the Revised Code on 30128  
a qualifying pass-through entity. 30129

**Sec. 5733.352.** (A) As used in this section: 30130

(1) "Borrower" means any person that receives a loan from the 30131  
director of development under section 166.21 of the Revised Code, 30132  
regardless of whether the borrower is subject to the taxes imposed 30133  
by sections 5733.06, 5733.065, and 5733.066 of the Revised Code. 30134

(2) "Related member" has the same meaning as in section 30135  
5733.042 of the Revised Code. 30136

(3) "Qualified research and development loan payments" has 30137  
the same meaning as in division (D) of section 166.21 of the 30138  
Revised Code. 30139

(B) Beginning with tax year 2004, and in the case of a 30140  
corporation subject to division (G)(2) of section 5733.01 of the 30141  
Revised Code ending with tax year 2008, a nonrefundable credit is 30142  
allowed against the taxes imposed by sections 5733.06, 5733.065, 30143  
and 5733.066 of the Revised Code equal to a borrower's qualified 30144  
research and development loan payments made during the calendar 30145  
year immediately preceding the tax year for which the credit is 30146  
claimed. The amount of the credit for a tax year shall not exceed 30147  
one hundred fifty thousand dollars. No taxpayer is entitled to 30148

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.

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(D) If any taxpayer is 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 partnership or limited liability company.

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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 5747.331 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.

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**Sec. 5733.56.** ~~Beginning in (A)(1) For~~ tax year 2005, a ~~telephone company taxpayer~~ that provides any telephone service program to aid the communicatively impaired in accessing the telephone network under section 4905.79 of the Revised Code is allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code. The amount of the credit is the cost incurred by the ~~company taxpayer~~ for providing the telephone service program during its taxable year, excluding any costs incurred prior to July 1, 2004. ~~If the tax commissioner determines that the credit claimed under this section by a telephone company was not correct, the commissioner shall determine the proper credit.~~

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(2) A telephone company taxpayer shall claim the credit under division (A)(1) of this section in the order required by section 5733.98 of the Revised Code. If the credit exceeds the total taxes due under section 5733.06 of the Revised Code for the tax year, after allowance for any other credits preceding this credit in the order set forth in section 5733.98 of the Revised Code, the

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commissioner shall credit the excess against taxes due under ~~that~~ 30211  
section 5733.06 of the Revised Code for succeeding tax years until 30212  
the full amount of the credit is granted. ~~Nothing~~ 30213

(B) For each of tax years 2006, 2007, and 2008, a taxpayer 30214  
that provides any telephone service program to aid the 30215  
communicatively impaired in accessing the telephone network under 30216  
section 4905.79 of the Revised Code is allowed a refundable credit 30217  
against the tax imposed by section 5733.06 of the Revised Code. 30218  
For each tax year, the amount of the credit is the cost incurred 30219  
by the taxpayer during that tax year's taxable year for providing 30220  
the telephone service program. No cost incurred with respect to 30221  
the credit that is allowable for a tax year shall be considered 30222  
for purposes of computing the credit allowable for any other tax 30223  
year. 30224

(C) If the tax commissioner ascertains that any credit 30225  
claimed pursuant to this section by a taxpayer was not correct, 30226  
the commissioner shall ascertain the proper credit. No cost 30227  
incurred after December 31, 2007, shall be considered for purposes 30228  
of computing any credit allowed by this section. 30229

(D) Nothing in this section authorizes a ~~telephone company~~ 30230  
taxpayer to claim a credit under this section for any costs 30231  
incurred ~~for~~ in providing a telephone service program for which it 30232  
is either claiming a credit under former section 5727.44 of the 30233  
Revised Code or receiving reimbursement for its costs under any 30234  
other provision of the Revised Code. 30235

**Sec. 5733.98.** (A) To provide a uniform procedure for 30236  
calculating the amount of tax imposed by section 5733.06 of the 30237  
Revised Code that is due under this chapter, a taxpayer shall 30238  
claim any credits to which it is entitled in the following order, 30239  
except as otherwise provided in section 5733.058 of the Revised 30240  
Code: 30241

(1) For tax year 2005, the credit for taxes paid by a	30242
qualifying pass-through entity allowed under section 5733.0611 of	30243
the Revised Code;	30244
(2) The credit allowed for financial institutions under	30245
section 5733.45 of the Revised Code;	30246
(3) The credit for qualifying affiliated groups under section	30247
5733.068 of the Revised Code;	30248
(4) The subsidiary corporation credit under section 5733.067	30249
of the Revised Code;	30250
(5) The savings and loan assessment credit under section	30251
5733.063 of the Revised Code;	30252
(6) The credit for recycling and litter prevention donations	30253
under section 5733.064 of the Revised Code;	30254
(7) The credit for employers that enter into agreements with	30255
child day-care centers under section 5733.36 of the Revised Code;	30256
(8) The credit for employers that reimburse employee child	30257
care expenses under section 5733.38 of the Revised Code;	30258
(9) The credit for maintaining railroad active grade crossing	30259
warning devices under section 5733.43 of the Revised Code;	30260
(10) The credit for purchases of lights and reflectors under	30261
section 5733.44 of the Revised Code;	30262
(11) The job retention credit under division (B) of section	30263
5733.0610 of the Revised Code;	30264
(12) The credit for losses on loans made under the Ohio	30265
venture capital program under sections 150.01 to 150.10 of the	30266
Revised Code if the taxpayer elected a nonrefundable credit under	30267
section 150.07 of the Revised Code;	30268
(13) The credit for purchases of new manufacturing machinery	30269
and equipment under section 5733.31 or section 5733.311 of the	30270

Revised Code;	30271
(14) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	30272 30273
(15) The job training credit under section 5733.42 of the Revised Code;	30274 30275
(16) The credit for qualified research expenses under section 5733.351 of the Revised Code;	30276 30277
(17) The enterprise zone credit under section 5709.66 of the Revised Code;	30278 30279
(18) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	30280 30281
(19) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	30282 30283
(20) The ethanol plant investment credit under section 5733.46 of the Revised Code;	30284 30285
(21) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	30286 30287
(22) The export sales credit under section 5733.069 of the Revised Code;	30288 30289
(23) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	30290 30291
(24) The enterprise zone credits under section 5709.65 of the Revised Code;	30292 30293
(25) The credit for using Ohio coal under section 5733.39 of the Revised Code;	30294 30295
(26) The credit for small telephone companies under section 5733.57 of the Revised Code;	30296 30297
(27) The credit for eligible nonrecurring 9-1-1 charges under	30298

section 5733.55 of the Revised Code;	30299
(28) <del>The</del> <u>For tax year 2005, the</u> credit for providing programs to aid the communicatively impaired under <u>division (A) of</u> section 5733.56 of the Revised Code;	30300 30301 30302
(29) The research and development credit under section 5733.352 of the Revised Code;	30303 30304
(30) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	30305 30306 30307
(31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	30308 30309
(32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	30310 30311
(33) The credit for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a refundable credit under section 150.07 of the Revised Code;	30312 30313 30314 30315
<u>(34) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code.</u>	30316 30317 30318
(B) For any credit except the credits enumerated in divisions (A) (31), (32), <del>and</del> (33), <u>and</u> (34) of this section, the amount of the credit for a tax 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.	30319 30320 30321 30322 30323 30324 30325
<b>Sec. 5735.27.</b> (A) There is hereby created in the state treasury the gasoline excise tax fund, which shall be distributed	30326 30327

in the following manner: 30328

(1) The amount credited pursuant to divisions (B)(2)(a) and 30329  
(C)(2)(a) of section 5735.23 of the Revised Code shall be 30330  
distributed among municipal corporations. The amount paid to each 30331  
municipal corporation shall be that proportion of the amount to be 30332  
so distributed that the number of motor vehicles registered within 30333  
the municipal corporation bears to the total number of motor 30334  
vehicles registered within all the municipal corporations of this 30335  
state during the preceding motor vehicle registration year. When a 30336  
new village is incorporated, the registrar of motor vehicles shall 30337  
determine from the applications on file in the bureau of motor 30338  
vehicles the number of motor vehicles located within the territory 30339  
comprising the village during the entire registration year in 30340  
which the municipal corporation was incorporated. The registrar 30341  
shall forthwith certify the number of motor vehicles so determined 30342  
to the tax commissioner for use in distributing motor vehicle fuel 30343  
tax funds to the village until the village is qualified to 30344  
participate in the distribution of the funds pursuant to this 30345  
division. The number of motor vehicle registrations shall be 30346  
determined by the official records of the bureau of motor 30347  
vehicles. The amount received by each municipal corporation shall 30348  
be used to plan, construct, reconstruct, repave, widen, maintain, 30349  
repair, clear, and clean public highways, roads, and streets; to 30350  
maintain and repair bridges and viaducts; to purchase, erect, and 30351  
maintain street and traffic signs and markers; to pay the costs 30352  
apportioned to the municipal corporation under section 4907.47 of 30353  
the Revised Code; to purchase, erect, and maintain traffic lights 30354  
and signals; to pay the principal, interest, and charges on bonds 30355  
and other obligations issued pursuant to Chapter 133. of the 30356  
Revised Code or incurred pursuant to section 5531.09 of the 30357  
Revised Code for the purpose of acquiring or constructing roads, 30358  
highways, bridges, or viaducts or acquiring or making other 30359  
highway improvements for which the municipal corporation may issue 30360

bonds; and to supplement revenue already available for these 30361  
purposes. 30362

(2) The amount credited pursuant to division (B) of section 30363  
5735.26 of the Revised Code shall be distributed among the 30364  
municipal corporations within the state, in the proportion which 30365  
the number of motor vehicles registered within each municipal 30366  
corporation bears to the total number of motor vehicles registered 30367  
within all the municipal corporations of the state during the 30368  
preceding calendar year, as shown by the official records of the 30369  
bureau of motor vehicles, and shall be expended by each municipal 30370  
corporation to plan, construct, reconstruct, repave, widen, 30371  
maintain, repair, clear, and clean public highways, roads and 30372  
streets; to maintain and repair bridges and viaducts; to purchase, 30373  
erect, and maintain street and traffic signs and markers; to 30374  
purchase, erect, and maintain traffic lights and signals; to pay 30375  
costs apportioned to the municipal corporation under section 30376  
4907.47 of the Revised Code; to pay the principal, interest, and 30377  
charges on bonds and other obligations issued pursuant to Chapter 30378  
133. of the Revised Code or incurred pursuant to section 5531.09 30379  
of the Revised Code for the purpose of acquiring or constructing 30380  
roads, highways, bridges, or viaducts or acquiring or making other 30381  
highway improvements for which the municipal corporation may issue 30382  
bonds; and to supplement revenue already available for these 30383  
purposes. 30384

(3) The amount credited pursuant to divisions (B)(2)(b) and 30385  
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 30386  
equal proportions to the county treasurer of each county within 30387  
the state and shall be used only for the purposes of planning, 30388  
maintaining, and repairing the county system of public roads and 30389  
highways within the county; the planning, construction, and repair 30390  
of walks or paths along county roads in congested areas; the 30391  
planning, construction, purchase, lease, and maintenance of 30392

suitable buildings for the housing and repair of county road 30393  
machinery, housing of supplies, and housing of personnel 30394  
associated with the machinery and supplies; the payment of costs 30395  
apportioned to the county under section 4907.47 of the Revised 30396  
Code; the payment of principal, interest, and charges on bonds and 30397  
other obligations issued pursuant to Chapter 133. of the Revised 30398  
Code or incurred pursuant to section 5531.09 of the Revised Code 30399  
for the purpose of acquiring or constructing roads, highways, 30400  
bridges, or viaducts or acquiring or making other highway 30401  
improvements for which the board of county commissioners may issue 30402  
bonds under that chapter; and the purchase, installation, and 30403  
maintenance of traffic signal lights. 30404

(4) The amount credited pursuant to division (C) of section 30405  
5735.26 of the Revised Code shall be paid in equal proportions to 30406  
the county treasurer of each county for the purposes of planning, 30407  
maintaining, constructing, widening, and reconstructing the county 30408  
system of public roads and highways; paying principal, interest, 30409  
and charges on bonds and other obligations issued pursuant to 30410  
Chapter 133. of the Revised Code or incurred pursuant to section 30411  
5531.09 of the Revised Code for the purpose of acquiring or 30412  
constructing roads, highways, bridges, or viaducts or acquiring or 30413  
making other highway improvements for which the board of county 30414  
commissioners may issue bonds under that chapter; and paying costs 30415  
apportioned to the county under section 4907.47 of the Revised 30416  
Code. 30417

(5)(a) The amount credited pursuant to division (D) of 30418  
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 30419  
Revised Code shall be divided in equal proportions among the 30420  
townships within the state. 30421

(b) As used in division (A)(5)(b) of this section, the 30422  
"formula amount" for any township is the amount that would be 30423  
allocated to that township if fifty per cent of the amount 30424

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 30456  
of the counties. The county treasurer shall pay to each township 30457  
within the county its proportional share of the funds, which shall 30458  
be expended by each township ~~for the sole purpose~~ only for the 30459  
purposes of planning, constructing, maintaining, widening, and 30460  
reconstructing the public roads and highways within the township, 30461  
paying principal, interest, and charges on obligations incurred 30462  
pursuant to section 5531.09 of the Revised Code, and paying costs 30463  
apportioned to the township under section 4907.47 of the Revised 30464  
Code. 30465

No part of the funds designated for road and highway purposes 30466  
shall be used for any purpose except to pay in whole or part the 30467  
contract price of any such work done by contract, or to pay the 30468  
cost of labor in planning, constructing, widening, and 30469  
reconstructing such roads and highways, and the cost of materials 30470  
forming a part of the improvement; provided that the funds may be 30471  
used for the purchase of road machinery and equipment and for the 30472  
planning, construction, and maintenance of suitable buildings for 30473  
housing road machinery and equipment, and that all such 30474  
improvement of roads shall be under supervision and direction of 30475  
the county engineer as provided in section 5575.07 of the Revised 30476  
Code. No obligation against the funds shall be incurred unless 30477  
plans and specifications for the improvement, approved by the 30478  
county engineer, are on file in the office of the township fiscal 30479  
officer, and all contracts for material and for work done by 30480  
contract shall be approved by the county engineer before being 30481  
signed by the board of township trustees. The board of township 30482  
trustees of any township may pass a resolution permitting the 30483  
board of county commissioners to expend the township's share of 30484  
the funds, or any portion of it, for the improvement of the roads 30485  
within the township as may be designated in the resolution. 30486

All investment earnings of the fund shall be credited to the 30487

fund. 30488

(B) Amounts credited to the highway operating fund pursuant 30489  
to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 30490  
division (A) of section 5735.26 of the Revised Code shall be 30491  
expended in the following manner: 30492

(1) The amount credited pursuant to divisions (B)(2)(c) and 30493  
(C)(2)(d) of section 5735.23 of the Revised Code shall be 30494  
apportioned to and expended by the department of transportation 30495  
for the purposes of planning, maintaining, repairing, and keeping 30496  
in passable condition for travel the roads and highways of the 30497  
state required by law to be maintained by the department; paying 30498  
the costs apportioned to the state under section 4907.47 of the 30499  
Revised Code; paying that portion of the construction cost of a 30500  
highway project which a county, township, or municipal corporation 30501  
normally would be required to pay, but which the director of 30502  
transportation, pursuant to division (B) of section 5531.08 of the 30503  
Revised Code, determines instead will be paid from moneys in the 30504  
highway operating fund; and paying the costs of the department of 30505  
public safety in administering and enforcing the state law 30506  
relating to the registration and operation of motor vehicles. 30507

(2) The amount credited pursuant to division (A) of section 30508  
5735.26 of the Revised Code shall be used for paying the state's 30509  
share of the cost of planning, constructing, widening, 30510  
maintaining, and reconstructing the state highways; paying that 30511  
portion of the construction cost of a highway project which a 30512  
county, township, or municipal corporation normally would be 30513  
required to pay, but which the director of transportation, 30514  
pursuant to division (B) of section 5531.08 of the Revised Code, 30515  
determines instead will be paid from moneys in the highway 30516  
operating fund; and also for supplying the state's share of the 30517  
cost of eliminating railway grade crossings upon such highways and 30518  
costs apportioned to the state under section 4907.47 of the 30519

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. 5739.011.** (A) As used in this section: 30524

(1) "Manufacturer" means a person who is engaged in  
manufacturing, processing, assembling, or refining a product for  
sale and, solely for the purposes of division (B)(12) of this  
section, a person who meets all the qualifications of that  
division.

(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.

(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.

(4) "Testing" means a process or procedure to identify the  
properties or assure the quality of a material or product.

(5) "Completed product" means a manufactured item that is in  
the form and condition as it will be sold by the manufacturer. An  
item is completed when all processes that change or alter its  
state or form or enhance its value are finished, even though the  
item subsequently will be tested to ensure its quality or be  
packaged for storage or shipment.

(6) "Continuous manufacturing operation" means the process in  
which raw materials or components are moved through the steps  
whereby manufacturing occurs. Materials handling of raw materials  
or parts from the point of receipt or preproduction storage or of

a completed product, to or from storage, to or from packaging, or 30550  
to the place from which the completed product will be shipped, is 30551  
not a part of a continuous manufacturing operation. 30552

(B) For purposes of division (B)~~(43)~~(42)(g) of section 30553  
5739.02 of the Revised Code, the "thing transferred" includes, but 30554  
is not limited to, any of the following: 30555

(1) Production machinery and equipment that act upon the 30556  
product or machinery and equipment that treat the materials or 30557  
parts in preparation for the manufacturing operation; 30558

(2) Materials handling equipment that moves the product 30559  
through a continuous manufacturing operation; equipment that 30560  
temporarily stores the product during the manufacturing operation; 30561  
or, excluding motor vehicles licensed to operate on public 30562  
highways, equipment used in intraplant or interplant transfers of 30563  
work in process where the plant or plants between which such 30564  
transfers occur are manufacturing facilities operated by the same 30565  
person; 30566

(3) Catalysts, solvents, water, acids, oil, and similar 30567  
consumables that interact with the product and that are an 30568  
integral part of the manufacturing operation; 30569

(4) Machinery, equipment, and other tangible personal 30570  
property used during the manufacturing operation that control, 30571  
physically support, produce power for, lubricate, or are otherwise 30572  
necessary for the functioning of production machinery and 30573  
equipment and the continuation of the manufacturing operation; 30574

(5) Machinery, equipment, fuel, power, material, parts, and 30575  
other tangible personal property used to manufacture machinery, 30576  
equipment, or other tangible personal property used in 30577  
manufacturing a product for sale; 30578

(6) Machinery, equipment, and other tangible personal 30579

property used by a manufacturer to test raw materials, the product	30580
being manufactured, or the completed product;	30581
(7) Machinery and equipment used to handle or temporarily	30582
store scrap that is intended to be reused in the manufacturing	30583
operation at the same manufacturing facility;	30584
(8) Coke, gas, water, steam, and similar substances used in	30585
the manufacturing operation; machinery and equipment used for, and	30586
fuel consumed in, producing or extracting those substances;	30587
machinery, equipment, and other tangible personal property used to	30588
treat, filter, pump, or otherwise make the substance suitable for	30589
use in the manufacturing operation; and machinery and equipment	30590
used for, and fuel consumed in, producing electricity for use in	30591
the manufacturing operation;	30592
(9) Machinery, equipment, and other tangible personal	30593
property used to transport or transmit electricity, coke, gas,	30594
water, steam, or similar substances used in the manufacturing	30595
operation from the point of generation, if produced by the	30596
manufacturer, or from the point where the substance enters the	30597
manufacturing facility, if purchased by the manufacturer, to the	30598
manufacturing operation;	30599
(10) Machinery, equipment, and other tangible personal	30600
property that treats, filters, cools, refines, or otherwise	30601
renders water, steam, acid, oil, solvents, or similar substances	30602
used in the manufacturing operation reusable, provided that the	30603
substances are intended for reuse and not for disposal, sale, or	30604
transportation from the manufacturing facility;	30605
(11) Parts, components, and repair and installation services	30606
for items described in division (B) of this section;	30607
<u>(12) Machinery and equipment, detergents, supplies, solvents,</u>	30608
<u>and any other tangible personal property located at a</u>	30609
<u>manufacturing facility that are used in the process of removing</u>	30610

soil, dirt, or other contaminants from, or otherwise preparing in 30611  
a suitable condition for use, towels, linens, articles of 30612  
clothing, floor mats, mop heads, or other similar items, to be 30613  
supplied to a consumer as part of laundry and dry cleaning 30614  
services as defined in division (BB) of section 5739.01 of the 30615  
Revised Code, only when the towels, linens, articles of clothing, 30616  
floor mats, mop heads, or other similar items belong to the 30617  
provider of the services. 30618

(C) For purposes of division (B)~~(43)~~(42)(g) of section 30619  
5739.02 of the Revised Code, the "thing transferred" does not 30620  
include any of the following: 30621

(1) Tangible personal property used in administrative, 30622  
personnel, security, inventory control, record-keeping, ordering, 30623  
billing, or similar functions; 30624

(2) Tangible personal property used in storing raw materials 30625  
or parts prior to the commencement of the manufacturing operation 30626  
or used to handle or store a completed product, including storage 30627  
that actively maintains a completed product in a marketable state 30628  
or form; 30629

(3) Tangible personal property used to handle or store scrap 30630  
or waste intended for disposal, sale, or other disposition, other 30631  
than reuse in the manufacturing operation at the same 30632  
manufacturing facility; 30633

(4) Tangible personal property that is or is to be 30634  
incorporated into realty; 30635

(5) Machinery, equipment, and other tangible personal 30636  
property used for ventilation, dust or gas collection, humidity or 30637  
temperature regulation, or similar environmental control, except 30638  
machinery, equipment, and other tangible personal property that 30639  
totally regulates the environment in a special and limited area of 30640  
the manufacturing facility where the regulation is essential for 30641

production to occur; 30642

(6) Tangible personal property used for the protection and 30643  
safety of workers, unless the property is attached to or 30644  
incorporated into machinery and equipment used in a continuous 30645  
manufacturing operation; 30646

(7) Tangible personal property used to store fuel, water, 30647  
solvents, acid, oil, or similar items consumed in the 30648  
manufacturing operation; 30649

(8) Machinery, equipment, and other tangible personal 30650  
property used to clean, repair, or maintain real or personal 30651  
property in the manufacturing facility; 30652

(9) Motor vehicles registered for operation on public 30653  
highways. 30654

(D) For purposes of division (B)~~(43)~~(42)(g) of section 30655  
5739.02 of the Revised Code, if the "thing transferred" is a 30656  
machine used by a manufacturer in both a taxable and an exempt 30657  
manner, it shall be totally taxable or totally exempt from 30658  
taxation based upon its quantified primary use. If the "things 30659  
transferred" are fungibles, they shall be taxed based upon the 30660  
proportion of the fungibles used in a taxable manner. 30661

**Sec. 5739.026.** (A) A board of county commissioners may levy a 30662  
tax of one-fourth or one-half of one per cent on every retail sale 30663  
in the county, except sales of watercraft and outboard motors 30664  
required to be titled pursuant to Chapter 1548. of the Revised 30665  
Code and sales of motor vehicles, and may increase an existing 30666  
rate of one-fourth of one per cent to one-half of one per cent, to 30667  
pay the expenses of administering the tax and, except as provided 30668  
in division (A)(6) of this section, for any one or more of the 30669  
following purposes provided that the aggregate levy for all such 30670  
purposes does not exceed one-half of one per cent: 30671

(1) To provide additional revenues for the payment of bonds	30672
or notes issued in anticipation of bonds issued by a convention	30673
facilities authority established by the board of county	30674
commissioners under Chapter 351. of the Revised Code and to	30675
provide additional operating revenues for the convention	30676
facilities authority;	30677
(2) To provide additional revenues for a transit authority	30678
operating in the county;	30679
(3) To provide additional revenue for the county's general	30680
fund;	30681
(4) To provide additional revenue for permanent improvements	30682
within the county to be distributed by the community improvements	30683
board in accordance with section 307.283 and to pay principal,	30684
interest, and premium on bonds issued under section 307.284 of the	30685
Revised Code;	30686
(5) To provide additional revenue for the acquisition,	30687
construction, equipping, or repair of any specific permanent	30688
improvement or any class or group of permanent improvements, which	30689
improvement or class or group of improvements shall be enumerated	30690
in the resolution required by division (D) of this section, and to	30691
pay principal, interest, premium, and other costs associated with	30692
the issuance of bonds or notes in anticipation of bonds issued	30693
pursuant to Chapter 133. of the Revised Code for the acquisition,	30694
construction, equipping, or repair of the specific permanent	30695
improvement or class or group of permanent improvements;	30696
(6) To provide revenue for the implementation and operation	30697
of a 9-1-1 system in the county. If the tax is levied or the rate	30698
increased exclusively for such purpose, the tax shall not be	30699
levied or the rate increased for more than five years. At the end	30700
of the last year the tax is levied or the rate increased, any	30701
balance remaining in the special fund established for such purpose	30702

shall remain in that fund and be used exclusively for such purpose 30703  
until the fund is completely expended, and, notwithstanding 30704  
section 5705.16 of the Revised Code, the board of county 30705  
commissioners shall not petition for the transfer of money from 30706  
such special fund, and the tax commissioner shall not approve such 30707  
a petition. 30708

If the tax is levied or the rate increased for such purpose 30709  
for more than five years, the board of county commissioners also 30710  
shall levy the tax or increase the rate of the tax for one or more 30711  
of the purposes described in divisions (A)(1) to (5) of this 30712  
section and shall prescribe the method for allocating the revenues 30713  
from the tax each year in the manner required by division (C) of 30714  
this section. 30715

(7) To provide additional revenue for the operation or 30716  
maintenance of a detention facility, as that term is defined under 30717  
division (F) of section 2921.01 of the Revised Code; 30718

(8) To provide revenue to finance the construction or 30719  
renovation of a sports facility, but only if the tax is levied for 30720  
that purpose in the manner prescribed by section 5739.028 of the 30721  
Revised Code. 30722

As used in division (A)(8) of this section: 30723

(a) "Sports facility" means a facility intended to house 30724  
major league professional athletic teams. 30725

(b) "Constructing" or "construction" includes providing 30726  
fixtures, furnishings, and equipment. 30727

(9) To provide additional revenue for the acquisition of 30728  
agricultural easements, as defined in section 5301.67 of the 30729  
Revised Code; to pay principal, interest, and premium on bonds 30730  
issued under section 133.60 of the Revised Code; and for the 30731  
supervision and enforcement of agricultural easements held by the 30732

county; 30733

(10) To provide revenue for the provision of ambulance, 30734  
paramedic, or other emergency medical services. 30735

Pursuant to section 755.171 of the Revised Code, a board of 30736  
county commissioners may pledge and contribute revenue from a tax 30737  
levied for the purpose of division (A)(5) of this section to the 30738  
payment of debt charges on bonds issued under section 755.17 of 30739  
the Revised Code. 30740

The rate of tax shall be a multiple of one-fourth of one per 30741  
cent, unless a portion of the rate of an existing tax levied under 30742  
section 5739.023 of the Revised Code has been reduced, and the 30743  
rate of tax levied under this section has been increased, pursuant 30744  
to section 5739.028 of the Revised Code, in which case the 30745  
aggregate of the rates of tax levied under this section and 30746  
section 5739.023 of the Revised Code shall be a multiple of 30747  
one-fourth of one per cent. The tax shall be levied and the rate 30748  
increased pursuant to a resolution adopted by a majority of the 30749  
members of the board. The board shall deliver a certified copy of 30750  
the resolution to the tax commissioner, not later than the 30751  
sixty-fifth day prior to the date on which the tax is to become 30752  
effective, which shall be the first day of a calendar quarter. 30753

Prior to the adoption of any resolution to levy the tax or to 30754  
increase the rate of tax exclusively for the purpose set forth in 30755  
division (A)(3) of this section, the board of county commissioners 30756  
shall conduct two public hearings on the resolution, the second 30757  
hearing to be no fewer than three nor more than ten days after the 30758  
first. Notice of the date, time, and place of the hearings shall 30759  
be given by publication in a newspaper of general circulation in 30760  
the county once a week on the same day of the week for two 30761  
consecutive weeks, the second publication being no fewer than ten 30762  
nor more than thirty days prior to the first hearing. Except as 30763

provided in division (E) of this section, the resolution shall be 30764  
subject to a referendum as provided in sections 305.31 to 305.41 30765  
of the Revised Code. ~~Unless the resolution is adopted as an~~ 30766  
~~emergency measure, or is to be submitted to the electors of the~~ 30767  
~~county under division (D)(2)(a) of this section, the resolution~~ 30768  
~~shall be adopted at least one hundred twenty days prior to the~~ 30769  
~~date on which the tax or the increased rate of tax is to go into~~ 30770  
~~effect.~~ If the resolution is adopted as an emergency measure 30771  
necessary for the immediate preservation of the public peace, 30772  
health, or safety, it must receive an affirmative vote of all of 30773  
the members of the board of county commissioners and shall state 30774  
the reasons for the necessity. 30775

If the tax is for more than one of the purposes set forth in 30776  
divisions (A)(1) to (7), (9), and (10) of this section, or is 30777  
exclusively for one of the purposes set forth in division (A)(1), 30778  
(2), (4), (5), (6), (7), (9), or (10) of this section, the 30779  
resolution shall not go into effect unless it is approved by a 30780  
majority of the electors voting on the question of the tax. 30781

(B) The board of county commissioners shall adopt a 30782  
resolution under section 351.02 of the Revised Code creating the 30783  
convention facilities authority, or under section 307.283 of the 30784  
Revised Code creating the community improvements board, before 30785  
adopting a resolution levying a tax for the purpose of a 30786  
convention facilities authority under division (A)(1) of this 30787  
section or for the purpose of a community improvements board under 30788  
division (A)(4) of this section. 30789

(C)(1) If the tax is to be used for more than one of the 30790  
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 30791  
this section, the board of county commissioners shall establish 30792  
the method that will be used to determine the amount or proportion 30793  
of the tax revenue received by the county during each year that 30794  
will be distributed for each of those purposes, including, if 30795

applicable, provisions governing the reallocation of a convention facilities authority's allocation if the authority is dissolved while the tax is in effect. The allocation method may provide that different proportions or amounts of the tax shall be distributed among the purposes in different years, but it shall clearly describe the method that will be used for each year. Except as otherwise provided in division (C)(2) of this section, the allocation method established by the board is not subject to amendment during the life of the tax.

(2) Subsequent to holding a public hearing on the proposed 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.

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(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.

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(d) If the additional revenues provided to the county are  
pledged by the county for the payment of bonds or notes issued  
under section 133.60 of the Revised Code, for so long as the bonds  
or notes are outstanding, no reduction of the county's allocation  
of the tax shall be made for any year, except to the extent that  
the reduced county allocation is sufficient to meet the debt  
service requirements for that year on the bonds or notes.

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(D)(1) The resolution levying the tax or increasing the rate  
of tax shall state the rate of the tax or the rate of the  
increase; the purpose or purposes for which it is to be levied;  
the number of years for which it is to be levied or that it is for  
a continuing period of time; the allocation method required by  
division (C) of this section; and if required to be submitted to  
the electors of the county under division (A) of this section, the  
date of the election at which the proposal shall be submitted to  
the electors of the county, which shall be not less than  
seventy-five days after the certification of a copy of the  
resolution to the board of elections and, if the tax is to be  
levied exclusively for the purpose set forth in division (A)(3) of  
this section, shall not occur in February or August of any year.  
Upon certification of the resolution to the board of elections,

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the board of county commissioners shall notify the tax  
commissioner in writing of the levy question to be submitted to  
the electors. If approved by a majority of the electors, the tax  
shall become effective on the first day of a calendar quarter next  
following the sixty-fifth day following the date the board of  
county commissioners and tax commissioner receive from the board  
of elections the certification of the results of the election,  
except as provided in division (E) of this section.

(2)(a) 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 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  
levy a tax at the same rate pursuant to section 5741.023 of the  
Revised Code.

The additional tax levied by the county shall be collected  
pursuant to section 5739.025 of the Revised Code.

Any tax levied pursuant to this section is subject to the  
exemptions provided in section 5739.02 of the Revised Code and in  
addition shall not be applicable to sales not within the taxing  
power of a county under the Constitution of the United States or  
the Ohio Constitution.

(G) Upon receipt from a board of county commissioners of a  
certified copy of a resolution required by division (A) of this  
section, or from the board of elections a notice of the results of  
an election required by division (D)(1), (2)(a), (b), or (c) of  
this section, the tax commissioner shall provide notice of a tax  
rate change in a manner that is reasonably accessible to all  
affected vendors. The commissioner shall provide this notice at  
least sixty days prior to the effective date of the rate change.  
The commissioner, by rule, may establish the method by which  
notice will be provided.

**Sec. 5739.211.** (A) The moneys received by a county levying an

additional sales tax pursuant to section 5739.021 of the Revised Code shall be deposited in the county general fund to be expended for any purpose for which general fund moneys of the county may be used, including the acquisition or construction of permanent improvements or to make payments in accordance with section 333.06 or 333.07 of the Revised Code, or in the bond retirement fund for the payment of debt service charges on notes or bonds of the county issued for the acquisition or construction ~~or~~ of permanent improvements. The amounts to be deposited in each of such funds shall be determined by the board of county commissioners.

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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

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authority as determined by the legislative authority of the 30986  
transit authority to be expended for any purpose for which a 30987  
county transit board or the board of county commissioners 30988  
operating a county transit system, in the case of a county, or the 30989  
board of trustees of a regional transit authority, in the case of 30990  
a regional transit authority, may expend moneys under their 30991  
control, including the purchase, acquisition, construction, 30992  
replacement, improvement, extension, or enlargement of permanent 30993  
improvements and for the payment of debt service charges on notes 30994  
or bonds of the transit authority. 30995

**Sec. 5741.031.** (A) The funds received by a county levying an 30996  
additional use tax pursuant to section 5741.021 of the Revised 30997  
Code shall be deposited in the county general fund to be expended 30998  
for any purpose for which general fund moneys of the county may be 30999  
used, including the acquisition or construction of permanent 31000  
improvements or to make payments in accordance with section 333.06 31001  
or 333.07 of the Revised Code, or in the bond retirement fund for 31002  
the payment of debt service charges on notes or bonds of the 31003  
county issued for the acquisition or construction of permanent 31004  
improvements, ~~or in the bond retirement fund for the payment of~~ 31005  
~~debt service charges on notes or bonds of the county issued for~~ 31006  
~~the acquisition or construction of permanent improvements.~~ The 31007  
amounts to be deposited in each of such funds shall be determined 31008  
by the board of county commissioners. 31009

(B) The moneys received by a county levying an additional use 31010  
tax pursuant to section 5741.023 of the Revised Code shall be 31011  
deposited in a separate fund, which shall be allocated, 31012  
distributed, and used in accordance with the resolution adopted 31013  
under section 5739.026 of the Revised Code. Moneys allocated for 31014  
the purpose of division (A)(4) of section 5739.026 of the Revised 31015  
Code shall be transferred to and disbursed from the community 31016

improvements fund in the county treasury. Notwithstanding section 31017  
135.351 of the Revised Code, if an allocation of moneys to a 31018  
convention facilities authority or a transit authority is required 31019  
pursuant to division (C) of section 5739.026 of the Revised Code, 31020  
the county shall pay and distribute each authority's share of any 31021  
such moneys to its fiscal officer within five business days of the 31022  
date of their receipt by the county. If the moneys allocated under 31023  
such division are not so paid, the county shall pay to such 31024  
authority any interest that the county has received or will 31025  
receive on such moneys that accrues from the date the county 31026  
received the moneys, together with the principal amount of such 31027  
moneys. 31028

(C) The funds received by a transit authority levying an 31029  
additional use tax pursuant to section 5741.022 of the Revised 31030  
Code shall be deposited in such fund or funds of the transit 31031  
authority as determined by the legislative authority of the 31032  
transit authority to be expended for any purpose for which a 31033  
county transit board or the board of county commissioners 31034  
operating a county transit system, in the case of a county, or the 31035  
board of trustees of a regional transit authority, in the case of 31036  
a regional transit authority, may expend moneys under their 31037  
control, including the purchase, acquisition, construction, 31038  
replacement, improvement, extension, or enlargement of permanent 31039  
improvements or in the bond retirement fund for the payment of 31040  
debt service charges on notes or bonds of the transit authority. 31041

Sec. 5743.021. (A) As used in this section, "qualifying 31042  
regional arts and cultural district" means a regional arts and 31043  
cultural district created under section 3381.04 of the Revised 31044  
Code in a county having a population of one million two hundred 31045  
thousand or more according to the 2000 federal decennial census. 31046

(B) For one or more of the purposes for which a tax may be 31047

levied under section 3381.16 of the Revised Code and for the 31048  
purposes of paying the expenses of administering the tax and the 31049  
expenses charged by a board of elections to hold an election on a 31050  
question submitted under this section, the board of county 31051  
commissioners of a county that has within its territorial 31052  
boundaries a qualifying regional arts and cultural district may 31053  
levy a tax on the sale of cigarettes sold for resale at retail in 31054  
the county composing the district. The rate of the tax, when added 31055  
to the rate of any other tax concurrently levied by the board 31056  
under this section, shall not exceed fifteen mills per cigarette, 31057  
and shall be computed on each cigarette sold. Only one sale of the 31058  
same article shall be used in computing the amount of tax due. The 31059  
tax may be levied for any number of years not exceeding ten years. 31060

The tax shall be levied pursuant to a resolution of the board 31061  
of county commissioners approved by a majority of the electors in 31062  
the county voting on the question of levying the tax. The 31063  
resolution shall specify the rate of the tax, the number of years 31064  
the tax will be levied, and the purposes for which the tax is 31065  
levied. The election may be held on the date of a general, 31066  
primary, or special election held not sooner than seventy-five 31067  
days after the date the board certifies its resolution to the 31068  
board of elections. If approved by the electors, the tax shall 31069  
take effect on the first day of the month specified in the 31070  
resolution but not sooner than the first day of the month that is 31071  
at least sixty days after the certification of the election 31072  
results by the board of elections. A copy of the resolution 31073  
levying the tax shall be certified to the tax commissioner at 31074  
least sixty days prior to the date on which the tax is to become 31075  
effective. 31076

(C) The form of the ballot in an election held under this 31077  
section shall be as follows, or in any other form acceptable to 31078  
the secretary of state: 31079

"For the purpose of ..... (insert the purpose or 31080  
purposes of the tax), shall an excise tax be levied throughout 31081  
..... County for the benefit of the ..... (name of the 31082  
qualifying regional arts and cultural district) on the sale of 31083  
cigarettes at wholesale at the rate of .... mills per cigarette 31084  
for ..... years? 31085

	<u>For the tax</u>	
	<u>Against the tax</u>	"

(D) The treasurer of state shall credit all moneys arising 31086  
from taxes levied on behalf of each district under this section 31087  
and section 5743.321 of the Revised Code as follows: 31088

(1) To the tax refund fund created by section 5703.052 of the 31089  
Revised Code, amounts equal to the refunds from each tax levied 31090  
under this section certified by the tax commissioner pursuant to 31091  
section 5743.05 of the Revised Code; 31092

(2) Following the crediting of amounts pursuant to division 31093  
(D)(1) of this section: 31094

(a) To the permissive tax distribution fund created under 31095  
section 4301.423 of the Revised Code, an amount equal to 31096  
ninety-eight per cent of the remainder collected; 31097

(b) To the local excise tax administrative fund, which is 31098  
hereby created in the state treasury, an amount equal to two per 31099  
cent of such remainder, for use by the tax commissioner in 31100  
defraying costs incurred in administering the tax. 31101

On or before the second working day of each month, the 31102  
treasurer of state shall certify to the tax commissioner the 31103  
amount of taxes levied on behalf of each district under sections 31104  
5743.021 and 5743.321 of the Revised Code and paid to the 31105  
treasurer of state during the preceding month. 31106  
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On or before the tenth day of each month, the tax 31110  
commissioner shall distribute the amount credited to the 31111  
permissive tax distribution fund during the preceding month by 31112  
providing for payment of the appropriate amount to the county 31113  
treasurer of the county in which the tax is levied. 31114

**Sec. 5743.025.** In addition to the return required by section 31115  
5743.03 of the Revised Code, each retail dealer in a county 31116  
~~levying in which~~ a tax is levied under section 5743.021, 5743.024, 31117  
or 5743.026 of the Revised Code shall, within thirty days after 31118  
the date on which ~~a tax levied under such section~~ the tax takes 31119  
effect, make and file a return, on forms prescribed by the tax 31120  
commissioner, showing the total number of cigarettes which such 31121  
retail dealer had on hand as of the beginning of business on the 31122  
date on which the tax takes effect, and such other information as 31123  
the commissioner deems necessary for the administration of section 31124  
5743.021, 5743.024, or 5743.026 of the Revised Code. Each retail 31125  
dealer shall deliver the return together with a remittance of the 31126  
additional amount of tax due on the cigarettes shown on such 31127  
return to the treasurer of state. The treasurer of state shall 31128  
stamp or otherwise mark on the return the date it was received and 31129  
shall also show thereon by stamp or otherwise the tax payment 31130  
remitted with the return. Thereafter, the treasurer of state shall 31131  
immediately transmit all returns filed under this section to the 31132  
tax commissioner. Any retail dealer who fails to file a return 31133  
under this section shall, for each day the retail dealer so fails, 31134  
forfeit and pay into the state treasury the sum of one dollar as 31135  
revenue arising from the tax imposed by section 5743.021, 31136  
5743.024, or 5743.026 of the Revised Code, and such sum may be 31137  
collected by assessment in the manner provided in section 5743.081 31138  
of the Revised Code. For thirty days after the effective date of a 31139  
tax imposed by section 5743.021, 5743.024, or 5743.026 of the 31140  
Revised Code, a retail dealer may possess for sale or sell in the 31141

county in which the tax is levied cigarettes not bearing the stamp 31142  
or impression required by section 5743.03 of the Revised Code to 31143  
evidence payment of the county tax but on which the tax has or 31144  
will be paid. 31145

**Sec. 5743.03.** (A) Except as provided in section 5743.04 of 31146  
the Revised Code, the taxes imposed under sections 5743.02, 31147  
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 31148  
by the purchase of stamps. A stamp shall be affixed to each 31149  
package of an aggregate denomination not less than the amount of 31150  
the tax upon the contents thereof. The stamp, so affixed, shall be 31151  
prima-facie evidence of payment of the tax. 31152

Except as is provided in the rules prescribed by the tax 31153  
commissioner under authority of sections 5743.01 to 5743.20 of the 31154  
Revised Code, and unless tax stamps have been previously affixed, 31155  
they shall be so affixed by each wholesale dealer, and canceled by 31156  
writing or stamping across the face thereof the number assigned to 31157  
such wholesale dealer by the tax commissioner for that purpose, 31158  
prior to the delivery of any cigarettes to any person in this 31159  
state, or in the case of a tax levied pursuant to section 31160  
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 31161  
delivery of cigarettes to any person in the county in which the 31162  
tax is levied. 31163

(B) Except as provided in the rules prescribed by the 31164  
commissioner under authority of sections 5743.01 to 5743.20 of the 31165  
Revised Code, each retail dealer, within twenty-four hours after 31166  
the receipt of any cigarettes at the retail dealer's place of 31167  
business, shall inspect the cigarettes to ensure that tax stamps 31168  
are affixed. The inspection shall be completed before the 31169  
cigarettes are delivered to any person in this state, or, in the 31170  
case of a tax levied pursuant to section 5743.021, 5743.024, or 31171  
5743.026 of the Revised Code, before the cigarettes are delivered 31172

to any person in the county in which the tax is levied. 31173

(C) Whenever any cigarettes are found in the place of 31174  
business of any retail dealer without proper tax stamps affixed 31175  
thereto and canceled, it is presumed that such cigarettes are kept 31176  
therein in violation of sections 5743.01 to 5743.20 of the Revised 31177  
Code. 31178

(D) Each wholesale dealer who purchases cigarettes without 31179  
proper tax stamps affixed thereto shall, on or before the 31180  
thirty-first day of the month following the close of each 31181  
semiannual period, which period shall end on the thirtieth day of 31182  
June and the thirty-first day of December of each year, make and 31183  
file a return of the preceding semiannual period, on such form as 31184  
is prescribed by the tax commissioner, showing the dealer's entire 31185  
purchases and sales of cigarettes and stamps or impressions for 31186  
such semiannual period and accurate inventories as of the 31187  
beginning and end of each semiannual period of cigarettes, stamped 31188  
or unstamped; cigarette tax stamps affixed or unaffixed and unused 31189  
meter impressions; and such other information as the commissioner 31190  
finds necessary to the proper administration of sections 5743.01 31191  
to 5743.20 of the Revised Code. The commissioner may extend the 31192  
time for making and filing returns and may remit all or any part 31193  
of amounts of penalties that may become due under sections 5743.01 31194  
to 5743.20 of the Revised Code. The wholesale dealer shall deliver 31195  
the return together with a remittance of the tax deficiency 31196  
reported thereon to the treasurer of state. The treasurer of state 31197  
shall stamp or otherwise mark on the return the date it was 31198  
received and shall also show thereon by stamp or otherwise a 31199  
payment or nonpayment of the deficiency shown by the return. 31200  
Thereafter, the treasurer of state shall immediately transmit all 31201  
returns filed under this section to the commissioner. 31202

(E) Any wholesale dealer who fails to file a return under 31203  
this section and the rules of the commissioner, other than a 31204

report required pursuant to division (F) of this section, may be 31205  
required, for each day the dealer so fails, to forfeit and pay 31206  
into the state treasury the sum of one dollar as revenue arising 31207  
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 31208  
Code and such sum may be collected by assessment in the manner 31209  
provided in section 5743.081 of the Revised Code. If the 31210  
commissioner finds it necessary in order to insure the payment of 31211  
the tax imposed by sections 5743.01 to 5743.20 of the Revised 31212  
Code, the commissioner may require returns and payments to be made 31213  
other than semiannually. The returns shall be signed by the 31214  
wholesale dealer or an authorized agent thereof. 31215

(F) Each person required to file a tax return under section 31216  
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 31217  
the commissioner the quantity of all cigarettes and roll-your-own 31218  
cigarette tobacco sold in Ohio for each brand not covered by the 31219  
tobacco master settlement agreement for which the person is liable 31220  
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 31221  
the Revised Code. 31222

As used in this division, "tobacco master settlement 31223  
agreement" has the same meaning as in section 183.01 of the 31224  
Revised Code. 31225

(G) The report required by division (F) of this section shall 31226  
be made on a form prescribed by the commissioner and shall be 31227  
filed not later than the last day of each month for the previous 31228  
month, except that if the commissioner determines that the 31229  
quantity reported by a person does not warrant monthly reporting, 31230  
the commissioner may authorize reporting at less frequent 31231  
intervals. The commissioner may assess a penalty of not more than 31232  
two hundred fifty dollars for each month or portion thereof that a 31233  
person fails to timely file a required report, and such sum may be 31234  
collected by assessment in the manner provided in section 5743.081 31235  
of the Revised Code. All money collected under this division shall 31236

be considered as revenue arising from the taxes imposed by 31237  
sections 5743.01 to 5743.20 of the Revised Code. 31238

**Sec. 5743.04.** The tax commissioner shall design and procure 31239  
the stamps provided for in section 5743.03 of the Revised Code and 31240  
shall enforce and administer sections 5743.01 to 5743.44 of the 31241  
Revised Code. With respect to packages containing any number of 31242  
cigarettes other than twenty, if the commissioner finds that it is 31243  
practicable to collect the taxes levied under sections 5743.02, 31244  
5743.021, 5743.024, and 5743.026 of the Revised Code by any method 31245  
other than that provided in this section and section 5743.03 of 31246  
the Revised Code, the commissioner may by rule prescribe such 31247  
other method for payment of the taxes upon such packages of 31248  
cigarettes as will adequately protect the revenue; provided, that 31249  
in any case where the commissioner prescribes that the taxes upon 31250  
such packages of cigarettes shall be paid on the basis of returns 31251  
filed by a wholesale or retail dealer, said returns, together with 31252  
a remittance of all taxes due as shown thereon, shall be filed 31253  
with the treasurer of state not later than the tenth day of the 31254  
month following the month in which such cigarettes are sold in 31255  
this state. The commissioner may promulgate rules in accordance 31256  
with sections 119.01 to 119.13 of the Revised Code as the 31257  
commissioner deems necessary to carry out sections 5743.01 to 31258  
5743.44 of the Revised Code and may adopt different detailed rules 31259  
applicable to diverse methods and conditions of sale of 31260  
cigarettes, prescribing, in each class of cases, upon whom, as 31261  
between the wholesale dealer and the retail dealer, the primary 31262  
duty of affixing stamps shall rest, and the manner in which stamps 31263  
shall be affixed. A copy of such rules shall be furnished to every 31264  
licensed dealer as provided in sections 119.01 to 119.13 of the 31265  
Revised Code. Any such rule so furnished which excuses a wholesale 31266  
dealer from affixing stamps under the circumstances of the 31267  
particular case shall be a defense in the prosecution of such 31268

dealer for violation of section 5743.03 of the Revised Code. 31269

The commissioner, after determining that it is practicable to 31270  
evidence payment of the taxes levied under sections 5743.02, 31271  
5743.021, 5743.024, and 5743.026 of the Revised Code by impression 31272  
made by a metering device, shall by resolution provide that such 31273  
metering device may be used in lieu of the stamps otherwise 31274  
provided for in section 5743.03 of the Revised Code. The 31275  
commissioner may authorize any wholesale or retail dealer to use 31276  
the metering device approved by the commissioner. Such device 31277  
before being used shall be sealed by the treasurer of state, and 31278  
shall be used only in accordance with the rules prescribed by the 31279  
commissioner. 31280

Wholesale and retail dealers authorized to use said device 31281  
shall prepay the tax represented by meter impressions and shall 31282  
deliver the metering device to the treasurer of state or county 31283  
treasurer in the county in which the place of business of any 31284  
wholesaler or retailer is located if such treasurer is designated 31285  
by the treasurer of state, who shall seal the meter in accordance 31286  
with the prepayments so made. 31287

**Sec. 5743.05.** All stamps provided for by section 5743.03 of 31288  
the Revised Code, when procured by the tax commissioner, shall be 31289  
immediately delivered to the treasurer of state, who shall execute 31290  
a receipt therefor showing the number and aggregate face value of 31291  
each denomination received by the treasurer of state and any other 31292  
information that the commissioner requires to enforce the 31293  
collection and distribution of all taxes imposed under section 31294  
5743.021, 5743.024, or 5743.026 of the Revised Code, and deliver 31295  
the receipt to the commissioner. The treasurer of state shall sell 31296  
the stamps and, on the fifth day of each month, make a report 31297  
showing all sales made during the preceding month, with the names 31298  
of purchasers, the number of each denomination, the aggregate face 31299

value purchased by each, and any other information as the 31300  
commissioner requires to enforce the collection and distribution 31301  
of all taxes imposed under section 5743.021, 5743.024, or 5743.026 31302  
of the Revised Code, and deliver it to the commissioner. The 31303  
treasurer of state shall be accountable for all stamps received 31304  
and unsold. The stamps shall be sold and accounted for at their 31305  
face value, except the commissioner shall, by rule certified to 31306  
the treasurer of state, authorize the sale of stamps and meter 31307  
impressions to wholesale or retail dealers in this state, or to 31308  
wholesale dealers outside this state, at a discount of not less 31309  
than one and eight-tenths per cent or more than ten per cent of 31310  
their face value, as a commission for affixing and canceling the 31311  
stamps or meter impressions. 31312

The commissioner, by rule certified to the treasurer of 31313  
state, shall authorize the delivery of stamps and meter 31314  
impressions to wholesale dealers in this state and to wholesale 31315  
dealers outside this state on credit. If such a dealer has not 31316  
been in good credit standing with this state for five consecutive 31317  
years preceding the purchase, the tax commissioner shall require 31318  
the dealer to file with the commissioner a bond to the state in 31319  
the amount and in the form prescribed by the commissioner, with 31320  
surety to the satisfaction of the commissioner, conditioned on 31321  
payment to the treasurer of state within thirty days for stamps or 31322  
meter impressions delivered within that time. If such a dealer has 31323  
been in good credit standing with this state for five consecutive 31324  
years preceding the purchase, the tax commissioner shall not 31325  
require that the dealer file such a bond but shall require payment 31326  
for the stamps and meter impressions within thirty days after 31327  
purchase of the stamps and meter impressions. Stamps and meter 31328  
impressions sold to a dealer not required to file a bond shall be 31329  
sold at face value. The maximum amount that may be sold on credit 31330  
to a dealer not required to file a bond shall equal one hundred 31331  
ten per cent of the dealer's average monthly purchases over the 31332

preceding calendar year. The maximum amount shall be adjusted to 31333  
reflect any changes in the tax rate and may be adjusted, upon 31334  
application to the tax commissioner by the dealer, to reflect 31335  
changes in the business operations of the dealer. The maximum 31336  
amount shall be applicable to the period of July through April. 31337  
Payment by a dealer not required to file a bond shall be remitted 31338  
by electronic funds transfer as prescribed by section 5743.051 of 31339  
the Revised Code. If a dealer not required to file a bond fails to 31340  
make the payment in full within the thirty-day period, the 31341  
treasurer of state shall not thereafter sell stamps or meter 31342  
impressions to that dealer until the dealer pays the outstanding 31343  
amount, including penalty and interest on that amount as 31344  
prescribed in this chapter, and the commissioner thereafter may 31345  
require the dealer to file a bond until the dealer is restored to 31346  
good standing. The commissioner shall limit delivery of stamps and 31347  
meter impressions on credit to the period running from the first 31348  
day of July of the fiscal year until the first day of the 31349  
following May. Any discount allowed as a commission for affixing 31350  
and canceling stamps or meter impressions shall be allowed with 31351  
respect to sales of stamps and meter impressions on credit. 31352

The treasurer of state shall redeem and pay for any 31353  
destroyed, unused, or spoiled tax stamps and any unused meter 31354  
impressions at their net value, and shall refund to wholesale 31355  
dealers the net amount of state and county taxes paid erroneously 31356  
or paid on cigarettes that have been sold in interstate or foreign 31357  
commerce or that have become unsalable, and the net amount of 31358  
county taxes that were paid on cigarettes that have been sold at 31359  
retail or for retail sale outside a taxing county. 31360

An application for a refund of tax shall be filed with the 31361  
tax commissioner, on the form prescribed by the commissioner for 31362  
that purpose, within three years from the date the tax stamps are 31363  
destroyed or spoiled, from the date of the erroneous payment, or 31364

from the date that cigarettes on which taxes have been paid have  
been sold in interstate or foreign commerce or have become  
unsalable.

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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.

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If a refund is granted for payment of an illegal or erroneous  
assessment issued by the department, the refund shall include  
interest on the amount of the refund from the date of the  
overpayment. The interest shall be computed at the rate per annum  
prescribed by section 5703.47 of the Revised Code.

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**Sec. 5743.08.** Whenever the tax commissioner discovers any  
cigarettes which are being shipped, or which have been shipped, or  
transported in violation of section 2927.023 of the Revised Code,  
or discovers cigarettes, subject to the taxes levied under section  
5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code, and  
upon which the taxes have not been paid or that are held for sale  
or distribution in violation of any other provision of this  
chapter, the commissioner may seize and take possession of such  
cigarettes, which shall thereupon be forfeited to the state, and  
the commissioner, within a reasonable time thereafter sell or  
destroy the forfeited cigarettes. If the commissioner sells  
cigarettes under this section, the commissioner shall use proceeds  
from the sale to pay the costs incurred in the proceedings. Any

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proceeds remaining after all costs have been paid shall be 31396  
considered revenue arising from the taxes levied under this 31397  
chapter. Seizure and sale shall not be deemed to relieve any 31398  
person from the fine or imprisonment provided for violation of 31399  
sections 5743.01 to 5743.20 of the Revised Code. A sale shall be 31400  
made where it is most convenient and economical. The tax 31401  
commissioner may order the destruction of the forfeited cigarettes 31402  
if the quantity or quality of the cigarettes is not sufficient to 31403  
warrant their sale. 31404

**Sec. 5743.081.** (A) If any wholesale dealer or retail dealer 31405  
fails to pay the tax levied under section 5743.02, 5743.021, 31406  
5743.024, or 5743.026 of the Revised Code as required by sections 31407  
5743.01 to 5743.20 of the Revised Code, and by the rules of the 31408  
tax commissioner, or fails to collect the tax from the purchaser 31409  
or consumer, the commissioner may make an assessment against the 31410  
wholesale or retail dealer based upon any information in the 31411  
commissioner's possession. 31412

The commissioner may make an assessment against any wholesale 31413  
or retail dealer who fails to file a return required by section 31414  
5743.03 or 5743.025 of the Revised Code. 31415

No assessment shall be made against any wholesale or retail 31416  
dealer for any taxes imposed under section 5743.02, 5743.021, 31417  
5743.024, or 5743.026 of the Revised Code more than three years 31418  
after the last day of the calendar month that immediately follows 31419  
the semiannual period prescribed in section 5743.03 of the Revised 31420  
Code in which the sale was made, or more than three years after 31421  
the semiannual return for such period is filed, whichever is 31422  
later. This section does not bar an assessment against any 31423  
wholesale or retail dealer who fails to file a return as required 31424  
by section 5743.025 or 5743.03 of the Revised Code, or who files a 31425  
fraudulent return. 31426

A penalty of up to thirty per cent may be added to the amount 31427  
of every assessment made under this section. The commissioner may 31428  
adopt rules providing for the imposition and remission of 31429  
penalties added to assessments made under this section. 31430

The commissioner shall give the party assessed written notice 31431  
of the assessment in the manner provided in section 5703.37 of the 31432  
Revised Code. The notice shall specify separately any portion of 31433  
the assessment that represents a county tax. With the notice, the 31434  
commissioner shall provide instructions on how to petition for 31435  
reassessment and request a hearing on the petition. 31436

(B) Unless the party assessed files with the tax commissioner 31437  
within sixty days after service of the notice of assessment, 31438  
either personally or by certified mail, a written petition for 31439  
reassessment signed by the party assessed or that party's 31440  
authorized agent having knowledge of the facts, the assessment 31441  
becomes final and the amount of the assessment is due and payable 31442  
from the party assessed to the treasurer of state. The petition 31443  
shall indicate the objections of the party assessed, but 31444  
additional objections may be raised in writing if received by the 31445  
commissioner prior to the date shown on the final determination. 31446  
If the petition has been properly filed, the commissioner shall 31447  
proceed under section 5703.60 of the Revised Code. 31448

(C) After an assessment becomes final, if any portion of the 31449  
assessment remains unpaid, including accrued interest, a certified 31450  
copy of the tax commissioner's entry making the assessment final 31451  
may be filed in the office of the clerk of the court of common 31452  
pleas in the county in which the wholesale or retail dealer's 31453  
place of business is located or the county in which the party 31454  
assessed resides. If the party assessed maintains no place of 31455  
business in this state and is not a resident of this state, the 31456  
certified copy of the entry may be filed in the office of the 31457  
clerk of the court of common pleas of Franklin county. 31458

Immediately upon the filing of the commissioner's entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state cigarette sales tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment, except as otherwise provided in sections 5743.01 to 5743.20 of the Revised Code.

The portion of the assessment not paid within sixty days after the assessment was issued shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the taxes imposed by sections 5743.01 to 5743.20 of the Revised Code.

**Sec. 5743.12.** No person shall make a false entry upon an invoice, package, or container of cigarettes upon which an entry is required by sections 5743.01 to 5743.20 of the Revised Code, nor shall any person present any such false entry for the inspection of the tax commissioner with intent to evade the tax levied under section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code.

**Sec. 5743.13.** No person shall falsely or fraudulently make, forge, alter, or counterfeit any stamp prescribed by the tax commissioner under section 5743.03 of the Revised Code, or cause

to be falsely or fraudulently made, forged, altered, or 31489  
counterfeited any such stamp, or possess any counterfeiting 31490  
device, or knowingly and willfully utter, publish, pass, or tender 31491  
as true, any such false, altered, forged, or counterfeited stamp, 31492  
or use more than once any such stamp for the purpose of evading 31493  
the tax levied under section 5743.02, 5743.021, 5743.024, or 31494  
5743.026 of the Revised Code. 31495

**Sec. 5743.15.** (A) No person shall engage in this state in the 31496  
wholesale or retail business of trafficking in cigarettes or in 31497  
the business of a manufacturer or importer of cigarettes without 31498  
having a license to conduct each such activity issued by a county 31499  
auditor under division (B) of this section or the tax commissioner 31500  
under division (E) of this section, except that on dissolution of 31501  
a partnership by death, the surviving partner may operate under 31502  
the license of the partnership until expiration of the license, 31503  
and the heirs or legal representatives of deceased persons, and 31504  
receivers and trustees in bankruptcy appointed by any competent 31505  
authority, may operate under the license of the person succeeded 31506  
in possession by such heir, representative, receiver, or trustee 31507  
in bankruptcy. 31508

(B) Each applicant for a license to engage in the wholesale 31509  
or retail business of trafficking in cigarettes under this 31510  
section, annually, on or before the fourth Monday of May, shall 31511  
make and deliver to the county auditor of the county in which the 31512  
applicant desires to engage in the wholesale or retail business of 31513  
trafficking in cigarettes, upon a blank furnished by such auditor 31514  
for that purpose, a statement showing the name of the applicant, 31515  
each place in the county where the applicant's business is 31516  
conducted, the nature of the business, and any other information 31517  
the tax commissioner requires in the form of statement prescribed 31518  
by the commissioner. If the applicant is a firm, partnership, or 31519  
association other than a corporation, the application shall state 31520

the name and address of each of its members. If the applicant is a corporation, the application shall state the name and address of each of its officers. At the time of making the application required by this section, every person desiring to engage in the wholesale business of trafficking in cigarettes shall pay into the county treasury a license tax in the sum of two hundred dollars, or if desiring to engage in the retail business of trafficking in cigarettes, a license tax in the sum of thirty dollars for each of the first five places where the person proposes to carry on such business and twenty-five dollars for each additional place. Each place of business shall be deemed such space, under lease or license to, or under the control of, or under the supervision of the applicant, as is contained in one or more contiguous, adjacent, or adjoining buildings constituting an industrial plant or a place of business operated by, or under the control of, one person, or under one roof and connected by doors, halls, stairways, or elevators, which space may contain any number of points at which cigarettes are offered for sale, provided that each additional point at which cigarettes are offered for sale shall be listed in the application.

Upon receipt of the application and exhibition of the county treasurer's receipt showing the payment of the tax, the county auditor shall issue to the applicant a license for each place of business designated in the application, authorizing the applicant to engage in such business at such place for one year commencing on the fourth Monday of May. Companies operating club or dining cars or other cars upon which cigarettes are sold shall obtain licenses at railroad terminals within the state, under such rules as are prescribed by the commissioner. The form of the license shall be prescribed by the commissioner. A duplicate license may be obtained from the county auditor upon payment of a fifty cent fee if the original license is lost, destroyed, or defaced. When

an application is filed after the fourth Monday of May, the 31553  
license tax required to be paid shall be proportioned in amount to 31554  
the remainder of the license year, except that it shall not be 31555  
less than one fifth of the whole amount in any one year. 31556

The holder of a wholesale or retail dealer's cigarette 31557  
license may transfer the license to a place of business within the 31558  
same county other than that designated on the license or may 31559  
assign the license to another person for use in the same county on 31560  
condition that the licensee or assignee, whichever is applicable, 31561  
make application to the county auditor therefor, upon forms 31562  
approved by the commissioner and the payment of a fee of one 31563  
dollar into the county treasury. 31564

(C)(1) The wholesale cigarette license tax revenue collected 31565  
under this section shall be distributed as follows: 31566

(a) Thirty-seven and one-half per cent shall be paid upon the 31567  
warrant of the county auditor into the treasury of the municipal 31568  
corporation or township in which the place of business for which 31569  
the tax revenue was received is located; 31570

(b) Fifteen per cent shall be credited to the general fund of 31571  
the county; 31572

(c) Forty-seven and one-half per cent shall be paid into the 31573  
cigarette tax enforcement fund created by division (C) of this 31574  
section. 31575

(2) The revenue collected from the thirty dollar tax imposed 31576  
upon the first five places of business of a person engaged in the 31577  
retail business of trafficking in cigarettes shall be distributed 31578  
as follows: 31579

(a) Sixty-two and one-half per cent shall be paid upon the 31580  
warrant of the county auditor into the treasury of the municipal 31581  
corporation or township in which the places of business for which 31582

the tax revenue was received are located; 31583

(b) Twenty-two and one-half per cent shall be credited to the 31584  
general fund of the county; 31585

(c) Fifteen per cent shall be paid into the cigarette tax 31586  
enforcement fund created by division (C) of this section. 31587

(3) The remainder of the revenues and fines collected under 31588  
this section and the penal laws relating to cigarettes shall be 31589  
distributed as follows: 31590

(a) Three-fourths shall be paid upon the warrant of the 31591  
county auditor into the treasury of the municipal corporation or 31592  
township in which the place of business, on account of which the 31593  
revenues and fines were received, is located; 31594

(b) One-fourth shall be credited to the general fund of the 31595  
county. 31596

(D) There is hereby created within the state treasury the 31597  
cigarette tax enforcement fund for the purpose of providing funds 31598  
to assist in paying the costs of enforcing sections 1333.11 to 31599  
1333.21 and Chapter 5743. of the Revised Code. 31600

The portion of cigarette license tax revenues received by a 31601  
county auditor during the annual application period that ends 31602  
before the fourth Monday in May which is required to be deposited 31603  
in the cigarette tax enforcement fund shall be sent to the 31604  
treasurer of state by the thirtieth day of June each year. The 31605  
portion of license tax money received by each county auditor after 31606  
the fourth Monday in May which is required to be deposited in the 31607  
cigarette tax enforcement fund shall be sent to the treasurer of 31608  
state by the thirty-first day of December. 31609

(E)(1) Every person who desires to engage in the business of 31610  
a manufacturer or importer of cigarettes shall, annually, on or 31611  
before the fourth Monday of May, make and deliver to the tax 31612

commissioner, upon a blank furnished by the commissioner for that 31613  
purpose, a statement showing the name of the applicant, the nature 31614  
of the applicant's business, and any other information required by 31615  
the commissioner. If the applicant is a firm, partnership, or 31616  
association other than a corporation, the applicant shall state 31617  
the name and address of each of its members. If the applicant is a 31618  
corporation, the applicant shall state the name and address of 31619  
each of its officers. 31620

Upon receipt of the application, the commissioner shall issue 31621  
to the applicant a license authorizing the applicant to engage in 31622  
the business of manufacturer or importer, whichever the case may 31623  
be, for one year commencing on the fourth Monday of May. 31624

(2) The issuing of a license under division (E)(1) of this 31625  
section to a manufacturer does not excuse a manufacturer from the 31626  
certification process required under section 1346.05 of the 31627  
Revised Code. A manufacturer who is issued a license ~~issued~~ under 31628  
division (E)(1) of this section ~~to a manufacturer and~~ who is not 31629  
listed on the directory required under section 1346.05 of the 31630  
Revised Code shall ~~cease to be valid and shall be revoked by the~~ 31631  
~~commissioner as provided in section 5743.18 of the Revised Code~~ 31632  
not be permitted to sell cigarettes in this state other than to a 31633  
licensed cigarette wholesaler for sale outside this state. Such a 31634  
manufacturer shall provide documentation to the commissioner 31635  
evidencing that the cigarettes are legal for sale in another 31636  
state. 31637

(3) The tax commissioner may adopt rules necessary to 31638  
administer division (E) of this section. 31639

**Sec. 5743.18.** Upon notice and hearing in accordance with 31640  
sections 119.01 to 119.13 of the Revised Code, the tax 31641  
commissioner may revoke any manufacturer, importer, wholesale, or 31642  
retail cigarette license for violation of sections 5743.01 to 31643

5743.21 of the Revised Code. In the case of a wholesale or retail 31644  
cigarette license, a certified copy of the order revoking such 31645  
license shall be transmitted to the county auditor of the county 31646  
in which the license was issued. ~~In the case of a license issued 31647  
to a manufacturer, the commissioner shall immediately revoke any 31648  
such license upon the manufacturer's removal from the directory 31649  
under section 1346.05 of the Revised Code. 31650~~

Sec. 5743.321. For the same purposes for which it levies a 31651  
tax under section 5743.021 of the Revised Code, the board of 31652  
county commissioners of a county that has within its territorial 31653  
boundaries a qualifying regional arts and cultural district and 31654  
that levies a tax under that section, by resolution adopted by a 31655  
majority of the board, shall levy a tax at the same rate on the 31656  
use, consumption, or storage for consumption of cigarettes by 31657  
consumers in the county in which that tax is levied, provided that 31658  
the tax shall not apply if the tax levied by section 5743.021 of 31659  
the Revised Code has been paid. The tax shall take effect on the 31660  
date that a tax levied under that section takes effect, and shall 31661  
remain in effect as long as the tax levied under that section 31662  
remains effective. 31663

Sec. 5743.33. Except as provided in section 5747.331 of the 31664  
Revised Code, every person who has acquired cigarettes for use, 31665  
storage, or other consumption subject to the tax levied under 31666  
section 5743.32, 5743.321, 5743.323, or 5743.324 of the Revised 31667  
Code, shall, on or before the fifteenth day of the month following 31668  
receipt of such cigarettes, file with the tax commissioner a 31669  
return showing the amount of cigarettes acquired, together with 31670  
remittance of the tax thereon. No such person shall transport 31671  
within this state, cigarettes that have a wholesale value in 31672  
excess of three hundred dollars, unless that person has obtained 31673

consent to transport the cigarettes from the department of 31674  
taxation prior to such transportation. Such consent shall not be 31675  
required if the applicable taxes levied under sections 5743.02, 31676  
5743.021, 5743.024, and 5743.026 of the Revised Code have been 31677  
paid. Application for the consent shall be in the form prescribed 31678  
by the tax commissioner. 31679

Every person transporting such cigarettes shall possess the 31680  
consent while transporting or possessing the cigarettes within 31681  
this state and shall produce the consent upon request of any law 31682  
enforcement officer or authorized agent of the tax commissioner. 31683

Any person transporting such cigarettes without the consent 31684  
required by this section, shall be subject to the provisions of 31685  
this chapter, including the applicable taxes imposed ~~by~~ under 31686  
sections 5743.02, 5743.021, 5743.024, and 5743.026 of the Revised 31687  
Code. 31688

**Sec. 5743.34.** If any person required to pay the tax levied 31689  
under section 5743.32, 5743.321, 5743.323, or 5743.324 of the 31690  
Revised Code, fails to make remittance, the tax commissioner may 31691  
issue an assessment against that person based on any information 31692  
in the commissioner's possession. 31693

Sections 5743.081 and 5743.082 of the Revised Code relating 31694  
to the assessments or findings, appeals from assessments or 31695  
findings, the effect of assessments or findings before or after 31696  
hearing and before or after filing the same in the office of the 31697  
clerk of the court of common pleas, and all sections relating to 31698  
the procedure, authority, duties, liabilities, powers, and 31699  
privileges of the person assessed, the commissioner, the clerk, 31700  
and all other public officials, shall be applicable to assessments 31701  
made pursuant to this section. 31702

**Sec. 5743.35.** No person required by section 5743.33 of the 31703

Revised Code to file a return with the tax commissioner shall fail 31704  
to make such return, or fail to pay the applicable taxes levied 31705  
under section 5743.32, 5743.321, 5743.323, or 5743.324 of the 31706  
Revised Code, or fail to pay any lawful assessment issued by the 31707  
commissioner. 31708

**Sec. 5745.01.** As used in this chapter: 31709

(A) "Electric company," "combined company," and "telephone 31710  
company," have the same meanings as in section 5727.01 of the 31711  
Revised Code, except "telephone company" does not include a non 31712  
profit corporation. 31713

(B) "Electric light company" has the same meaning as in 31714  
section 4928.01 of the Revised Code, and includes the activities 31715  
of a combined company as an electric company, but excludes 31716  
nonprofit companies and municipal corporations. 31717

(C) "Taxpayer" means either of the following: 31718

(1) An electric light company subject to taxation by a 31719  
municipal corporation in this state for a taxable year, excluding 31720  
an electric light company that is not an electric company or a 31721  
combined company and for which an election made under section 31722  
5745.031 of the Revised Code is not in effect with respect to the 31723  
taxable year. If such a company is a qualified subchapter S 31724  
subsidiary as defined in section 1361 of the Internal Revenue Code 31725  
or a disregarded entity, the company's parent S corporation or 31726  
owner is the taxpayer for the purposes of this chapter and is 31727  
hereby deemed to have nexus with this state under the Constitution 31728  
of the United States for the purposes of this chapter. 31729

(2) A telephone company subject to taxation by a municipal 31730  
corporation in this state for a taxable year. A telephone company 31731  
is subject to taxation under this chapter for any taxable year 31732  
that begins on or after January 1, 2004. A telephone company with 31733

a taxable year ending in 2004 shall compute the tax imposed under 31734  
this chapter, or shall compute its net operating loss carried 31735  
forward for that taxable year, by multiplying the tax owed, or the 31736  
loss for the taxable year, by fifty per cent. 31737

(D) "Disregarded entity" means an entity that, for its 31738  
taxable year, is by default, or has elected to be, disregarded as 31739  
an entity separate from its owner pursuant to 26 C.F.R. 31740  
301.7701-3. 31741

(E) "Taxable year" of a taxpayer is the taxpayer's taxable 31742  
year for federal income tax purposes. 31743

(F) "Federal taxable income" means taxable income, before 31744  
operating loss deduction and special deductions, as required to be 31745  
reported for the taxpayer's taxable year under the Internal 31746  
Revenue Code. 31747

(G) "Adjusted federal taxable income" means federal taxable 31748  
income adjusted as follows: 31749

(1) Deduct intangible income as defined in section 718.01 of 31750  
the Revised Code to the extent included in federal taxable income; 31751

(2) Add expenses incurred in the production of such 31752  
intangible income; 31753

(3) If, with respect to a qualifying taxpayer and a 31754  
qualifying asset there occurs a qualifying taxable event, the 31755  
qualifying taxpayer shall reduce its federal taxable income, as 31756  
defined in division (F) of this section, by the amount of the 31757  
book-tax difference for that qualifying asset if the book-tax 31758  
difference is greater than zero, and shall increase its federal 31759  
taxable income by the absolute value of the amount of the book-tax 31760  
difference for that qualifying asset if the book-tax difference is 31761  
less than zero. The adjustments provided in division (G)(3) of 31762  
this section are subject to divisions (B)(3), (4), and (5) of 31763

section 5733.0510 of the Revised Code to the extent those 31764  
divisions apply to the adjustments in that section for the taxable 31765  
year. A taxpayer shall not deduct or add any amount under division 31766  
(G)(3) of this section with respect to a qualifying asset the 31767  
sale, exchange, or other disposition of which resulted in the 31768  
recognition of a gain or loss that the taxpayer deducted or added, 31769  
respectively, under division (G)(1) or (2) of this section. 31770

For the purposes of division (G)(3) of this section, 31771  
"book-tax difference," "qualifying taxpayer," "qualifying asset," 31772  
and "qualifying taxable event" have the same meanings as in 31773  
section 5733.0510 of the Revised Code. 31774

(4) If the taxpayer is not a C corporation and is not an 31775  
individual, the taxpayer shall compute "adjusted federal taxable 31776  
income" as if the taxpayer were a C corporation, except: 31777

(a) Guaranteed payments and other similar amounts paid or 31778  
accrued to a partner, former partner, or member or former member 31779  
shall not be allowed as a deductible expense; and 31780

(b) With respect to each owner or owner-employee of the 31781  
taxpayer, amounts paid or accrued to a qualified self-employed 31782  
retirement plan and amounts paid or accrued to or for health 31783  
insurance or life insurance shall not be allowed as a deduction. 31784

Nothing in this division shall be construed as allowing the 31785  
taxpayer to deduct any amount more than once. 31786

(5) Add or deduct the amounts described in section 5733.0511 31787  
of the Revised Code for qualifying telephone company taxpayers. 31788

(H) "Internal Revenue Code" means the "Internal Revenue Code 31789  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as ~~it existed on December~~ 31790  
~~31, 2001~~ amended. 31791

(I) "Ohio net income" means the amount determined under 31792  
division (B) of section 5745.02 of the Revised Code. 31793

**Sec. 5747.01.** Except as otherwise expressly provided or 31794  
clearly appearing from the context, any term used in this chapter 31795  
that is not otherwise defined in this section has the same meaning 31796  
as when used in a comparable context in the laws of the United 31797  
States relating to federal income taxes or if not used in a 31798  
comparable context in those laws, has the same meaning as in 31799  
section 5733.40 of the Revised Code. Any reference in this chapter 31800  
to the Internal Revenue Code includes other laws of the United 31801  
States relating to federal income taxes. 31802

As used in this chapter: 31803

(A) "Adjusted gross income" or "Ohio adjusted gross income" 31804  
means federal adjusted gross income, as defined and used in the 31805  
Internal Revenue Code, adjusted as provided in this section: 31806

(1) Add interest or dividends on obligations or securities of 31807  
any state or of any political subdivision or authority of any 31808  
state, other than this state and its subdivisions and authorities. 31809

(2) Add interest or dividends on obligations of any 31810  
authority, commission, instrumentality, territory, or possession 31811  
of the United States to the extent that the interest or dividends 31812  
are exempt from federal income taxes but not from state income 31813  
taxes. 31814

(3) Deduct interest or dividends on obligations of the United 31815  
States and its territories and possessions or of any authority, 31816  
commission, or instrumentality of the United States to the extent 31817  
that the interest or dividends are included in federal adjusted 31818  
gross income but exempt from state income taxes under the laws of 31819  
the United States. 31820

(4) Deduct disability and survivor's benefits to the extent 31821  
included in federal adjusted gross income. 31822

(5) Deduct benefits under Title II of the Social Security Act 31823

and tier 1 railroad retirement benefits to the extent included in 31824  
federal adjusted gross income under section 86 of the Internal 31825  
Revenue Code. 31826

(6) In the case of a taxpayer who is a beneficiary of a trust 31827  
that makes an accumulation distribution as defined in section 665 31828  
of the Internal Revenue Code, add, for the beneficiary's taxable 31829  
years beginning before 2002, the portion, if any, of such 31830  
distribution that does not exceed the undistributed net income of 31831  
the trust for the three taxable years preceding the taxable year 31832  
in which the distribution is made to the extent that the portion 31833  
was not included in the trust's taxable income for any of the 31834  
trust's taxable years beginning in 2002 or thereafter. 31835

"Undistributed net income of a trust" means the taxable income of 31836  
the trust increased by (a)(i) the additions to adjusted gross 31837  
income required under division (A) of this section and (ii) the 31838  
personal exemptions allowed to the trust pursuant to section 31839  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 31840  
deductions to adjusted gross income required under division (A) of 31841  
this section, (ii) the amount of federal income taxes attributable 31842  
to such income, and (iii) the amount of taxable income that has 31843  
been included in the adjusted gross income of a beneficiary by 31844  
reason of a prior accumulation distribution. Any undistributed net 31845  
income included in the adjusted gross income of a beneficiary 31846  
shall reduce the undistributed net income of the trust commencing 31847  
with the earliest years of the accumulation period. 31848

(7) Deduct the amount of wages and salaries, if any, not 31849  
otherwise allowable as a deduction but that would have been 31850  
allowable as a deduction in computing federal adjusted gross 31851  
income for the taxable year, had the targeted jobs credit allowed 31852  
and determined under sections 38, 51, and 52 of the Internal 31853  
Revenue Code not been in effect. 31854

(8) Deduct any interest or interest equivalent on public 31855

obligations and purchase obligations to the extent that the 31856  
interest or interest equivalent is included in federal adjusted 31857  
gross income. 31858

(9) Add any loss or deduct any gain resulting from the sale, 31859  
exchange, or other disposition of public obligations to the extent 31860  
that the loss has been deducted or the gain has been included in 31861  
computing federal adjusted gross income. 31862

(10) Deduct or add amounts, as provided under section 5747.70 31863  
of the Revised Code, related to contributions to variable college 31864  
savings program accounts made or tuition units purchased pursuant 31865  
to Chapter 3334. of the Revised Code. 31866

(11)(a) Deduct, to the extent not otherwise allowable as a 31867  
deduction or exclusion in computing federal or Ohio adjusted gross 31868  
income for the taxable year, the amount the taxpayer paid during 31869  
the taxable year for medical care insurance and qualified 31870  
long-term care insurance for the taxpayer, the taxpayer's spouse, 31871  
and dependents. No deduction for medical care insurance under 31872  
division (A)(11) of this section shall be allowed either to any 31873  
taxpayer who is eligible to participate in any subsidized health 31874  
plan maintained by any employer of the taxpayer or of the 31875  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 31876  
application would be entitled to, benefits under part A of Title 31877  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 31878  
301, as amended. For the purposes of division (A)(11)(a) of this 31879  
section, "subsidized health plan" means a health plan for which 31880  
the employer pays any portion of the plan's cost. The deduction 31881  
allowed under division (A)(11)(a) of this section shall be the net 31882  
of any related premium refunds, related premium reimbursements, or 31883  
related insurance premium dividends received during the taxable 31884  
year. 31885

(b) Deduct, to the extent not otherwise deducted or excluded 31886

in computing federal or Ohio adjusted gross income during the 31887  
taxable year, the amount the taxpayer paid during the taxable 31888  
year, not compensated for by any insurance or otherwise, for 31889  
medical care of the taxpayer, the taxpayer's spouse, and 31890  
dependents, to the extent the expenses exceed seven and one-half 31891  
per cent of the taxpayer's federal adjusted gross income. 31892

(c) For purposes of division (A)(11) of this section, 31893  
"medical care" has the meaning given in section 213 of the 31894  
Internal Revenue Code, subject to the special rules, limitations, 31895  
and exclusions set forth therein, and "qualified long-term care" 31896  
has the same meaning given in section 7702~~(B)(b)~~B(c) of the 31897  
Internal Revenue Code. 31898

(12)(a) Deduct any amount included in federal adjusted gross 31899  
income solely because the amount represents a reimbursement or 31900  
refund of expenses that in any year the taxpayer had deducted as 31901  
an itemized deduction pursuant to section 63 of the Internal 31902  
Revenue Code and applicable United States department of the 31903  
treasury regulations. The deduction otherwise allowed under 31904  
division (A)(12)(a) of this section shall be reduced to the extent 31905  
the reimbursement is attributable to an amount the taxpayer 31906  
deducted under this section in any taxable year. 31907

(b) Add any amount not otherwise included in Ohio adjusted 31908  
gross income for any taxable year to the extent that the amount is 31909  
attributable to the recovery during the taxable year of any amount 31910  
deducted or excluded in computing federal or Ohio adjusted gross 31911  
income in any taxable year. 31912

(13) Deduct any portion of the deduction described in section 31913  
1341(a)(2) of the Internal Revenue Code, for repaying previously 31914  
reported income received under a claim of right, that meets both 31915  
of the following requirements: 31916

(a) It is allowable for repayment of an item that was 31917

included in the taxpayer's adjusted gross income for a prior	31918
taxable year and did not qualify for a credit under division (A)	31919
or (B) of section 5747.05 of the Revised Code for that year;	31920
(b) It does not otherwise reduce the taxpayer's adjusted	31921
gross income for the current or any other taxable year.	31922
(14) Deduct an amount equal to the deposits made to, and net	31923
investment earnings of, a medical savings account during the	31924
taxable year, in accordance with section 3924.66 of the Revised	31925
Code. The deduction allowed by division (A)(14) of this section	31926
does not apply to medical savings account deposits and earnings	31927
otherwise deducted or excluded for the current or any other	31928
taxable year from the taxpayer's federal adjusted gross income.	31929
(15)(a) Add an amount equal to the funds withdrawn from a	31930
medical savings account during the taxable year, and the net	31931
investment earnings on those funds, when the funds withdrawn were	31932
used for any purpose other than to reimburse an account holder	31933
for, or to pay, eligible medical expenses, in accordance with	31934
section 3924.66 of the Revised Code;	31935
(b) Add the amounts distributed from a medical savings	31936
account under division (A)(2) of section 3924.68 of the Revised	31937
Code during the taxable year.	31938
(16) Add any amount claimed as a credit under section	31939
5747.059 of the Revised Code to the extent that such amount	31940
satisfies either of the following:	31941
(a) The amount was deducted or excluded from the computation	31942
of the taxpayer's federal adjusted gross income as required to be	31943
reported for the taxpayer's taxable year under the Internal	31944
Revenue Code;	31945
(b) The amount resulted in a reduction of the taxpayer's	31946
federal adjusted gross income as required to be reported for any	31947

of the taxpayer's taxable years under the Internal Revenue Code. 31948

(17) Deduct the amount contributed by the taxpayer to an 31949  
individual development account program established by a county 31950  
department of job and family services pursuant to sections 329.11 31951  
to 329.14 of the Revised Code for the purpose of matching funds 31952  
deposited by program participants. On request of the tax 31953  
commissioner, the taxpayer shall provide any information that, in 31954  
the tax commissioner's opinion, is necessary to establish the 31955  
amount deducted under division (A)(17) of this section. 31956

(18) Beginning in taxable year 2001 but not for any taxable 31957  
year beginning after December 31, 2005, if the taxpayer is married 31958  
and files a joint return and the combined federal adjusted gross 31959  
income of the taxpayer and the taxpayer's spouse for the taxable 31960  
year does not exceed one hundred thousand dollars, or if the 31961  
taxpayer is single and has a federal adjusted gross income for the 31962  
taxable year not exceeding fifty thousand dollars, deduct amounts 31963  
paid during the taxable year for qualified tuition and fees paid 31964  
to an eligible institution for the taxpayer, the taxpayer's 31965  
spouse, or any dependent of the taxpayer, who is a resident of 31966  
this state and is enrolled in or attending a program that 31967  
culminates in a degree or diploma at an eligible institution. The 31968  
deduction may be claimed only to the extent that qualified tuition 31969  
and fees are not otherwise deducted or excluded for any taxable 31970  
year from federal or Ohio adjusted gross income. The deduction may 31971  
not be claimed for educational expenses for which the taxpayer 31972  
claims a credit under section 5747.27 of the Revised Code. 31973

(19) Add any reimbursement received during the taxable year 31974  
of any amount the taxpayer deducted under division (A)(18) of this 31975  
section in any previous taxable year to the extent the amount is 31976  
not otherwise included in Ohio adjusted gross income. 31977

(20)(a)(i) Add five-sixths of the amount of depreciation 31978

expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest. 31979  
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(ii) Add five-sixths of the amount of qualifying section 179 depreciation expense, including a person's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the person has a direct or indirect ownership. For the purposes of this division, "qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002. 31984  
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The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity. 31996  
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(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset. 32000  
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(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative 32002  
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methods of apportionment enumerated in section 5747.21 of the Revised Code. 32010  
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(d) For the purposes of division (A) of this section, net operating loss carryback and carryforward shall not include five-sixths of the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount. 32012  
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(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one-fifth of the amount so added for each of the five succeeding taxable years. 32019  
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(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code. 32023  
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(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation resulted in or increased a federal net operating loss carryback or carryforward to a taxable year to which division (A)(20)(d) of this section does not apply. 32031  
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(22) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as 32038  
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reimbursement for life insurance premiums under section 5919.31 of 32041  
the Revised Code. 32042

(23) Deduct, to the extent not otherwise deducted or excluded 32043  
in computing federal or Ohio adjusted gross income for the taxable 32044  
year, the amount the taxpayer received during the taxable year as 32045  
a death benefit paid by the adjutant general under section 5919.33 32046  
of the Revised Code. 32047

(B) "Business income" means income, including gain or loss, 32048  
arising from transactions, activities, and sources in the regular 32049  
course of a trade or business and includes income, gain, or loss 32050  
from real property, tangible property, and intangible property if 32051  
the acquisition, rental, management, and disposition of the 32052  
property constitute integral parts of the regular course of a 32053  
trade or business operation. "Business income" includes income, 32054  
including gain or loss, from a partial or complete liquidation of 32055  
a business, including, but not limited to, gain or loss from the 32056  
sale or other disposition of goodwill. 32057

(C) "Nonbusiness income" means all income other than business 32058  
income and may include, but is not limited to, compensation, rents 32059  
and royalties from real or tangible personal property, capital 32060  
gains, interest, dividends and distributions, patent or copyright 32061  
royalties, or lottery winnings, prizes, and awards. 32062

(D) "Compensation" means any form of remuneration paid to an 32063  
employee for personal services. 32064

(E) "Fiduciary" means a guardian, trustee, executor, 32065  
administrator, receiver, conservator, or any other person acting 32066  
in any fiduciary capacity for any individual, trust, or estate. 32067

(F) "Fiscal year" means an accounting period of twelve months 32068  
ending on the last day of any month other than December. 32069

(G) "Individual" means any natural person. 32070

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 32071  
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(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter: 32073  
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(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code; 32076  
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(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code and any election under section 5747.25 of the Revised Code are not controlling for purposes of division (I)(2) of this section. 32078  
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(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part. 32083  
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For the purposes of division (I)(3) of this section: 32086

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following: 32087  
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(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section; 32093  
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(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this 32097  
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state for the purposes of this chapter during all or some portion 32101  
of the trust's current taxable year; 32102

(iii) A person who was domiciled in this state for the 32103  
purposes of this chapter when the trust document or instrument or 32104  
part of the trust document or instrument became irrevocable, but 32105  
only if at least one of the trust's qualifying beneficiaries is a 32106  
resident domiciled in this state for the purposes of this chapter 32107  
during all or some portion of the trust's current taxable year. If 32108  
a trust document or instrument became irrevocable upon the death 32109  
of a person who at the time of death was domiciled in this state 32110  
for purposes of this chapter, that person is a person described in 32111  
division (I)(3)(a)(iii) of this section. 32112

(b) A trust is irrevocable to the extent that the transferor 32113  
is not considered to be the owner of the net assets of the trust 32114  
under sections 671 to 678 of the Internal Revenue Code. 32115

(c) With respect to a trust other than a charitable lead 32116  
trust, "qualifying beneficiary" has the same meaning as "potential 32117  
current beneficiary" as defined in section 1361(e)(2) of the 32118  
Internal Revenue Code, and with respect to a charitable lead trust 32119  
"qualifying beneficiary" is any current, future, or contingent 32120  
beneficiary, but with respect to any trust "qualifying 32121  
beneficiary" excludes a person or a governmental entity or 32122  
instrumentality to any of which a contribution would qualify for 32123  
the charitable deduction under section 170 of the Internal Revenue 32124  
Code. 32125

(d) For the purposes of division (I)(3)(a) of this section, 32126  
the extent to which a trust consists directly or indirectly, in 32127  
whole or in part, of assets, net of any related liabilities, that 32128  
were transferred directly or indirectly, in whole or part, to the 32129  
trust by any of the sources enumerated in that division shall be 32130  
ascertained by multiplying the fair market value of the trust's 32131

assets, net of related liabilities, by the qualifying ratio, which 32132  
shall be computed as follows: 32133

(i) The first time the trust receives assets, the numerator 32134  
of the qualifying ratio is the fair market value of those assets 32135  
at that time, net of any related liabilities, from sources 32136  
enumerated in division (I)(3)(a) of this section. The denominator 32137  
of the qualifying ratio is the fair market value of all the 32138  
trust's assets at that time, net of any related liabilities. 32139

(ii) Each subsequent time the trust receives assets, a 32140  
revised qualifying ratio shall be computed. The numerator of the 32141  
revised qualifying ratio is the sum of (1) the fair market value 32142  
of the trust's assets immediately prior to the subsequent 32143  
transfer, net of any related liabilities, multiplied by the 32144  
qualifying ratio last computed without regard to the subsequent 32145  
transfer, and (2) the fair market value of the subsequently 32146  
transferred assets at the time transferred, net of any related 32147  
liabilities, from sources enumerated in division (I)(3)(a) of this 32148  
section. The denominator of the revised qualifying ratio is the 32149  
fair market value of all the trust's assets immediately after the 32150  
subsequent transfer, net of any related liabilities. 32151

(iii) Whether a transfer to the trust is by or from any of 32152  
the sources enumerated in division (I)(3)(a) of this section shall 32153  
be ascertained without regard to the domicile of the trust's 32154  
beneficiaries. 32155

(e) For the purposes of division (I)(3)(a)(i) of this 32156  
section: 32157

(i) A trust is described in division (I)(3)(e)(i) of this 32158  
section if the trust is a testamentary trust and the testator of 32159  
that testamentary trust was domiciled in this state at the time of 32160  
the testator's death for purposes of the taxes levied under 32161  
Chapter 5731. of the Revised Code. 32162

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent 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 thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by

section 5747.02 of the Revised Code or any pass-through entity 32224  
that makes the election under division (D) of section 5747.08 of 32225  
the Revised Code. 32226

(O) "Dependents" means dependents as defined in the Internal 32227  
Revenue Code and as claimed in the taxpayer's federal income tax 32228  
return for the taxable year or which the taxpayer would have been 32229  
permitted to claim had the taxpayer filed a federal income tax 32230  
return. 32231

(P) "Principal county of employment" means, in the case of a 32232  
nonresident, the county within the state in which a taxpayer 32233  
performs services for an employer or, if those services are 32234  
performed in more than one county, the county in which the major 32235  
portion of the services are performed. 32236

(Q) As used in sections 5747.50 to 5747.55 of the Revised 32237  
Code: 32238

(1) "Subdivision" means any county, municipal corporation, 32239  
park district, or township. 32240

(2) "Essential local government purposes" includes all 32241  
functions that any subdivision is required by general law to 32242  
exercise, including like functions that are exercised under a 32243  
charter adopted pursuant to the Ohio Constitution. 32244

(R) "Overpayment" means any amount already paid that exceeds 32245  
the figure determined to be the correct amount of the tax. 32246

(S) "Taxable income" or "Ohio taxable income" applies only to 32247  
estates and trusts, and means federal taxable income, as defined 32248  
and used in the Internal Revenue Code, adjusted as follows: 32249

(1) Add interest or dividends, net of ordinary, necessary, 32250  
and reasonable expenses not deducted in computing federal taxable 32251  
income, on obligations or securities of any state or of any 32252  
political subdivision or authority of any state, other than this 32253

state and its subdivisions and authorities, but only to the extent 32254  
that such net amount is not otherwise includible in Ohio taxable 32255  
income and is described in either division (S)(1)(a) or (b) of 32256  
this section: 32257

(a) The net amount is not attributable to the S portion of an 32258  
electing small business trust and has not been distributed to 32259  
beneficiaries for the taxable year; 32260

(b) The net amount is attributable to the S portion of an 32261  
electing small business trust for the taxable year. 32262

(2) Add interest or dividends, net of ordinary, necessary, 32263  
and reasonable expenses not deducted in computing federal taxable 32264  
income, on obligations of any authority, commission, 32265  
instrumentality, territory, or possession of the United States to 32266  
the extent that the interest or dividends are exempt from federal 32267  
income taxes but not from state income taxes, but only to the 32268  
extent that such net amount is not otherwise includible in Ohio 32269  
taxable income and is described in either division (S)(1)(a) or 32270  
(b) of this section; 32271

(3) Add the amount of personal exemption allowed to the 32272  
estate pursuant to section 642(b) of the Internal Revenue Code; 32273

(4) Deduct interest or dividends, net of related expenses 32274  
deducted in computing federal taxable income, on obligations of 32275  
the United States and its territories and possessions or of any 32276  
authority, commission, or instrumentality of the United States to 32277  
the extent that the interest or dividends are exempt from state 32278  
taxes under the laws of the United States, but only to the extent 32279  
that such amount is included in federal taxable income and is 32280  
described in either division (S)(1)(a) or (b) of this section; 32281

(5) Deduct the amount of wages and salaries, if any, not 32282  
otherwise allowable as a deduction but that would have been 32283  
allowable as a deduction in computing federal taxable income for 32284

the taxable year, had the targeted jobs credit allowed under 32285  
sections 38, 51, and 52 of the Internal Revenue Code not been in 32286  
effect, but only to the extent such amount relates either to 32287  
income included in federal taxable income for the taxable year or 32288  
to income of the S portion of an electing small business trust for 32289  
the taxable year; 32290

(6) Deduct any interest or interest equivalent, net of 32291  
related expenses deducted in computing federal taxable income, on 32292  
public obligations and purchase obligations, but only to the 32293  
extent that such net amount relates either to income included in 32294  
federal taxable income for the taxable year or to income of the S 32295  
portion of an electing small business trust for the taxable year; 32296

(7) Add any loss or deduct any gain resulting from sale, 32297  
exchange, or other disposition of public obligations to the extent 32298  
that such loss has been deducted or such gain has been included in 32299  
computing either federal taxable income or income of the S portion 32300  
of an electing small business trust for the taxable year; 32301

(8) Except in the case of the final return of an estate, add 32302  
any amount deducted by the taxpayer on both its Ohio estate tax 32303  
return pursuant to section 5731.14 of the Revised Code, and on its 32304  
federal income tax return in determining federal taxable income; 32305

(9)(a) Deduct any amount included in federal taxable income 32306  
solely because the amount represents a reimbursement or refund of 32307  
expenses that in a previous year the decedent had deducted as an 32308  
itemized deduction pursuant to section 63 of the Internal Revenue 32309  
Code and applicable treasury regulations. The deduction otherwise 32310  
allowed under division (S)(9)(a) of this section shall be reduced 32311  
to the extent the reimbursement is attributable to an amount the 32312  
taxpayer or decedent deducted under this section in any taxable 32313  
year. 32314

(b) Add any amount not otherwise included in Ohio taxable 32315

income for any taxable year to the extent that the amount is 32316  
attributable to the recovery during the taxable year of any amount 32317  
deducted or excluded in computing federal or Ohio taxable income 32318  
in any taxable year, but only to the extent such amount has not 32319  
been distributed to beneficiaries for the taxable year. 32320

(10) Deduct any portion of the deduction described in section 32321  
1341(a)(2) of the Internal Revenue Code, for repaying previously 32322  
reported income received under a claim of right, that meets both 32323  
of the following requirements: 32324

(a) It is allowable for repayment of an item that was 32325  
included in the taxpayer's taxable income or the decedent's 32326  
adjusted gross income for a prior taxable year and did not qualify 32327  
for a credit under division (A) or (B) of section 5747.05 of the 32328  
Revised Code for that year. 32329

(b) It does not otherwise reduce the taxpayer's taxable 32330  
income or the decedent's adjusted gross income for the current or 32331  
any other taxable year. 32332

(11) Add any amount claimed as a credit under section 32333  
5747.059 of the Revised Code to the extent that the amount 32334  
satisfies either of the following: 32335

(a) The amount was deducted or excluded from the computation 32336  
of the taxpayer's federal taxable income as required to be 32337  
reported for the taxpayer's taxable year under the Internal 32338  
Revenue Code; 32339

(b) The amount resulted in a reduction in the taxpayer's 32340  
federal taxable income as required to be reported for any of the 32341  
taxpayer's taxable years under the Internal Revenue Code. 32342

(12) Deduct any amount, net of related expenses deducted in 32343  
computing federal taxable income, that a trust is required to 32344  
report as farm income on its federal income tax return, but only 32345

if the assets of the trust include at least ten acres of land 32346  
satisfying the definition of "land devoted exclusively to 32347  
agricultural use" under section 5713.30 of the Revised Code, 32348  
regardless of whether the land is valued for tax purposes as such 32349  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 32350  
trust is a ~~pass-through~~ pass-through entity investor, section 32351  
5747.231 of the Revised Code applies in ascertaining if the trust 32352  
is eligible to claim the deduction provided by division (S)(12) of 32353  
this section in connection with the pass-through entity's farm 32354  
income. 32355

Except for farm income attributable to the S portion of an 32356  
electing small business trust, the deduction provided by division 32357  
(S)(12) of this section is allowed only to the extent that the 32358  
trust has not distributed such farm income. Division (S)(12) of 32359  
this section applies only to taxable years of a trust beginning in 32360  
2002 or thereafter. 32361

(13) Add the net amount of income described in section 641(c) 32362  
of the Internal Revenue Code to the extent that amount is not 32363  
included in federal taxable income. 32364

(14) Add or deduct the amount the taxpayer would be required 32365  
to add or deduct under division (A)(20) or (21) of this section if 32366  
the taxpayer's Ohio taxable income were computed in the same 32367  
manner as an individual's Ohio adjusted gross income is computed 32368  
under this section. In the case of a trust, division (S)(14) of 32369  
this section applies only to any of the trust's taxable years 32370  
beginning in 2002 or thereafter. 32371

(T) "School district income" and "school district income tax" 32372  
have the same meanings as in section 5748.01 of the Revised Code. 32373

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 32374  
of this section, "public obligations," "purchase obligations," and 32375  
"interest or interest equivalent" have the same meanings as in 32376

section 5709.76 of the Revised Code. 32377

(V) "Limited liability company" means any limited liability 32378  
company formed under Chapter 1705. of the Revised Code or under 32379  
the laws of any other state. 32380

(W) "Pass-through entity investor" means any person who, 32381  
during any portion of a taxable year of a pass-through entity, is 32382  
a partner, member, shareholder, or equity investor in that 32383  
pass-through entity. 32384

(X) "Banking day" has the same meaning as in section 1304.01 32385  
of the Revised Code. 32386

(Y) "Month" means a calendar month. 32387

(Z) "Quarter" means the first three months, the second three 32388  
months, the third three months, or the last three months of the 32389  
taxpayer's taxable year. 32390

(AA)(1) "Eligible institution" means a state university or 32391  
state institution of higher education as defined in section 32392  
3345.011 of the Revised Code, or a private, nonprofit college, 32393  
university, or other post-secondary institution located in this 32394  
state that possesses a certificate of authorization issued by the 32395  
Ohio board of regents pursuant to Chapter 1713. of the Revised 32396  
Code or a certificate of registration issued by the state board of 32397  
career colleges and schools under Chapter 3332. of the Revised 32398  
Code. 32399

(2) "Qualified tuition and fees" means tuition and fees 32400  
imposed by an eligible institution as a condition of enrollment or 32401  
attendance, not exceeding two thousand five hundred dollars in 32402  
each of the individual's first two years of post-secondary 32403  
education. If the individual is a part-time student, "qualified 32404  
tuition and fees" includes tuition and fees paid for the academic 32405  
equivalent of the first two years of post-secondary education 32406

during a maximum of five taxable years, not exceeding a total of 32407  
five thousand dollars. "Qualified tuition and fees" does not 32408  
include: 32409

(a) Expenses for any course or activity involving sports, 32410  
games, or hobbies unless the course or activity is part of the 32411  
individual's degree or diploma program; 32412

(b) The cost of books, room and board, student activity fees, 32413  
athletic fees, insurance expenses, or other expenses unrelated to 32414  
the individual's academic course of instruction; 32415

(c) Tuition, fees, or other expenses paid or reimbursed 32416  
through an employer, scholarship, grant in aid, or other 32417  
educational benefit program. 32418

(BB)(1) "Modified business income" means the business income 32419  
included in a trust's Ohio taxable income after such taxable 32420  
income is first reduced by the qualifying trust amount, if any. 32421

(2) "Qualifying trust amount" of a trust means capital gains 32422  
and losses from the sale, exchange, or other disposition of equity 32423  
or ownership interests in, or debt obligations of, a qualifying 32424  
investee to the extent included in the trust's Ohio taxable 32425  
income, but only if the following requirements are satisfied: 32426

(a) The book value of the qualifying investee's physical 32427  
assets in this state and everywhere, as of the last day of the 32428  
qualifying investee's fiscal or calendar year ending immediately 32429  
prior to the date on which the trust recognizes the gain or loss, 32430  
is available to the trust. 32431

(b) The requirements of section 5747.011 of the Revised Code 32432  
are satisfied for the trust's taxable year in which the trust 32433  
recognizes the gain or loss. 32434

Any gain or loss that is not a qualifying trust amount is 32435  
modified business income, qualifying investment income, or 32436

modified nonbusiness income, as the case may be. 32437

(3) "Modified nonbusiness income" means a trust's Ohio 32438  
taxable income other than modified business income, other than the 32439  
qualifying trust amount, and other than qualifying investment 32440  
income, as defined in section 5747.012 of the Revised Code, to the 32441  
extent such qualifying investment income is not otherwise part of 32442  
modified business income. 32443

(4) "Modified Ohio taxable income" applies only to trusts, 32444  
and means the sum of the amounts described in divisions (BB)(4)(a) 32445  
to (c) of this section: 32446

(a) The fraction, calculated under section 5747.013, and 32447  
applying section 5747.231 of the Revised Code, multiplied by the 32448  
sum of the following amounts: 32449

(i) The trust's modified business income; 32450

(ii) The trust's qualifying investment income, as defined in 32451  
section 5747.012 of the Revised Code, but only to the extent the 32452  
qualifying investment income does not otherwise constitute 32453  
modified business income and does not otherwise constitute a 32454  
qualifying trust amount. 32455

(b) The qualifying trust amount multiplied by a fraction, the 32456  
numerator of which is the sum of the book value of the qualifying 32457  
investee's physical assets in this state on the last day of the 32458  
qualifying investee's fiscal or calendar year ending immediately 32459  
prior to the day on which the trust recognizes the qualifying 32460  
trust amount, and the denominator of which is the sum of the book 32461  
value of the qualifying investee's total physical assets 32462  
everywhere on the last day of the qualifying investee's fiscal or 32463  
calendar year ending immediately prior to the day on which the 32464  
trust recognizes the qualifying trust amount. If, for a taxable 32465  
year, the trust recognizes a qualifying trust amount with respect 32466  
to more than one qualifying investee, the amount described in 32467

division (BB)(4)(b) of this section shall equal the sum of the 32468  
products so computed for each such qualifying investee. 32469

(c)(i) With respect to a trust or portion of a trust that is 32470  
a resident as ascertained in accordance with division (I)(3)(d) of 32471  
this section, its modified nonbusiness income. 32472

(ii) With respect to a trust or portion of a trust that is 32473  
not a resident as ascertained in accordance with division 32474  
(I)(3)(d) of this section, the amount of its modified nonbusiness 32475  
income satisfying the descriptions in divisions (B)(2) to (5) of 32476  
section 5747.20 of the Revised Code, except as otherwise provided 32477  
in division (BB)(4)(c)(ii) of this section. With respect to a 32478  
trust or portion of a trust that is not a resident as ascertained 32479  
in accordance with division (I)(3)(d) of this section, the trust's 32480  
portion of modified nonbusiness income recognized from the sale, 32481  
exchange, or other disposition of a debt interest in or equity 32482  
interest in a section 5747.212 entity, as defined in section 32483  
5747.212 of the Revised Code, without regard to division (A) of 32484  
that section, shall not be allocated to this state in accordance 32485  
with section 5747.20 of the Revised Code but shall be apportioned 32486  
to this state in accordance with division (B) of section 5747.212 32487  
of the Revised Code without regard to division (A) of that 32488  
section. 32489

If the allocation and apportionment of a trust's income under 32490  
divisions (BB)(4)(a) and (c) of this section do not fairly 32491  
represent the modified Ohio taxable income of the trust in this 32492  
state, the alternative methods described in division (C) of 32493  
section 5747.21 of the Revised Code may be applied in the manner 32494  
and to the same extent provided in that section. 32495

(5)(a) Except as set forth in division (BB)(5)(b) of this 32496  
section, "qualifying investee" means a person in which a trust has 32497  
an equity or ownership interest, or a person or unit of government 32498

the debt obligations of either of which are owned by a trust. For 32499  
the purposes of division (BB)(2)(a) of this section and for the 32500  
purpose of computing the fraction described in division (BB)(4)(b) 32501  
of this section, all of the following apply: 32502

(i) If the qualifying investee is a member of a qualifying 32503  
controlled group on the last day of the qualifying investee's 32504  
fiscal or calendar year ending immediately prior to the date on 32505  
which the trust recognizes the gain or loss, then "qualifying 32506  
investee" includes all persons in the qualifying controlled group 32507  
on such last day. 32508

(ii) If the qualifying investee, or if the qualifying 32509  
investee and any members of the qualifying controlled group of 32510  
which the qualifying investee is a member on the last day of the 32511  
qualifying investee's fiscal or calendar year ending immediately 32512  
prior to the date on which the trust recognizes the gain or loss, 32513  
separately or cumulatively own, directly or indirectly, on the 32514  
last day of the qualifying investee's fiscal or calendar year 32515  
ending immediately prior to the date on which the trust recognizes 32516  
the qualifying trust amount, more than fifty per cent of the 32517  
equity of a pass-through entity, then the qualifying investee and 32518  
the other members are deemed to own the proportionate share of the 32519  
pass-through entity's physical assets which the pass-through 32520  
entity directly or indirectly owns on the last day of the 32521  
pass-through entity's calendar or fiscal year ending within or 32522  
with the last day of the qualifying investee's fiscal or calendar 32523  
year ending immediately prior to the date on which the trust 32524  
recognizes the qualifying trust amount. 32525

(iii) For the purposes of division (BB)(5)(a)(iii) of this 32526  
section, "upper level pass-through entity" means a pass-through 32527  
entity directly or indirectly owning any equity of another 32528  
pass-through entity, and "lower level pass-through entity" means 32529  
that other pass-through entity. 32530

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 32563  
disposition of equity or ownership interests in, or debt 32564  
obligations of, the C corporation. 32565

(ii) Such gain or loss constitutes nonbusiness income. 32566

(6) "Available" means information is such that a person is 32567  
able to learn of the information by the due date plus extensions, 32568  
if any, for filing the return for the taxable year in which the 32569  
trust recognizes the gain or loss. 32570

(CC) "Qualifying controlled group" has the same meaning as in 32571  
section 5733.04 of the Revised Code. 32572

(DD) "Related member" has the same meaning as in section 32573  
5733.042 of the Revised Code. 32574

(EE)(1) For the purposes of division (EE) of this section: 32575

(a) "Qualifying person" means any person other than a 32576  
qualifying corporation. 32577

(b) "Qualifying corporation" means any person classified for 32578  
federal income tax purposes as an association taxable as a 32579  
corporation, except either of the following: 32580

(i) A corporation that has made an election under subchapter 32581  
S, chapter one, subtitle A, of the Internal Revenue Code for its 32582  
taxable year ending within, or on the last day of, the investor's 32583  
taxable year; 32584

(ii) A subsidiary that is wholly owned by any corporation 32585  
that has made an election under subchapter S, chapter one, 32586  
subtitle A of the Internal Revenue Code for its taxable year 32587  
ending within, or on the last day of, the investor's taxable year. 32588

(2) For the purposes of this chapter, unless expressly stated 32589  
otherwise, no qualifying person indirectly owns any asset directly 32590  
or indirectly owned by any qualifying corporation. 32591

<u>(FF) For purposes of this chapter and Chapter 5751. of the</u>	32592
<u>Revised Code:</u>	32593
<u>(1) "Trust" does not include a qualified pre-income tax</u>	32594
<u>trust.</u>	32595
<u>(2) A "qualified pre-income tax trust" is any pre-income tax</u>	32596
<u>trust that makes a qualifying pre-income tax trust election as</u>	32597
<u>described in division (FF)(3) of this section.</u>	32598
<u>(3) A "qualifying pre-income tax trust election" is an</u>	32599
<u>election by a pre-income tax trust to subject to the tax imposed</u>	32600
<u>by section 5751.02 of the Revised Code the pre-income tax trust</u>	32601
<u>and all pass-through entities of which the trust owns or controls,</u>	32602
<u>directly, indirectly, or constructively through related interests,</u>	32603
<u>five per cent or more of the ownership or equity interests. The</u>	32604
<u>trustee shall notify the tax commissioner in writing of the</u>	32605
<u>election on or before April 15, 2006. The election, if timely</u>	32606
<u>made, shall be effective on and after January 1, 2006, and shall</u>	32607
<u>apply for all tax periods and tax years until revoked by the</u>	32608
<u>trustee of the trust.</u>	32609
<u>(4) A "pre-income tax trust" is a trust that satisfies all of</u>	32610
<u>the following requirements:</u>	32611
<u>(a) The document or instrument creating the trust was</u>	32612
<u>executed by the grantor before January 1, 1972;</u>	32613
<u>(b) The trust became irrevocable upon the creation of the</u>	32614
<u>trust; and</u>	32615
<u>(c) The grantor was domiciled in this state at the time the</u>	32616
<u>trust was created.</u>	32617
<b>Sec. 5747.012.</b> This section applies for the purposes of	32618
divisions (BB)(3) and (BB)(4)(a)(ii) of section 5747.01 of the	32619
Revised Code.	32620

(A) As used in this section: 32621

(1)(a) Except as set forth in division (A)(1)(b) of this 32622  
section, "qualifying investment income" means the portion of a 32623  
qualifying investment pass-through entity's net income 32624  
attributable to transaction fees in connection with the 32625  
acquisition, ownership, or disposition of intangible property; 32626  
loan fees; financing fees; consent fees; waiver fees; application 32627  
fees; net management fees; dividend income; interest income; net 32628  
capital gains from the sale or exchange or other disposition of 32629  
intangible property; and all types and classifications of income 32630  
attributable to distributive shares of income from other 32631  
pass-through entities. 32632

(b)(i) Notwithstanding division (A)(1)(a) of this section, 32633  
"qualifying investment income" does not include any part of the 32634  
qualifying investment pass-through entity's net capital gain 32635  
which, after the application of section 5747.231 of the Revised 32636  
Code with respect to a trust, would also constitute a qualifying 32637  
trust amount. 32638

(ii) Notwithstanding division (A)(1)(a) of this section, 32639  
"qualifying investment income" does not include any part of the 32640  
qualifying investment pass-through entity's net income 32641  
attributable to the portion of a distributive share of income 32642  
directly or indirectly from another pass-through entity to the 32643  
extent such portion constitutes the other pass-through entity's 32644  
net capital gain which, after the application of section 5747.231 32645  
of the Revised Code with respect to a trust, would also constitute 32646  
a qualifying trust amount. 32647

(2) "Qualifying investment pass-through entity" means an 32648  
investment pass-through entity, as defined in section 5733.401 of 32649  
the Revised Code, subject to the following qualifications: 32650

(a) "Forty per cent" shall be substituted for "ninety per 32651

cent" wherever "ninety per cent" appears in section 5733.401 of the Revised Code. 32652  
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(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. 32654  
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(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; 32657  
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(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. 32663  
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(B) "Qualifying section 5747.012 trust" means a trust satisfying one of the following: 32671  
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(1) The trust was created prior to, and was irrevocable on, June 5, 2002; or 32673  
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(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 32675  
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considered to be a power to change beneficiaries, amend the trust, 32683  
or revoke the trust. 32684

(C) For the purposes of this section, "related persons" means 32685  
the family of a qualifying individual beneficiary, as defined in 32686  
division (A)(5) of section 5747.011 of the Revised Code. For the 32687  
purposes of this division, "family" has the same meaning as in 32688  
division (A)(6) of section 5747.011 of the Revised Code. 32689

(D) For the purposes of applying divisions (A)(2)(c), 32690  
(A)(2)(d), and (B)(2) of this section, the related persons or the 32691  
qualifying section 5747.012 trust, as the case may be, shall be 32692  
deemed to own the equity of the investment pass-through entity 32693  
after the application of division (B) of section 5747.011 of the 32694  
Revised Code. 32695

(E) "Irrevocable" has the same meaning as in division 32696  
(I)(3)(b) of section 5747.01 of the Revised Code. 32697

(F) Nothing in this section requires any item of income, 32698  
gain, or loss not satisfying the definition of qualifying 32699  
investment income to be treated as modified nonbusiness income. 32700  
Any item of income, gain, or loss that is not qualifying 32701  
investment income is modified business income, modified 32702  
nonbusiness income, or a qualifying trust amount, as the case may 32703  
be. 32704

**Sec. 5747.05.** As used in this section, "income tax" includes 32705  
both a tax on net income and a tax measured by net income. 32706

The following credits shall be allowed against the income tax 32707  
imposed by section 5747.02 of the Revised Code on individuals and 32708  
estates: 32709

(A)(1) The amount of tax otherwise due under section 5747.02 32710  
of the Revised Code on such portion of the adjusted gross income 32711  
of any nonresident taxpayer that is not allocable to this state 32712

pursuant to sections 5747.20 to 5747.23 of the Revised Code; 32713

(2) The credit provided under this division shall not exceed 32714  
the portion of the total tax due under section 5747.02 of the 32715  
Revised Code that the amount of the nonresident taxpayer's 32716  
adjusted gross income not allocated to this state pursuant to 32717  
sections 5747.20 to 5747.23 of the Revised Code bears to the total 32718  
adjusted gross income of the nonresident taxpayer derived from all 32719  
sources everywhere. 32720

(3) The tax commissioner may enter into an agreement with the 32721  
taxing authorities of any state or of the District of Columbia 32722  
that imposes an income tax to provide that compensation paid in 32723  
this state to a nonresident taxpayer shall not be subject to the 32724  
tax levied in section 5747.02 of the Revised Code so long as 32725  
compensation paid in such other state or in the District of 32726  
Columbia to a resident taxpayer shall likewise not be subject to 32727  
the income tax of such other state or of the District of Columbia. 32728

(B) The lesser of division (B)(1) or (2) of this section: 32729

(1) The amount of tax otherwise due under section 5747.02 of 32730  
the Revised Code on such portion of the adjusted gross income of a 32731  
resident taxpayer that in another state or in the District of 32732  
Columbia is subjected to an income tax. The credit provided under 32733  
division (B)(1) of this section shall not exceed the portion of 32734  
the total tax due under section 5747.02 of the Revised Code that 32735  
the amount of the resident taxpayer's adjusted gross income 32736  
subjected to an income tax in the other state or in the District 32737  
of Columbia bears to the total adjusted gross income of the 32738  
resident taxpayer derived from all sources everywhere. 32739

(2) The amount of income tax liability to another state or 32740  
the District of Columbia on the portion of the adjusted gross 32741  
income of a resident taxpayer that in another state or in the 32742  
District of Columbia is subjected to an income tax. The credit 32743

provided under division (B)(2) of this section shall not exceed 32744  
the amount of tax otherwise due under section 5747.02 of the 32745  
Revised Code. 32746

(3) If the credit provided under division (B) of this section 32747  
is affected by a change in either the portion of adjusted gross 32748  
income of a resident taxpayer subjected to an income tax in 32749  
another state or the District of Columbia or the amount of income 32750  
tax liability that has been paid to another state or the District 32751  
of Columbia, the taxpayer shall report the change to the tax 32752  
commissioner within sixty days of the change in such form as the 32753  
commissioner requires. 32754

(a) In the case of an underpayment, the report shall be 32755  
accompanied by payment of any additional tax due as a result of 32756  
the reduction in credit together with interest on the additional 32757  
tax and is a return subject to assessment under section 5747.13 of 32758  
the Revised Code solely for the purpose of assessing any 32759  
additional tax due under this division, together with any 32760  
applicable penalty and interest. It shall not reopen the 32761  
computation of the taxpayer's tax liability under this chapter 32762  
from a previously filed return no longer subject to assessment 32763  
except to the extent that such liability is affected by an 32764  
adjustment to the credit allowed by division (B) of this section. 32765

(b) In the case of an overpayment, an application for refund 32766  
may be filed under this division within the sixty day period 32767  
prescribed for filing the report even if it is beyond the period 32768  
prescribed in section 5747.11 of the Revised Code if it otherwise 32769  
conforms to the requirements of such section. An application filed 32770  
under this division shall only claim refund of overpayments 32771  
resulting from an adjustment to the credit allowed by division (B) 32772  
of this section unless it is also filed within the time prescribed 32773  
in section 5747.11 of the Revised Code. It shall not reopen the 32774  
computation of the taxpayer's tax liability except to the extent 32775

that such liability is affected by an adjustment to the credit 32776  
allowed by division (B) of this section. 32777

(4) No credit shall be allowed under division (B) of this 32778  
section ~~to the extent that for any taxable year for income tax~~ 32779  
~~paid or accrued to another state or to the District of Columbia if~~ 32780  
~~the taxpayer, when computing federal adjusted gross income, has~~ 32781  
directly or indirectly deducted, or was required to directly or 32782  
indirectly deduct, the amount of that income tax liability to 32783  
~~another state or the District of Columbia in computing federal~~ 32784  
~~adjusted gross income.~~ 32785

(C) For a taxpayer sixty-five years of age or older during 32786  
the taxable year, a credit for such year equal to fifty dollars 32787  
for each return required to be filed under section 5747.08 of the 32788  
Revised Code. 32789

(D) A taxpayer sixty-five years of age or older during the 32790  
taxable year who has received a lump-sum distribution from a 32791  
pension, retirement, or profit-sharing plan in the taxable year 32792  
may elect to receive a credit under this division in lieu of the 32793  
credit to which the taxpayer is entitled under division (C) of 32794  
this section. A taxpayer making such election shall receive a 32795  
credit for the taxable year equal to fifty dollars times the 32796  
taxpayer's expected remaining life as shown by annuity tables 32797  
issued under the provisions of the Internal Revenue Code and in 32798  
effect for the calendar year which includes the last day of the 32799  
taxable year. A taxpayer making an election under this division is 32800  
not entitled to the credit authorized under division (C) of this 32801  
section in subsequent taxable years except that if such election 32802  
was made prior to July 1, 1983, the taxpayer is entitled to 32803  
one-half the credit authorized under such division in subsequent 32804  
taxable years but may not make another election under this 32805  
division. 32806

(E) A taxpayer who is not sixty-five years of age or older 32807  
during the taxable year who has received a lump-sum distribution 32808  
from a pension, retirement, or profit-sharing plan in a taxable 32809  
year ending on or before July 31, 1991, may elect to take a credit 32810  
against the tax otherwise due under this chapter for such year 32811  
equal to fifty dollars times the expected remaining life of a 32812  
taxpayer sixty-five years of age as shown by annuity tables issued 32813  
under the provisions of the Internal Revenue Code and in effect 32814  
for the calendar year which includes the last day of the taxable 32815  
year. A taxpayer making an election under this division is not 32816  
entitled to a credit under division (C) or (D) of this section in 32817  
any subsequent year except that if such election was made prior to 32818  
July 1, 1983, the taxpayer is entitled to one-half the credit 32819  
authorized under division (C) of this section in subsequent years 32820  
but may not make another election under this division. No taxpayer 32821  
may make an election under this division for a taxable year ending 32822  
on or after August 1, 1991. 32823

(F) A taxpayer making an election under either division (D) 32824  
or (E) of this section may make only one such election in the 32825  
taxpayer's lifetime. 32826

(G)(1) On a joint return filed by a husband and wife, each of 32827  
whom had adjusted gross income of at least five hundred dollars, 32828  
exclusive of interest, dividends and distributions, royalties, 32829  
rent, and capital gains, a credit equal to the percentage shown in 32830  
the table contained in this division of the amount of tax due 32831  
after allowing for any other credit that precedes the credit under 32832  
this division in the order required under section 5747.98 of the 32833  
Revised Code. 32834

(2) The credit to which a taxpayer is entitled under this 32835  
division in any taxable year is the percentage shown in column B 32836  
that corresponds with the taxpayer's adjusted gross income, less 32837  
exemptions for the taxable year: 32838

A.	B.	32839
IF THE ADJUSTED GROSS INCOME,	THE CREDIT FOR THE TAXABLE	32840
LESS EXEMPTIONS, FOR THE TAX YEAR	YEAR IS:	
IS:		
\$25,000 or less	20%	32841
More than \$25,000 but not more than \$50,000	15%	32842
More than \$50,000 but not more than \$75,000	10%	32843
More than \$75,000	5%	32844
(3) The credit allowed under this division shall not exceed		32845
six hundred fifty dollars in any taxable year.		32846
(H) No claim for credit under this section shall be allowed		32847
unless the claimant furnishes such supporting information as the		32848
tax commissioner prescribes by rules. Each credit under this		32849
section shall be claimed in the order required under section		32850
5747.98 of the Revised Code.		32851
(I) An individual who is a resident for part of a taxable		32852
year and a nonresident for the remainder of the taxable year is		32853
allowed the credits under divisions (A) and (B) of this section in		32854
accordance with rules prescribed by the tax commissioner. In no		32855
event shall the same income be subject to both credits.		32856
(J) The credit allowed under division (A) of this section		32857
shall be calculated based upon the amount of tax due under section		32858
5747.02 of the Revised Code after subtracting any other credits		32859
that precede the credit under that division in the order required		32860
under section 5747.98 of the Revised Code. The credit allowed		32861
under division (B) of this section shall be calculated based upon		32862
the amount of tax due under section 5747.02 of the Revised Code		32863
after subtracting any other credits that precede the credit under		32864
that division in the order required under section 5747.98 of the		32865
Revised Code.		32866

(K) No credit shall be allowed under division (B) of this section unless the taxpayer furnishes such proof as the tax commissioner shall require that the income tax liability has been paid to another state or the District of Columbia.

(L) No credit shall be allowed under division (B) of this section for compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division (A)(3) of this section.

**Sec. 5747.056.** For taxable years beginning in 2005 or thereafter, a credit shall be allowed per return against the tax imposed by section 5747.02 of the Revised Code for ~~an individual whose a return not filed by an estate or trust that indicates~~ Ohio adjusted gross income less exemptions ~~is~~ of ten thousand dollars or less. For taxable years beginning in 2005, the credit shall equal one hundred seven dollars. For taxable years beginning in 2006, the credit shall equal one hundred two dollars. For taxable years beginning in 2007, the credit shall equal ninety-eight dollars. For taxable years beginning in 2008, the credit shall equal ninety-three dollars. For taxable years beginning in 2009 or thereafter, the credit shall equal eighty-eight dollars. The credit shall be claimed in the order required under section 5747.98 of the Revised Code.

**Sec. 5747.11.** (A) The tax commissioner shall refund to employers, qualifying entities, or taxpayers, with respect to any tax imposed under section 5733.41, 5747.02, or 5747.41, or Chapter 5748. of the Revised Code:

(1) Overpayments of more than one dollar;

(2) Amounts in excess of one dollar paid illegally or erroneously;

(3) Amounts in excess of one dollar paid on an illegal, 32897  
erroneous, or excessive assessment. 32898

(B) Except as otherwise provided under divisions (D) and (E) 32899  
of this section, applications for refund shall be filed with the 32900  
tax commissioner, on the form prescribed by the commissioner, 32901  
within four years from the date of the illegal, erroneous, or 32902  
excessive payment of the tax, or within any additional period 32903  
allowed by division (B)(3)(b) of section 5747.05, division (B) of 32904  
section 5747.10, division (A) of section 5747.13, or division (C) 32905  
of section 5747.45 of the Revised Code. 32906

On filing of the refund application, the commissioner shall 32907  
determine the amount of refund due and certify such amount to the 32908  
director of budget and management and treasurer of state for 32909  
payment from the tax refund fund created by section 5703.052 of 32910  
the Revised Code. Payment shall be made as provided in division 32911  
(C) of section ~~117.45~~ 126.35 of the Revised Code. 32912

(C)(1) Interest shall be allowed and paid upon any illegal or 32913  
erroneous assessment in excess of one dollar in respect of the tax 32914  
imposed under section 5747.02 or Chapter 5748. of the Revised Code 32915  
at the rate per annum prescribed by section 5703.47 of the Revised 32916  
Code from the date of the payment of the illegal or erroneous 32917  
assessment until the date the refund of such amount is paid. If 32918  
such refund results from the filing of a return or report, or the 32919  
payment accompanying such return or report, by an employer or 32920  
taxpayer, rather than from an assessment by the commissioner, such 32921  
interest shall run from a period ninety days after the final 32922  
filing date of the annual return until the date the refund is 32923  
paid. 32924

(2) Interest shall be allowed and paid at the rate per annum 32925  
prescribed by section 5703.47 of the Revised Code upon any 32926  
overpayment in excess of one dollar in respect of the tax imposed 32927

under section 5747.02 or Chapter 5748. of the Revised Code from 32928  
the date of the overpayment until the date of the refund of the 32929  
overpayment, except that if any overpayment is refunded within 32930  
ninety days after the final filing date of the annual return or 32931  
ninety days after the return is filed, whichever is later, no 32932  
interest shall be allowed on such overpayment. If the overpayment 32933  
results from the carryback of a net operating loss or net capital 32934  
loss to a previous taxable year, the overpayment is deemed not to 32935  
have been made prior to the filing date, including any extension 32936  
thereof, for the taxable year in which the net operating loss or 32937  
net capital loss arises. For purposes of the payment of interest 32938  
on overpayments, no amount of tax, for any taxable year, shall be 32939  
treated as having been paid before the date on which the tax 32940  
return for that year was due without regard to any extension of 32941  
time for filing such return. 32942

(3) Interest shall be allowed at the rate per annum 32943  
prescribed by section 5703.47 of the Revised Code on amounts 32944  
refunded with respect to the taxes imposed under sections 5733.41 32945  
and 5747.41 of the Revised Code. The interest shall run from 32946  
whichever of the following days is the latest until the day the 32947  
refund is paid: the day the illegal, erroneous, or excessive 32948  
payment was made; the ninetieth day after the final day the annual 32949  
report was required to be filed under section 5747.42 of the 32950  
Revised Code; or the ninetieth day after the day that report was 32951  
filed. 32952

(D) "Ninety days" shall be substituted for "four years" in 32953  
division (B) of this section if the taxpayer satisfies both of the 32954  
following conditions: 32955

(1) The taxpayer has applied for a refund based in whole or 32956  
in part upon section 5747.059 of the Revised Code; 32957

(2) The taxpayer asserts that either the imposition or 32958

collection of the tax imposed or charged by this chapter or any 32959  
portion of such tax violates the Constitution of the United States 32960  
or the Constitution of Ohio. 32961

(E)(1) Division (E)(2) of this section applies only if all of 32962  
the following conditions are satisfied: 32963

(a) A qualifying entity pays an amount of the tax imposed by 32964  
section 5733.41 or 5747.41 of the Revised Code; 32965

(b) The taxpayer is a qualifying investor as to that 32966  
qualifying entity; 32967

(c) The taxpayer did not claim the credit provided for in 32968  
section 5747.059 of the Revised Code as to the tax described in 32969  
division (E)(1)(a) of this section; 32970

(d) The four-year period described in division (B) of this 32971  
section has ended as to the taxable year for which the taxpayer 32972  
otherwise would have claimed that credit. 32973

(2) A taxpayer shall file an application for refund pursuant 32974  
to division (E) of this section within one year after the date the 32975  
payment described in division (E)(1)(a) of this section is made. 32976  
An application filed under division (E)(2) of this section shall 32977  
claim refund only of overpayments resulting from the taxpayer's 32978  
failure to claim the credit described in division (E)(1)(c) of 32979  
this section. Nothing in division (E) of this section shall be 32980  
construed to relieve a taxpayer from complying with division 32981  
(A)(16) of section 5747.01 of the Revised Code. 32982

**Sec. 5747.331.** (A) As used in this section: 32983

(1) "Borrower" means any person that receives a loan from the 32984  
director of development under section 166.21 of the Revised Code, 32985  
regardless of whether the borrower is subject to the tax imposed 32986  
by section 5747.02 of the Revised Code. 32987

(2) "Related member" has the same meaning as in section 32988  
5733.042 of the Revised Code. 32989

(3) "Qualified research and development loan payments" has 32990  
the same meaning as in division (D) of section 166.21 of the 32991  
Revised Code. 32992

(B) Beginning with taxable year 2003 and ending with taxable 32993  
years beginning in 2007, a nonrefundable credit is allowed against 32994  
the tax imposed by section 5747.02 of the Revised Code equal to a 32995  
borrower's qualified research and development loan payments made 32996  
during the calendar year that includes the last day of the taxable 32997  
year for which the credit is claimed. The amount of the credit for 32998  
a taxable year shall not exceed one hundred fifty thousand 32999  
dollars. No taxpayer is entitled to claim a credit under this 33000  
section unless it has obtained a certificate issued by the 33001  
director of development under division (D) of section 166.21 of 33002  
the Revised Code and submits a copy of the certificate with its 33003  
report for the taxable year. Failure to submit a copy of the 33004  
certificate with the report does not invalidate a claim for a 33005  
credit if the taxpayer submits a copy of the certificate within 33006  
sixty days after the tax commissioner requests it. The credit 33007  
shall be claimed in the order required under section 5747.98 of 33008  
the Revised Code. The credit, to the extent it exceeds the 33009  
taxpayer's tax liability for the taxable year after allowance for 33010  
any other credits that precede the credit under this section in 33011  
that order, shall be carried forward to the next succeeding 33012  
taxable year or years until fully used. Any credit not fully 33013  
utilized by the taxable year beginning in 2007 may be carried 33014  
forward and applied against the tax levied by Chapter 5751. of the 33015  
Revised Code to the extent allowed by section 5751.52 of the 33016  
Revised Code. 33017

(C) A borrower entitled to a credit under this section may 33018  
assign the credit, or a portion thereof, to any of the following: 33019

(1) A related member of that borrower;	33020
(2) The owner or lessee of the eligible research and development project;	33021 33022
(3) A related member of the owner or lessee of the eligible research and development project.	33023 33024
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.	33025 33026 33027 33028 33029 33030 33031
(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.	33032 33033 33034 33035 33036 33037
(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.	33038 33039 33040 33041 33042 33043 33044
<b>Sec. 5748.01.</b> As used in this chapter:	33045
(A) "School district income tax" means an income tax adopted under one of the following:	33046 33047
(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of	33048 33049

the 115th general assembly;	33050
(2) Section 5748.03 of the Revised Code as enacted in	33051
Substitute Senate Bill No. 28 of the 118th general assembly;	33052
(3) Section 5748.08 of the Revised Code as enacted in Amended	33053
Substitute Senate Bill No. 17 of the 122nd general assembly.	33054
(B) "Individual" means an individual subject to the tax	33055
levied by section 5747.02 of the Revised Code.	33056
(C) "Estate" means an estate subject to the tax levied by	33057
section 5747.02 of the Revised Code.	33058
(D) "Taxable year" means a taxable year as defined in	33059
division (M) of section 5747.01 of the Revised Code.	33060
(E) "Taxable income" means:	33061
(1) In the case of an individual, one of the following, as	33062
specified in the resolution imposing the tax:	33063
(a) Ohio adjusted gross income for the taxable year as	33064
defined in division (A) of section 5747.01 of the Revised Code,	33065
less the exemptions provided by section 5747.02 of the Revised	33066
Code, <u>and less military pay and allowances the deduction of which</u>	33067
<u>has been authorized pursuant to section 5748.011 of the Revised</u>	33068
<u>Code;</u>	33069
(b) Wages, salaries, tips, and other employee compensation to	33070
the extent included in Ohio adjusted gross income as defined in	33071
section 5747.01 of the Revised Code, <u>less military pay and</u>	33072
<u>allowances the deduction of which has been authorized pursuant to</u>	33073
<u>section 5748.011 of the Revised Code,</u> and net earnings from	33074
self-employment, as defined in section 1402(a) of the Internal	33075
Revenue Code, to the extent included in Ohio adjusted gross	33076
income.	33077
(2) In the case of an estate, taxable income for the taxable	33078
year as defined in division (S) of section 5747.01 of the Revised	33079

Code.	33080
(F) Except as provided in section 5747.25 of the Revised Code, "resident" of the school district means:	33081
	33082
(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district;	33083
	33084
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(2) An estate of a decedent who, at the time of death, was domiciled in the school district.	33089
	33090
(G) "School district income" means:	33091
(1) With respect to an individual, the portion of the taxable income of an individual that is received by the individual during the portion of the taxable year that the individual is a resident of the school district and the school district income tax is in effect in that school district. An individual may have school district income with respect to more than one school district.	33092
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(2) With respect to an estate, the taxable income of the estate for the portion of the taxable year that the school district income tax is in effect in that school district.	33098
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	33100
(H) "Taxpayer" means an individual or estate having school district income upon which a school district income tax is imposed.	33101
	33102
	33103
(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to section 5705.21 of the Revised Code.	33104
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<u>Sec. 5748.011. The board of education of a school district that levies a school district income tax under this chapter may,</u>	33107
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by resolution, authorize individuals to deduct, in computing an individual's taxable income under section 5748.01 of the Revised Code, military pay and allowances received by the individual during the taxable year for service in the United States army, air force, navy, marine corps, or coast guard or reserve components thereof or the national guard if the military pay and allowances were received by the individual while the individual was stationed outside this state. A deduction authorized pursuant to this section may be claimed only to the extent the military pay and allowances are included in an individual's federal adjusted gross income, as defined and used in the Internal Revenue Code, and are not otherwise allowable as a deduction or exclusion in computing the individual's federal or Ohio adjusted gross income for the taxable year as defined in section 5747.01 of the Revised Code. A copy of the resolution shall be provided to the tax commissioner upon its adoption. A resolution authorizing the deduction shall specify the taxable year with respect to which the deduction first applies, provided that the deduction cannot apply with respect to any taxable year that commences sooner than seventy-five days after the date on which the tax commissioner receives the resolution.

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**Sec. 5748.02.** (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. A copy of the resolution shall be certified to the tax commissioner no later than eighty-five days prior to the date

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of the election at which the board intends to propose a levy under 33140  
this section. Upon receipt of the copy of the resolution, the tax 33141  
commissioner shall estimate both of the following: 33142

(1) The property tax rate that would have to be imposed in 33143  
the current year by the district to produce an equivalent amount 33144  
of money; 33145

(2) The income tax rate that would have had to have been in 33146  
effect for the current year to produce an equivalent amount of 33147  
money from a school district income tax. 33148

Within ten days of receiving the copy of the board's 33149  
resolution, the commissioner shall prepare these estimates and 33150  
certify them to the board. Upon receipt of the certification, the 33151  
board may adopt a resolution proposing an income tax under 33152  
division (B) of this section at the estimated rate contained in 33153  
the certification rounded to the nearest one-fourth of one per 33154  
cent. The commissioner's certification applies only to the board's 33155  
proposal to levy an income tax at the election for which the board 33156  
requested the certification. If the board intends to submit a 33157  
proposal to levy an income tax at any other election, it shall 33158  
request another certification for that election in the manner 33159  
prescribed in this division. 33160

(B)(1) Upon the receipt of a certification from the tax 33161  
commissioner under division (A) of this section, a majority of the 33162  
members of a board of education may adopt a resolution proposing 33163  
the levy of an annual tax for school district purposes on school 33164  
district income. The proposed levy may be for a continuing period 33165  
of time or for a specified number of years. The resolution shall 33166  
set forth the purpose for which the tax is to be imposed, the rate 33167  
of the tax, which shall be the rate set forth in the 33168  
commissioner's certification rounded to the nearest one-fourth of 33169  
one per cent, the number of years the tax will be levied or that 33170  
it will be levied for a continuing period of time, the date on 33171

which the tax shall take effect, which shall be the first day of 33172  
January of any year following the year in which the question is 33173  
submitted, and the date of the election at which the proposal 33174  
shall be submitted to the electors of the district, which shall be 33175  
on the date of a primary, general, or special election the date of 33176  
which is consistent with section 3501.01 of the Revised Code. The 33177  
resolution shall specify whether the income that is to be subject 33178  
to the tax is taxable income of individuals and estates as defined 33179  
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 33180  
Code or taxable income of individuals as defined in division 33181  
(E)(1)(b) of that section. The specification shall be the same as 33182  
the specification in the resolution adopted and certified under 33183  
division (A) of this section. If the board of education currently 33184  
imposes an income tax pursuant to this chapter that is due to 33185  
expire and a question is submitted under this section for a 33186  
proposed income tax to take effect upon the expiration of the 33187  
existing tax, the board may specify in the resolution that the 33188  
proposed tax renews the expiring tax and is not an additional 33189  
income tax, provided that the tax rate being proposed is no higher 33190  
than the tax rate that is currently imposed. 33191

(2) A board of education adopting a resolution under division 33192  
(B)(1) of this section proposing a school district income tax for 33193  
a continuing period of time and limited to the purpose of current 33194  
expenses may propose in that resolution to reduce the rate or 33195  
rates of one or more of the school district's property taxes 33196  
levied for a continuing period of time in excess of the ten-mill 33197  
limitation for the purpose of current expenses. The reduction in 33198  
the rate of a property tax may be any amount, expressed in mills 33199  
per one dollar in valuation, not exceeding the rate at which the 33200  
tax is authorized to be levied. The reduction in the rate of a tax 33201  
shall first take effect for the tax year that includes the day on 33202  
which the school district income tax first takes effect, and shall 33203

continue for each tax year that both the school district income 33204  
tax and the property tax levy are in effect. 33205

In addition to the matters required to be set forth in the 33206  
resolution under division (B)(1) of this section, a resolution 33207  
containing a proposal to reduce the rate of one or more property 33208  
taxes shall state for each such tax the maximum rate at which it 33209  
currently may be levied and the maximum rate at which the tax 33210  
could be levied after the proposed reduction, expressed in mills 33211  
per one dollar in valuation, and that the tax is levied for a 33212  
continuing period of time. 33213

If a board of education proposes to reduce the rate of one or 33214  
more property taxes under division (B)(2) of this section, the 33215  
board, when it makes the certification required under division (A) 33216  
of this section, shall designate the specific levy or levies to be 33217  
reduced, the maximum rate at which each levy currently is 33218  
authorized to be levied, and the rate by which each levy is 33219  
proposed to be reduced. The tax commissioner, when making the 33220  
certification to the board under division (A) of this section, 33221  
also shall certify the reduction in the total effective tax rate 33222  
for current expenses for each class of property that would have 33223  
resulted if the proposed reduction in the rate or rates had been 33224  
in effect the previous tax year. As used in this paragraph, 33225  
"effective tax rate" has the same meaning as in section 323.08 of 33226  
the Revised Code. 33227

(C) A resolution adopted under division (B) of this section 33228  
shall go into immediate effect upon its passage, and no 33229  
publication of the resolution shall be necessary other than that 33230  
provided for in the notice of election. Immediately after its 33231  
adoption and at least seventy-five days prior to the election at 33232  
which the question will appear on the ballot, a copy of the 33233  
resolution shall be certified to the board of elections of the 33234  
proper county, which shall submit the proposal to the electors on 33235

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:

(A) "Person" means, but is not limited to, individuals,

combinations of individuals of any form, receivers, assignees,	33266
trustees in bankruptcy, firms, companies, joint-stock companies,	33267
business trusts, estates, partnerships, limited liability	33268
partnerships, limited liability companies, associations, joint	33269
ventures, clubs, societies, for-profit corporations, S	33270
corporations, qualified subchapter S subsidiaries, qualified	33271
subchapter S trusts, trusts, entities that are disregarded for	33272
federal income tax purposes, and any other entities. "Person" does	33273
not include nonprofit organizations or the state, its agencies,	33274
its instrumentalities, and its political subdivisions.	33275
(B) "Consolidated elected taxpayer" means a group of two or	33276
more persons treated as a single taxpayer for purposes of this	33277
chapter as the result of an election made under section 5751.011	33278
of the Revised Code.	33279
(C) "Combined taxpayer" means a group of two or more persons	33280
treated as a single taxpayer for purposes of this chapter under	33281
section 5751.012 of the Revised Code.	33282
(D) "Taxpayer" means any person, or any group of persons in	33283
the case of a consolidated elected taxpayer or combined taxpayer	33284
treated as one taxpayer, required to register or pay tax under	33285
this chapter. "Taxpayer" does not include excluded persons.	33286
(E) "Excluded person" means any of the following:	33287
(1) Any person with not more than one hundred fifty thousand	33288
dollars of taxable gross receipts during the calendar year.	33289
Division (E)(1) of this section does not apply to a person that is	33290
a member of a group that is a consolidated elected taxpayer or a	33291
combined taxpayer;	33292
(2) A public utility that paid the excise tax imposed by	33293
section 5727.24 or 5727.30 of the Revised Code based on one or	33294
more measurement periods that include the entire tax period under	33295
this chapter, except that a public utility that is a combined	33296

company is a taxpayer with regard to the following gross receipts: 33297

(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; 33298  
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(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; 33302  
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(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. 33307  
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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. 33315  
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(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; 33318  
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(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 one or more measurement periods that include the entire tax period under this chapter; 33323  
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(5) A financial holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(p);	33328 33329
(6) A bank holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(a);	33330 33331
(7) A savings and loan holding company as defined in the "Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging only in activities or investments permissible for a financial holding company under 12 U.S.C. 1843(k);	33332 33333 33334 33335
(8) A person directly or indirectly owned by one or more financial institutions, financial holding companies, bank holding companies, or savings and loan holding companies described in division (E)(3), (5), (6), or (7) of this section that is engaged in activities permissible for a financial holding company under 12 U.S.C. 1843(k), except that any such person held pursuant to merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 U.S.C. 1843(k)(4)(I) is not an excluded person, or a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state.	33336 33337 33338 33339 33340 33341 33342 33343 33344 33345 33346
For the purposes of division (E)(8) of this section, a person owns another person under the following circumstances:	33347 33348
(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;	33349 33350 33351 33352
(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;	33353 33354 33355 33356 33357

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization;

(d) In the case of multiple ownership, the ownership interests of more than one person may be aggregated to meet the fifty per cent ownership tests in this division only when each such owner is described in division (E)(3), (5), (6), or (7) of this section and is engaged in activities permissible for a financial holding company under 12 U.S.C. 1843(k) or is a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state;

(9) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(10) A person that solely facilitates or services one or more securitizations or similar transactions for any person described in division (E)(3), (5), (6), (7), (8), or (9) of this section. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(11) Except as otherwise provided in this division, a

pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4),~~and (5)~~ of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income except interest on credit sales;

(b) Dividends and distributions from corporations, and

distributive or proportionate shares of receipts and income from a	33419
pass-through entity as defined under section 5733.04 of the	33420
Revised Code;	33421
(c) Receipts from the sale, exchange, or other disposition of	33422
an asset described in section 1221 or 1231 of the Internal Revenue	33423
Code, without regard to the length of time the person held the	33424
asset;	33425
(d) Proceeds received attributable to the repayment,	33426
maturity, or redemption of the principal of a loan, bond, mutual	33427
fund, certificate of deposit, or marketable instrument;	33428
(e) The principal amount received under a repurchase	33429
agreement or on account of any transaction properly characterized	33430
as a loan to the person;	33431
(f) Contributions received by a trust, plan, or other	33432
arrangement, any of which is described in section 501(a) of the	33433
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter	33434
1, Subchapter (D) of the Internal Revenue Code applies;	33435
(g) Compensation, whether current or deferred, and whether in	33436
cash or in kind, received or to be received by an employee, former	33437
employee, or the employee's legal successor for services rendered	33438
to or for an employer, including reimbursements received by or for	33439
an individual for medical or education expenses, health insurance	33440
premiums, or employee expenses, or on account of a dependent care	33441
spending account, legal services plan, any cafeteria plan	33442
described in section 125 of the Internal Revenue Code, or any	33443
similar employee reimbursement;	33444
(h) Proceeds received from the issuance of the taxpayer's own	33445
stock, options, warrants, puts, or calls, or from the sale of the	33446
taxpayer's treasury stock;	33447
(i) Proceeds received on the account of payments from life	33448

insurance policies;	33449
(j) Gifts or charitable contributions received, membership dues received, and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes; and proceeds received by a nonprofit organization including proceeds realized with regard to its unrelated business taxable income;	33450 33451 33452 33453 33454 33455 33456 33457
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	33458 33459 33460
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	33461 33462 33463
(m) Tax refunds <del>and</del> , other tax benefit recoveries, <u>and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;</u>	33464 33465 33466 33467 33468 33469 33470 33471 33472 33473
(n) Pension reversions;	33474
(o) Contributions to capital;	33475
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer <u>or other taxes the taxpayer is required by law to collect</u>	33476 33477 33478

directly from a purchaser and remit to a local, state, or federal 33479  
tax authority; 33480

(q) In the case of receipts from the sale of cigarettes or 33481  
tobacco products by a wholesale dealer, retail dealer, 33482  
distributor, manufacturer, or seller, all as defined in section 33483  
5743.01 of the Revised Code, an amount equal to the federal and 33484  
state excise taxes paid by any person on or for such cigarettes or 33485  
tobacco products under subtitle E of the Internal Revenue Code or 33486  
Chapter 5743. of the Revised Code; 33487

(r) In the case of receipts from the sale of motor fuel by a 33488  
licensed motor fuel dealer, licensed retail dealer, or licensed 33489  
permissive motor fuel dealer, all as defined in section 5735.01 of 33490  
the Revised Code, an amount equal to federal and state excise 33491  
taxes paid by any person on such motor fuel under section 4081 of 33492  
the Internal Revenue Code or Chapter 5735. of the Revised Code; 33493

(s) In the case of receipts from the sale of beer or 33494  
intoxicating liquor, as defined in section 4301.01 of the Revised 33495  
Code, by a person holding a permit issued under Chapter 4301. or 33496  
4303. of the Revised Code, an amount equal to federal and state 33497  
excise taxes paid by any person on or for such beer or 33498  
intoxicating liquor under subtitle E of the Internal Revenue Code 33499  
or Chapter 4301. or 4305. of the Revised Code; 33500

(t) Receipts realized by a new motor vehicle dealer or used 33501  
motor vehicle dealer, as defined in section 4517.01 of the Revised 33502  
Code, from the sale or other transfer of a motor vehicle, as 33503  
defined in that section, to another motor vehicle dealer for the 33504  
purpose of resale by the transferee motor vehicle dealer, but only 33505  
if the sale or other transfer was based upon the transferee's need 33506  
to meet a specific customer's preference for a motor vehicle; 33507

(u) Receipts from a financial institution described in 33508  
division (E)(3) of this section for services provided to the 33509

financial institution in connection with the issuance, processing, 33510  
servicing, and management of loans or credit accounts, if such 33511  
financial institution and the recipient of such receipts have at 33512  
least fifty per cent of their ownership interests owned or 33513  
controlled, directly or constructively through related interests, 33514  
by common owners; 33515

(v) Receipts realized from administering anti-neoplastic 33516  
drugs and other cancer chemotherapy, biologicals, therapeutic 33517  
agents, and supportive drugs in a physician's office to patients 33518  
with cancer; 33519

(w) Funds received or used by a mortgage broker that is not a 33520  
dealer in intangibles, other than fees or other consideration, 33521  
pursuant to a table-funding mortgage loan or warehouse-lending 33522  
mortgage loan. Terms used in division (F)(2)~~(x)~~(w) of this section 33523  
have the same meanings as in section 1322.01 of the Revised Code, 33524  
except "mortgage broker" means a person assisting a buyer in 33525  
obtaining a mortgage loan for a fee or other consideration paid by 33526  
the buyer or a lender, or a person engaged in table-funding or 33527  
warehouse-lending mortgage loans that are first lien mortgage 33528  
loans. 33529

(x) Property, money, and other amounts received by a 33530  
professional employer organization, as defined in section 4125.01 33531  
of the Revised Code, from a client employer, as defined in that 33532  
section, in excess of the administrative fee charged by the 33533  
professional employer organization to the client employer; 33534

(y) In the case of amounts retained as commissions by a 33535  
permit holder under Chapter 3769. of the Revised Code, an amount 33536  
equal to the amounts specified under that chapter that must be 33537  
paid to or collected by the tax commissioner as a tax and the 33538  
amounts specified under that chapter to be used as purse money; 33539

(z) Qualifying distribution center receipts. 33540

<u>(i) For purposes of division (F)(2)(z) of this section:</u>	33541
<u>(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage.</u>	33542 33543 33544 33545
<u>(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere. "Further shipping" includes storing and repackaging such property into smaller or larger bundles, so long as such property is not subject to further manufacturing or processing.</u>	33546 33547 33548 33549 33550 33551 33552 33553
<u>(III) "Qualified distribution center" means a warehouse or other similar facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. However, all warehouses or other similar facilities that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center.</u>	33554 33555 33556 33557 33558 33559 33560 33561
<u>(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.</u>	33562 33563
<u>(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.</u>	33564 33565 33566
<u>(VI) "Qualifying certificate" means an annual application approved by the tax commissioner from an operator of a distribution center that has filed an application as prescribed by the commissioner and paid the annual fee for the qualifying certificate on or before the first day of September prior to the</u>	33567 33568 33569 33570 33571

qualifying year or forty-five days after the opening of the 33572  
distribution center, whichever is later. The application and 33573  
annual fee shall be filed and paid for each qualified distribution 33574  
center. 33575

The applicant must substantiate to the commissioner's 33576  
satisfaction that, for the qualifying period, all persons 33577  
operating the distribution center have more than fifty per cent of 33578  
the cost of the qualified property shipped to a location such that 33579  
it would be situated outside this state under the provisions of 33580  
division (E) of section 5751.033 of the Revised Code. The 33581  
applicant must also substantiate that the distribution center 33582  
cumulatively had costs from its suppliers equal to or exceeding 33583  
five hundred million dollars during the qualifying period. (For 33584  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 33585  
excludes any person that is part of the consolidated elected 33586  
taxpayer group, if applicable, of the operator of the qualified 33587  
distribution center.) The commissioner may require the applicant 33588  
to have an independent certified public accountant certify that 33589  
the calculation of the minimum thresholds required for a qualified 33590  
distribution center by the operator of a distribution center has 33591  
been made in accordance with generally accepted accounting 33592  
principles. The commissioner shall issue or deny the issuance of a 33593  
certificate within sixty days after the receipt of the 33594  
application. A denial is subject to appeal under section 5717.02 33595  
of the Revised Code. If the operator files a timely appeal under 33596  
section 5717.02 of the Revised Code, the operator shall be granted 33597  
a qualifying certificate, provided that the operator is liable for 33598  
any tax, interest, or penalty upon amounts claimed as qualifying 33599  
distribution center receipts, other than those receipts exempt 33600  
under division (C)(1) of section 5751.011 of the Revised Code, 33601  
that would have otherwise not been owed by its suppliers if the 33602  
qualifying certificate was valid. 33603

(VII) "Ohio delivery percentage" means the proportion of the total property delivered to a destination inside Ohio from the qualified distribution center during the qualifying period compared with total deliveries from such distribution center everywhere during the qualifying period.

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(ii) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall be liable for any tax, interest, or penalty upon amounts claimed as qualifying distribution center receipts, other than those receipts exempt under division (C)(1) of section 5751.011 of the Revised Code, that would have not otherwise been owed by its suppliers during the qualifying year if the qualifying certificate was valid. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)

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(iii) When filing an application for a qualifying certificate under division (F)(2)(z)(i)(VI) of this section, the operator of a qualified distribution center also shall provide documentation, as the commissioner requires, for the commissioner to ascertain the Ohio delivery percentage. The commissioner, upon issuing the qualifying certificate, also shall certify the Ohio delivery percentage. The operator of the qualified distribution center may

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appeal the commissioner's certification of the Ohio delivery 33636  
percentage in the same manner as an appeal is taken from the 33637  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 33638  
of this section. 33639

Within thirty days after all appeals have been exhausted, the 33640  
operator of the qualified distribution center shall notify the 33641  
affected suppliers of qualified property that such suppliers are 33642  
required to file, within sixty days after receiving notice from 33643  
the operator of the qualified distribution center, amended reports 33644  
for the impacted calendar quarter or quarters or calendar year, 33645  
whichever the case may be. Any additional tax liability or tax 33646  
overpayment shall be subject to interest but shall not be subject 33647  
to the imposition of any penalty so long as the amended returns 33648  
are timely filed. The supplier of tangible personal property 33649  
delivered to the qualified distribution center shall include in 33650  
its report of taxable gross receipts the receipts from the total 33651  
sales of property delivered to the qualified distribution center 33652  
for the calendar quarter or calendar year, whichever the case may 33653  
be, multiplied by the Ohio delivery percentage for the qualifying 33654  
year. Nothing in division (F)(2)(z)(iii) of this section shall be 33655  
construed as imposing liability on the operator of a qualified 33656  
distribution center for the tax imposed by this chapter arising 33657  
from any change to the Ohio delivery percentage. 33658

(iv) In the case where the distribution center is new and not 33659  
open for the entire qualifying period, the operator shall make a 33660  
good faith estimate of an Ohio delivery percentage for use by 33661  
suppliers in their reports of taxable gross receipts for the 33662  
remainder of the qualifying period. The operator of the facility 33663  
shall disclose to the suppliers that such Ohio delivery percentage 33664  
is an estimate and is subject to recalculation. By the due date of 33665  
the next application for a qualifying certificate, the operator 33666  
shall determine the actual Ohio delivery percentage for the 33667

estimated qualifying period and proceed as provided in division (F)(2)(z)(iii) of this section with respect to the calculation and recalculation of the Ohio delivery percentage. The supplier is required to file, within sixty days after receiving notice from the operator of the qualified distribution center, amended reports for the impacted calendar quarter or quarters or calendar year, whichever the case may be. Any additional tax liability or tax overpayment shall be subject to interest but shall not be subject to the imposition of any penalty so long as the amended returns are timely filed.

(v) Qualifying certificates and Ohio delivery percentages issued by the commissioner shall be open to public inspection and shall be timely published by the commissioner. A supplier relying in good faith on a certificate issued under this division shall not be subject to tax on the qualifying distribution center receipts under division (F)(2)(z) of this section. A person receiving a qualifying certificate is responsible for paying the tax, interest, and penalty upon amounts claimed as qualifying distribution center receipts that would not otherwise have been owed by the supplier if the qualifying certificate were available when it is later determined that the qualifying certificate should not have been issued because the statutory requirements were in fact not met.

(vi) The annual fee for a qualifying certificate shall be one hundred thousand dollars for each qualified distribution center. If a qualifying certificate is not issued, the annual fee is subject to refund after the exhaustion of all appeals provided for in division (F)(2)(z)(i)(VI) of this section. The fee imposed under this division may be assessed in the same manner as the tax imposed under this chapter. The first one hundred thousand dollars of the annual application fees collected each calendar year shall be credited to the commercial activity tax administrative fund.

The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code. 33700  
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(vii) The tax commissioner may require that adequate security be posted by the operator of the distribution center on appeal when the commissioner disagrees that the applicant has met the minimum thresholds for a qualified distribution center as set forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this section. 33703  
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(aa) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state. 33709  
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(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. 33712  
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(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. 33720  
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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: 33727  
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(a) Cash discounts allowed and taken;	33731
(b) Returns and allowances;	33732
(c) Bad debts <del>from receipts upon which the tax imposed by</del> <del>this chapter was paid in a prior quarterly tax payment period.</del> For the purposes of this division, "bad debts" mean any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted pursuant thereto, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, expenses in attempting to collect any account receivable or for any portion of the debt recovered, and repossessed property;	33733 33734 33735 33736 33737 33738 33739 33740 33741 33742 33743 33744 33745
(d) Any amount realized from the sale of an account receivable but only to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer.	33746 33747 33748 33749
(G) "Taxable gross receipts" means gross receipts sitused to this state under section 5751.033 of the Revised Code.	33750 33751
(H) A person has "substantial nexus with this state" if any of the following applies. The person:	33752 33753
(1) Owns or uses a part or all of its capital in this state;	33754
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	33755 33756
(3) Has bright-line presence in this state;	33757
(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the constitution of the United States.	33758 33759 33760

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(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

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts ~~in this state~~ of at least five hundred thousand dollars.

(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~~ gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(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 33791  
relating to federal income taxes unless a different meaning is 33792  
clearly required. Any reference in this chapter to the Internal 33793  
Revenue Code includes other laws of the United States relating to 33794  
federal income taxes. 33795

(L) "Calendar quarter" means a three-month period ending on 33796  
the thirty-first day of March, the thirtieth day of June, the 33797  
thirtieth day of September, or the thirty-first day of December. 33798

(M) "Tax period" means the calendar quarter or calendar year 33799  
on the basis of which a taxpayer is required to pay the tax 33800  
imposed under this chapter. 33801

(N) "Calendar year taxpayer" means a taxpayer for which the 33802  
tax period is a calendar year. 33803

(O) "Calendar quarter taxpayer" means a taxpayer for which 33804  
the tax period is a calendar quarter. 33805

(P) "Agent" means a person authorized by another person to 33806  
act on its behalf to undertake a transaction for the other, 33807  
including any of the following: 33808

(1) A person receiving a fee to sell financial instruments; 33809

(2) A person retaining only a commission from a transaction 33810  
with the other proceeds from the transaction being remitted to 33811  
another person; 33812

(3) A person issuing licenses and permits under section 33813  
1533.13 of the Revised Code; 33814

(4) A lottery sales agent holding a valid license issued 33815  
under section 3770.05 of the Revised Code; 33816

(5) A person acting as an agent of the division of liquor 33817  
control under section 4301.17 of the Revised Code. 33818

(Q) "Received" includes amounts accrued under the accrual 33819

method of accounting.

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**Sec. 5751.011.** (A) A group of two or more persons may elect  
to be a consolidated elected taxpayer for the purposes of this  
chapter if the group satisfies all of the following requirements:

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(1) The group elects to include all persons, including  
persons enumerated in divisions (E)(2) to (10) of section 5751.01  
of the Revised Code, having at least eighty per cent, or having at  
least fifty per cent, of the value of their ownership interests  
owned or controlled, directly or constructively through related  
interests, by common owners during all or any portion of the tax  
period, together with the common owners. At the election of the  
group, all ~~foreign corporations meeting~~ entities that are not  
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

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elected taxpayer group or permit any exclusion under division (C) 33851  
of this section of taxable gross receipts between members of the 33852  
two groups. Division (A)(3) of this section applies with respect 33853  
to the elections described in this division. 33854

(2) The group ~~applies to the tax commissioner for approval~~ 33855  
makes the election to be treated as a consolidated elected 33856  
taxpayer ~~pursuant to~~ in the manner prescribed under division (D) 33857  
of this section. 33858

(3) ~~The~~ Subject to review and audit by the tax commissioner, 33859  
~~the~~ group agrees that ~~if the commissioner approves the election,~~ 33860  
all of the following apply: 33861

(a) The group shall file reports as a single taxpayer for at 33862  
least the next eight calendar quarters following the election so 33863  
long as at least two or more of the members of the group meet the 33864  
requirements of division (A)(1) of this section. 33865

(b) Before the expiration of the eighth such calendar 33866  
quarter, the group shall notify the commissioner if it elects to 33867  
cancel its designation as a consolidated elected taxpayer. If the 33868  
group does not so notify the tax commissioner, the election 33869  
remains in effect for another eight calendar quarters. 33870

(c) If, at any time during any of those eight calendar 33871  
quarters following the election, a former member of the group no 33872  
longer meets the requirements under division (A)(1) of this 33873  
section, that member shall report and pay the tax imposed under 33874  
this chapter separately, as a member of a combined taxpayer, or, 33875  
if the former member satisfies such requirements with respect to 33876  
another consolidated elected group, as a member of that 33877  
consolidated elected group. 33878

(d) The group agrees to the application of division (B) of 33879  
this section. 33880

(B) A group of persons making the election under this section 33881

shall report and pay tax on all of the group's taxable gross 33882  
receipts even if substantial nexus with this state does not exist 33883  
for one or more persons in the group. 33884

(C)(1) A consolidated elected taxpayer shall exclude taxable 33885  
gross receipts between its members and taxable gross receipts 33886  
received by a person enumerated in divisions (E)(2) to (10) of 33887  
section 5751.01 of the Revised Code, except for taxable gross 33888  
receipts received by a member described in division (E)(4) of 33889  
section 5751.01 of the Revised Code that is not a qualifying 33890  
dealer as defined in section 5725.24 of the Revised Code. Except 33891  
as provided in division (C)(2) of this section, nothing in this 33892  
section shall have the effect of excluding taxable gross receipts 33893  
received from persons that are not members of the group. 33894

(2) Gross receipts related to the sale or transmission of 33895  
electricity through the use of an intermediary regional 33896  
transmission organization approved by the federal energy 33897  
regulatory commission shall be excluded from taxable gross 33898  
receipts under division (C)(1) of this section if all other 33899  
requirements of that division are met, even if the receipts are 33900  
from and to the same member of the group. 33901

(D) To make the election to be a consolidated elected 33902  
taxpayer, a group of persons shall ~~apply to~~ notify the tax 33903  
commissioner of the election in the manner prescribed by the 33904  
commissioner and pay the commissioner a registration fee equal to 33905  
the lesser of two hundred dollars or twenty dollars for each 33906  
person in the group. No additional fee shall be imposed for the 33907  
addition of new members to the group once the group has remitted a 33908  
fee in the amount of two hundred dollars. The ~~application~~ election 33909  
shall be ~~filed~~ made and the fee paid before the later of the 33910  
beginning of the first calendar quarter to which the election 33911  
applies or November 15, 2005. The fee shall be collected and used 33912  
in the same manner as provided in section 5751.04 of the Revised 33913

Code. 33914

The election shall be made on a form prescribed by the tax 33915  
commissioner for that purpose and shall be signed by one or more 33916  
individuals with authority, separately or together, to make a 33917  
binding election on behalf of all persons in the group. ~~The tax 33918  
commissioner shall approve a group's election if the group  
satisfies the requirements of division (A) of this section.~~ 33919  
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Any person acquired or formed after the filing of the 33921  
registration shall be included in the group if the person meets 33922  
the requirements of division (A)(1) of this section, and the group 33923  
shall notify the tax commissioner of any additions to the group 33924  
with the next tax return it files with the commissioner. 33925

(E) Each member of a consolidated elected taxpayer is jointly 33926  
and severally liable for the tax imposed by this chapter and any 33927  
penalties or interest thereon. The tax commissioner may require 33928  
one person in the group to be the taxpayer for purposes of 33929  
registration and remittance of the tax, but all members of the 33930  
group are subject to assessment under section 5751.09 of the 33931  
Revised Code. 33932

**Sec. 5751.032. (A)** As used in this section: 33933

(1) "CAT" refers to the tax levied by this chapter. 33934

(2) "CAT collected" means, with regard to a CAT test period, 33935  
the net amount of CAT, exclusive of registration fees, received in 33936  
the period after subtracting any CAT refunded in the period. 33937

(3) "First CAT test period" means the twenty-four month 33938  
period beginning July 1, 2005, and ending June 30, 2007. 33939

(4) "Second CAT test period" means the twelve-month period 33940  
beginning July 1, 2008, and ending June 30, 2009. 33941

(5) "Third CAT test period" means the twelve-month period 33942  
beginning July 1, 2010, and ending June 30, 2011. 33943

(B) Not later than the last day of September immediately 33944  
following the end of each CAT test period, the tax commissioner 33945  
shall compute the amount of CAT collected during that test period. 33946  
If the amount is less than ninety per cent or greater than one 33947  
hundred ten per cent of the prescribed CAT collections for that 33948  
period, the commissioner shall proceed as provided in division (C) 33949  
or (D) of this section, as applicable. For the purposes of 33950  
division (B) of this section, the prescribed CAT collections for 33951  
the CAT test periods are as follows: 33952

(1) For the first CAT test period, eight hundred fifteen 33953  
million dollars; 33954

(2) For the second CAT test period, one billion one hundred 33955  
ninety million dollars less any amount credited to the commercial 33956  
activity tax reduction fund with regard to the first CAT test 33957  
period; 33958

(3) For the third CAT test period, one billion six hundred 33959  
ten million dollars less any amount credited to the commercial 33960  
activity tax reduction fund with regard to the second CAT test 33961  
period. 33962

(C)(1) If the amount of CAT collected during a CAT test 33963  
period is less than ninety per cent of the prescribed CAT 33964  
collections for that test period, the tax commissioner shall 33965  
determine a new tax rate equal to the tax rate that would have 33966  
yielded the prescribed CAT collections during that test period. 33967  
The tax rate shall be the rate that would have to be imposed under 33968  
division (A) of section 5751.03 of the Revised Code before any 33969  
applicable phase-in percentages under section 5751.031 of the 33970  
Revised Code or otherwise provided by law to yield the prescribed 33971  
CAT collection after applying any applicable phase-in percentages. 33972

(2) If the amount of CAT collected during a CAT test period 33973  
exceeds one hundred ten per cent of the prescribed CAT collections 33974

for that test period, the tax commissioner shall determine a new  
tax rate equal to the tax rate that would have yielded the  
prescribed CAT collections during that test period less one-half  
of the amount of the excess that was certified to the director of  
budget and management for the test period under division (D) of  
this section. The tax rate shall be the rate that would have to be  
imposed under division (A) of section 5751.03 of the Revised Code  
before any applicable phase-in percentages under section 5751.031  
of the Revised Code or otherwise provided by law to yield the  
prescribed CAT collection after applying any applicable phase-in  
percentages.

(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 34007  
that test period. The director shall forthwith transfer from the 34008  
general revenue fund one-half of the amount of the excess so 34009  
certified to the commercial activity tax refund fund, which is 34010  
hereby created in the state treasury, and the remaining one-half 34011  
of the amount of the excess to the budget stabilization fund. All 34012  
money credited to the commercial activity tax refund fund shall be 34013  
applied to reimburse the general revenue fund, school district 34014  
tangible property tax replacement fund, and local government 34015  
tangible property tax replacement fund for the diminution in 34016  
revenue caused by the credit provided under division (D) of 34017  
section 5751.03 of the Revised Code. On or before the last day of 34018  
May, August, and October of the calendar year that begins after 34019  
the end of the test period, and on or before the last day of 34020  
February of the following calendar year, the director of budget 34021  
and management shall transfer one-fourth of the amount that had 34022  
been transferred to the commercial activity tax refund fund to 34023  
each of those funds in the proportions specified under division 34024  
(B) of section 5751.21 of the Revised Code. 34025

In the calendar year that begins immediately after the year 34026  
in which a transfer is made to the commercial activity tax refund 34027  
fund, the tax commissioner shall compute the amount to be 34028  
credited, under division (D) of section 5751.03 of the Revised 34029  
Code, to each taxpayer that paid in full the tax imposed under 34030  
this chapter for the calendar year in which the transfer was made. 34031  
The credit allowed to each such taxpayer shall equal the amount 34032  
transferred to the commercial activity tax refund fund multiplied 34033  
by a fraction, the numerator of which is the amount of tax paid by 34034  
that taxpayer for that calendar year and the denominator of which 34035  
is the total of the taxes paid by all such taxpayers for which the 34036  
credit is allowed. The credit applies only to the calendar year 34037  
that begins immediately after the year in which a transfer is made 34038

to the commercial activity tax refund fund under this division. 34039

(E) It is the intent of the General Assembly to conduct a 34040  
review of the prescribed CAT collections and rate adjustments 34041  
provided for under divisions (A) to (D) of this section every two 34042  
years in conjunction with its biennial budget deliberations, and 34043  
to establish lower prescribed CAT collections or reduce the rate 34044  
of tax levied under this chapter on the basis of the following 34045  
three factors: 34046

(1) The revenue yield of the tax; 34047

(2) The condition of the Ohio economy; 34048

(3) Savings realized by ongoing reform to medicaid and other 34049  
policy initiatives. 34050

**Sec. 5751.04.** (A) Not later than the later of November 15, 34051  
2005, or thirty days after a person first has more than one 34052  
hundred fifty thousand dollars in taxable gross receipts in a 34053  
calendar year, each person subject to this chapter shall register 34054  
with the tax commissioner on the form prescribed by the 34055  
commissioner. The form shall include the following: 34056

(1) The person's name; 34057

(2) If applicable, the name of the state or country under the 34058  
laws of which the person is incorporated; 34059

(3) If applicable, the location of a person's principal 34060  
~~office, and, in the case of a foreign corporation, the location of~~ 34061  
~~its principal place of business in this state~~ and the name and 34062  
address of the officer or agent of the corporation in charge of 34063  
the business ~~in this state~~; 34064

(4) If applicable, the names of the person's president, 34065  
secretary, treasurer, and statutory agent designated pursuant to 34066  
section 1703.041 of the Revised Code, with the post office address 34067

of each; 34068

(5) The kind of business in which the person is engaged, 34069  
including applicable business or industry codes; 34070

(6) ~~The~~ If required by the tax commissioner, the date of the 34071  
beginning of the person's annual accounting period that includes 34072  
the first day of January of the taxable calendar year; 34073

(7) If the person is not a corporation or a sole proprietor, 34074  
the names of ~~all~~ the person's owners and officers, if required by  
the tax commissioner; 34075  
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(8) The person's federal employer identification number or 34077  
numbers or, if those are not applicable, the person's social 34078  
security number or equivalent; 34079

(9) All other information that the commissioner requires to 34080  
administer and enforce this chapter. 34081

(B) Except as otherwise provided in this division, each 34082  
person registering with the tax commissioner as required by 34083  
division (A) of this section shall pay a registration fee. The fee 34084  
shall be in the amount of fifteen dollars if a person registers 34085  
electronically and twenty dollars if a person does not register 34086  
electronically. The registration fee shall be paid in the manner 34087  
prescribed by the tax commissioner at the same time the 34088  
registration is due if a person is subject to the tax imposed 34089  
under this chapter before January 1, 2006. If a person first 34090  
becomes subject to the tax after that date, the registration fee 34091  
is payable with the first tax period return the person is required 34092  
to file as prescribed by section 5751.051 of the Revised Code. If 34093  
a registration fee is not paid when due, an additional fee is 34094  
imposed in the amount of one hundred dollars per month or part 34095  
thereof the fee is outstanding, not to exceed one thousand 34096  
dollars. The tax commissioner may abate the additional fee. The 34097  
fee imposed under this division may be assessed in the same manner 34098

as the tax imposed under this chapter. Proceeds from the fee shall  
be credited to the commercial activity tax administrative fund,  
which is hereby created in the state treasury for the commissioner  
to use in implementing and administering the tax imposed under  
this chapter.

No registration fee is payable by a person for a calendar  
year if the person first begins business operations in this state  
after the thirtieth day of November of that calendar year or if  
the person's taxable gross receipts for the calendar year exceed  
one hundred fifty thousand dollars but do not exceed one hundred  
fifty thousand dollars as of the first day of December of the  
calendar year.

Registration fees paid under this section, excluding any  
additional fee imposed for late payment of the registration fee,  
shall be credited against the first payment of tax payable under  
section 5751.03 of the Revised Code after the registration fee is  
paid.

(C) If a person that has registered under this section is no  
longer a taxpayer subject to this chapter, including no longer  
being a taxpayer because of the application of division (E)(1) of  
section 5751.01 of the Revised Code, the person shall notify the  
commissioner that the person's registration should be cancelled.

**Sec. 5751.05.** (A) If a person subject to this chapter  
anticipates that the person's taxable gross receipts will be ~~less~~  
~~than~~ one million dollars or less in calendar year 2006, the person  
may elect to be a calendar year taxpayer. If a person is not  
required to be registered under this section for calendar year  
2006 and anticipates that the person's taxable gross receipts will  
be ~~less than~~ one million dollars or less in the first calendar  
year the person is required to register under this section, the  
person may elect to be a calendar year taxpayer.

(B) Any person that is a calendar year taxpayer pursuant to 34130  
an election under division (A) of this section shall become a 34131  
calendar quarter taxpayer in the subsequent calendar year if the 34132  
person's taxable gross receipts for the prior calendar year are 34133  
more than one million dollars ~~or more~~, and shall remain a calendar 34134  
quarter taxpayer until the person notifies the tax commissioner, 34135  
and receives approval in writing from the tax commissioner, to 34136  
switch back to being a calendar year taxpayer. Nothing in this 34137  
division prohibits a person that has elected to be a calendar year 34138  
taxpayer from notifying the tax commissioner, using the procedures 34139  
prescribed by the commissioner, that it is switching back to being 34140  
a calendar quarter taxpayer. 34141

(C) Any taxpayer that is not a calendar year taxpayer 34142  
pursuant to this section is a calendar quarter taxpayer. The tax 34143  
commissioner may grant written approval for a calendar quarter 34144  
taxpayer to use an alternative reporting schedule or estimate the 34145  
amount of tax due for a calendar quarter if the taxpayer 34146  
demonstrates to the commissioner the need for such a deviation. 34147  
The commissioner may adopt a rule to apply division (C) of this 34148  
section to a group of taxpayers without the taxpayers having to 34149  
receive written approval from the commissioner. 34150

**Sec. 5751.051.** (A)(1) Not later than forty days after the end 34151  
of each calendar quarter, every taxpayer other than a calendar 34152  
year taxpayer shall file with the tax commissioner a tax return in 34153  
such form as the commissioner prescribes. The return shall 34154  
include, but is not limited to, the amount of the taxpayer's 34155  
taxable gross receipts for the calendar quarter and shall indicate 34156  
the amount of tax due under section 5751.03 of the Revised Code 34157  
for the calendar quarter. 34158

(2)(a) Subject to division (C) of section 5751.05 of the 34159  
Revised Code, a calendar quarter taxpayer shall report the taxable 34160

gross receipts for that calendar quarter. 34161

(b) With respect to taxable gross receipts incorrectly 34162  
reported in a calendar quarter that has a lower tax rate, the tax 34163  
shall be computed at the tax rate in effect for the quarterly 34164  
return in which such receipts should have been reported. Nothing 34165  
in division (A)(2)(b) of this section prohibits a taxpayer from 34166  
filing an application for refund under section 5751.08 of the 34167  
Revised Code with regard to the incorrect reporting of taxable 34168  
gross receipts discovered after filing the annual return described 34169  
in division (A)(3) of this section. 34170

A tax return shall not be deemed to be an incorrect reporting 34171  
of taxable gross receipts for the purposes of division (A)(2)(b) 34172  
of this section if the return reflects between ninety-five and one 34173  
hundred five per cent of the actual taxable gross receipts for the 34174  
calendar quarter. 34175

(3) The tax return filed for the fourth calendar quarter of a 34176  
calendar year is the annual return for the privilege tax imposed 34177  
by this chapter. Such return shall report any additional taxable 34178  
gross receipts not previously reported in the calendar year and 34179  
shall adjust for any over-reported taxable gross receipts in the 34180  
calendar year. If the taxpayer ceases to be a taxpayer before the 34181  
end of the calendar year, the last return the taxpayer is required 34182  
to file shall be the annual return for the taxpayer and the 34183  
taxpayer shall report any additional taxable gross receipts not 34184  
previously reported in the calendar year and shall adjust for any 34185  
over-reported taxable gross receipts in the calendar year. 34186

(4) Because the tax imposed by this chapter is a privilege 34187  
tax, the tax rate with respect to taxable gross receipts for a 34188  
calendar quarter is not fixed until the end of the measurement 34189  
period for each calendar quarter. Subject to division (A)(2)(b) of 34190  
this section, the total amount of taxable gross receipts reported 34191

for a given calendar quarter shall be subject to the tax rate in effect in that quarter. 34192  
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(5) Not later than forty days after the end of each calendar year, every calendar year taxpayer shall file with the tax commissioner a tax return in such form as the commissioner prescribes. The return shall include, but is not limited to, the amount of the taxpayer's taxable gross receipts for the calendar year and shall indicate the amount of tax due under section 5751.03 of the Revised Code for the calendar year. 34194  
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(B)(1) A person that first becomes subject to the tax imposed under this chapter ~~during a calendar quarter on or after January 1, 2006,~~ shall pay the minimum tax imposed under division (B) of section 5751.03 of the Revised Code along with the registration fee imposed under this section, if applicable, on or before the day the return is required to be filed for that quarter under division (A)(1) of this section, regardless of whether the person elects to be a calendar year taxpayer under section 5751.05 of the Revised Code. 34201  
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(2) The amount of the minimum tax for a person subject to division (B)(1) of this section shall be reduced to seventy-five dollars if the registration is timely filed after the first day of May and before the first day of ~~December~~ January of the following calendar year. 34210  
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**Sec. 5751.10.** If any person liable for the tax imposed under this chapter sells the trade or business, disposes in any manner other than in the regular course of business at least seventy-five per cent of assets of the trade or business, or quits the trade or business, any tax owed by such person shall become due and payable immediately, and the person shall pay the tax under this section, including any applicable penalties and interest, within ~~fifteen~~ forty-five days after the date of selling or quitting the trade or 34215  
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business. The person's successor shall withhold a sufficient 34223  
amount of the purchase money to cover the amount due and unpaid 34224  
until the former owner produces a receipt from the tax 34225  
commissioner showing that the amounts are paid or a certificate 34226  
indicating that no taxes are due. If a purchaser fails to withhold 34227  
purchase money, that person is personally liable up to the 34228  
purchase money amount, for such amounts that are unpaid during the 34229  
operation of the business by the former owner. 34230

The tax commissioner may adopt rules regarding the issuance 34231  
of certificates under this section, including the waiver of the 34232  
need for a certificate if certain criteria are met. 34233

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 34234  
the Revised Code: 34235

(1) "School district," "joint vocational school district," 34236  
"local taxing unit," "state education aid," "recognized 34237  
valuation," "fixed-rate levy," and "fixed-sum levy" have the same 34238  
meanings as used in section 5727.84 of the Revised Code. 34239

(2) "State education aid offset" means the amount determined 34240  
for each school district or joint vocational school district under 34241  
division (A)(1) of section 5751.21 of the Revised Code. 34242

(3) "Machinery and equipment property tax value loss" means 34243  
the amount determined under division (C)(1) of this section. 34244

(4) "Inventory property tax value loss" means the amount 34245  
determined under division (C)(2) of this section. 34246

(5) "Furniture and fixtures property tax value loss" means 34247  
the amount determined under division (C)(3) of this section. 34248

(6) "Machinery and equipment fixed-rate levy loss" means the 34249  
amount determined under division (D)(1) of this section. 34250

(7) "Inventory fixed-rate levy loss" means the amount 34251

determined under division (D)(2) of this section.	34252
(8) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.	34253 34254
(9) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss.	34255 34256 34257 34258
(10) "Fixed-sum levy loss" means the amount determined under division (E) of this section.	34259 34260
(11) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.	34261 34262 34263
(12) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code.	34264 34265 34266
(13) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.	34267 34268 34269
(14) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005, <del>and first levied in tax year 2006</del> . For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010.	34270 34271 34272 34273 34274 34275 34276
(15) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.	34277 34278 34279 34280
(16) "Telephone property tax value loss" means the amount	34281

determined under division (C)(4) of this section. 34282

(17) "Telephone property fixed-rate levy loss" means the 34283  
amount determined under division (D)(4) of this section. 34284

(B) The commercial activities tax receipts fund is hereby 34285  
created in the state treasury and shall consist of money arising 34286  
from the tax imposed under this chapter. All money in that fund 34287  
shall be credited for each fiscal year in the following 34288  
percentages to the general revenue fund, to the school district 34289  
tangible property tax replacement fund, which is hereby created in 34290  
the state treasury for the purpose of making the payments 34291  
described in section 5751.21 of the Revised Code, and to the local 34292  
government tangible property tax replacement fund, which is hereby 34293  
created in the state treasury for the purpose of making the 34294  
payments described in section 5751.22 of the Revised Code, in the 34295  
following percentages: 34296

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%	34298
2007	0%	70.0%	30.0%	34299
2008	0%	70.0%	30.0%	34300
2009	0%	70.0%	30.0%	34301
2010	0%	70.0%	30.0%	34302
2011	0%	70.0%	30.0%	34303
2012	5.3%	70.0%	24.7%	34304
2013	19.4%	70.0%	10.6%	34305
2014	14.1%	70.0%	15.9%	34306
2015	17.6%	70.0%	12.4%	34307
2016	21.1%	70.0%	8.9%	34308
2017	24.6%	70.0%	5.4%	34309
2018	28.1%	70.0%	1.9%	34310

2019 and 100% 0% 0% 34311  
thereafter

(C) Not later than September 15, 2005, the tax commissioner 34312  
shall determine for each school district, joint vocational school 34313  
district, and local taxing unit its machinery and equipment, 34314  
inventory property, furniture and fixtures property, and telephone 34315  
property tax value losses, which are the applicable amounts 34316  
described in divisions (C)(1), (2), (3), and (4) of this section, 34317  
except as provided in division (C)(5) of this section: 34318

(1) Machinery and equipment property tax value loss is the 34319  
taxable value of machinery and equipment property as reported by 34320  
taxpayers for tax year 2004 multiplied by: 34321

(a) For tax year 2006, thirty-three and eight-tenths per 34322  
cent; 34323

(b) For tax year 2007, sixty-one and three-tenths per cent; 34324

(c) For tax year 2008, eighty-three per cent; 34325

(d) For tax year 2009 and thereafter, one hundred per cent. 34326

(2) Inventory property tax value loss is the taxable value of 34327  
inventory property as reported by taxpayers for tax year 2004 34328  
multiplied by: 34329

(a) For tax year 2006, a fraction, the numerator of which is 34330  
five and three-fourths and the denominator of which is 34331  
twenty-three; 34332

(b) For tax year 2007, a fraction, the numerator of which is 34333  
nine and one-half and the denominator of which is twenty-three; 34334

(c) For tax year 2008, a fraction, the numerator of which is 34335  
thirteen and one-fourth and the denominator of which is 34336  
twenty-three; 34337

(d) For tax year 2009 and thereafter a fraction, the 34338  
numerator of which is seventeen and the denominator of which is 34339

twenty-three.	34340
(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:	34341
(a) For tax year 2006, twenty-five per cent;	34342
(b) For tax year 2007, fifty per cent;	34343
(c) For tax year 2008, seventy-five per cent;	34344
(d) For tax year 2009 and thereafter, one hundred per cent.	34345
The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.	34346
(4) Telephone property tax value loss is the taxable value of telephone property as taxpayers would have reported that property for tax year 2004 if the assessment rate for all telephone property for that year were twenty-five per cent, multiplied by:	34348
(a) For tax year 2006, zero per cent;	34349
(b) For tax year 2007, zero per cent;	34350
(c) For tax year 2008, zero per cent;	34351
(d) For tax year 2009, sixty per cent;	34352
(e) For tax year 2010, eighty per cent;	34353
(f) For tax year 2011 and thereafter, one hundred per cent.	34354
<u>(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or</u>	34355
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uranium products, and for which the total taxable value of 34368  
property listed on the general tax list of personal property for 34369  
any tax year from tax year 2001 to tax year 2004 was fifty per 34370  
cent or less of the taxable value of such property listed on the 34371  
general tax list of personal property for the next preceding tax 34372  
year. 34373

In computing the property tax value losses under divisions 34374  
(C)(1), (2), and (3) of this section for any school district, 34375  
joint vocational school district, or local taxing unit to which 34376  
division (C)(5) of this section applies, the taxable value of such 34377  
property as listed on the general tax list of personal property 34378  
for tax year 2000 shall be substituted for the taxable value of 34379  
such property as reported by taxpayers for tax year 2004, in the 34380  
taxing district containing the uranium facility, if the taxable 34381  
value listed for tax year 2000 is greater than the taxable value 34382  
reported by taxpayers for tax year 2004. For the purpose of making 34383  
the computations under divisions (C)(1), (2), and (3) of this 34384  
section, the tax year 2000 valuation is to be allocated to 34385  
machinery and equipment, inventory, and furniture and fixtures 34386  
property in the same proportions as the tax year 2004 values. 34387

To facilitate the calculations required under division (C) of 34388  
this section, the county auditor, upon request from the tax 34389  
commissioner, shall provide by August 1, 2005, the values of 34390  
machinery and equipment, inventory, and furniture and fixtures for 34391  
all single-county personal property taxpayers for tax year 2004. 34392

(D) Not later than September 15, 2005, the tax commissioner 34393  
shall determine for each tax year from 2006 through 2009 for each 34394  
school district, joint vocational school district, and local 34395  
taxing unit its machinery and equipment, inventory, and furniture 34396  
and fixtures fixed-rate levy losses, and for each tax year from 34397  
2006 through 2011 its telephone property fixed-rate levy loss, 34398  
which are the applicable amounts described in divisions (D)(1), 34399

(2), (3), and (4) of this section: 34400

(1) The machinery and equipment fixed-rate levy loss is the 34401  
machinery and equipment property tax value loss multiplied by the 34402  
sum of the tax rates of fixed-rate qualifying levies. 34403

(2) The inventory fixed-rate loss is the inventory property 34404  
tax value loss multiplied by the sum of the tax rates of 34405  
fixed-rate qualifying levies. 34406

(3) The furniture and fixtures fixed-rate levy loss is the 34407  
furniture and fixture property tax value loss multiplied by the 34408  
sum of the tax rates of fixed-rate qualifying levies. 34409

(4) The telephone property fixed-rate levy loss is the 34410  
telephone property tax value loss multiplied by the sum of the tax 34411  
rates of fixed-rate qualifying levies. 34412

(E) Not later than September 15, 2005, the tax commissioner 34413  
shall determine for each school district, joint vocational school 34414  
district, and local taxing unit its fixed-sum levy loss. The 34415  
fixed-sum levy loss is the amount obtained by subtracting the 34416  
amount described in division (E)(2) of this section from the 34417  
amount described in division (E)(1) of this section: 34418

(1) The sum of the machinery and equipment property tax value 34419  
loss, the inventory property tax value loss, and the furniture and 34420  
fixtures property tax value loss, and, for 2008 through 2017 the 34421  
telephone property tax value loss of the district or unit 34422  
multiplied by the sum of the fixed-sum tax rates of qualifying 34423  
levies. For 2006 through 2010, this computation shall include all 34424  
qualifying levies remaining in effect for the current tax year and 34425  
any school district emergency levies that are qualifying levies 34426  
not remaining in effect for the current year. For 2011 through 34427  
2017, this computation shall include only qualifying levies 34428  
remaining in effect for the current year. For purposes of this 34429  
computation, a qualifying school district emergency levy remains 34430

in effect in a year after 2010 only if, for that year, the board  
of education levies a school district emergency levy for an annual  
sum at least equal to the annual sum levied by the board in tax  
year 2004 less the amount of the payment certified under this  
division for 2006.

(2) The total taxable value in tax year 2004 less the sum of  
the machinery and equipment, inventory, furniture and fixtures,  
and telephone property tax value losses in each school district,  
joint vocational school district, and local taxing unit multiplied  
by one-half of one mill per dollar.

(3) For the calculations in divisions (E)(1) and (2) of this  
section, the tax value losses are those that would be calculated  
for tax year 2009 under divisions (C)(1), (2), and (3) of this  
section and for tax year 2011 under division (C)(4) of this  
section.

(4) To facilitate the calculation under divisions (D) and (E)  
of this section, not later than September 1, 2005, any school  
district, joint vocational school district, or local taxing unit  
that has a qualifying levy that was approved at an election  
conducted during 2005 before September 1, 2005, shall certify to  
the tax commissioner a copy of the county auditor's certificate of  
estimated property tax millage for such levy as required under  
division (B) of section 5705.03 of the Revised Code, which is the  
rate that shall be used in the calculations under such divisions.

If the amount determined under division (E) of this section  
for any school district, joint vocational school district, or  
local taxing unit is greater than zero, that amount shall equal  
the reimbursement to be paid pursuant to division (D) of section  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code,  
and the one-half of one mill that is subtracted under division  
(E)(2) of this section shall be apportioned among all contributing

fixed-sum levies in the proportion that each levy bears to the sum 34462  
of all fixed-sum levies within each school district, joint 34463  
vocational school district, or local taxing unit. 34464

(F) Not later than October 1, 2005, the tax commissioner 34465  
shall certify to the department of education for every school 34466  
district and joint vocational school district the machinery and 34467  
equipment, inventory, furniture and fixtures, and telephone 34468  
property tax value losses determined under division (C) of this 34469  
section, the machinery and equipment, inventory, furniture and 34470  
fixtures, and telephone fixed-rate levy losses determined under 34471  
division (D) of this section, and the fixed-sum levy losses 34472  
calculated under division (E) of this section. The calculations 34473  
under divisions (D) and (E) of this section shall separately 34474  
display the levy loss for each levy eligible for reimbursement. 34475

(G) Not later than October 1, 2005, the tax commissioner 34476  
shall certify the amount of the fixed-sum levy losses to the 34477  
county auditor of each county in which a school district, joint 34478  
vocational school district, or local taxing unit with a fixed-sum 34479  
levy loss reimbursement has territory. 34480

**Sec. 5751.21.** (A) Not later than the thirty-first day of July 34481  
of 2007 through 2017, the department of education shall determine 34482  
the following for each school district and each joint vocational 34483  
school district eligible for payment under division (B) of this 34484  
section: 34485

(1) The state education aid offset, which is the difference 34486  
obtained by subtracting the amount described in division (A)(1)(b) 34487  
of this section from the amount described in division (A)(1)(a) of 34488  
this section: 34489

(a) The state education aid computed for the school district 34490  
or joint vocational school district for the current fiscal year as 34491

of the thirty-first day of July; 34492

(b) The state education aid that would be computed for the 34493  
school district or joint vocational school district for the 34494  
current fiscal year as of the thirty-first day of July if the 34495  
recognized valuation included the machinery and equipment, 34496  
inventory, furniture and fixtures, and telephone property tax 34497  
value losses for the school district or joint vocational school 34498  
district for the second preceding tax year. 34499

(2) The greater of zero or the difference obtained by 34500  
subtracting the state education aid offset determined under 34501  
division (A)(1) of this section from the sum of the machinery and 34502  
equipment fixed-rate levy loss, the inventory fixed-rate levy 34503  
loss, furniture and fixtures fixed-rate levy loss, and telephone 34504  
property fixed-rate levy loss certified under division (F) of 34505  
section 5751.20 of the Revised Code for all taxing districts in 34506  
each school district and joint vocational school district for the 34507  
second preceding tax year. 34508

By the fifth day of August of each such year, the department 34509  
of education shall certify the amount so determined under division 34510  
(A)(1) of this section to the director of budget and management. 34511

(B) The department of education shall pay from the school 34512  
district tangible property tax replacement fund to each school 34513  
district and joint vocational school district all of the following 34514  
for fixed-rate levy losses certified under division (F) of section 34515  
5751.20 of the Revised Code: 34516

(1) On or before May 31, 2006, one-seventh of the total 34517  
fixed-rate levy loss for tax year 2006; 34518

(2) On or before August 31, 2006, and October 31, 2006, 34519  
one-half of six-sevenths of the total fixed-rate levy loss ~~for~~ for 34520  
tax year 2006; 34521

- (3) On or before May 31, 2007, one-seventh of the total 34522  
fixed-rate levy loss for tax year 2007; 34523
- (4) On or before August 31, 2007, and October 31, 2007, 34524  
forty-three per cent of the amount determined under division 34525  
(A)(2) of this section for fiscal year 2008, but not less than 34526  
zero, plus one-half of six-sevenths of the difference between the 34527  
total fixed-rate levy loss for tax year 2007 and the total 34528  
fixed-rate levy loss for tax year 2006. 34529
- (5) On or before May 31, 2008, fourteen per cent of the 34530  
amount determined under division (A)(2) of this section for fiscal 34531  
year 2008, but not less than zero, plus one-seventh of the 34532  
difference between the total fixed-rate levy loss for tax year 34533  
2008 and the total fixed-rate levy loss for tax year 2006. 34534
- (6) On or before August 31, 2008, and October 31, 2008, 34535  
forty-three per cent of the amount determined under division 34536  
(A)(2) of this section for fiscal year 2009, but not less than 34537  
zero, plus one-half of six-sevenths of the difference between the 34538  
total fixed-rate levy loss in tax year 2008 and the total 34539  
fixed-rate levy loss in tax year 2007. 34540
- (7) On or before May 31, 2009, fourteen per cent of the 34541  
amount determined under division (A)(2) of this section for fiscal 34542  
year 2009, but not less than zero, plus one-seventh of the 34543  
difference between the total fixed-rate levy loss for tax year 34544  
2009 and the total fixed-rate levy loss for tax year 2007. 34545
- (8) On or before August 31, 2009, and October 31, 2009, 34546  
~~forth three~~ forty-three per cent of the amount determined under 34547  
division (A)(2) of this section for fiscal year 2010, but not less 34548  
than zero, plus one-half of six-sevenths of the difference between 34549  
the total fixed-rate levy loss in tax year 2009 and the total 34550  
fixed-rate levy loss in tax year 2008. 34551
- (9) On or before May 31, 2010, fourteen per cent of the 34552

amount determined under division (A)(2) of this section for fiscal 34553  
year 2010, but not less than zero, plus one-seventh of the 34554  
difference between the total fixed-rate levy loss in tax year 2010 34555  
and the total fixed-rate levy loss in tax year 2008. 34556

(10) On or before August 31, 2010, and October 31, 2010, 34557  
one-third of the amount determined under division (A)(2) of this 34558  
section for fiscal year 2011, but not less than zero, plus 34559  
one-half of six-sevenths of the difference between the telephone 34560  
property fixed-rate levy loss for tax year 2010 and the telephone 34561  
property fixed-rate levy loss for tax year 2009. 34562

(11) On or before May 31, 2011, fourteen per cent of the 34563  
amount determined under division (A)(2) of this section for fiscal 34564  
year 2011, but not less than zero, plus one-seventh of the 34565  
difference between the telephone property fixed-rate levy loss for 34566  
tax year 2011 and the telephone property fixed-rate levy loss for 34567  
tax year 2009. 34568

(12) On or before August 31, 2011, October 31, 2011, and May 34569  
31, 2012, the amount determined under division (A)(2) of this 34570  
section multiplied by a fraction, the numerator of which is 34571  
fourteen and the denominator of which is seventeen, but not less 34572  
than zero, multiplied by one-third, plus one-half of six-sevenths 34573  
of the difference between the telephone property fixed-rate levy 34574  
loss for tax year 2011 and the telephone property fixed-rate levy 34575  
loss for tax year 2010. 34576

(13) On or before May 31, 2012, fourteen per cent of the 34577  
amount determined under division (A)(2) of this section for fiscal 34578  
year 2012, multiplied by a fraction, the numerator of which is 34579  
fourteen and the denominator of which is seventeen, plus 34580  
one-seventh of the difference between the telephone property 34581  
fixed-rate levy loss for tax year 2011 and the telephone property 34582  
fixed-rate levy loss for tax year 2010. 34583

(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.

(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.

(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.

(20) After May 31, 2018, no payments shall be made under this

section. 34615

The department of education shall report to each school 34616  
district and joint vocational school district the apportionment of 34617  
the payments among the school district's or joint vocational 34618  
school district's funds based on the certifications under division 34619  
(F) of section 5751.20 of the Revised Code. 34620

Any qualifying levy that is a fixed-rate levy that is not 34621  
applicable to a tax year after 2010 does not qualify for any 34622  
reimbursement after the tax year to which it is last applicable. 34623

(C) For taxes levied within the ten-mill limitation for debt 34624  
purposes in tax year 2005, payments shall be made equal to one 34625  
hundred per cent of the loss computed as if the tax were a 34626  
fixed-rate levy, but those payments shall extend from fiscal year 34627  
2006 through fiscal year 2018, as long as the qualifying levy 34628  
continues to be used for debt purposes. If the purpose of such a 34629  
qualifying levy is changed, that levy becomes subject to the 34630  
payments determined in division (B) of this section. 34631

(D)(1) Not later than January 1, 2006, for each fixed-sum 34632  
levy of each school district or joint vocational school district 34633  
and for each year for which a determination is made under division 34634  
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 34635  
loss is to be reimbursed, the tax commissioner shall certify to 34636  
the department of education the fixed-sum levy loss determined 34637  
under that division. The certification shall cover a time period 34638  
sufficient to include all fixed-sum levies for which the 34639  
commissioner made such a determination. The department shall pay 34640  
from the school district property tax replacement fund to the 34641  
school district or joint vocational school district one-third of 34642  
the fixed-sum levy loss so certified for each year on or before 34643  
the last day of May, August, and ~~November~~ October of the current 34644  
year. 34645

(2) Beginning in 2006, by the first day of January of each year, the tax commissioner shall review the certification originally made under division (D)(1) of this section. If the commissioner determines that a debt levy that had been scheduled to be reimbursed in the current year has expired, a revised certification for that and all subsequent years shall be made to the department of education.

(E) Beginning in September 2007 and through June 2018, the director of budget and management shall transfer from the school district tangible property tax replacement fund to the general revenue fund each of the following:

(1) On the first day of September, the lesser of one-fourth of the amount certified for that fiscal year under division (A)(1) of this section or the balance in the school district tangible property tax replacement fund;

(2) On the first day of December, the lesser of one-fourth of the amount certified for that fiscal year under division (A)(1) of this section or the balance in the school district tangible property tax replacement fund;

(3) On the first day of March, the lesser of one-fourth of the amount certified for that fiscal year under division (A)(1) of this section or the balance in the school district tangible property tax replacement fund;

(4) On the first day of June, the lesser of one-fourth of the amount certified for that fiscal year under division (A)(1) of this section or the balance in the school district tangible property tax replacement fund.

(F) For each of the fiscal years 2006 through 2018, if the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under divisions (B), (C), ~~or~~ and (D) of this section at the times the

payments are to be made, the director of budget and management 34677  
shall transfer from the general revenue fund to the school 34678  
district tangible property tax replacement fund the difference 34679  
between the total amount to be paid and the amount in the school 34680  
district tangible property tax replacement fund. For each fiscal 34681  
year after 2018, at the time payments under division (D) of this 34682  
section are to be made, the director of budget and management 34683  
shall transfer from the general revenue fund to the school 34684  
district property tax replacement fund the amount necessary to 34685  
make such payments. 34686

(G) On the fifteenth day of June of 2006 through 2011, the 34687  
director of budget and management may transfer any balance in the 34688  
school district tangible property tax replacement fund to the 34689  
general revenue fund. At the end of fiscal years 2012 through 34690  
2018, any balance in the school district tangible property tax 34691  
replacement fund shall remain in the fund to be used in future 34692  
fiscal years for school purposes. 34693

(H) If all of the territory of a school district or joint 34694  
vocational school district is merged with another district, or if 34695  
a part of the territory of a school district or joint vocational 34696  
school district is transferred to an existing or newly created 34697  
district, the department of education, in consultation with the 34698  
tax commissioner, shall adjust the payments made under this 34699  
section as follows: 34700

(1) For a merger of two or more districts, the machinery and 34701  
equipment, inventory, furniture and fixtures, and telephone 34702  
property fixed-rate levy losses and the fixed-sum levy losses of 34703  
the successor district shall be equal to the sum of the machinery 34704  
and equipment, inventory, furniture and fixtures, and telephone 34705  
property fixed-rate levy losses and debt levy losses as determined 34706  
in section 5751.20 of the Revised Code, for each of the districts 34707  
involved in the merger. 34708

(2) If property is transferred from one district to a previously existing district, the amount of machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses that shall be transferred to the recipient district shall be an amount equal to the total machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses times a fraction, the numerator of which is the value of business tangible personal property on the land being transferred in the most recent year for which data are available, and the denominator of which is the total value of business tangible personal property in the district from which the land is being transferred in the most recent year for which data are available.

(3) After December 31, 2004, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any machinery and equipment, inventory, furniture and fixtures, or telephone property fixed-rate levy losses and the districts from which the property was transferred shall have no reduction in their machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses.

(4) If the recipient district under division (H)(2) of this section or the newly created district under divisions (H)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy loss reimbursements.

**Sec. 5751.22.** (A) Not later than January 1, 2006, the tax commissioner shall compute the payments to be made to each local

taxing unit for each year according to divisions (A)(1), (2), (3), 34740  
and (4) of this section, and shall distribute the payments in the 34741  
manner prescribed by division (C) of this section. The calculation 34742  
of the fixed-sum levy loss shall cover a time period sufficient to 34743  
include all fixed-sum levies for which the commissioner 34744  
determined, pursuant to division (E) of section 5751.20 of the 34745  
Revised Code, that a fixed-sum levy loss is to be reimbursed. 34746

(1) Except as provided in division (A)(4) of this section, 34747  
for machinery and equipment, inventory, and furniture and fixtures 34748  
fixed-rate levy losses determined under division (D) of section 34749  
5751.20 of the Revised Code, payments shall be made in an amount 34750  
equal to each of those losses multiplied by the following: 34751

(a) For tax years 2006 through 2010, one hundred per cent; 34752

(b) For tax year 2011, a fraction, the numerator of which is 34753  
fourteen and the denominator of which is seventeen; 34754

(c) For tax year 2012, a fraction, the numerator of which is 34755  
eleven and the denominator of which is seventeen; 34756

(d) For tax year 2013, a fraction, the numerator of which is 34757  
nine and the denominator of which is seventeen; 34758

(e) For tax year 2014, a fraction, the numerator of which is 34759  
seven and the denominator of which is seventeen; 34760

(f) For tax year 2015, a fraction, the numerator of which is 34761  
five and the denominator of which is seventeen; 34762

(g) For tax year 2016, a fraction, the numerator of which is 34763  
three and the denominator of which is seventeen; 34764

(h) For tax year 2017, a fraction, the numerator of which is 34765  
one and the denominator of which is seventeen; 34766

(i) For tax years 2018 and thereafter, no fixed-rate payments 34767  
shall be made. 34768

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.	34769 34770 34771
(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:	34772 34773 34774 34775 34776
(a) For tax years 2009 through 2011, one hundred per cent;	34777
(b) For tax year 2012, seven-eighths;	34778
(c) For tax year 2013, six-eighths;	34779
(d) For tax year 2014, five-eighths;	34780
(e) For tax year 2015, four-eighths;	34781
(f) For tax year 2016, three-eighths;	34782
(g) For tax year 2017, two-eighths;	34783
(h) For tax year 2018, one-eighth;	34784
(i) For tax years 2019 and thereafter, no fixed-rate payments shall be made.	34785 34786
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.	34787 34788 34789
(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.	34790 34791 34792 34793
(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	34794 34795 34796 34797

2011 through 2017, the percentages for calendar year 2010 shall be 34798  
used, as long as the qualifying levy continues to be used for debt 34799  
purposes. If the purpose of such a qualifying levy is changed, 34800  
that levy becomes subject to the payment schedules in divisions 34801  
(A)(1)(a) to (h) of this section. No payments shall be made for 34802  
such levies after calendar year 2017. 34803

(B) Beginning in 2007, by the thirty-first day of January of 34804  
each year, the tax commissioner shall review the calculation 34805  
originally made under division (A) of this section of the 34806  
fixed-sum levy losses determined under division (E) of section 34807  
5751.20 of the Revised Code. If the commissioner determines that a 34808  
fixed-sum levy that had been scheduled to be reimbursed in the 34809  
current year has expired, a revised calculation for that and all 34810  
subsequent years shall be made. 34811

(C) Payments to local taxing units required to be made under 34812  
division (A) of this section shall be paid from the local 34813  
government tangible property tax replacement fund to the county 34814  
undivided income tax fund in the proper county treasury. Beginning 34815  
in May 2006, ~~one-third~~ one-seventh of the amount certified under 34816  
that division shall be paid by the last day of May, each year, and 34817  
three-sevenths shall be paid by the last day of August, and 34818  
October each year. Within forty-five days after receipt of such 34819  
payments, the county treasurer shall distribute amounts determined 34820  
under division (A) of this section to the proper local taxing unit 34821  
as if they had been levied and collected as taxes, and the local 34822  
taxing unit shall apportion the amounts so received among its 34823  
funds in the same proportions as if those amounts had been levied 34824  
and collected as taxes. 34825

(D) For each of the fiscal years 2006 through 2019, if the 34826  
total amount in the local government tangible property tax 34827  
replacement fund is insufficient to make all payments under 34828  
division (C) of this section at the times the payments are to be 34829

made, the director of budget and management shall transfer from 34830  
the general revenue fund to the local government tangible property 34831  
tax replacement fund the difference between the total amount to be 34832  
paid and the amount in the local government tangible property tax 34833  
replacement fund. For each fiscal year after 2019, at the time 34834  
payments under division (A)(2) of this section are to be made, the 34835  
director of budget and management shall transfer from the general 34836  
revenue fund to the local government property tax replacement fund 34837  
the amount necessary to make such payments. 34838

(E) On the fifteenth day of June of each year from 2006 34839  
through 2018, the director of budget and management may transfer 34840  
any balance in the local government tangible property tax 34841  
replacement fund to the general revenue fund. 34842

(F) If all or a part of the territories of two or more local 34843  
taxing units are merged, or unincorporated territory of a township 34844  
is annexed by a municipal corporation, the tax commissioner shall 34845  
adjust the payments made under this section to each of the local 34846  
taxing units in proportion to the tax value loss apportioned to 34847  
the merged or annexed territory, or as otherwise provided by a 34848  
written agreement between the legislative authorities of the local 34849  
taxing units certified to the commissioner not later than the 34850  
first day of June of the calendar year in which the payment is to 34851  
be made. 34852

**Sec. 5751.53.** (A) As used in this section: 34853

(1) "Net income" and "taxable year" have the same meanings as 34854  
in section 5733.04 of the Revised Code. 34855

(2) "Franchise tax year" means "tax year" as defined in 34856  
section 5733.04 of the Revised Code. 34857

(3) "Deductible temporary differences" and "taxable temporary 34858  
differences" have the same meanings as those terms have for 34859

purposes of paragraph 13 of the statement of financial accounting standards, number 109. 34860  
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(4) "Qualifying taxpayer" means a taxpayer under this chapter that has a qualifying Ohio net operating loss carryforward equal to or greater than the qualifying amount. 34862  
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(5) "Qualifying Ohio net operating loss carryforward" means an Ohio net operating loss carryforward that the taxpayer could deduct in whole or in part for franchise tax year 2006 under section 5733.04 of the Revised Code but for the application of division (H) of this section. A qualifying Ohio net operating loss carryforward shall not exceed the amount of loss carryforward from franchise tax year 2005 as reported by the taxpayer either on a franchise tax report for franchise tax year 2005 pursuant to section 5733.02 of the Revised Code or on an amended franchise tax report prepared in good faith for such year and filed before July 1, 2006. 34865  
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(6) "Disallowed Ohio net operating loss carryforward" means the lesser of the amounts described in division (A)(6)(a) or (b) of this section, but the amounts described in divisions (A)(6)(a) and (b) of this section shall each be reduced by the qualifying amount. 34876  
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(a) The qualifying taxpayer's qualifying Ohio net operating loss carryforward; 34881  
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(b) The Ohio net operating loss carryforward amount that the qualifying taxpayer used to compute the related deferred tax asset reflected on its books and records on the last day of its taxable year ending in 2004, adjusted for return to accrual, but this amount shall be reduced by the qualifying related valuation allowance amount. For the purposes of this section, the "qualifying related valuation allowance amount" is the amount of Ohio net operating loss reflected in the qualifying taxpayer's 34883  
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computation of the valuation allowance account, as shown on its 34891  
books and records on the last day of its taxable year ending in 34892  
2004, with respect to the deferred tax asset relating to its Ohio 34893  
net operating loss carryforward amount. 34894

(7) "Other net deferred tax items apportioned to this state" 34895  
is the product of (a) the amount of other net deferred tax items 34896  
and (b) the fraction described in division (B)(2) of section 34897  
5733.05 for the qualifying taxpayer's franchise tax year 2005. 34898

(8)(a) Subject to divisions (A)(8)(b) to (d) of this section, 34899  
the "amount of other net deferred tax items" is the difference 34900  
between (i) the qualifying taxpayer's deductible temporary 34901  
differences, net of related valuation allowance amounts, shown on 34902  
the qualifying taxpayer's books and records on the last day of its 34903  
taxable year ending in 2004, and (ii) the qualifying taxpayer's 34904  
taxable temporary differences as shown on those books and records 34905  
on that date. The amount of other net deferred tax items may be 34906  
less than zero. 34907

(b) For the purposes of computing the amount of the 34908  
qualifying taxpayer's other net deferred tax items described in 34909  
division (A)(8)(a) of this section, any credit carryforward 34910  
allowed under Chapter 5733. of the Revised Code shall be excluded 34911  
from the amount of deductible temporary differences to the extent 34912  
such credit carryforward amount, net of any related valuation 34913  
allowance amount, is otherwise included in the qualifying 34914  
taxpayer's deductible temporary differences, net of related 34915  
valuation allowance amounts, shown on the qualifying taxpayer's 34916  
books and records on the last day of the qualifying taxpayer's 34917  
taxable year ending in 2004. 34918

(c) No portion of the disallowed Ohio net operating loss 34919  
carryforward shall be included in the computation of the amount of 34920  
the qualifying taxpayer's other net deferred tax items described 34921

in division (A)(8)(a) of this section.	34922
(d) In no event shall the amount of other net deferred tax items apportioned to this state exceed twenty-five per cent of the qualifying Ohio net operating loss carryforward.	34923 34924 34925
(9) "Amortizable amount" means:	34926
(a) If the qualifying taxpayer's other net deferred tax items apportioned to this state is equal to or greater than zero, eight per cent of the sum of the qualifying taxpayer's disallowed Ohio net operating loss carryforward and the qualifying taxpayer's other net deferred tax items apportioned to this state;	34927 34928 34929 34930 34931
(b) If the amount of the qualifying taxpayer's other net deferred tax items apportioned to this state is less than zero and if the absolute value of the amount of qualifying taxpayer's other net deferred tax items apportioned to this state is less than the qualifying taxpayer's disallowed net operating loss, eight per cent of the difference between the qualifying taxpayer's disallowed net operating loss carryforward and the absolute value of the qualifying taxpayer's other net deferred tax items apportioned to this state;	34932 34933 34934 34935 34936 34937 34938 34939 34940
(c) If the amount of the qualifying taxpayer's other net deferred tax items apportioned to this state is less than zero and if the absolute value of the amount of qualifying taxpayer's other net deferred tax items apportioned to this state is equal to or greater than the qualifying taxpayer's disallowed net operating loss, zero.	34941 34942 34943 34944 34945 34946
(10) "Books and records" means the qualifying taxpayer's books, records, and all other information, all of which the qualifying taxpayer maintains and uses to prepare and issue its financial statements in accordance with generally accepted accounting principles.	34947 34948 34949 34950 34951
(11)(a) Except as modified by division (A)(11)(b) of this	34952

section, "qualifying amount" means fifty million dollars per 34953  
person. 34954

(b) If for franchise tax year 2005 the person was a member of 34955  
a combined franchise tax report, as provided by section 5733.052 34956  
of the Revised Code, the "qualifying amount" is, in the aggregate, 34957  
fifty million dollars for all members of that combined franchise 34958  
tax report, and for purposes of divisions (A)(6)(a) and (b) of 34959  
this section, those members shall allocate to each member any 34960  
portion of the fifty million dollar amount. The total amount 34961  
allocated to the members who are qualifying taxpayers shall equal 34962  
fifty million dollars. 34963

(B) For each calendar period beginning prior to January 1, 34964  
2030, there is hereby allowed a nonrefundable tax credit against 34965  
the tax levied each year by this chapter on each qualifying 34966  
taxpayer, on each consolidated elected taxpayer having one or more 34967  
qualifying taxpayers as a member, and on each combined taxpayer 34968  
having one or more qualifying taxpayers as a member. The credit 34969  
shall be claimed in the order specified in section 5751.98 of the 34970  
Revised Code and is allowed only to reduce the first one-half of 34971  
any tax remaining after allowance of the credits that precede it 34972  
in section 5751.98 of the Revised Code. No credit under division 34973  
(B) of this section shall be allowed against the second one-half 34974  
of such remaining tax. 34975

Except as otherwise limited by divisions (C) and (D) of this 34976  
section, the maximum amount of the nonrefundable credit that may 34977  
be used against the first one-half of the remaining tax for each 34978  
calendar year is as follows: 34979

(1) For calendar year 2010, ten per cent of the amortizable 34980  
amount; 34981

(2) For calendar year 2011, twenty per cent of the 34982  
amortizable amount, less all amounts previously used; 34983

(3) For calendar year 2012, thirty per cent of the	34984
amortizable amount, less all amounts previously used;	34985
(4) For calendar year 2013, forty per cent of the amortizable	34986
amount, less all amounts previously used;	34987
(5) For calendar year 2014, fifty per cent of the amortizable	34988
amount, less all amounts previously used;	34989
(6) For calendar year 2015, sixty per cent of the amortizable	34990
amount, less all amounts previously used;	34991
(7) For calendar year 2016, seventy per cent of the	34992
amortizable amount, less all amounts previously used;	34993
(8) For calendar year 2017, eighty per cent of the	34994
amortizable amount, less all amounts previously used;	34995
(9) For calendar year 2018, ninety per cent of the	34996
amortizable amount, less all amounts previously used;	34997
(10) For each of calendar years 2019 through 2029, one	34998
hundred per cent of the amortizable amount, less all amounts used	34999
in all previous years.	35000
In no event shall the cumulative credit used for calendar	35001
years 2010 through 2029 exceed one hundred per cent of the	35002
amortizable amount.	35003
(C)(1) Except as otherwise set forth in division (C)(2) of	35004
this section, a refundable credit is allowed in calendar year 2030	35005
for any portion of the qualifying taxpayer's amortizable amount	35006
that is not used in accordance with division (B) of this section	35007
against the tax levied by this chapter on all taxpayers.	35008
(2) Division (C)(1) of this section shall not apply and no	35009
refundable credit shall be available to any person if during any	35010
portion of the calendar year 2030 the person is not subject to the	35011
tax imposed by this chapter.	35012

(D) Not later than June 30, 2006, each qualifying taxpayer, 35013  
consolidated elected taxpayer, or combined taxpayer that will 35014  
claim for any year the credit allowed in divisions (B) and (C) of 35015  
this section shall file with the tax commissioner a report setting 35016  
forth the amortizable amount available to such taxpayer and all 35017  
other related information that the commissioner, by rule, 35018  
requires. If the taxpayer does not timely file the report or fails 35019  
to provide timely all information required by this division, the 35020  
taxpayer is precluded from claiming any credit amounts described 35021  
in divisions (B) and (C) of this section. Unless extended by 35022  
mutual consent, the tax commissioner may, until June 30, 2010, 35023  
audit the accuracy of the amortizable amount available to each 35024  
taxpayer that will claim the credit, and adjust the amortizable 35025  
amount or, if appropriate, issue any assessment or final 35026  
determination, as applicable, necessary to correct any errors 35027  
found upon audit. 35028

(E) For the purpose of calculating the amortizable amount, if 35029  
the tax commissioner ascertains that any portion of that amount is 35030  
the result of a sham transaction as described in section 5703.56 35031  
of the Revised Code, the commissioner shall reduce the amortizable 35032  
amount by two times the adjustment. 35033

(F) If one entity transfers all or a portion of its assets 35034  
and equity to another entity as part of an entity organization or 35035  
reorganization or subsequent entity organization or reorganization 35036  
for which no gain or loss is recognized in whole or in part for 35037  
federal income tax purposes under the Internal Revenue Code, the 35038  
credits allowed by this section shall be computed in a manner 35039  
consistent with that used to compute the portion, if any, of 35040  
federal net operating losses allowed to the respective entities 35041  
under the Internal Revenue Code. The tax commissioner may 35042  
prescribe forms or rules for making the computations required by 35043  
this division. 35044

(G)(1) Except as provided in division (F) of this section, no person shall pledge, collateralize, hypothecate, assign, convey, sell, exchange, or otherwise dispose of any or all tax credits, or any portion of any or all tax credits allowed under this section.

(2) No credit allowed under this section is subject to execution, attachment, lien, levy, or other judicial proceeding.

(H)(1)(a) Except as set forth in division (H)(1)(b) of this section and notwithstanding division (I)(1) of section 5733.04 of the Revised Code to the contrary, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall not claim, and shall not be entitled to claim, any deduction or adjustment for any Ohio net operating loss carried forward to any one or more franchise tax years after franchise tax year 2005.

(b) Division (H)(1)(a) of this section applies only to the portion of the Ohio net operating loss represented by the disallowed Ohio net operating loss carryforward.

(2) Notwithstanding division (I) of section 5733.04 of the Revised Code to the contrary, with respect to all franchise tax years after franchise tax year 2005, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall not claim, and shall not be entitled to claim, any deduction, exclusion, or adjustment with respect to deductible temporary differences reflected on the person's books and records on the last day of its taxable year ending in 2004.

(3)(a) Except as set forth in division (H)(3)(b) of this section and notwithstanding division (I) of section 5733.04 of the Revised Code to the contrary, with respect to all franchise tax years after franchise tax year 2005, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall exclude from Ohio net income all taxable

temporary differences reflected on the person's books and records 35076  
on the last day of its taxable year ending in 2004. 35077

(b) In no event shall the exclusion provided by division 35078  
(H)(3)(a) of this section for any franchise tax year exceed the 35079  
amount of the taxable temporary differences otherwise included in 35080  
Ohio net income for that year. 35081

(4) Divisions (H)(2) and (3) of this section shall apply only 35082  
to the extent such items were used in the calculations of the 35083  
credit provided by this section. 35084

Sec. 5919.19. (A) There is hereby created the commemorative 35085  
Ohio national guard service medal. The adjutant general shall 35086  
design the medal and administer the program for its distribution. 35087  
Former members of the Ohio national guard who have been honorably 35088  
or medically discharged or released from service in the Ohio 35089  
national guard are eligible, upon application, to receive the 35090  
medal. 35091

Eligible persons who apply to receive the medal shall submit 35092  
to the adjutant general a copy of their DD-214 form or NGB-22 form 35093  
and a fee in an amount to be determined by the adjutant general. 35094  
The adjutant general shall set the fee at an amount necessary to 35095  
cover the cost of producing the medal. 35096

(B) There is hereby created in the state treasury the 35097  
national guard service medal fund. Fees collected from applicants 35098  
for the medal as well as any appropriations made by the general 35099  
assembly for purposes of the medal program shall be paid into the 35100  
state treasury to the credit of the fund. The fund shall be used 35101  
to pay for the production of the medal. 35102

**Sec. 5923.05.** (A)(1) Permanent public employees who are 35103  
members of the Ohio organized militia or members of other reserve 35104  
components of the armed forces of the United States, including the 35105

Ohio national guard, are entitled to a leave of absence from their 35106  
respective positions without loss of pay for the time they are 35107  
performing service in the uniformed services, for periods of up to 35108  
one month, for each calendar year in which they are performing 35109  
service in the uniformed services. 35110

(2) As used in this section: 35111

(a) "Calendar year" means the year beginning on the first day 35112  
of January and ending on the last day of December. 35113

(b) "Month" means twenty-two eight-hour work days or one 35114  
hundred seventy-six hours within one calendar year. 35115

(c) "Permanent public employees" and "uniformed services" 35116  
have the same meanings as in section 5903.01 of the Revised Code. 35117

(d) "State agency" means any department, bureau, board, 35118  
commission, office, or other organized body established by the 35119  
constitution or laws of this state for the exercise of any 35120  
function of state government, the general assembly, all 35121  
legislative agencies, the supreme court, the court of claims, and 35122  
the state-supported institutions of higher education. 35123

(B) Except as otherwise provided in division (D) of this 35124  
section, any permanent public employee who is employed by a 35125  
political subdivision, who is entitled to the leave provided under 35126  
division (A) of this section, and who is called or ordered to the 35127  
uniformed services for longer than a month, for each calendar year 35128  
in which the employee performed service in the uniformed services, 35129  
because of an executive order issued by the president of the 35130  
United States, because of an act of congress, or because of an 35131  
order to perform duty issued by the governor pursuant to section 35132  
5919.29 of the Revised Code is entitled, during the period 35133  
designated in the order or act, to a leave of absence and to be 35134  
paid, during each monthly pay period of that leave of absence, the 35135  
lesser of the following: 35136

(1) The difference between the permanent public employee's gross monthly wage or salary as a permanent public employee and the sum of the permanent public employee's gross uniformed pay and allowances received that month;

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(2) Five hundred dollars.

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(C) Except as otherwise provided in division (D) of this section, any permanent public employee who is employed by a state agency, who is entitled to the leave provided under division (A) of this section, and who is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 or 5923.21 of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the difference between the permanent public employee's gross monthly wage or salary as a permanent public employee and the sum of the permanent public employee's gross uniformed pay and allowances received that month.

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(D) No permanent public employee shall receive payments under division (B) or (C) of this section if the sum of the permanent public employee's gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a permanent public employee for that period or if the permanent public employee is receiving pay under division (A) of this section.

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(E) Any political subdivision of the state, as defined in section 2744.01 of the Revised Code, may elect to pay any of its permanent public employees who are entitled to the leave provided

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under division (A) of this section and who are called or ordered 35168  
to the uniformed services for longer than one month, for each 35169  
calendar year in which the employee performed service in the 35170  
uniformed services, because of an executive order issued by the 35171  
president or an act of congress, such payments, in addition to 35172  
those payments required by division (B) of this section, as may be 35173  
authorized by the legislative authority of the political 35174  
subdivision. 35175

(F) Each permanent public employee who is entitled to leave 35176  
provided under division (A) of this section shall submit to the 35177  
permanent public employee's appointing authority the published 35178  
order authorizing the call or order to the uniformed services or a 35179  
written statement from the appropriate military commander 35180  
authorizing that service, prior to being credited with that leave. 35181

(G) Any permanent public employee of a political subdivision 35182  
whose employment is governed by a collective bargaining agreement 35183  
with provision for the performance of service in the uniformed 35184  
services shall abide by the terms of that collective bargaining 35185  
agreement with respect to the performance of that service, except 35186  
that no collective bargaining agreement may afford fewer rights 35187  
and benefits than are conferred under this section. 35188

**Sec. 6121.02.** There is hereby created the Ohio water 35189  
development authority. Such authority is a body both corporate and 35190  
politic in this state, and the carrying out of its purposes and 35191  
the exercise by it of the powers conferred by ~~Chapter 6121. of the~~ 35192  
~~Revised Code~~ this chapter shall be held to be, and are hereby 35193  
determined to be, essential governmental functions and public 35194  
purposes of the state, but the authority is not immune from 35195  
liability by reason thereof. The authority is subject to all 35196  
provisions of law generally applicable to state agencies ~~which~~ 35197  
that do not conflict with this chapter. 35198

The authority shall consist of eight members as follows: five 35199  
members appointed by the governor, with the advice and consent of 35200  
the senate, no more than three of whom shall be members of the 35201  
same political party, and the directors of natural resources, 35202  
environmental protection, and development, who shall be members ex 35203  
officio without compensation. The director of development may 35204  
designate a person in the unclassified civil service to serve in 35205  
the director's place as a member of the authority notwithstanding 35206  
section 121.05 of the Revised Code. The appointive members shall 35207  
be residents of the state, and shall have been qualified electors 35208  
therein for a period of at least five years next preceding their 35209  
appointment. Appointed members' terms of office shall be for eight 35210  
years, commencing on the second day of July and ending on the 35211  
first day of July. Each member shall hold office from the date of 35212  
appointment until the end of the term for which the member was 35213  
appointed. Any member appointed to fill a vacancy occurring prior 35214  
to the expiration of the term for which the member's predecessor 35215  
was appointed shall hold office for the remainder of such term. 35216  
Any appointed member shall continue in office subsequent to the 35217  
expiration date of the member's term until the member's successor 35218  
takes office, or until a period of sixty days has elapsed, 35219  
whichever occurs first. A member of the authority is eligible for 35220  
reappointment. Each appointed member of the authority, before 35221  
entering upon the performance of the duties of the office, shall 35222  
take an oath as provided by Section 7 of Article XV, Ohio 35223  
Constitution. The governor may at any time remove any member of 35224  
the authority for misfeasance, nonfeasance, or malfeasance in 35225  
office. 35226

The authority shall elect one of its appointed members as 35227  
chairperson and another as vice-chairperson, and shall appoint a 35228  
secretary-treasurer who need not be a member of the authority. 35229  
Four members of the authority shall constitute a quorum, and the 35230

affirmative vote of four members shall be necessary for any action 35231  
taken by vote of the authority. No vacancy in the membership of 35232  
the authority shall impair the rights of a quorum by such vote to 35233  
exercise all the rights and perform all the duties of the 35234  
authority. 35235

Before the issuance of any water development revenue bonds 35236  
under ~~Chapter 6121. of the Revised Code~~ this chapter, each 35237  
appointed member of the authority shall give a surety bond to the 35238  
state in the penal sum of twenty-five thousand dollars and the 35239  
secretary-treasurer shall give such a bond in the penal sum of 35240  
fifty thousand dollars, each such surety bond to be conditioned 35241  
upon the faithful performance of the duties of the office, to be 35242  
executed by a surety company authorized to transact business in 35243  
this state, and to be approved by the governor and filed in the 35244  
office of the secretary of state. Each appointed member of the 35245  
authority shall receive an annual salary of five thousand dollars, 35246  
payable in monthly installments, and is entitled to health care 35247  
benefits comparable to those generally available to state officers 35248  
and employees under section 124.82 of the Revised Code. If Section 35249  
20 of Article II, Ohio Constitution, prohibits the Ohio water 35250  
development authority from paying all or a part of the cost of 35251  
health care benefits on behalf of a member of the authority for 35252  
the remainder of an existing term, the member may receive these 35253  
benefits by paying their total cost from the member's own 35254  
financial resources, including paying by means of deductions from 35255  
the member's salary. Each member shall be reimbursed for actual 35256  
expenses necessarily incurred in the performance of official 35257  
duties. All expenses incurred in carrying out ~~such sections~~ this 35258  
chapter shall be payable solely from funds provided under ~~Chapter~~ 35259  
~~6121. of the Revised Code~~ this chapter, or appropriated for such 35260  
purpose by the general assembly and no liability or obligation 35261  
shall be incurred by the authority beyond the extent to which 35262

moneys have been provided under ~~such sections~~ this chapter or such 35263  
appropriations. 35264

**Section 101.02.** That existing sections 9.41, 9.901, 101.543, 35265  
107.40, 109.57, 109.572, 113.09, 113.11, 113.12, 117.45, 117.46, 35266  
117.47, 117.48, 120.36, 120.52, 120.521, 120.53, 121.37, 122.17, 35267  
122.171, 122.72, 122.73, 122.74, 122.90, 124.09, 124.11, 124.134, 35268  
124.135, 124.137, 124.138, 124.139, 124.14, 124.151, 124.152, 35269  
124.18, 124.181, 124.182, 124.321, 124.324, 124.327, 124.382, 35270  
124.384, 124.386, 124.387, 124.389, 124.391, 124.82, 124.821, 35271  
124.823, 124.84, 124.87, 125.21, 126.07, 126.21, 126.22, 131.01, 35272  
131.02, 131.33, 133.01, 133.04, 133.06, 133.12, 133.18, 141.08, 35273  
141.10, 145.70, 173.14, 173.39, 173.391, 173.41, 184.20, 319.301, 35274  
340.021, 742.57, 901.23, 927.39, 927.40, 927.41, 927.42, 955.011, 35275  
955.16, 955.43, 1309.102, 1309.520, 1309.521, 1317.07, 1321.02, 35276  
1333.11, 1333.82, 1523.02, 1901.31, 1901.311, 1901.32, 1901.33, 35277  
2151.357, 2152.44, 2305.2341, 2503.20, 2913.01, 2913.02, 2921.321, 35278  
2923.46, 2925.44, 2933.43, 3109.14, 3301.0714, 3302.021, 3307.32, 35279  
3309.68, 3310.03, 3310.06, 3310.08, 3310.16, 3311.057, 3313.29, 35280  
3313.372, 3313.61, 3313.64, 3313.6410, 3313.813, 3314.02, 3314.03, 35281  
3314.08, 3314.26, 3314.35, 3314.36, 3315.01, 3317.01, 3317.015, 35282  
3317.02, 3317.021, 3317.022, 3317.024, 3317.029, 3317.0216, 35283  
3317.03, 3317.051, 3317.053, 3317.06, 3317.07, 3317.082, 3317.11, 35284  
3317.19, 3318.052, 3318.37, 3319.17, 3323.091, 3323.13, 3323.20, 35285  
3353.02, 3354.10, 3357.10, 3358.06, 3362.01, 3365.02, 3375.121, 35286  
3381.15, 3381.17, 3517.152, 3701.041, 3701.341, 3701.65, 3705.242, 35287  
3734.57, 3735.67, 3745.114, 3769.087, 3901.383, 3901.3814, 35288  
3905.43, 3917.04, 4109.01, 4109.02, 4109.06, 4117.01, 4123.444, 35289  
4301.01, 4303.17, 4303.181, 4303.182, 4303.29, 4731.22, 4731.281, 35290  
4781.04, 4905.79, 5101.93, 5111.011, 5111.0112, 5111.061, 35291  
5111.081, 5111.082, 5111.083, 5111.084, 5111.085, 5111.11, 35292  
5111.151, 5111.161, 5111.162, 5111.20, 5111.222, 5111.231, 35293  
5111.244, 5111.27, 5111.31, 5111.88, 5111.882, 5111.889, 35294

5111.8811, 5111.8812, 5112.08, 5112.18, 5112.31, 5115.04, 5119.16, 35295  
5123.0413, 5123.196, 5123.36, 5139.50, 5505.27, 5531.10, 5577.99, 35296  
5703.21, 5703.57, 5705.03, 5705.091, 5705.19, 5705.195, 5705.34, 35297  
5709.08, 5709.081, 5709.40, 5709.42, 5709.43, 5709.73, 5709.74, 35298  
5709.75, 5709.78, 5709.79, 5709.80, 5711.01, 5725.221, 5727.06, 35299  
5727.85, 5729.05, 5733.01, 5733.352, 5733.56, 5733.98, 5735.27, 35300  
5739.011, 5739.026, 5739.211, 5741.031, 5743.025, 5743.03, 35301  
5743.04, 5743.05, 5743.08, 5743.081, 5743.12, 5743.13, 5743.15, 35302  
5743.18, 5743.33, 5743.34, 5743.35, 5745.01, 5747.01, 5747.012, 35303  
5747.05, 5747.056, 5747.11, 5747.331, 5748.01, 5748.02, 5751.01, 35304  
5751.011, 5751.032, 5751.04, 5751.05, 5751.051, 5751.10, 5751.20, 35305  
5751.21, 5751.22, 5751.53, 5923.05, and 6121.02 of the Revised 35306  
Code are hereby repealed. 35307

**Section 105.01.** That sections 124.822, 124.92, 3325.12, 35308  
3325.17, 3365.11, 4732.04, and 5111.18 of the Revised Code are 35309  
hereby repealed. 35310

**Section 203.10.** All items set forth in Sections 203.20 and 35311  
203.30 of this act are hereby appropriated out of any moneys in 35312  
the General Revenue Fund (GRF) that are not otherwise 35313  
appropriated: 35314

Reappropriations

**Section 203.20.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 35315  
CAP-786 Rural Areas Community Improvements \$ 45,000 35316  
CAP-817 Urban Areas Community Improvements \$ 918,900 35317  
Total Department of Administrative Services \$ 963,900 35318

RURAL AREAS COMMUNITY IMPROVEMENTS 35319

From the foregoing appropriation item CAP-786, Rural Areas 35320  
Community Improvements, grants shall be made for the following 35321  
projects: \$20,000 for the Red Mill Creek Water Retention Basin and 35322

\$25,000 for the Lawrence County Water Projects. 35323

URBAN AREAS COMMUNITY IMPROVEMENTS 35324

From the foregoing appropriation item CAP-817, Urban Areas 35325  
Community Improvements, grants shall be made for the following 35326  
projects: \$50,000 for the Brown Senior Center Renovations; 35327  
\$100,000 for Project AHEAD Facility Improvements; \$75,000 for the 35328  
J. Frank-Troy Senior Citizens Center; \$50,000 for the Beech Acres 35329  
Family Center; \$23,900 for the Canton Jewish Women's Center; 35330  
\$450,000 for the Gateway Social Services Building; \$50,000 for the 35331  
Loew Field Improvements; \$20,000 for the Harvard Community 35332  
Services Center Renovation & Expansion; \$20,000 for the Collinwood 35333  
Community Service Center Repair & Renovation; and \$80,000 for 35334  
Bowman Park - City of Toledo. 35335

Reappropriations

**Section 203.30.** DNR DEPARTMENT OF NATURAL RESOURCES 35336

CAP-823	Cost Sharing-Pollution Abatement	\$	22,538	35337
CAP-942	Local Parks Projects	\$	80,225	35338
CAP-999	Geographic Information Management System	\$	1,085	35339
Total Department of Natural Resources		\$	103,847	35340
TOTAL GRF General Revenue Fund		\$	1,067,747	35341

LOCAL PARKS PROJECTS 35342

From the foregoing appropriation item CAP-942, Local Parks 35343  
Projects, \$75,000 shall be granted for the Liberty Township 35344  
Playground. 35345

**Section 203.40.** No expenditures shall be made from any of the 35346  
items appropriated from the General Revenue Fund in Sections 35347  
203.20 and 203.30 of this act until the funds are released by the 35348  
Controlling Board. 35349

**Section 205.10.** All items set forth in this section are 35350

hereby appropriated out of any moneys in the state treasury to the 35351  
 credit of the Wildlife Fund (Fund 015) that are not otherwise 35352  
 appropriated: 35353

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES			35354
CAP-117	Cooper Hollow Wildlife Area	\$ 4,815	35355
CAP-161	Tranquility Wildlife Area	\$ 1,286	35356
CAP-216	Killbuck Creek Wildlife Area	\$ 550	35357
CAP-387	Access Development	\$ 2,459,274	35358
CAP-702	Upgrade Underground Fuel Tanks	\$ 134,945	35359
CAP-703	Cap Abandoned Water Wells	\$ 57,125	35360
CAP-754	Tiffin River Wildlife Area	\$ 1,000	35361
CAP-834	Appraisal Fees - Statewide	\$ 52,445	35362
CAP-852	Wildlife Area Building	\$ 3,376,004	35363
	Development/Renovations		
CAP-881	Dam Rehabilitation	\$ 500,000	35364
CAP-995	Boundary Protection	\$ 100,000	35365
	Total Department of Natural Resources	\$ 6,687,444	35366
	TOTAL Wildlife Fund	\$ 6,687,444	35367

**Section 207.10.** The items set forth in this section are 35369  
 hereby appropriated out of any moneys in the state treasury to the 35370  
 credit of the Public School Building Fund (Fund 021) that are not 35371  
 otherwise appropriated: 35372

Reappropriations

SFC SCHOOL FACILITIES COMMISSION			35373
CAP-622	Public School Buildings	\$ 30,219,647	35374
CAP-778	Exceptional Needs	\$ 1,440,286	35375
CAP-783	Emergency School Building Assistance	\$ 15,000,000	35376
	Total School Facilities Commission	\$ 46,659,933	35377
	TOTAL Public School Building Fund	\$ 46,659,933	35378

**Section 209.10.** The items set forth in this section are 35380  
hereby appropriated out of any moneys in the state treasury to the 35381  
credit of the Highway Safety Fund (Fund 036) that are not 35382  
otherwise appropriated: 35383

			Reappropriations	
DHS DEPARTMENT OF PUBLIC SAFETY				35384
CAP-045	Platform Scales Improvements	\$ 400,000		35385
CAP-072	Patrol Academy Infrastructure Improvements	\$ 750,000		35386
CAP-077	Van Wert Patrol Post	\$ 31,567		35387
CAP-079	Irononton Patrol Post	\$ 1,900,000		35388
Total Department of Public Safety		\$ 3,081,567		35389
TOTAL Highway Safety Fund		\$ 3,081,567		35390

**Section 211.10.** All items set forth in this section are 35392  
hereby appropriated out of any moneys in the state treasury to the 35393  
credit of the Waterways Safety Fund (Fund 086) that are not 35394  
otherwise appropriated: 35395

			Reappropriations	
DNR DEPARTMENT OF NATURAL RESOURCES				35396
CAP-082	Lake Loramie State Park	\$ 128,617		35397
CAP-205	Deer Creek State Park	\$ 360,000		35398
CAP-324	Cooperative Funding for Boating Facilities	\$ 10,934,559		35399
CAP-390	State Park Maintenance Facility Development	\$ 1,821,093		35400
CAP-934	Operations Facilities Development	\$ 1,141,508		35401
Total Department of Natural Resources		\$ 14,385,777		35402
TOTAL Waterways Safety Fund		\$ 14,385,777		35403

**Section 213.10.** All items set forth in this section are 35405  
hereby appropriated out of any moneys in the state treasury to the 35406

credit of the Underground Parking Garage Operating Fund (Fund 208) 35407  
 that are not otherwise appropriated: 35408

Reappropriations

CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 35409  
 CAP-004 Emergency Generator and Lighting System \$ 200,000 35410  
 CAP-008 Install Garage Oil Interceptor System \$ 60,000 35411  
 CAP-009 Garage Fire Suppression System \$ 706,631 35412  
 Total Capitol Square Review and Advisory Board \$ 966,631 35413  
 TOTAL Underground Parking Garage Operating Fund \$ 966,631 35414

UNDERGROUND PARKING GARAGE FIRE SUPPRESSION SYSTEM 35415

Appropriation item CAP-009, Garage Fire Suppression System, 35416  
 in the Underground Parking Garage Operating Fund (Fund 208), shall 35417  
 be used for completion of the second and final phase of a fire 35418  
 suppression system in the Statehouse garage. Notwithstanding any 35419  
 section of the Revised Code, any transfer or disbursement of 35420  
 moneys from appropriation item CAP-009, Garage Fire Suppression 35421  
 System, for this purpose shall be subject to Controlling Board 35422  
 approval. 35423

**Section 215.10.** The items set forth in this section are 35424  
 hereby appropriated out of any moneys in the state treasury to the 35425  
 credit of the Nursing Home - Federal Fund (Fund 319) that are not 35426  
 otherwise appropriated: 35427

Reappropriations

OVH OHIO VETERANS' HOME 35428  
 430-776 Mechanical Systems Upgrade \$ 1,560,000 35429  
 430-777 Secrest Kitchen Improvements \$ 260,000 35430  
 430-778 Corridor Renovations \$ 325,000 35431  
 430-781 Secrest/Veterans' Hall Roof Replacement \$ 552,500 35432  
 Total Ohio Veterans' Home \$ 2,697,500 35433  
 TOTAL Nursing Home - Federal Fund \$ 2,697,500 35434

**Section 217.10.** All items set forth in this section are 35436  
hereby appropriated out of any moneys in the state treasury to the 35437  
credit of the Army National Guard Service Contract Fund (Fund 342) 35438  
that are not otherwise appropriated: 35439

Reappropriations

ADJ ADJUTANT GENERAL 35440

CAP-065	Local Armory Construction/Federal	\$	5,845,553	35441
	Total Adjutant General	\$	5,845,553	35442
	TOTAL Army National Guard Service Contract Fund	\$	5,845,553	35443

**Section 219.10.** All items set forth in this section are 35445  
hereby appropriated out of any moneys in the state treasury to the 35446  
credit of the Special Administrative Fund (Fund 4A9) that are not 35447  
otherwise appropriated: 35448

Reappropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 35449

CAP-027	Various Renovations - Local Offices	\$	2,076,956	35450
CAP-702	Central Office Building Renovations	\$	16,000,000	35451
	Total Department of Job and Family Services	\$	18,076,956	35452
	TOTAL Special Administrative Fund	\$	18,076,956	35453

CENTRAL OFFICE BUILDING RENOVATIONS SPENDING AND REPAYMENT 35454  
PLAN 35455

Funds appropriated in the foregoing appropriation item 35456  
CAP-702, Central Office Building Renovations, are to be released 35457  
for expenditure only after approval of the Unemployment 35458  
Compensation Advisory Council created under section 4141.08 of the 35459  
Revised Code. The amount to be released shall be based on a 35460  
spending plan, which may include a repayment schedule, approved by 35461  
the Council. Once approval is received, the Director of Job and 35462  
Family Services shall request the Director of Budget and 35463  
Management or the Controlling Board to release the appropriation. 35464

**Section 221.10.** The items set forth in this section are 35465  
 hereby appropriated out of any moneys in the state treasury to the 35466  
 credit of the Community Match Armories Fund (Fund 5U8) that are 35467  
 not otherwise appropriated: 35468

Reappropriations

ADJ ADJUTANT GENERAL 35469

CAP-066	Armory Construction/Local	\$	4,273,922	35470
	Total Adjutant General	\$	4,273,922	35471
	TOTAL Community Match Armories Fund	\$	4,273,922	35472

**Section 223.10.** The items set forth in this section are 35474  
 hereby appropriated out of any moneys in the state treasury to the 35475  
 credit of the State Fire Marshal Fund (Fund 546) that are not 35476  
 otherwise appropriated: 35477

Reappropriations

COM DEPARTMENT OF COMMERCE 35478

CAP-015	Site Improvements	\$	646	35479
CAP-016	MARCS Radio Communication	\$	33,187	35480
	Total Department of Commerce	\$	33,833	35481
	TOTAL State Fire Marshal Fund	\$	33,833	35482

**Section 225.10.** The items set forth in this section are 35484  
 hereby appropriated out of any moneys in the state treasury to the 35485  
 credit of the Veterans' Home Improvement Fund (Fund 604) that are 35486  
 not otherwise appropriated: 35487

Reappropriations

OVH OHIO VETERANS' HOME 35488

CAP-776	Mechanical Systems Upgrade	\$	811,800	35489
CAP-777	Secretst Kitchen Improvements	\$	95,318	35490
CAP-778	Corridor Renovations	\$	120,344	35491
CAP-779	Service Building	\$	33,410	35492
CAP-781	Secretst/Veterans' Hall Roof Replacement	\$	293,378	35493

CAP-782	HVAC Controls Upgrade	\$	135,000	35494
CAP-783	Resident Security Upgrade	\$	50,000	35495
CAP-784	Multipurpose/Employee Locker Room	\$	228,680	35496
Total Ohio Veterans' Home		\$	1,767,930	35497
TOTAL Veterans' Home Improvement Fund		\$	1,767,930	35498

**Section 227.10.** All items set forth in this section are 35500  
hereby appropriated out of any moneys in the state treasury to the 35501  
credit of the Education Facilities Trust Fund (Fund N87) that are 35502  
not otherwise appropriated: 35503

Reappropriations

SFC SCHOOL FACILITIES COMMISSION				35504
CAP-780	Classroom Facilities Assistance Program	\$	107,244,971	35505
CAP-784	Exceptional Needs Program	\$	7,097,377	35506
Total School Facilities Commission		\$	114,342,348	35507
TOTAL Education Facilities Trust Fund		\$	114,342,348	35508

**Section 229.10.** All items set forth in this section are 35510  
hereby appropriated out of any moneys in the state treasury to the 35511  
credit of the Clean Ohio Revitalization Fund (Fund 003) that are 35512  
not otherwise appropriated: 35513

Reappropriations

DEV DEPARTMENT OF DEVELOPMENT				35514
CAP-001	Clean Ohio Revitalization	\$	40,702,351	35515
CAP-002	Clean Ohio Assistance	\$	13,208,076	35516
Total Department of Development		\$	53,910,427	35517
TOTAL Clean Ohio Revitalization Fund		\$	53,910,427	35518

**Section 231.10.** All items set forth in this section are 35520  
hereby appropriated out of any moneys in the state treasury to the 35521  
credit of the Job Ready Site Development Fund (Fund 012) that are 35522  
not otherwise appropriated: 35523

DEV DEPARTMENT OF DEVELOPMENT 35524

		Reappropriations		
CAP-003	Job Ready Site Development	\$	30,000,000	35525
Total Department of Development		\$	30,000,000	35526
TOTAL Job Ready Site Development Fund		\$	30,000,000	35527

**Section 233.10.** All items set forth in this section are 35529  
 hereby appropriated out of any moneys in the state treasury to the 35530  
 credit of the Highway Safety Building Fund (Fund 025) that are not 35531  
 otherwise appropriated: 35532

		Reappropriations		
DHS DEPARTMENT OF PUBLIC SAFETY				35533
CAP-047	Public Safety Office Building	\$	2,710,400	35534
CAP-068	Alum Creek Warehouse Renovations	\$	84,207	35535
CAP-069	Centre School Renovations	\$	20,219	35536
CAP-070	Canton One Stop Shop	\$	731,000	35537
CAP-076	Investigative Unit MARCS Equipment	\$	15,877	35538
Total Department of Public Safety		\$	3,561,703	35539
TOTAL Highway Safety Building Fund		\$	3,561,703	35540

**Section 235.10.** All items set forth in Sections 235.20 to 35542  
 236.20 of this act are hereby appropriated out of any moneys in 35543  
 the state treasury to the credit of the Administrative Building 35544  
 Fund (Fund 026) that are not otherwise appropriated: 35545

		Reappropriations		
<b>Section 235.20.</b> ADJ ADJUTANT GENERAL				35546
CAP-032	Upgrade Underground Storage Tanks	\$	46,078	35547
CAP-034	Asbestos Abatement - Various Facilities	\$	6,392	35548
CAP-036	Roof Replacement - Various Facilities	\$	337,408	35549
CAP-038	Electrical System - Various Facilities	\$	164,912	35550
CAP-039	Camp Perry Facility Improvements	\$	235,272	35551
CAP-044	Replace Windows/Doors - Various Facilities	\$	257,459	35552

CAP-045	Plumbing Renovations - Various Facilities	\$	283,022	35553
CAP-046	Paving Renovations - Various Facilities	\$	788,000	35554
CAP-050	HVAC Systems - Various Facilities	\$	193,552	35555
CAP-054	Construct Camp Perry Administration Building	\$	6,540	35556
CAP-056	Masonry Renovations - Various Facilities	\$	181,096	35557
CAP-057	Sewer Improvement - Rickenbacker	\$	1,300	35558
CAP-059	Construct Bowling Green Armory	\$	14,151	35559
CAP-060	Facility Protection Measures	\$	463,246	35560
CAP-061	Repair/Renovate Waste Water System	\$	200,000	35561
CAP-068	Norwalk Armory Storage Facility	\$	15,000	35562
CAP-069	Construct Marysville Armory/Community Center	\$	2,883,475	35563
Total Adjutant General		\$	6,076,903	35564

NEW ARMORY CONSTRUCTION 35565

The foregoing appropriation item CAP-059, Construct Bowling Green Armory, shall be used to fund the state's share of the cost of building a basic armory in the Bowling Green area, including the cost of site acquisition, site preparation, and planning and design. Appropriations shall not be released for this item without a certification by the Adjutant General to the Director of Budget and Management that sufficient moneys have been allocated for the federal share of the cost of construction.

The amount reappropriated for appropriation item CAP-059, Construct Bowling Green Armory, is the unencumbered and unallotted balance as of June 30, 2006, in appropriation item CAP-059, Construct Bowling Green Armory, plus \$14,151.

Reappropriations

**Section 235.30. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES** 35578

CAP-809	Hazardous Substance Abatement	\$	1,609,476	35579
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CAP-811	Health/EPA Laboratory Facilities	\$	1,116,354	35580
CAP-822	Americans with Disabilities Act	\$	1,598,416	35581
CAP-826	Office Services Building Renovation	\$	86,483	35582
CAP-827	Statewide Communications System	\$	16,943,803	35583
CAP-834	Capital Project Management System	\$	1,157,600	35584
CAP-835	Energy Conservation Projects	\$	890,085	35585
CAP-837	Major Computer Purchases	\$	1,476,068	35586
CAP-838	SOCC Renovations	\$	1,399,122	35587
CAP-844	Hamilton State/Local Government Center - Planning	\$	57,500	35588
CAP-849	Facility Planning and Development	\$	3,492,200	35589
CAP-850	Education Building Renovations	\$	14,649	35590
CAP-852	North High Building Complex Renovations	\$	11,534,496	35591
CAP-855	Office Space Planning	\$	5,274,502	35592
CAP-856	Governor's Residence Security Update	\$	6,433	35593
CAP-859	eSecure Ohio	\$	2,626,921	35594
CAP-860	Structured Cabling	\$	403,518	35595
CAP-864	eGovernment Infrastructure	\$	1,297,400	35596
CAP-865	DAS Building Security	\$	140,852	35597
CAP-866	OH*1 Network	\$	4,000,000	35598
CAP-867	Lausche Building Connector	\$	1,307,200	35599
CAP-868	Riversouth Development	\$	18,500,000	35600
Total Department of Administrative Services		\$	74,933,078	35601

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 35602

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. 35603  
35604  
35605

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 35606  
35607  
35608  
35609  
35610

Services that the requesting agency cannot fund the asbestos 35611  
abatement project or other toxic materials removal through 35612  
existing capital and operating appropriations, the Department may 35613  
request the release of funds for such projects by the Controlling 35614  
Board. State agencies intending to fund asbestos abatement or 35615  
other toxic materials removal through existing capital and 35616  
operating appropriations shall notify the Director of 35617  
Administrative Services of the nature and scope prior to 35618  
commencing the project. 35619

Only agencies that have received appropriations for capital 35620  
projects from the Administrative Building Fund (Fund 026) are 35621  
eligible to receive funding from this item. Public school 35622  
districts are not eligible. 35623

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 35624

The foregoing appropriation item CAP-822, Americans with 35625  
Disabilities Act, shall be used to renovate state-owned facilities 35626  
to provide access for physically disabled persons in accordance 35627  
with Title II of the Americans with Disabilities Act. 35628

Prior to the release of funds for renovation, state agencies 35629  
shall perform self-evaluations of state-owned facilities 35630  
identifying barriers to access to service. State agencies shall 35631  
prioritize access barriers and develop a transition plan for the 35632  
removal of these barriers. The Department of Administrative 35633  
Services shall review proposals from state agencies to use these 35634  
funds for Americans with Disabilities Act renovations. 35635

Only agencies that have received appropriations for capital 35636  
projects from the Administrative Building Fund (Fund 026) are 35637  
eligible to receive funding from this item. Public school 35638  
districts are not eligible. 35639

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 35640

There is hereby continued a Multi-Agency Radio Communications 35641  
System (MARCS) Steering Committee consisting of the designees of 35642  
the Directors of the Office of Information Technology, Public 35643  
Safety, Natural Resources, Transportation, Rehabilitation and 35644  
Correction, and Budget and Management. The Director of the Office 35645  
of Information Technology or the Director's designee shall chair 35646  
the Committee. The Committee shall provide assistance to the 35647  
Director of the Office of Information Technology for effective and 35648  
efficient implementation of the MARCS system as well as develop 35649  
policies for the ongoing management of the system. Upon dates 35650  
prescribed by the Directors of the Office of Information 35651  
Technology and Budget and Management, the MARCS Steering Committee 35652  
shall report to the Directors on the progress of MARCS 35653  
implementation and the development of policies related to the 35654  
system. 35655

The foregoing appropriation item CAP-827, Statewide 35656  
Communications System, shall be used to purchase or construct the 35657  
components of MARCS that are not specific to any one agency. The 35658  
equipment may include, but is not limited to, multi-agency 35659  
equipment at the Emergency Operations Center/Joint Dispatch 35660  
Facility, computer and telecommunication equipment used for the 35661  
functioning and integration of the system, communications towers, 35662  
tower sites, tower equipment, and linkages among towers and 35663  
between towers and the State of Ohio Network for Integrated 35664  
Communication (SONIC) system. The Director of the Office of 35665  
Information Technology shall, with the concurrence of the MARCS 35666  
Steering Committee, determine the specific use of funds. 35667

The amount reappropriated for the foregoing appropriation 35668  
item CAP-827, Statewide Communications System, is the unencumbered 35669  
and unallotted balance as of June 30, 2006, in appropriation item 35670  
CAP-827, Statewide Communications System, plus \$623,665.11. 35671

Spending from this appropriation item shall not be subject to 35672

Chapters 123. and 153. of the Revised Code. 35673

ENERGY CONSERVATION PROJECTS 35674

The foregoing appropriation item CAP-835, Energy Conservation 35675  
 Projects, shall be used to perform energy conservation 35676  
 renovations, including the United States Environmental Protection 35677  
 Agency's Energy Star Program, in state-owned facilities. Prior to 35678  
 the release of funds for renovation, state agencies shall have 35679  
 performed a comprehensive energy audit for each project. The 35680  
 Department of Administrative Services shall review and approve 35681  
 proposals from state agencies to use these funds for energy 35682  
 conservation. Public school districts and state-supported and 35683  
 state-assisted institutions of higher education are not eligible 35684  
 for funding from this item. 35685

NORTH HIGH BUILDING COMPLEX RENOVATIONS 35686

The amount reappropriated for the foregoing appropriation 35687  
 item CAP-852, North High Building Complex Renovations, is the 35688  
 unencumbered and unallotted balance as of June 30, 2006, in 35689  
 appropriation item CAP-852, North High Building Complex 35690  
 Renovations, plus the sum of the unencumbered and unallotted 35691  
 balance for appropriation item CAP-813, Heer Building Renovation 35692  
 as of June 30, 2006. 35693

Reappropriations

**Section 235.40.** AGR DEPARTMENT OF AGRICULTURE 35694

CAP-025	Building Renovations	\$	5,020	35695
CAP-029	Administration Building Renovation	\$	541	35696
CAP-033	Site Electrical/Utility Improvement	\$	15,420	35697
CAP-037	Consumer Lab/Weights/Measures Equip	\$	6,428	35698
CAP-039	Renovate Weights/Measures Building	\$	307,655	35699
CAP-042	Reynoldsburg Complex Security	\$	110,000	35700
CAP-043	Building and Grounds Renovation	\$	501,863	35701

CAP-044	Renovate Building 4	\$	59,832	35702
CAP-049	Consumer Analytical Laboratory	\$	110,000	35703
CAP-050	Plant Industries Building Planning	\$	650,000	35704
Total Department of Agriculture		\$	1,766,759	35705

Reappropriations

<b>Section 235.50. AGO ATTORNEY GENERAL</b>				35707
CAP-715	Expand/Renovate Richfield Lab	\$	51,942	35708
Total Attorney General		\$	51,942	35709

EXPAND/RENOVATE RICHFIELD LAB 35710

The amount reappropriated for appropriation item CAP-715, 35711  
Expand/Renovate Richfield Lab, is the unencumbered and unallotted 35712  
balance as of June 30, 2006, in appropriation item CAP-715, 35713  
Expand/Renovate Richfield Lab, plus \$39,403. 35714

Reappropriations

<b>Section 235.60. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD</b>				35715
CAP-010	Capitol Rotunda Renovations	\$	1,607,515	35716
CAP-015	Sound System Upgrades	\$	136,118	35717
Total Capitol Square Review and Advisory Board		\$	1,743,633	35718

Reappropriations

<b>Section 235.70. EXP EXPOSITIONS COMMISSION</b>				35720
CAP-037	Electric and Lighting Upgrade	\$	2,400,000	35721
CAP-046	Land Acquisition	\$	5,240	35722
CAP-056	Building Renovations - 2	\$	1,609,813	35723
CAP-057	HVAC Planning	\$	2,001	35724
CAP-063	Facility Improvements and Modernization Plan	\$	131,771	35725
CAP-064	Replacement of Water Lines	\$	16,209	35726
CAP-068	Masonry Renovations	\$	59,824	35727
CAP-069	Restroom Renovations	\$	9,559	35728
CAP-072	Emergency Renovations and Equipment	\$	783,523	35729

Replacement

Total Expositions Commission	\$	5,017,940	35730
FACILITY IMPROVEMENTS AND MODERNIZATION PLAN			35731
The amount reappropriated for the foregoing appropriation			35732
item CAP-063, Facility Improvements and Modernization Plan, is the			35733
unencumbered and unallotted balance as of June 30, 2006, in			35734
appropriation item CAP-063, Facility Improvements and			35735
Modernization Plan, plus \$131,771.			35736

Reappropriations

<b>Section 235.80. DNR DEPARTMENT OF NATURAL RESOURCES</b>			35737	
CAP-741	High Band Radio System	\$	107,336	35738
CAP-742	Fountain Square Building and Telephone	\$	1,403,088	35739
System Improvements				
CAP-744	Multi-Agency Radio Communications	\$	2,412,559	35740
Equipment				
CAP-747	DNR Fairgrounds Areas Upgrading	\$	500,000	35741
CAP-867	Reclamation Facility Renovation and	\$	225,000	35742
Development				
CAP-928	Handicapped Accessibility	\$	39,654	35743
CAP-934	District Office Renovations and	\$	761,147	35744
Development				
Total Department of Natural Resources	\$	5,448,784	35745	

Reappropriations

<b>Section 235.90. DHS DEPARTMENT OF PUBLIC SAFETY</b>			35747	
CAP-053	Construct EMA/EOC and Office Building	\$	6,605	35748
CAP-054	Multi-Agency Radio Communications System	\$	587,511	35749
CAP-067	VHF Radio System Improvements	\$	224,464	35750
CAP-078	Upgrade/Replacement - State EOC	\$	950,762	35751
Equipment				
CAP-081	National Weather Radio Coverage	\$	162,900	35752

Total Department of Public Safety \$ 1,932,242 35753

Reappropriations

**Section 236.10. OSB SCHOOL FOR THE BLIND** 35755

CAP-728 New School Lighting \$ 184,500 35756

CAP-745 Roof Improvements on the School and  
Cottage \$ 164,186 35757

CAP-751 Upgrade Fire Alarm System \$ 73,192 35758

CAP-757 Bathroom Handicapped Accessibility \$ 20,956 35759

CAP-764 Electric System Improvements \$ 29,774 35760

CAP-772 Boiler Replacement \$ 233,240 35761

CAP-774 Glass Windows/East Wall of Natatorium \$ 63,726 35762

CAP-775 Renovation of Science Lab Greenhouse \$ 58,850 35763

CAP-776 Renovating Recreation Area \$ 213,900 35764

CAP-777 New Classrooms/Secondary MH Program \$ 880,407 35765

CAP-778 Renovation of Student Health Service  
Area \$ 144,375 35766

CAP-779 Replacement of Cottage Windows \$ 208,725 35767

CAP-780 Residential Renovations \$ 7,043 35768

CAP-781 Food Prep Area/Air Conditioning \$ 67,250 35769

Total Ohio School for the Blind \$ 2,350,124 35770

Reappropriations

**Section 236.20. OSD SCHOOL FOR THE DEAF** 35772

CAP-776 Dormitory Renovations \$ 2,833 35773

CAP-777 Boilers, Blowers, Central School Complex \$ 748,144 35774

CAP-778 Central Warehouse \$ 676,624 35775

CAP-779 Storage Barn \$ 330,850 35776

Total Ohio School for the Deaf \$ 1,758,451 35777

Total Administrative Building Fund \$ 101,079,856 35778

**Section 239.10.** All items set forth in this section are 35780  
hereby appropriated out of any moneys in the state treasury to the 35781

credit of the Adult Correctional Building Fund (Fund 027) that are 35782  
 not otherwise appropriated: 35783

Reappropriations

	DRC DEPARTMENT OF REHABILITATION AND CORRECTION		35784
	STATEWIDE AND CENTRAL OFFICE PROJECTS		35785
CAP-002	Local Jails	\$ 1,852,736	35786
CAP-003	Community-Based Correctional Facilities	\$ 10,119,077	35787
CAP-004	Site Renovations	\$ 618,891	35788
CAP-007	Asbestos Removal	\$ 380,624	35789
CAP-008	Powerhouse/Utility Improvements	\$ 2,507,048	35790
CAP-009	Water System/Plant Improvements	\$ 4,613,277	35791
CAP-010	Industrial Equipment - Statewide	\$ 373,291	35792
CAP-011	Roof/Window Renovations - Statewide	\$ 601,320	35793
CAP-012	Shower/Restroom Improvements	\$ 1,142,680	35794
CAP-017	Security Improvements - Statewide	\$ 7,583,533	35795
CAP-026	Waste Water Treatment Facilities	\$ 41,087	35796
CAP-041	Community Residential Program	\$ 5,566,687	35797
CAP-109	Statewide Fire Alarm Systems	\$ 69,080	35798
CAP-111	General Building Renovations	\$ 33,465,948	35799
CAP-129	Water Treatment Plants - Statewide	\$ 651,500	35800
CAP-141	Multi-Agency Radio System Equipment	\$ 835,604	35801
CAP-142	Various Medical Services	\$ 755,818	35802
CAP-143	Perimeter, Lighting, Alarm, Sallyports	\$ 659,236	35803
CAP-186	Close Custody Prison and Camp	\$ 5,000,000	35804
CAP-187	Mandown Alert Communication System - Statewide	\$ 3,172,907	35805
CAP-188	Manufacturing/Storage Building Additions - Statewide	\$ 159,300	35806
CAP-189	Tuck-pointing - Statewide	\$ 27,754	35807
CAP-238	Electrical Systems Upgrades	\$ 175,025	35808
CAP-239	Emergency Projects	\$ 1,532,617	35809
CAP-240	State Match for Federal Prison	\$ 1,625,319	35810

Construction Funds			
CAP-302	OPI Shops Renovation - Statewide	\$	75,000 35811
Total Statewide and Central Office Projects		\$	83,605,359 35812
BELMONT CORRECTIONAL INSTITUTION			35813
CAP-358	Soft Start Capacitors	\$	28,928 35814
Total Belmont Correctional Institution		\$	28,928 35815
CHILLICOTHE CORRECTIONAL INSTITUTION			35816
CAP-177	Convert Warehouse to Dormitory	\$	596 35817
CAP-190	Utility Improvements	\$	117,500 35818
CAP-258	Sewer Upgrades	\$	267,092 35819
Total Chillicothe Correctional Institution		\$	385,188 35820
CORRECTIONAL RECEPTION CENTER			35821
CAP-333	HVAC Upgrade - CRC	\$	1,500 35822
CAP-334	Roof Renovation - CRC	\$	705 35823
Total Correctional Reception Center		\$	2,205 35824
CORRECTIONS MEDICAL CENTER			35825
CAP-362	Parking Lot Improvements	\$	80,895 35826
Total Corrections Medical Center		\$	80,895 35827
CORRECTIONS TRAINING ACADEMY			35828
CAP-342	Asbestos Abatement/HVAC Upgrade - CTA	\$	913,710 35829
Total Corrections Training Academy		\$	913,710 35830
DAYTON CORRECTIONAL INSTITUTION			35831
CAP-195	Hot Water System Improvements - DCI	\$	400,000 35832
CAP-242	Shower Renovations - DCI	\$	58,929 35833
CAP-352	Site Drainage Improvement	\$	3,500 35834
Total Dayton Correctional Institution		\$	462,429 35835
FRANKLIN PRE-RELEASE CENTER			35836
CAP-316	Roof Renovation - FPRC	\$	1,200 35837
Total Franklin Pre-Release Center		\$	1,200 35838
GRAFTON CORRECTIONAL INSTITUTION			35839
CAP-339	Residential Treatment Unit - ADD - GCI	\$	1,500 35840
CAP-359	Roof Replacement - GCI	\$	918,916 35841
Total Grafton Correctional Institution		\$	920,416 35842

	LEBANON CORRECTIONAL INSTITUTION		35843
CAP-118	Water Tower Renovations	\$ 1,174	35844
CAP-119	Masonry Improvements - LECI	\$ 3,063	35845
CAP-198	Water Treatment Plant - LECI	\$ 1,269,008	35846
CAP-285	Bar Screen Replacement	\$ 1,203	35847
CAP-332	Electric Distribution and Transformer	\$ 101,000	35848
CAP-361	Dietary Floor Renovation	\$ 18,040	35849
	Total Lebanon Correctional Institution	\$ 1,393,488	35850
	LONDON CORRECTIONAL INSTITUTION		35851
CAP-245	Bridge Replacement - LOCI	\$ 2,865	35852
CAP-261	Roof Replacement	\$ 1,028	35853
CAP-308	Electric Upgrades - LOCI	\$ 250,000	35854
	Total London Correctional Institution	\$ 253,893	35855
	LORAIN CORRECTIONAL INSTITUTION		35856
CAP-303	Auger Replacement - LLORCL	\$ 500	35857
CAP-348	Door and Lock Replacement - LRCI	\$ 1,500	35858
CAP-353	Roof Renovations - LRCI	\$ 15,000	35859
	Total Lorain Correctional Institution	\$ 17,000	35860
	MADISON CORRECTIONAL INSTITUTION		35861
CAP-288	Water Softener System - Madison	\$ 1,500	35862
	Total Madison Correctional Institution	\$ 1,500	35863
	MANSFIELD CORRECTIONAL INSTITUTION		35864
CAP-305	Site Improvements - MNCI	\$ 314,375	35865
CAP-307	Network Wiring - MNCI	\$ 155,073	35866
CAP-356	Security Fence Upgrade - MNCI	\$ 456,537	35867
	Total Mansfield Correctional Institution	\$ 925,985	35868
	MARION CORRECTIONAL INSTITUTION		35869
CAP-208	Hot Water Tank Replacement	\$ 151,750	35870
CAP-246	Exterior Window Replacement - MCI	\$ 1,075	35871
CAP-329	Concrete Floor Replacement - MCI	\$ 866	35872
	Total Marion Correctional Institution	\$ 153,691	35873
	OHIO REFORMATORY FOR WOMEN		35874
CAP-165	Master Plan Building/Renovations - ORW	\$ 59,585	35875

CAP-210	Replacement Dormitory - ORW	\$	772,090	35876
CAP-212	Powerhouse Renovation & Replumbing	\$	1,250,000	35877
CAP-267	Renovate ARN Dorms	\$	761	35878
CAP-326	Control Center Expansion - ORW	\$	1,500	35879
CAP-327	Roof Replacement - ORW	\$	168,852	35880
Total Ohio Reformatory for Women		\$	2,252,788	35881
OHIO STATE PENITENTIARY				35882
CAP-363	Fence Security Systms - OSP	\$	12,700	35883
Total Ohio State Penitentiary		\$	12,700	35884
PICKAWAY CORRECTIONAL INSTITUTION				35885
CAP-228	Power House Improvements	\$	1,000	35886
CAP-274	Replacement of Segregation Housing	\$	4,806,750	35887
CAP-312	Waste Water Treatment Plant	\$	6,767,175	35888
CAP-357	Emergency Generator Repair - PCI	\$	1,080,993	35889
Total Pickaway Correctional Institution		\$	12,655,918	35890
RICHLAND CORRECTIONAL INSTITUTION				35891
CAP-360	Dormitory Exterior Stairs - RICI	\$	271,278	35892
Total Richland Correctional Institution		\$	271,278	35893
ROSS CORRECTIONAL INSTITUTION				35894
CAP-276	Rubberized Roof Replacement	\$	38,863	35895
CAP-311	Water Tower Renovation - RCI	\$	1,600	35896
CAP-331	Security Upgrades and Improvements	\$	76,600	35897
Total Ross Correctional Institution		\$	117,063	35898
SOUTHEASTERN CORRECTIONAL INSTITUTION				35899
CAP-167	Master Plan Building/Renovations - SCI	\$	8,569	35900
CAP-336	Waste Water Treatment Plant Improvements	\$	421,952	35901
- SCI				
Total Southeastern Correctional Institution		\$	430,521	35902
SOUTHERN OHIO CORRECTIONAL FACILITY				35903
CAP-279	Powerhouse Domestic Hot Water	\$	150,664	35904
Replacement				
Total Southern Ohio Correctional Facility		\$	150,664	35905
TOTAL Department of Rehabilitation and Correction		\$	105,036,819	35906

TOTAL Adult Correctional Building Fund \$ 105,036,819 35907

**Section 239.20. LOCAL JAILS** 35909

From the foregoing appropriation item, CAP-002, Local Jails, 35910  
the Department of Rehabilitation and Correction shall designate 35911  
the projects involving the construction and renovation of county, 35912  
multicounty, municipal-county, and multicounty-municipal jail 35913  
facilities and workhouses, including correctional centers 35914  
authorized under sections 153.61 and 307.93 of the Revised Code, 35915  
for which the Ohio Building Authority is authorized to issue 35916  
obligations. Notwithstanding any provisions to the contrary in 35917  
Chapter 152. or 153. of the Revised Code, the Department of 35918  
Rehabilitation and Correction may coordinate, review, and monitor 35919  
the drawdown and use of funds for the renovation or construction 35920  
of projects for which designated funds are provided. 35921

The funding authorized under this section shall not be 35922  
applied to any such facilities that are not designated by the 35923  
Department of Rehabilitation and Correction. The amount of funding 35924  
authorized under this section that may be applied to a project 35925  
designated for initial funding after July 1, 2000, involving the 35926  
construction or renovation of a county, multicounty, 35927  
municipal-county, and multicounty-municipal jail facilities and 35928  
workhouses, including correctional centers authorized under 35929  
sections 153.61 and 307.93 of the Revised Code, shall not exceed 35930  
\$35,000 per bed of the total allowable cost of the project in the 35931  
case of construction of county and municipal-county jail 35932  
facilities, workhouses, and correctional centers, or multicounty 35933  
or multicounty-municipal jail facilities, workhouses, and 35934  
correctional centers and shall not exceed 30 per cent of the total 35935  
allowable cost of the project in the case of renovation of county, 35936  
multicounty, municipal-county, and multicounty-municipal jail 35937  
facilities, workhouses, and correctional centers. If a political 35938

subdivision is in the planning phase of constructing a multicounty 35939  
or multicounty-municipal jail facility, workhouse, or correctional 35940  
center on or before the effective date of this section, the 35941  
Department of Rehabilitation and Correction shall fund that 35942  
facility at \$42,000 per bed. Multicounty or multicounty-municipal 35943  
jail facility construction projects initiated after the effective 35944  
date of this section may be considered for, but are not entitled 35945  
to be awarded, funding at \$42,000 per bed. The higher per bed 35946  
award is at the discretion of the Department of Rehabilitation and 35947  
Correction and is contingent upon available funds, the impact of 35948  
the project, and inclusion of at least three counties in the 35949  
project. 35950

The cost-per-bed funding authorized under this section that 35951  
may be applied to a construction project shall not exceed the 35952  
actual cost-per-bed of the project. The 30 per cent funding 35953  
authorized under this section that may be applied to a renovation 35954  
project shall not exceed \$35,000 per bed of the total allowable 35955  
cost of the project. 35956

The funding authorized under this section shall not be 35957  
applied to any project involving the construction of a county, 35958  
multicounty, municipal-county, or multicounty-municipal jail 35959  
facility or workhouse, including a correctional center established 35960  
under sections 153.61 and 307.93 of the Revised Code, unless the 35961  
facility, workhouse, or correctional center will be built in 35962  
compliance with "The Minimum Standards for Jails in Ohio" and the 35963  
plans have been approved under section 5120.10 of the Revised 35964  
Code. In addition, the funding authorized under this section shall 35965  
not be applied to any project involving the renovation of a 35966  
county, multicounty, municipal-county, or multicounty-municipal 35967  
jail facility or workhouse, including a correctional center 35968  
established under sections 153.61 and 307.93 of the Revised Code, 35969  
unless the renovation is for the purpose of bringing the facility, 35970

workhouse, or correctional center into compliance with "The  
Minimum Standards for Jails in Ohio" and the plans have been  
approved under section 5120.10 of the Revised Code.

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**Section 239.30. COMMUNITY-BASED CORRECTIONAL FACILITIES**

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The Department of Rehabilitation and Correction may designate  
to the Ohio Building Authority the sites of, and, notwithstanding  
any provisions to the contrary in Chapter 152. or 153. of the  
Revised Code, may review the renovation or construction of the  
single county and district community-based correctional facilities  
funded by the foregoing appropriation item CAP-003,  
Community-Based Correctional Facilities.

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**Section 239.40. COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS**

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The foregoing appropriation item CAP-041, Community  
Residential Program, may be used by the Department of  
Rehabilitation and Correction, under sections 5120.103, 5120.104,  
and 5120.105 of the Revised Code, to provide for the construction  
or renovation of halfway house facilities for offenders eligible  
for community supervision by the Department of Rehabilitation and  
Correction.

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**Section 241.10.** All items set forth in this section are  
hereby appropriated out of any moneys in the state treasury to the  
credit of the Juvenile Correctional Building Fund (Fund 028) that  
are not otherwise appropriated:

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Reappropriations

DYS DEPARTMENT OF YOUTH SERVICES

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CAP-801	Fire Suppression/Safety/Security	\$	2,400,980	35995
CAP-803	General Institutional Renovations	\$	5,638,025	35996
CAP-812	Community Rehabilitation Centers	\$	151,991	35997
CAP-821	Construct Maximum Security Facility	\$	134,795	35998

CAP-823	Cuyahoga Boys School Renovation and Expansion	\$	42,198	35999
CAP-828	Multi-Agency Radio System Equipment	\$	61,539	36000
CAP-829	Local Juvenile Detention Centers	\$	692,623	36001
CAP-831	Gym Expansion - Cuyahoga Hills Boys School	\$	145,546	36002
CAP-833	Security Renovations - Indian River	\$	5,340	36003
CAP-834	Health and Safety Unit - Riverview	\$	196,092	36004
CAP-837	Sanitary Safety/Renovations Indian River	\$	1,400,756	36005
CAP-838	EDU and Programming Expansion - ORV	\$	1,400,000	36006
	Total Department of Youth Services	\$	12,269,885	36007
	TOTAL Juvenile Correctional Building Fund	\$	12,269,885	36008

**Section 241.20. COMMUNITY REHABILITATION CENTERS** 36010

From the foregoing appropriation item CAP-812, Community Rehabilitation Centers, the Department of Youth Services shall designate the projects involving the construction and renovation of single county and multicounty community corrections facilities for which the Ohio Building Authority is authorized to issue obligations. 36011  
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The Department of Youth Services is authorized to review and approve the renovation and construction of projects for which funds are provided. The proceeds of any obligations authorized under this section shall not be applied to any such facilities that are not designated and approved by the Department of Youth Services. 36017  
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The Department of Youth Services shall adopt guidelines to accept and review applications and designate projects. The guidelines shall require the county or counties to justify the need for the facility and to comply with timelines for the submission of documentation pertaining to the site, program, and construction. 36023  
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For purposes of this section, "community corrections facilities" has the same meaning as in section 5139.36 of the Revised Code.

**Section 241.30. LOCAL JUVENILE DETENTION CENTERS**

From the foregoing appropriation item CAP-829, Local Juvenile Detention Centers, the Department of Youth Services shall designate the projects involving the construction and renovation of county and multicounty juvenile detention centers for which the Ohio Building Authority is authorized to issue obligations.

The Department of Youth Services is authorized to review and approve the renovation and construction of projects for which funds are provided. The proceeds of any obligations authorized under this section shall not be applied to any such facilities that are not designated by the Department of Youth Services.

The Department of Youth Services shall comply with the guidelines set forth in this section, accept and review applications, designate projects, and determine the amount of state match funding to be applied to each project. The department shall, with the advice of the county or counties participating in a project, determine the funded design capacity of the detention centers that are designated to receive funding. Notwithstanding any provisions to the contrary contained in Chapter 152. or 153. of the Revised Code, the Department of Youth Services may coordinate, review, and monitor the drawdown and use of funds for the renovation and construction of projects for which designated funds are provided.

(A) The Department of Youth Services shall develop a weighted numerical formula to determine the amount, if any, of state match that may be provided to a single or multicounty detention center project. The formula shall include the factors specified below in

division (A)(1) of this section and may include the factors 36059  
specified below in division (A)(2) of this section. The weight 36060  
assigned to the factors specified in division (A)(1) of this 36061  
section shall be not less than twice the weight assigned to 36062  
factors specified in division (A)(2) of this section. 36063

(1)(a) The number of detention center beds needed in the 36064  
county or group of counties, as estimated by the Department of 36065  
Youth Services, is significantly more than the number of beds 36066  
currently available; 36067

(b) Any existing detention center in the county or group of 36068  
counties does not meet health, safety, or security standards for 36069  
detention centers as established by the Department of Youth 36070  
Services; 36071

(c) The Department of Youth Services projects that the county 36072  
or group of counties have a need for a sufficient number of 36073  
detention beds to make the project economically viable. 36074

(2)(a) The percentage of children in the county or group of 36075  
counties living below the poverty level is above the state 36076  
average; 36077

(b) The per capita income in the county or group of counties 36078  
is below the state average. 36079

(B) The formula developed by the Department of Youth Services 36080  
shall yield a percentage of state match ranging from 0 to 60 per 36081  
cent based on the above factors. Notwithstanding the foregoing 36082  
provisions, if a single county or multicounty system currently has 36083  
no detention center beds, or if the projected need for detention 36084  
center beds as estimated by the Department of Youth Services is 36085  
greater than 120 per cent of current detention center bed 36086  
capacity, then the percentage of state match shall be 60 per cent. 36087  
To determine the dollar amount of the state match for new 36088  
construction projects, the percentage of state match is multiplied 36089

by \$125,000 per bed for detention centers with a designated  
capacity of 99 beds or less, and by \$130,000 per bed for detention  
centers with a design capacity of 100 beds or more. To determine  
the dollar amount of the state match for renovation projects the  
percentage match shall be multiplied by the actual cost of the  
renovation, provided that the cost of the renovation does not  
exceed \$100,000 per bed. The funding authorized under this section  
that may be applied to a construction or renovation project shall  
not exceed the actual cost of the project.

The funding authorized under this section shall not be  
applied to any project unless the detention center will be built  
in compliance with health, safety, and security standards for  
detention centers as established by the Department of Youth  
Services. In addition, the funding authorized under this section  
shall not be applied to the renovation of a detention center  
unless the renovation is for the purpose of increasing the number  
of beds in the center, or to meet health, safety, or security  
standards for detention centers as established by the Department  
of Youth Services.

**Section 243.10.** All items set forth in this section are  
hereby appropriated out of any moneys in the state treasury to the  
credit of the Cultural and Sports Facilities Building Fund (Fund  
030) that are not otherwise appropriated:

			Reappropriations	
AFC CULTURAL FACILITIES COMMISSION				36113
CAP-003	Center of Science and Industry - Toledo	\$	7,542	36114
CAP-033	Woodward Opera House Renovation	\$	1,150,000	36115
CAP-038	Center Exhibit Replacement	\$	816,000	36116
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	123,000	36117
CAP-043	Statewide Site Repairs	\$	200,100	36118

CAP-046	Cincinnati Museum Center Improvements	\$	250,000	36119
CAP-053	Powers Auditorium Improvements	\$	250,000	36120
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	36121
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	36122
CAP-064	Bramley Historic House	\$	75,000	36123
CAP-065	Beck Center for the Cultural Arts	\$	100,000	36124
CAP-066	Delaware County Cultural Arts Center	\$	40,000	36125
CAP-071	Cleveland Institute of Music	\$	1,500,000	36126
CAP-072	West Side Arts Consortium	\$	138,000	36127
CAP-073	Ice Arena Development	\$	5,500,000	36128
CAP-074	Stan Hywet Hall & Gardens	\$	1,000,000	36129
CAP-075	McKinley Museum Improvements	\$	125,000	36130
CAP-076	Spring Hill Historic Home	\$	125,000	36131
CAP-079	Lorain Palace Civic Theatre	\$	200,000	36132
CAP-080	Great Lakes Historical Society	\$	150,000	36133
CAP-745	Historic Sites and Museums	\$	604,453	36134
CAP-753	Buffington Island State Memorial	\$	73,500	36135
CAP-769	Rankin House State Memorial	\$	192,000	36136
CAP-781	Historical Center Archives/Library	\$	624,000	36137
CAP-784	Ohio Historical Center Rehabilitation	\$	1,523,737	36138
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	36139
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	36140
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	36141
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	36142
CAP-821	Lorain County Historical Society	\$	300,000	36143
CAP-822	Armory Youth Center	\$	40,000	36144
CAP-823	Marion Palace Theatre	\$	1,575,000	36145
CAP-824	McConnellsville Opera House	\$	75,000	36146
CAP-825	Secrest Auditorium	\$	75,000	36147
CAP-826	Renaissance Theatre	\$	700,000	36148

CAP-827	Trumpet in the Land	\$	100,000	36149
CAP-829	Mid-Ohio Valley Players	\$	80,000	36150
CAP-830	The Anchorage	\$	50,000	36151
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	36152
CAP-835	Jamestown Opera House	\$	125,000	36153
CAP-837	Lake County Historical Society	\$	250,000	36154
CAP-839	Hancock Historical Society	\$	75,000	36155
CAP-840	Riversouth Development	\$	1,000,000	36156
CAP-841	Ft. Piqua Hotel	\$	200,000	36157
CAP-843	Marina District Amphitheatre and Related Development	\$	2,000,000	36158
CAP-844	Chas. A. Eulett Education Center/Appalachian Museum	\$	1,850,000	36159
CAP-845	Lima Historic Athletic Field	\$	100,000	36160
CAP-846	Butler Palace Theatre	\$	200,000	36161
CAP-847	Voice Of America Museum	\$	275,000	36162
CAP-848	Oxford Arts Center ADA Project	\$	72,000	36163
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	36164
CAP-850	Westcott House Historic Site	\$	75,000	36165
CAP-851	Gen. Lytle Homestead-Harmony Hill	\$	50,000	36166
CAP-852	Miami Township Community Amphitheatre	\$	50,000	36167
CAP-853	Western Reserve Historical Society	\$	1,000,000	36168
CAP-854	Steamship Mather Museum	\$	100,000	36169
CAP-855	Rock and Roll Hall of Fame	\$	250,000	36170
CAP-858	Strongsville Historic Building	\$	100,000	36171
CAP-859	Arts Castle	\$	100,000	36172
CAP-860	Great Lakes Historical Society	\$	325,000	36173
CAP-861	Ohio Glass Museum	\$	250,000	36174
CAP-863	Ariel Theatre	\$	100,000	36175
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	36176
CAP-867	Ensemble Theatre	\$	450,000	36177

CAP-868	Taft Museum	\$	500,000	36178
CAP-869	Art Academy of Cincinnati	\$	100,000	36179
CAP-870	Riverbend Pavilion Improvements	\$	250,000	36180
CAP-871	Cincinnati Art and Technical Academy - Longworth Hall	\$	100,000	36181
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	36182
CAP-873	John Bloomfield Home Restoration	\$	115,000	36183
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	36184
CAP-875	Hocking County Historic Society - Schempp House	\$	10,000	36185
CAP-876	Art Deco Markay Theatre	\$	200,000	36186
CAP-877	Harvey Wells House	\$	100,000	36187
CAP-879	Broad Street Historical Renovation	\$	300,000	36188
CAP-880	Amherst Historical Society	\$	35,000	36189
CAP-881	COSI - Toledo	\$	1,580,000	36190
CAP-882	Ohio Theatre - Toledo	\$	100,000	36191
CAP-883	Chester Academy Historic Site Renovation	\$	25,000	36192
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	36193
CAP-885	Montgomery County Historical Society Archives	\$	100,000	36194
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	36195
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	36196
CAP-888	Preble County Historical Society	\$	100,000	36197
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	36198
CAP-890	Pro Football Hall of Fame	\$	400,000	36199
CAP-891	Maps Air Museum	\$	15,000	36200
CAP-892	Foundation Community Theatre	\$	50,000	36201
CAP-893	William McKinley Library Restoration	\$	250,000	36202
CAP-896	Richard Howe House	\$	100,000	36203
CAP-897	Ward-Thomas Museum	\$	30,000	36204
CAP-898	Packard Music Hall Renovation Project	\$	1,075,000	36205
CAP-899	Holland Theatre	\$	100,000	36206

CAP-900	Van Wert Historical Society	\$	32,000	36207
CAP-901	Warren County Historical Society	\$	225,000	36208
CAP-902	Marietta Colony Theatre	\$	335,000	36209
CAP-903	West Salem Village Opera House	\$	92,000	36210
CAP-904	Beavercreek Community Theater	\$	100,000	36211
CAP-905	Smith Orr Homestead	\$	100,000	36212
	Total Cultural Facilities Commission	\$	39,831,048	36213
	TOTAL Cultural and Sports Facilities Building Fund	\$	39,831,048	36214

ICE ARENA DEVELOPMENT 36215

The amount reappropriated for the foregoing appropriation 36216  
item CAP-073, Ice Arena Development, is the unencumbered and 36217  
unallotted balance, as of June 30, 2006, in appropriation item 36218  
CAP-073, Ice Arena Development, which prior to July 1, 2006, was 36219  
named "Marina District/Ice Arena Development," plus \$2,000,000. 36220

Notwithstanding any provision of law to the contrary, on July 36221  
1, 2006, or as soon thereafter as possible, the Director of Budget 36222  
and Management shall transfer \$2,000,000 from CAP-843, Marina 36223  
District Amphitheatre and Related Development, which prior to July 36224  
1, 2006, was named "Marina District/Ice Arena Development," to 36225  
CAP-073, Ice Arena Development. 36226

The foregoing appropriation item CAP-073, Ice Arena 36227  
Development, shall by used by the City of Toledo for the 36228  
development of an ice arena in the City of Toledo. 36229

MARINA DISTRICT AMPHITHEATRE AND RELATED DEVELOPMENT 36230

The amount reappropriated for the foregoing appropriation 36231  
item CAP-843, Marina District Amphitheatre and Related 36232  
Development, is the unencumbered and unallotted balance, as of June 36233  
30, 2006, in appropriation item CAP-843, Marina District 36234  
Amphitheatre and Related Development, which prior to July 1, 2006, 36235  
was named "Marina District/Ice Arena Development," minus 36236  
\$2,000,000. 36237

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

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 hereby appropriated out of any moneys in the state treasury to the credit of the Ohio Parks and Natural Resources Fund (Fund 031) that are not otherwise appropriated:

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES  
 STATEWIDE AND LOCAL PROJECTS

CAP-012	Land Acquisition	\$	1,708,039	36256
CAP-024	Statewide Boundary and Miscellaneous Surveying	\$	43,895	36257
CAP-702	Upgrade Underground Fuel Storage Tanks	\$	520,050	36258
CAP-703	Cap Abandoned Water Wells	\$	69,123	36259
CAP-748	Local Parks Projects - Statewide	\$	2,091,973	36260
CAP-750	Quilter CCC Camp	\$	46,400	36261
CAP-751	City of Portsmouth Launch Ramp	\$	1,800	36262
CAP-753	Project Planning	\$	1,791,151	36263
CAP-766	South Fork Licking Watershed Study	\$	2,469	36264
CAP-768	Grand River Wildlife Area	\$	2,700	36265
CAP-817	Riffe CCC Camp	\$	1,709	36266

CAP-834	Appraisal Fees - Statewide	\$	79,615	36267
CAP-835	Civilian Conservation Facilities	\$	346,280	36268
CAP-844	Put-In-Bay Township Port Authority	\$	79,784	36269
CAP-868	New Philadelphia Office Relocation	\$	1,500,000	36270
CAP-874	Lake Erie Access	\$	5,070	36271
CAP-876	Statewide Trails Program	\$	963	36272
CAP-881	Dam Rehabilitation	\$	18,554,846	36273
CAP-928	Handicapped Accessibility	\$	77,950	36274
CAP-929	Hazardous Waste/Asbestos Abatement	\$	57,361	36275
CAP-931	Wastewater/Water Systems Upgrades	\$	5,406,599	36276
CAP-934	Operations Facilities Development	\$	354,291	36277
CAP-995	Boundary Protection	\$	32,426	36278
CAP-999	Geographic Information Management System	\$	62,650	36279
Total Statewide and Local Projects		\$	32,837,144	36280
DIVISION OF FORESTRY				36281
CAP-021	Mohican State Forest	\$	1,200	36282
CAP-030	Shawnee State Forest	\$	1,300	36283
CAP-071	Statewide Forestry Facility Improvements	\$	277,620	36284
CAP-073	Brush Creek State Forest	\$	5,850	36285
CAP-129	Zanesville Nursery	\$	9,500	36286
CAP-841	Operations and Maintenance Facility	\$	450,548	36287
Development and Renovation				
Total Division of Forestry		\$	746,018	36288
DIVISION OF NATURAL AREAS AND PRESERVES				36289
CAP-006	Little Beaver Creek Nature Preserve	\$	1,500	36290
CAP-826	Natural Areas and Preserves	\$	482,556	36291
Maintenance/Facility Development				
CAP-831	Lake Katherine	\$	17,299	36292
CAP-980	Old Woman Creek	\$	2,969	36293
Total Division of Natural Areas		\$	504,324	36294
DIVISION OF PARKS AND RECREATION				36295
CAP-003	Barkcamp State Park	\$	3,025	36296
CAP-004	Burr Oak State Park	\$	7,400	36297

CAP-005	Cowan Lake State Park	\$	9,337	36298
CAP-010	East Harbor State Park	\$	38,129	36299
CAP-016	Hueston Woods State Park	\$	7,300	36300
CAP-017	Indian Lake State Park	\$	2,569	36301
CAP-019	Lake Hope State Park	\$	22,695	36302
CAP-022	Muskingum River Lock #2	\$	20,000	36303
CAP-025	Punderson Lake State Park	\$	5,997	36304
CAP-027	Rocky Fork State Park	\$	28,212	36305
CAP-029	Salt Fork State Park	\$	1,017	36306
CAP-032	West Branch State Park	\$	3,243	36307
CAP-051	Buck Creek State Park	\$	25,500	36308
CAP-060	East Fork State Park	\$	51,942	36309
CAP-064	Geneva State Park	\$	5,838	36310
CAP-068	Kennedy Stone House	\$	15,000	36311
CAP-069	Hocking Hills State Park	\$	11,725	36312
CAP-081	Jackson Lake State Park	\$	19,416	36313
CAP-083	John Bryan State Park Shelter	\$	30,000	36314
	Construction			
CAP-084	Findley State Park General Improvements	\$	12,500	36315
CAP-089	Mosquito Lake State Park	\$	28,000	36316
CAP-093	Portage Lakes State Park	\$	129,944	36317
CAP-114	Beaver Creek State Park	\$	12,000	36318
CAP-222	Wolf Run State Park	\$	21,787	36319
CAP-234	State Parks, Campgrounds, Lodges, and Cabins	\$	1,666,051	36320
CAP-305	Maumee Bay State Park	\$	900	36321
CAP-331	Park Boating Facilities	\$	5,226,013	36322
CAP-390	State Park Maintenance/Facility	\$	1,484,882	36323
	Development			
CAP-716	Muskingum River Parkway Locks	\$	7,116	36324
CAP-815	Mary Jane Thurston State Park	\$	2,200	36325
CAP-825	Marblehead Lighthouse State Park	\$	564	36326
CAP-829	Sycamore State Park	\$	500	36327

CAP-836	State Park Renovations/Upgrading	\$	709,026	36328
CAP-851	Cleveland Lakefront	\$	146,371	36329
CAP-916	Lake Milton State Park	\$	5,882	36330
CAP-949	Muskingum Lock #3	\$	3,700	36331
CAP-954	Muskingum Lock #4	\$	93,942	36332
Total Division of Parks and Recreation		\$	9,859,723	36333
DIVISION OF SOIL AND WATER CONSERVATION				36334
CAP-086	Scippo Creek Conservation	\$	75,000	36335
Total Division of Soil and Water Conservation		\$	75,000	36336
DIVISION OF WATER				36337
CAP-705	Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$	2,867,787	36338
CAP-730	Miami and Erie Canal	\$	700	36339
CAP-819	Rehabilitate/Automate - Ohio Ground Water Observation Well Network	\$	68,383	36340
CAP-820	Automated Stream, Lake, and Ground Water Data Collection	\$	509,396	36341
CAP-828	Ohio and Erie Canal Rehabilitation	\$	205,572	36342
CAP-848	Hazardous Dam Repair - Statewide	\$	220,000	36343
Total Division of Water		\$	3,871,838	36344
TOTAL Department of Natural Resources		\$	47,894,047	36345
TOTAL OHIO PARKS AND NATURAL RESOURCES FUND		\$	47,894,047	36346

**Section 245.20. MOSQUITO LAKE STATE PARK** 36348

The amount reappropriated for the foregoing appropriation 36349  
item CAP-089, Mosquito Lake State Park, is the unencumbered and 36350  
unallotted balance, as of June 30, 2006, in appropriation item 36351  
CAP-089, Mosquito Lake State Park, plus \$25,000 of the 36352  
unencumbered and unallotted balance, as of June 30, 2006, in 36353  
appropriation item CAP-063, Robins Theatre Renovations, in the 36354  
Cultural and Sports Facilities Building Fund (Fund 030). 36355

Of the foregoing appropriation item CAP-089, Mosquito Lake 36356

State Park, up to \$25,000 shall be used to conduct a state park lodge feasibility study. 36357  
36358

LOCAL PARKS PROJECTS - STATEWIDE 36359

The amount reappropriated for the foregoing appropriation item CAP-748, Local Parks Projects - Statewide, is \$1,573,564 plus the unencumbered and unallotted balance as of June 30, 2006, in item CAP-748, Local Parks Projects - Statewide, plus the unencumbered and unallotted balance as of June 30, 2006, in item CAP-862, Goll Wood Homestead in the Cultural and Sports Facilities Building Fund (Fund 030). The \$1,573,564 represents amounts that were previously appropriated, allocated to counties pursuant to division (D) of section 1557.06 of the Revised Code, and encumbered for local project grants. The encumbrances for these local projects in the various counties shall be canceled by the Director of Natural Resources or the Director of Budget and Management. The Director of Natural Resources shall allocate the \$1,573,564 to the same counties the moneys were originally allocated to, in the amount of the canceled encumbrances. 36360  
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GOLL WOOD HOMESTEAD 36375

Of the foregoing appropriation item CAP-748, Local Parks Projects - Statewide, \$50,000 shall be used for the Goll Wood Homestead. 36376  
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DAM REHABILITATION 36379

Of the foregoing appropriation item CAP-881, Dam Rehabilitation, up to \$970,000 shall be used to rehabilitate the Muskingum River Locks and Dams. 36380  
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**Section 245.30.** For the projects appropriated in Section 245.10 of this act, the Ohio Department of Natural Resources shall periodically prepare and submit to the Director of Budget and Management the estimated design, planning, and engineering costs 36383  
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36385  
36386

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 Ohio Parks and Natural Resources Fund (Fund 031) to pay for design, planning, and engineering costs incurred by the Department of Natural Resources for such projects. Upon release of the appropriations by the Director of Budget and Management, the Department of Natural Resources shall pay for these expenses from Fund 4S9, Capital Expenses, and be reimbursed by the Ohio Parks and Natural Resources Fund (Fund 031) using an intrastate voucher.

**Section 247.10.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the School Building Program Assistance Fund (Fund 032) that are not otherwise appropriated:

			Reappropriations	
	SFC SCHOOL FACILITIES COMMISSION			36402
CAP-770	School Building Program Assistance	\$ 183,784,236		36403
CAP-779	Exceptional Needs	\$ 5,846,594		36404
CAP-785	Vocation Facilities Assistance Program	\$ 574,722		36405
	Total School Facilities Commission	\$ 190,205,552		36406
	TOTAL School Building Program Assistance Fund	\$ 190,205,552		36407

**Section 249.10.** All items set forth in Sections 249.20 to 249.40 of this act are hereby appropriated out of any moneys in the state treasury to the credit of the Mental Health Facilities Improvement Fund (Fund 033) that are not otherwise appropriated:

			Reappropriations	
	<b>Section 249.20.</b> ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES			36413
				36414
CAP-002	Community Assistance Projects	\$ 3,088,902		36415

Total Department of Alcohol and Drug Addiction		36416
Services	\$ 3,088,902	36417

COMMUNITY ASSISTANCE PROJECTS 36418

Of the foregoing appropriation item CAP-002, Community		36419
Assistance Projects, \$207,624 shall be used to continue		36420
renovations for the Oak House Women's Residential Treatment		36421
Facility.		36422

Reappropriations

**Section 249.30. DMH DEPARTMENT OF MENTAL HEALTH** 36423

STATEWIDE AND CENTRAL OFFICE PROJECTS 36424

CAP-092 Hazardous Materials Abatement	\$ 382,281	36425
CAP-479 Community Assistance Projects	\$ 4,726,308	36426
CAP-906 Campus Consolidation - Automation	\$ 2,668,974	36427
CAP-943 Dietary Delivery Systems	\$ 6,534	36428
CAP-946 Demolition	\$ 263,542	36429
CAP-976 Life Safety/Critical Plant Renovations	\$ 69,354	36430
CAP-977 Patient Care/Environment Improvement	\$ 1,605,463	36431
CAP-978 Infrastructure Renovations	\$ 7,444,890	36432
CAP-981 Emergency Improvements	\$ 2,843,566	36433
CAP-984 Patient Environment Improvement	\$ 176,853	36434

Consolidation

Total Department of Mental Health	\$ 20,187,765	36435
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Reappropriations

**Section 249.40. DMR DEPARTMENT OF MENTAL RETARDATION AND** 36437

DEVELOPMENTAL DISABILITIES 36438

STATEWIDE PROJECTS 36439

CAP-001 Asbestos Abatement	\$ 1,026,917	36440
CAP-480 Community Assistance Projects	\$ 13,020,936	36441
CAP-901 Razing of Buildings	\$ 80,013	36442
CAP-912 Telecommunications Systems Improvement	\$ 9,454	36443

CAP-941	Emergency Generator Replacement	\$	140,580	36444
CAP-955	Statewide Developmental Centers	\$	1,985,066	36445
CAP-981	Emergency Improvements	\$	231,846	36446
Total Statewide and Central Office Projects		\$	16,494,812	36447

STATEWIDE DEVELOPMENTAL CENTERS 36448

The amount reappropriated for the foregoing appropriation 36449  
item CAP-955, Statewide Developmental Centers, is the unencumbered 36450  
and unallotted balance as of June 30, 2006, plus the sum of the 36451  
unencumbered and unallotted balances for appropriation item 36452  
CAP-791, Jonathan Hall Renovation; CAP-795, Ruby Hall Renovation; 36453  
and CAP-940, Sewage Treatment Plant Renovation as of June 30, 36454  
2006. 36455

COMMUNITY ASSISTANCE PROJECTS 36456

The foregoing appropriation item CAP-480, Community 36457  
Assistance Projects, may be used to provide community assistance 36458  
funds for the construction or renovation of facilities for day 36459  
programs or residential programs that provide services to persons 36460  
eligible for services from the Department of Mental Retardation 36461  
and Developmental Disabilities or county boards of mental 36462  
retardation and developmental disabilities. Any funds provided to 36463  
nonprofit agencies for the construction or renovation of 36464  
facilities for persons eligible for services from the Department 36465  
of Mental Retardation and Developmental Disabilities and county 36466  
boards of mental retardation and developmental disabilities are 36467  
subject to the prevailing wage provisions in section 176.05 of the 36468  
Revised Code. 36469

The amount reappropriated for the foregoing appropriation 36470  
item CAP-480, Community Assistance Projects, is the unencumbered 36471  
and unallotted balance as of June 30, 2006, in appropriation item 36472  
CAP-480, Community Assistance Projects, minus \$250,000. 36473

STATEWIDE DEVELOPMENTAL CENTERS 36474

	CAMBRIDGE DEVELOPMENTAL CENTER			36475
CAP-711	Residential Renovations - CAMDC	\$	41,981	36476
CAP-910	HVAC Renovations - Residential Buildings	\$	1,000	36477
CAP-913	Cambridge HVAC Upgrade - Activity Center	\$	3,538	36478
CAP-969	Utility Upgrade Centerwide		5,960	36479
	Total Cambridge Developmental Center	\$	52,479	36480
	COLUMBUS DEVELOPMENTAL CENTER			36481
CAP-852	Fire Alarm System Improvements	\$	5,500	36482
CAP-958	Columbus Developmental Center	\$	11,794	36483
	Total Columbus Developmental Center	\$	17,294	36484
	GALLIPOLIS DEVELOPMENTAL CENTER			36485
CAP-723	HVAC Replacements	\$	12,615	36486
CAP-959	Gallipolis Developmental Center	\$	35,244	36487
	Total Gallipolis Developmental Center	\$	47,859	36488
	MONTGOMERY DEVELOPMENTAL CENTER			36489
CAP-960	Montgomery Developmental Center	\$	2,159	36490
	Total Montgomery Developmental Center	\$	2,159	36491
	MOUNT VERNON DEVELOPMENTAL CENTER			36492
CAP-080	Renovate Main Kitchen - Rian Hall	\$	19,210	36493
CAP-962	Mount Vernon Developmental Center	\$	481,912	36494
	Total Mount Vernon Developmental Center	\$	501,122	36495
	NORTHWEST OHIO DEVELOPMENTAL CENTER			36496
CAP-947	Replace Chiller	\$	8,535	36497
CAP-963	Northwest Ohio Developmental Center	\$	79,096	36498
	Total Northwest Ohio Developmental Center	\$	87,631	36499
	SOUTHWEST OHIO DEVELOPMENTAL CENTER			36500
CAP-863	Residential Renovation - HVAC Upgrade	\$	139,189	36501
CAP-964	Southwest Ohio Developmental Center	\$	78,983	36502
CAP-976	Renovation Program and Support Services	\$	3,900	36503
	Building			
	Total Southwest Ohio Developmental Center	\$	222,072	36504
	TIFFIN DEVELOPMENTAL CENTER			36505

CAP-931	Roof and Exterior Renovations	\$	19,666	36506
CAP-966	Tiffin Developmental Center	\$	27,175	36507
Total Tiffin Developmental Center		\$	46,841	36508
WARRENSVILLE DEVELOPMENTAL CENTER				36509
CAP-867	Residential Renovations - WDC	\$	5,057	36510
CAP-900	Water Line Replacement - WDC	\$	16,267	36511
CAP-936	HVAC Renovations	\$	4,873	36512
CAP-950	ADA Compliance - WDC	\$	3,628	36513
CAP-967	Warrensville Developmental Center	\$	48,032	36514
Total Warrensville Developmental Center		\$	77,857	36515
YOUNGSTOWN DEVELOPMENTAL CENTER				36516
CAP-968	Youngstown Developmental Center	\$	69,681	36517
Total Youngstown Developmental Center		\$	69,681	36518
TOTAL Department of Mental Retardation				36519
and Developmental Disabilities		\$	17,619,807	36520
TOTAL Mental Health Facilities Improvement Fund		\$	40,896,474	36521

**Section 249.50.** The foregoing appropriations for the 36523  
Department of Alcohol and Drug Addiction Services, CAP-002, 36524  
Community Assistance Projects; Department of Mental Health, 36525  
CAP-479, Community Assistance Projects; and Department of Mental 36526  
Retardation and Developmental Disabilities, CAP-480, Community 36527  
Assistance Projects, may be used on facilities constructed or to 36528  
be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 36529  
5126. of the Revised Code or the authority granted by section 36530  
154.20 of the Revised Code and the rules adopted pursuant to those 36531  
chapters and that section and shall be distributed by the 36532  
Department of Alcohol and Drug Addiction Services, the Department 36533  
of Mental Health, and the Department of Mental Retardation and 36534  
Developmental Disabilities, subject to Controlling Board approval. 36535

**Section 249.60.** (A) No capital improvement appropriations 36536  
made in Sections 249.20 to 249.40 of this act shall be released 36537

for planning or for improvement, renovation, or construction or 36538  
acquisition of capital facilities if a governmental agency, as 36539  
defined in section 154.01 of the Revised Code, does not own the 36540  
real property that constitutes the capital facilities or on which 36541  
the capital facilities are or will be located. This restriction 36542  
does not apply in any of the following circumstances: 36543

(1) The governmental agency has a long-term (at least fifteen 36544  
years) lease of, or other interest (such as an easement) in, the 36545  
real property. 36546

(2) In the case of an appropriation for capital facilities 36547  
that, because of their unique nature or location, will be owned or 36548  
be part of facilities owned by a separate nonprofit organization 36549  
and made available to the governmental agency for its use, the 36550  
nonprofit organization either owns or has a long-term (at least 36551  
fifteen years) lease of the real property or other capital 36552  
facility to be improved, renovated, constructed, or acquired and 36553  
has entered into a joint or cooperative use agreement, approved by 36554  
the Department of Mental Health, Department of Mental Retardation 36555  
and Developmental Disabilities, or Department of Alcohol and Drug 36556  
Addiction Services, whichever is applicable, with the governmental 36557  
agency for that agency's use of and right to use the capital 36558  
facilities to be financed and, if applicable, improved, the value 36559  
of such use or right to use being, as determined by the parties, 36560  
reasonably related to the amount of the appropriation. 36561

(B) In the case of capital facilities referred to in division 36562  
(A)(2) of this section, the joint or cooperative use agreement 36563  
shall include, as a minimum, provisions that: 36564

(1) Specify the extent and nature of that joint or 36565  
cooperative use, extending for no fewer than fifteen years, with 36566  
the value of such use or right to use to be, as determined by the 36567  
parties and approved by the applicable department, reasonably 36568

related to the amount of the appropriation;			36569
(2) Provide for pro rata reimbursement to the state should			36570
the arrangement for joint or cooperative use by a governmental			36571
agency be terminated;			36572
(3) Provide that procedures to be followed during the capital			36573
improvement process will comply with appropriate applicable state			36574
statutes and rules, including provisions of this act.			36575
<b>Section 251.10.</b> All items set forth in Sections 251.20 to			36576
256.80 of this act are hereby appropriated out of any moneys in			36577
the state treasury to the credit of the Higher Education			36578
Improvement Fund (Fund 034) that are not otherwise appropriated:			36579
		Reappropriations	
<b>Section 251.20.</b> ETC ETECH OHIO			36580
CAP-001 Educational Television and Radio	\$	1,889,477	36581
Equipment			
CAP-002 Educational Broadcasting Fiber Optic	\$	51,748	36582
Network			
Total eTech Ohio	\$	1,941,225	36583
EDUCATIONAL TELEVISION AND RADIO EQUIPMENT			36584
The foregoing appropriation item CAP-001, Educational			36585
Television and Radio Equipment, shall be used to provide			36586
broadcasting, transmission, and production equipment to Ohio			36587
public radio and television stations, radio reading services, and			36588
the eTech Ohio Commission.			36589
EDUCATIONAL BROADCASTING FIBER OPTIC NETWORK			36590
The foregoing appropriation item CAP-002, Educational			36591
Broadcasting Fiber Optic Network, shall be used to link the Ohio			36592
public radio and television stations, radio reading services, and			36593
the Educational Telecommunications Network for the reception and			36594

transmission of digital communications through fiber optic cable 36595  
 or other technology. 36596

Reappropriations

<b>Section 251.30. BOR BOARD OF REGENTS</b>			36597
CAP-029	Ohio Library And Information Network	\$ 3,500,000	36598
CAP-030	Supercomputer Center Expansion	\$ 228,599	36599
CAP-032	Research Facility Investment	\$ 2,401,427	36600
	Loans/Grants		
CAP-061	Central State Rehabilitation	\$ 207,012	36601
CAP-068	Third Frontier Project	\$ 50,000,001	36602
CAP-071	Center for Transitional and Applied Genomics	\$ 500,000	36603
CAP-072	Cleveland Clinic Heart Center Infrastructure	\$ 5,000,000	36604
CAP-073	Technology Incubator for Market-Ready Applications	\$ 2,000,000	36605
CAP-077	Center For Structural Biology	\$ 1,000,000	36606
CAP-078	One Cleveland Broadband Network	\$ 500,000	36607
CAP-079	Central Ohio Technology Corridor - Dublin	\$ 500,000	36608
CAP-080	OSU Supercomputer Center Aerospace	\$ 50,000	36609
CAP-081	Youngstown Market Ready Incubator	\$ 750,000	36610
Total Board of Regents			\$ 66,637,039 36611

**Section 251.40. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS** 36613  
 36614

The foregoing appropriation item CAP-032, Research Facility 36615  
 Investment Loans/Grants, shall be used for a program of grants to 36616  
 be administered by the Board of Regents to provide timely 36617  
 availability of capital facilities for research programs and 36618  
 research-oriented instructional programs at or involving 36619

state-supported and state-assisted institutions of higher 36620  
education. 36621

The Board of Regents shall adopt rules under Chapter 119. of 36622  
the Revised Code relative to the application for and approval of 36623  
projects funded from appropriation item CAP-032, Research Facility 36624  
Investment Loans/Grants. The rules shall be reviewed and approved 36625  
by the Legislative Committee on Education Oversight. The Board of 36626  
Regents shall inform the President of the Senate and the Speaker 36627  
of the House of Representatives of each project application for 36628  
funding received. Each project receiving a commitment for funding 36629  
by the Board of Regents under the rules shall be reported to the 36630  
President of the Senate and the Speaker of the House of 36631  
Representatives. 36632

**Section 251.50. REPAYMENT OF RESEARCH FACILITY INVESTMENT 36633**  
**LOANS/GRANTS MONEYS 36634**

Notwithstanding any provision of law to the contrary, all 36635  
repayments of Research Facility Investment Loans/Grants loans 36636  
shall be made to the Bond Service Account in the Higher Education 36637  
Bond Service Trust Fund. 36638

Institutions of higher education shall make timely repayments 36639  
of Research Facility Investment Loans/Grants loans, according to 36640  
the schedule established by the Board of Regents. In the case of 36641  
late payments, the Board of Regents may deduct from an 36642  
institution's periodic subsidy distribution an amount equal to the 36643  
amount of the overdue payment for that institution, transfer such 36644  
amount to the Bond Service Trust Fund, and credit the appropriate 36645  
institution for the repayment. 36646

**Section 251.60. THIRD FRONTIER PROJECT 36647**

The foregoing appropriation item CAP-068, Third Frontier 36648  
Project, shall be used to acquire, renovate, or construct 36649

facilities and purchase equipment for research programs, 36650  
technology development, product development, and commercialization 36651  
programs at or involving state-supported and state-assisted 36652  
institutions of higher education. The funds shall be used to make 36653  
grants awarded on a competitive basis, and shall be administered 36654  
by the Third Frontier Commission. Expenditure of these funds shall 36655  
comply with Section 2n of Article VIII, Ohio Constitution, and 36656  
sections 151.01 and 151.04 of the Revised Code for the period 36657  
beginning July 1, 2006, and ending June 30, 2008. 36658

The Third Frontier Commission shall develop guidelines 36659  
relative to the application for and selection of projects funded 36660  
from appropriation item CAP-068, Third Frontier Project. The 36661  
commission may develop these guidelines in consultation with other 36662  
interested parties. The Board of Regents and all state-assisted 36663  
and state-supported institutions of higher education shall take 36664  
all actions necessary to implement grants awarded by the Third 36665  
Frontier Commission. 36666

The foregoing appropriation item CAP-068, Third Frontier 36667  
Project, for which an appropriation is made from the Higher 36668  
Education Improvement Fund (Fund 034), is determined to consist of 36669  
capital improvements and capital facilities for state-supported 36670  
and state-assisted institutions of higher education, and is 36671  
designated for the capital facilities to which proceeds of 36672  
obligations in the Higher Education Improvement Fund (Fund 034) 36673  
are to be applied. 36674

**Section 251.80. REIMBURSEMENT FOR PROJECT COSTS** 36675

Appropriations made in Sections 251.30 to 256.80 of this act 36676  
for purposes of the costs of capital facilities', the interim 36677  
financing of which the particular institution has previously 36678  
issued its own obligations anticipating the possibility of future 36679  
state appropriations to pay all or a portion of such costs, as 36680

contemplated in division (B) of section 3345.12 of the Revised Code, shall be paid directly to the institution or the paying agent for those outstanding obligations in the full principal amount of those obligations then to be paid from the anticipated appropriation and shall be timely applied to the retirement of a like principal amount of the institution's obligations.

Appropriations made in Sections 251.30 to 256.80 of this act for purposes of the costs of capital facilities, all or a portion of which costs the particular institution has paid from the institution's moneys that were temporarily available and which expenditures were reasonably expected at the time of the advance by the institution and the state to be reimbursed from the proceeds of obligations issued by the state, shall be directly paid to the institution in the full amounts of those payments and shall be timely applied to the reimbursement of those temporarily available moneys. All reimbursements are subject to review and approval through the capital release process.

Reappropriations

<b>Section 251.90. UAK UNIVERSITY OF AKRON</b>			36698
CAP-008	Basic Renovations	\$ 4,512,104	36699
CAP-047	Polsky Building Renovation	\$ 1,421,625	36700
CAP-049	Basic Renovations - Wayne	\$ 313,880	36701
CAP-054	Auburn Science/Whitby Rehabilitation	\$ 9,697,799	36702
CAP-061	Asbestos Abatement	\$ 47,861	36703
CAP-063	Child Care Facility	\$ 4,428	36704
CAP-076	Supercritical Fluid Technology	\$ 30,251	36705
CAP-077	Leigh Hall Rehabilitation	\$ 766,457	36706
CAP-087	Global PVC Research Consortium	\$ 7,144	36707
CAP-091	Student Affairs Building	\$ 53,082	36708
CAP-097	Ohio NMR Consortium	\$ 96,500	36709
CAP-098	Guzzetta Hall Addition	\$ 77,848	36710

CAP-099	D Wing Expansion	\$	243,750	36711
CAP-100	Classroom Office Addition - Design	\$	120,120	36712
CAP-101	National Polymer Processing Center	\$	1,000,000	36713
CAP-104	Nanoscale Polymers Manufacturing	\$	124,366	36714
CAP-111	500 MHz NMR Spectrometer	\$	117,444	36715
CAP-113	Student & Administrative Services Building - Phase 2	\$	362,196	36716
CAP-114	Facility Enhancement Building H - Phase 2	\$	628,277	36717
CAP-115	Medina County University Center	\$	1,000,000	36718
CAP-116	Fir Hill Plaza Renovations	\$	1,249,743	36719
CAP-117	Shrank Hall Renovation	\$	1,342,414	36720
Total University of Akron		\$	23,217,289	36721

Reappropriations

<b>Section 252.10. BGU BOWLING GREEN STATE UNIVERSITY</b>				36723
CAP-009	Basic Renovations	\$	7,386,239	36724
CAP-060	Basic Renovations - Firelands	\$	459,399	36725
CAP-074	Instructional and Data Processing Equipment	\$	1,426,543	36726
CAP-078	Asbestos Abatement	\$	1,584	36727
CAP-088	ADA Modifications	\$	19,544	36728
CAP-091	Child Care Facility	\$	49,406	36729
CAP-094	Materials Network	\$	90,981	36730
CAP-102	Network Infrastructure - Phase 1	\$	244,131	36731
CAP-108	Tunnel Upgrade - Phase 2	\$	98,820	36732
CAP-110	Hannah Hall Rehabilitation	\$	2,005,522	36733
CAP-112	Biology Lab Renovation	\$	12,533,708	36734
CAP-113	Campus-Wide Paving/Sidewalk Upgrade	\$	352,700	36735
CAP-114	Student Learning	\$	13,149	36736
CAP-115	Video Teaching Network	\$	5,436	36737
CAP-118	Kinetic Spectrometry Consortium	\$	77,671	36738
CAP-119	Admissions Visitor Center	\$	3,000,000	36739

CAP-120	Theatre/Performing Arts Complex	\$	8,750,000	36740
CAP-121	University Hall Rehabilitation	\$	1,174,981	36741
CAP-124	Administration Building Fire Alarm System	\$	83,986	36742
CAP-125	Campus-Wide Carpet Upgrade	\$	329,700	36743
CAP-126	Reroof East, West, and North Buildings	\$	600,000	36744
CAP-127	Instructional Laboratory - Phase 1	\$	123,735	36745
CAP-128	Perrysburg Heights Multipurpose Facility	\$	500,000	36746
CAP-129	Wood County Senior Kitchen Project	\$	500,000	36747
Total Bowling Green State University		\$	39,827,235	36748

**BASIC RENOVATIONS** 36749

The amount reappropriated for the foregoing appropriation 36750  
item CAP-009, Basic Renovations, is the sum of the unencumbered 36751  
and unallotted balances as of June 30, 2006, in appropriation 36752  
items CAP-009, Basic Renovations; CAP-093, Pedestrian Mall 36753  
Project; CAP-104, Jerome Library Renovations; CAP-105, 36754  
Administration Building Elevators; and CAP-117, Administration 36755  
Building Chiller. 36756

Reappropriations

**Section 252.20. CSU CENTRAL STATE UNIVERSITY** 36757

CAP-022	Basic Renovations	\$	676,223	36758
CAP-068	Instructional and Data Processing Replacement	\$	85,065	36759
CAP-084	Academic Facility - Phase 1	\$	3,791,729	36760
Total Central State University		\$	4,553,017	36761

Reappropriations

**Section 252.30. UCN UNIVERSITY OF CINCINNATI** 36763

CAP-009	Basic Renovations	\$	512,716	36764
CAP-018	Basic Renovations - Clermont	\$	298,701	36765
CAP-054	Raymond Walters Renovations	\$	428,426	36766

CAP-119	Instructional & Data Processing Equipment	\$	12,537	36767
CAP-122	Infrastructure Assessment	\$	2,518	36768
CAP-128	Science and Allied Health Building - Walters	\$	118,748	36769
CAP-131	Convention Center	\$	2,500,000	36770
CAP-137	MSB Otolaryngology	\$	1,228	36771
CAP-141	ADA Modifications	\$	49,860	36772
CAP-142	ADA Modifications - Clermont	\$	6,039	36773
CAP-158	Molecular Components/Simulation Network	\$	16,817	36774
CAP-171	Asbestos - Rieveschl Hall	\$	107,550	36775
CAP-173	Surface Engineering	\$	24,503	36776
CAP-174	Classroom/Teaching Lab Renovations	\$	89,236	36777
CAP-176	Network Expansion	\$	19,000	36778
CAP-180	Rapid Prototype Process	\$	41,626	36779
CAP-187	MSB Small Group Learning Spaces	\$	1,125	36780
CAP-193	Nano Particles	\$	1,103	36781
CAP-194	Transgenic Core Capacity	\$	1,633	36782
CAP-195	Thin Film Analysis	\$	110,452	36783
CAP-196	Electronic Reconstruction	\$	1,784	36784
CAP-197	Med Center Technology	\$	1,546	36785
CAP-198	TC/Dyer Rehabilitation - Phase 1A	\$	8,532	36786
CAP-203	Zimmer Plaza & Auditorium Rehabilitation	\$	5,919	36787
CAP-205	Medical Science Building Rehabilitation	\$	3,626,342	36788
CAP-206	One Stop Services Center	\$	97,535	36789
CAP-207	Central Campus Infrastructure	\$	287,593	36790
CAP-208	Security System Upgrade	\$	50,000	36791
CAP-209	Library Renovations	\$	800,500	36792
CAP-218	Creation of a P3 Facility	\$	500	36793
CAP-223	Teachers College/Dyer Hall Rehabilitation - Phase 2	\$	986,560	36794
CAP-224	Van Wormer Administrative Building Rehabilitation	\$	25,425	36795
CAP-226	Holocaust Archives	\$	47,580	36796

CAP-237	Biomedical Engineering	\$	17,145	36797
CAP-250	Student Services	\$	111,750	36798
CAP-262	Central Campus Renovations	\$	8,442	36799
CAP-263	Swift Rehabilitation	\$	9,667	36800
CAP-264	McMicken Window Replacement	\$	66,882	36801
CAP-265	Rieveschl/Crosley Rehab/Expansion	\$	720,764	36802
CAP-268	800 MHz Radio System	\$	15,000	36803
CAP-270	CAS HVAC Upgrades	\$	4,005	36804
CAP-273	Help Phones	\$	43,754	36805
CAP-278	Structural Biology	\$	59,533	36806
CAP-279	Developmental Neurobiology	\$	500,000	36807
CAP-285	MSB Library Computer Lab Renovation	\$	13,519	36808
CAP-286	CAS Fire Alarm Upgrade	\$	35,273	36809
CAP-287	Classroom Security System	\$	39,827	36810
CAP-290	Mainframe Computing Alliance	\$	16,351	36811
CAP-291	Proteomics in the Post Genome Era	\$	30,860	36812
CAP-292	Nanoscale Hybrid Materials	\$	79,677	36813
CAP-293	Accelerated Maturation of Materials	\$	632	36814
CAP-295	Edwards Corridors Tile	\$	1,178	36815
CAP-304	GRI Building F240 Renovation	\$	5,393	36816
CAP-305	Peters-Jones Building Restroom Upgrade	\$	1,943	36817
CAP-311	Gas Turbine Spray Combustion	\$	150,000	36818
CAP-314	Bridging the Skills Gap	\$	593,912	36819
CAP-317	Gibson House Fire Alarm	\$	16,041	36820
CAP-318	MSb Interim-FM Relocation	\$	14,673	36821
CAP-319	Elevator Cylinder Replacements	\$	36,725	36822
CAP-320	HPB G58 - Network Office Renovation	\$	2,414	36823
CAP-327	Electronic Systems Emulation	\$	60,000	36824
CAP-329	Uptown Consortium Renovations/Turner plc	\$	250,000	36825
CAP-330	Blegen Windows	\$	72,778	36826
CAP-331	West Campus GFCI Lab Upgrades	\$	8,125	36827
CAP-332	Blegen ADA Upgrade	\$	9,973	36828
CAP-334	Lindner Fire Alarm Upgrade	\$	279,138	36829

CAP-335	People Working Cooperatively	\$	100,000	36830
CAP-336	Advanced Oxidation Technologies	\$	62,262	36831
CAP-337	CAS Electrical Upgrades	\$	36,821	36832
CAP-338	Live Tissue Imaging	\$	77,319	36833
CAP-340	Lean Product Development	\$	1,000,000	36834
CAP-341	Clermont Snyder Masonry Restoration	\$	3,950	36835
CAP-345	Proctor Elevator Improvements	\$	279,388	36836
Total University of Cincinnati		\$	15,118,748	36837

BASIC RENOVATIONS 36838

The amount reappropriated for the foregoing appropriation 36839  
item CAP-009, Basic Renovations, is the sum of the unencumbered 36840  
and unallotted balances as of June 30, 2006, in appropriation 36841  
items CAP-009, Basic Renovations; CAP-276, Health Professionals 36842  
Building G44E Renovation; CAP-289, Medical Science Building Data 36843  
Electronic RM Walls; CAP-296, Rieveschl HVAC & Safety Upgrades; 36844  
CAP-322, Condensate Pump/Reheat; and CAP-323, Old Chemistry Window 36845  
Replacement. 36846

ADA MODIFICATIONS 36847

The amount reappropriated for the foregoing appropriation 36848  
item CAP-141, ADA Modifications, is the sum of the unencumbered 36849  
and unallotted balances as of June 30, 2006, in appropriation 36850  
items CAP-141, ADA Modifications and CAP-307, Lindner ADA 36851  
Upgrades. 36852

CLASSROOM/TEACHING LAB RENOVATIONS 36853

The amount reappropriated for the foregoing appropriation 36854  
item CAP-174, Classroom/Teaching Lab Renovations, is the sum of 36855  
the unencumbered and unallotted balances as of June 30, 2006, in 36856  
appropriation items CAP-174, Classroom/Teaching Lab Renovations; 36857  
CAP-201, WC Faculty Media Center; and CAP-228, Medical Science 36858  
Building Level G, 1 & 2 Lab Upgrades. 36859

CRITICAL BUILDING COMPONENT RENOVATIONS 36860

The amount reappropriated for the foregoing appropriation 36861  
item CAP-177, Critical Building Component Renovations, is the sum 36862  
of the unencumbered and unallotted balances as of June 30, 2006, 36863  
in appropriation items CAP-177, Critical Building Component 36864  
Renovations; CAP-188, HPB/Wherry Service Entrances; and CAP-202, 36865  
Baldwin Hall Rehabilitation - Phase 1. 36866

ONE STOP SERVICES CENTER 36867

The amount reappropriated for the foregoing appropriation 36868  
item CAP-206, One Stop Services Center, is the sum of the 36869  
unencumbered and unallotted balances as of June 30, 2006, in 36870  
appropriation items CAP-206, One Stop Services Center, plus 36871  
\$102,568. 36872

Reappropriations

<b>Section 252.40. CLS CLEVELAND STATE UNIVERSITY</b>			36873
CAP-023	Basic Renovations	\$ 5,058,958	36874
CAP-067	17th - 18th Street Block	\$ 222,280	36875
CAP-084	Neighborhood Centers Renovations	\$ 500,000	36876
CAP-088	Asbestos Abatement	\$ 870,077	36877
CAP-092	Handicapped Requirements	\$ 572	36878
CAP-112	Land Acquisitions	\$ 9,264	36879
CAP-114	Geographic Information Systems	\$ 41,067	36880
CAP-125	College of Education Building	\$ 17,235,047	36881
CAP-126	Electrical System Upgrades - Phase 2	\$ 773,658	36882
CAP-127	Fire Alarm System Upgrade	\$ 400,000	36883
CAP-128	Property Acquisition	\$ 1,120,237	36884
CAP-138	Student Services	\$ 59,333	36885
CAP-139	Landscape, Sidewalk Replacement	\$ 5,845	36886
CAP-142	Rhodes Tower Library Roof Replacement	\$ 178,169	36887
CAP-144	Rhodes Tower Plaza Renovation - Phase 2	\$ 690	36888
CAP-148	Cleveland Institute of Art	\$ 1,000,000	36889
CAP-150	Campus Fire Alarm Upgrade	\$ 762,085	36890

CAP-151	Plant Growth Facility	\$	60,000	36891
CAP-152	Rhodes Tower Data Center Relocation	\$	920,131	36892
CAP-153	University Annex-Vacate and Demolition	\$	49,390	36893
CAP-154	Main Classroom Stair Tower & Entry	\$	1,500,000	36894
CAP-157	Child Care Matching Grant	\$	221,987	36895
CAP-158	Utility Upgrade Southwest Campus	\$	473,931	36896
Total Cleveland State University		\$	31,462,721	36897

NEIGHBORHOOD CENTERS RENOVATIONS 36898

The amount reappropriated for the foregoing appropriation 36899  
item CAP-084, Neighborhood Centers Renovations, is the total of 36900  
the unencumbered and unallotted balances, of as June 30, 2006, in 36901  
appropriations items CAP-856, Friendly Inn Settlement House 36902  
Historic Site, and CAP-857, Merrick House Historic Site, in the 36903  
Cultural and Sports Facilities Building Fund (Fund 030). 36904

Of the foregoing appropriation item CAP-084, Neighborhood 36905  
Centers Renovations, \$250,000 shall be used for renovations to the 36906  
Friendly Inn Settlement House and \$250,000 shall be used for 36907  
renovations to the Merrick House. 36908

CLEVELAND INSTITUTE OF ART 36909

The amount reappropriated for the foregoing appropriation 36910  
item CAP-148, Cleveland Institute of Art, is the unencumbered and 36911  
unallotted balance, as of June 30, 2006, in appropriation item 36912  
CAP-069, Cleveland Institute of Art, in the Cultural and Sports 36913  
Facilities Building Fund (Fund 030). 36914

Reappropriations

**Section 252.50. KSU KENT STATE UNIVERSITY 36915**

CAP-022	Basic Renovations	\$	4,092,258	36916
CAP-098	Trumbull Branch Addition	\$	13,972	36917
CAP-105	Basic Renovations - East Liverpool	\$	234,847	36918
CAP-106	Basic Renovations - Geauga	\$	45,607	36919

CAP-107	Basic Renovations - Salem	\$	126,662	36920
CAP-108	Basic Renovations - Stark	\$	325,358	36921
CAP-110	Basic Renovations - Ashtabula	\$	426,827	36922
CAP-111	Basic Renovations - Trumbull	\$	613,808	36923
CAP-112	Basic Renovations - Tuscarawas	\$	171,699	36924
CAP-122	Faculty Office Addition - Salem	\$	12,072	36925
CAP-126	HVAC Renovations - Ashtabula	\$	5,545	36926
CAP-128	Roof Renovations - Ashtabula	\$	1,435	36927
CAP-137	LCI/Materials Science Building	\$	6,025	36928
CAP-140	Road Improvements - Trumbull	\$	12,282	36929
CAP-143	Liquid Crystals	\$	114,319	36930
CAP-144	Instruction and Data Processing Equipment	\$	1,994,905	36931
CAP-154	Separation Science	\$	1,497	36932
CAP-156	Boiler Plant Controls and Building Alterations	\$	6,738	36933
CAP-159	Electrical Substation/Fiber Optic Network	\$	6,526	36934
CAP-162	Science and Technology Building - Trumbull	\$	125,374	36935
CAP-164	ADA Modifications - Ashtabula	\$	6,772	36936
CAP-167	ADA Modifications - Salem	\$	5,312	36937
CAP-173	Child Care Facility	\$	18,650	36938
CAP-176	Midway Drive Utilities Tunnel - II	\$	1,522	36939
CAP-184	Distributed Computation/Visualization	\$	33,833	36940
CAP-188	Child Care Funds - East Liverpool	\$	90,000	36941
CAP-189	Child Care Funds - Tuscarawas	\$	19,847	36942
CAP-190	Child Care Funds - Ashtabula	\$	12,500	36943
CAP-194	Child Care - Salem	\$	100,000	36944
CAP-195	Child Care - Geauga	\$	20,666	36945
CAP-196	Technology Improvements - Ashtabula	\$	216,911	36946
CAP-198	Technology Improvements - Salem	\$	5,648	36947
CAP-199	Technology Improvements - Trumbull	\$	69,205	36948

CAP-200	Technology Improvements - Tuscarawas	\$	18,638	36949
CAP-206	Child Care Facility	\$	2,637	36950
CAP-207	Kent Hall Planning and Addition	\$	156,000	36951
CAP-210	Rooftop Air Handler	\$	600	36952
CAP-212	Technology Building and Parking	\$	2,406,053	36953
CAP-220	Campus Steam System Evaluation & Upgrade	\$	58,034	36954
CAP-226	GIS Technology	\$	1,637	36955
CAP-227	3D Microscopy Imaging	\$	81,194	36956
CAP-228	Exterior Site Improvements	\$	2,159	36957
CAP-232	Ohio NMR Consortium	\$	80,800	36958
CAP-233	Environmental Technology Consortium	\$	56,850	36959
CAP-234	Terrace Drive Heating Plant Rehabilitation I	\$	12,161	36960
CAP-235	Rehabilitation of Franklin Hall - Planning	\$	11,887,383	36961
CAP-237	Classroom Building Interior Renovation - Tuscarawas	\$	21,923	36962
CAP-239	Classroom Building Roof, Coping, Fascia Restoration	\$	581,919	36963
CAP-241	Main Hall Selective Interior Renovations - Phase 1	\$	1,338	36964
CAP-243	Classroom Building Interior Renovations - East Liverpool	\$	113,456	36965
CAP-246	Tuscarawas Wing C Penthouse Roof Replacement	\$	83,560	36966
CAP-248	Mary Patterson Building Boiler Replacement	\$	3,473	36967
CAP-252	Ohio Organic Semiconductor	\$	73,412	36968
CAP-254	Theoretical Liquid Crystal Physics	\$	500,000	36969
CAP-255	Music & Speech - HVAC/Chiller Replacement	\$	27,264	36970
CAP-256	Stockdale Electrical System Upgrade	\$	814	36971
CAP-258	Business Administration Air Handling	\$	8,687	36972

	Unit and Roof Replacement			
CAP-260	Land Acquisitions & Improvements - East	\$	638,419	36973
	Liverpool			
CAP-261	Addition/Renovation Classrooms - Geauga	\$	246,878	36974
CAP-262	Gym Renovation Planning - Salem	\$	490,213	36975
CAP-265	Science Lab Addition - Trumbull	\$	991,786	36976
CAP-266	Fine & Performing Arts Center -	\$	844,655	36977
	Tuscarawas			
CAP-267	Columbiana County Port Authority	\$	13,125	36978
CAP-268	Canton Convention Center	\$	735,000	36979
CAP-269	Blossom Music Center	\$	2,512,500	36980
CAP-270	Geauga Science Laboratories	\$	36,880	36981
	Total Kent State University	\$	31,628,070	36982

REHABILITATION OF FRANKLIN HALL 36983

The amount reappropriated for the foregoing appropriation 36984  
item CAP-235, Rehabilitation of Franklin Hall - Planning, is the 36985  
unencumbered and unallotted balance as of June 30, 2006, 36986  
appropriation item CAP-235, Rehabilitation of Franklin Hall - 36987  
Planning, plus \$38,917. 36988

Reappropriations

**Section 252.60. MUN MIAMI UNIVERSITY 36989**

CAP-018	Basic Renovations	\$	4,616,362	36990
CAP-066	Basic Renovations - Hamilton	\$	514,779	36991
CAP-069	Basic Renovations - Middletown	\$	683,071	36992
CAP-081	Cooperative Regional Library Depository	\$	2,546	36993
	SW			
CAP-083	Campus Avenue Building Renovation	\$	26,794	36994
CAP-085	Alumni Hall Rehabilitation - Phase I	\$	972	36995
CAP-088	Hoyt Hall Rehabilitation	\$	7,339	36996
CAP-089	High Voltage Electric	\$	351,155	36997
CAP-096	McGuffey Hall Rehabilitation	\$	52,271	36998

CAP-098	Computer Network Installation	\$	17,589	36999
CAP-099	King Library Rehabilitation	\$	1,865	37000
CAP-103	ADA Modifications - Middletown	\$	2,798	37001
CAP-105	Plant Response/Environmental Stress	\$	72,641	37002
CAP-109	Molecular Microbial Biology	\$	67,500	37003
CAP-110	Micromachining Technology	\$	507,540	37004
CAP-112	Chilled Water Loop Phase I - Hamilton	\$	5,954	37005
CAP-113	Special Academic/Administrative Projects - Hamilton	\$	663,199	37006
CAP-115	Special Academic/Administrative Projects - Middletown	\$	735,287	37007
CAP-121	Southwestern Book Depository	\$	150,820	37008
CAP-123	Phillips Hall Rehabilitation	\$	127,297	37009
CAP-127	Campus Steam Distribution - Phase I	\$	1,820,046	37010
CAP-130	MacMillan Rehabilitation/Multicultural Center	\$	1,500	37011
CAP-131	Miami University Learning Center	\$	1,001,515	37012
CAP-132	Mass Spectrum Consortium	\$	14,590	37013
CAP-143	Warfield Hall Rehabilitation	\$	61,104	37014
CAP-145	Campus Chilled Water Efficiency	\$	816,587	37015
CAP-146	Information Technology System Upgrade	\$	1,363,490	37016
CAP-149	Parrish Auditorium Rehabilitation	\$	625,000	37017
CAP-155	Protein Solution Structural Analysis	\$	500,000	37018
CAP-156	Terahertz Spectroscopy System	\$	100,000	37019
CAP-157	Presser Hall Rehabilitation	\$	3,015,740	37020
CAP-159	DNA Sequencing	\$	93,552	37021
Total Miami University		\$	18,020,903	37022

BASIC RENOVATIONS 37023

The amount reappropriated for the foregoing appropriation 37024  
item CAP-018, Basic Renovations, is the sum of the unencumbered 37025  
and unallotted balances as of June 30, 2006, in appropriation 37026  
items CAP-018, Basic Renovations; CAP-111, Roudebush Hall 37027

Rehabilitation; and CAP-117, North Campus Refrigeration/Chilled	37028
Water.	37029

Reappropriations

<b>Section 252.70. OSU OHIO STATE UNIVERSITY</b>		37030
CAP-074 Basic Renovations	\$ 19,255,664	37031
CAP-149 Basic Renovations - Regional Campuses	\$ 2,083,163	37032
CAP-198 Brown Hall Annex Replacement	\$ 6,213	37033
CAP-254 Basic Renovations - ATI	\$ 127,444	37034
CAP-255 Supplemental Renovations - OARDC	\$ 2,826,343	37035
CAP-256 Supplemental Renovations - Regional	\$ 191,955	37036
CAP-258 Dreese Lab Addition	\$ 12,340	37037
CAP-261 Bioscience/Parks Hall Addition	\$ 12,584	37038
CAP-269 Greenhouse Modernization	\$ 40,982	37039
CAP-271 Horticulture/Entomology Greenhouse - OARDC	\$ 15,344	37040
CAP-292 Life Sciences Research Building	\$ 202,898	37041
CAP-302 Food Science & Technology Building	\$ 89,990	37042
CAP-306 Heart & Lung Institute	\$ 32,437	37043
CAP-311 Superconducting Radiation	\$ 65,094	37044
CAP-313 Brain Tumor Research Center	\$ 6,001	37045
CAP-314 Engineering Center Net Shape Manufacturing	\$ 20,730	37046
CAP-315 Membrane Protein Typology	\$ 8,835	37047
CAP-316 Instructional and Data Processing Equipment	\$ 198,844	37048
CAP-321 Fine Particle Technologies	\$ 157,936	37049
CAP-323 Advanced Plasma Engineering	\$ 22,379	37050
CAP-324 Plasma Ramparts	\$ 1,150	37051
CAP-326 IN-SITU AL-BE Composites	\$ 1,733	37052
CAP-335 Jay Cooke Residence - Roof and Windows	\$ 86,668	37053
CAP-347 Asbestos Abatement	\$ 5,325	37054
CAP-349 Materials Network	\$ 91,983	37055

CAP-350	Bio-Technology Consortium	\$	42,378	37056
CAP-352	Analytical Electron Microscope	\$	375,000	37057
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	37058
CAP-357	Supplemental Renovations - ATI	\$	33,969	37059
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	37060
CAP-362	McPherson Lab Rehabilitation	\$	10,278	37061
CAP-368	Heart and Lung Institute	\$	101,808	37062
CAP-374	ADA Modifications	\$	178,870	37063
CAP-375	ADA Modifications - ATI	\$	41,936	37064
CAP-376	ADA Modifications - Lima	\$	95,538	37065
CAP-377	ADA Modifications - Mansfield	\$	15,253	37066
CAP-387	Titanium Alloys	\$	54,912	37067
CAP-394	ATI/OARDC Roof Replacements	\$	13,913	37068
CAP-398	Advanced Manufacturing	\$	38,579	37069
CAP-399	Manufacturing Processes/Materials	\$	62,574	37070
CAP-401	Terhertz Studies	\$	35,294	37071
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	37072
CAP-413	Pomerene Lighting/Wiring	\$	249,584	37073
CAP-419	NMR Consortium	\$	75,116	37074
CAP-420	Versatile Film Facility	\$	62,872	37075
CAP-421	OCARNET	\$	5,916	37076
CAP-422	Bioprocessing Research	\$	1,905	37077
CAP-423	Localized Corrosion Research	\$	6,128	37078
CAP-424	ATM Testbed	\$	3,633	37079
CAP-425	Physical Sciences Building	\$	27,748	37080
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	1,347,191	37081
CAP-431	Sisson Hall Replacement	\$	5,571	37082
CAP-436	Machinery Acoustics	\$	3,804	37083
CAP-439	Sensors and Measurements	\$	15,115	37084
CAP-440	Polymer Magnets	\$	1,099	37085
CAP-458	Al Alloy Corrosion	\$	14,292	37086

CAP-484	Page Hall Planning	\$	7,210	37087
CAP-485	Botany & Zoology Building Planning	\$	207,932	37088
CAP-486	Larkins Hall Addition/Renovation Planning	\$	26,206	37089
CAP-487	Robinson Laboratory Planning	\$	149,100	37090
CAP-488	Don Scott Field Replacement Barns	\$	1,495,619	37091
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	37092
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	37093
CAP-492	OARDC Feed Mill	\$	5,598,644	37094
CAP-499	Biological Sciences Cooling Tower	\$	6,930	37095
CAP-509	Mount Hall HVAC Modifications	\$	40,982	37096
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	37097
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	37098
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	193,886	37099
CAP-524	Bone & Mineral Metabolism Research Lab	\$	5,845	37100
CAP-531	Animal & Plant Biology Level 3	\$	8,133,780	37101
CAP-534	Main Library Rehabilitation	\$	9,320,846	37102
CAP-535	Psychology Building	\$	2,128,529	37103
CAP-536	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	199,799	37104
CAP-539	Nanosecond Infrared Measurement	\$	2,588	37105
CAP-550	Millimeter/Submillimeter Instrument	\$	5,919	37106
CAP-552	X-Ray Powder Diffractometer	\$	558	37107
CAP-554	Deconvolution Microscope	\$	1,101	37108
CAP-556	Heart/Lung Institute Animal Facility	\$	13,140	37109
CAP-564	Denney Hall Renovation - Phase I	\$	18,495	37110
CAP-565	Ion Mass Spectrometry	\$	6,594	37111
CAP-568	Role of Molecular Interfaces	\$	17,554	37112
CAP-572	New Millimeter Spectrometer	\$	714	37113

CAP-574	Noncredit Job Training - Marion	\$	2,933	37114
CAP-576	1224 Kinnear Road - Bale	\$	11,722	37115
CAP-577	Non-Silicon Micromachining	\$	73,991	37116
CAP-579	Veterinary Hospital Auditorium Renovation	\$	7,736	37117
CAP-586	Electroscience Lab Renovation	\$	5,853	37118
CAP-587	OARDC Boiler Replacement	\$	622,757	37119
CAP-590	Supercomputer Center Expansion	\$	6,804,275	37120
CAP-596	Information Literacy	\$	135,574	37121
CAP-597	Online Business Major	\$	5,768	37122
CAP-599	Renovation of Graves Hall	\$	68,196	37123
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	37124
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	111,981	37125
CAP-608	Dual Beam Characterization	\$	150,000	37126
CAP-616	Environmental Technology Consortium	\$	11,297	37127
CAP-617	Campbell, University, and Evans Hall	\$	87,439	37128
CAP-620	School of Music - Planning	\$	1,500	37129
CAP-622	Western Branch Headquarters & Machinery Building	\$	779,525	37130
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	756,336	37131
CAP-625	Hazardous Waste Handling/Storage Building	\$	1,103,062	37132
CAP-626	Agriculture/Engineering Building Renovation & Addition	\$	200,000	37133
CAP-628	Wood County Center for Agriculture	\$	1,000,000	37134
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	37135
CAP-631	Health Psychology	\$	250,000	37136
CAP-632	Nanotechnology Molecular Assembly	\$	500,000	37137
CAP-633	Networking and Communication	\$	500,000	37138
CAP-634	Planetary Gear	\$	125,000	37139
CAP-635	X-Ray Fluorescence Spectrometer	\$	2,283	37140
CAP-636	Precision Navigation	\$	85,000	37141

CAP-637	Welding & Metal Working	\$	200,000	37142
CAP-638	Spin Driven Electronics	\$	6,436	37143
CAP-639	Inductively Coupled Plasma Etching	\$	126,729	37144
CAP-641	Accelerated Metals	\$	1,020,331	37145
CAP-642	Mathematical Biosciences Institute	\$	54,863	37146
CAP-646	Mershon Auditorium HVAC System Improvements	\$	2,098	37147
CAP-647	Molecular Microdevices	\$	14,033	37148
CAP-648	Research Center HVAC System Improvements	\$	17,088	37149
CAP-649	Infrared Absorption Measurements	\$	2,899	37150
CAP-650	Dark Fiber	\$	3,983,440	37151
CAP-651	Shared Data Backup System	\$	20,922	37152
CAP-653	Third Frontier Network Testbed	\$	280,564	37153
CAP-654	Distributed Learning Workshop	\$	270,000	37154
CAP-656	Accelerated Maturation of Materials	\$	209,702	37155
CAP-657	Nanoscale Polymers Manufacturing	\$	629,699	37156
CAP-658	Hydrogen Production and Storage	\$	32,396	37157
CAP-659	Ohio Organic Semiconductor	\$	367,587	37158
CAP-663	Comprehensive Cancer - Chiller Replacement	\$	42,687	37159
CAP-664	Kottman Hall - 103 Central Classroom	\$	19,285	37160
CAP-668	West Campus Chilled Water & Scott Hall	\$	16,139	37161
CAP-669	McCracken Power Plant Spill Control	\$	268,508	37162
CAP-670	Glacial Assessment	\$	22,764	37163
CAP-672	Chemical Vapor Deposition	\$	13,500	37164
CAP-674	Parks Hall Chiller Replacement	\$	135,360	37165
CAP-675	Hybrid Electric Vehicle Modeling	\$	504,536	37166
CAP-676	Computational Nanotechnology	\$	500,000	37167
CAP-677	Townshend Hall - Roof Replacement	\$	328,772	37168
CAP-678	Center For Materials Design	\$	1,037	37169
CAP-681	Vet Hospital Roof Replacement Phase II	\$	85,645	37170
CAP-682	Hopkins Hall Phase II Priorities I, II	\$	108,052	37171
CAP-683	Bioscience 6th Floor Renovation -	\$	983,186	37172

	Priority			
CAP-684	Ohio Commons For Digital Education	\$	118,924	37173
CAP-685	Postle Hall Fire Alarm Replacement	\$	116,441	37174
CAP-686	NonCredit Job Education & Training	\$	21,104	37175
CAP-687	Campus South Dorms	\$	950,000	37176
	Renovation/Improvements			
CAP-688	Bricker Hall Roof Replacement	\$	23,123	37177
CAP-694	Neuroscience Center Core	\$	193,991	37178
CAP-696	Campus Grounds-Exterior Lighting - Phase	\$	33,814	37179
	VIII			
CAP-697	930 Kinnear Road Renovations	\$	773,303	37180
CAP-698	Waterman Lab & Don Scott Field	\$	652,752	37181
CAP-699	Lincoln Tower Renovations - Phase 1	\$	477,626	37182
CAP-700	Coe Corrosion Coop	\$	58,750	37183
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	37184
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	37185
CAP-704	Warner Library and Student Center	\$	1,789,324	37186
CAP-705	Hopewell Hall Science Suite	\$	508,408	37187
CAP-706	Atomic Force Microscopy	\$	180,000	37188
CAP-707	Interactive Applications	\$	463,018	37189
CAP-712	OSU Mansfield - Third Street Project	\$	234,000	37190
CAP-714	Health Psychology	\$	150,000	37191
CAP-716	Ohio Bioproducts Innovation Center	\$	9,689,847	37192
CAP-717	Center for Materials Design	\$	602,615	37193
CAP-718	Specialized Planetary Gears	\$	150,000	37194
CAP-719	OSU Agricultural Building	\$	1,500,000	37195
CAP-720	Automated Afm System	\$	180,000	37196
CAP-721	Integrated Wireless Communication	\$	141,000	37197
Total Ohio State University		\$	105,955,671	37198
	BASIC RENOVATIONS			37199
	The amount reappropriated for the foregoing appropriation			37200
	item CAP-074, Basic Renovations, is the sum of the unencumbered			37201

and unallotted balance as of June 30, 2006, in appropriation item			37202
CAP-074, Basic Renovations, plus \$6,927.			37203
OARDC THORNE & GOURLEY HALL			37204
The amount reappropriated for the foregoing appropriation			37205
item CAP-274, OARDC Thorne & Gourley Hall shall be \$1,007.			37206
WOOD COUNTY CENTER FOR AGRICULTURE			37207
Of the foregoing appropriation item CAP-628, Wood County			37208
Center for Agriculture, up to \$300,000 shall be used for building			37209
renovations to the OSU Extension Office/Ag Business Enhancement			37210
Center.			37211
		Reappropriations	
<b>Section 252.80. OHU OHIO UNIVERSITY</b>			37212
CAP-020 Basic Renovations	\$	3,869,311	37213
CAP-021 Conservancy District Assessment	\$	8,807	37214
CAP-086 Memorial Auditorium Rehabilitation	\$	10,033	37215
CAP-095 Basic Renovations - Eastern	\$	492,525	37216
CAP-099 Basic Renovations - Zanesville	\$	164,438	37217
CAP-113 Basic Renovations - Chillicothe	\$	393,668	37218
CAP-114 Basic Renovations - Ironton	\$	209,359	37219
CAP-115 Bennett Hall HVAC/Lab - Chillicothe	\$	214,952	37220
CAP-117 Porter Hall Rehabilitation	\$	26,531	37221
CAP-119 Biomedical Research Center	\$	10,120	37222
CAP-120 Ridges Auditorium Rehabilitation	\$	1,177	37223
CAP-136 Gymnasium Development - Eastern	\$	89,067	37224
CAP-141 College of Health and Human Services	\$	8,693	37225
CAP-142 Health Professions Labs - Phase I	\$	66,354	37226
CAP-145 Asbestos Abatement	\$	5,094	37227
CAP-148 RTVC Building Asbestos Abatement	\$	1,037	37228
CAP-152 Gordy Hall Addition and Rehabilitation	\$	940	37229
CAP-155 Brasee Hall Rehabilitation - Lancaster	\$	73,635	37230

CAP-157	ADA Modifications	\$	13,425	37231
CAP-160	ADA Modifications - Ironton	\$	9,113	37232
CAP-161	ADA Modifications - Lancaster	\$	20,345	37233
CAP-164	Southeast Library Warehouse	\$	85,367	37234
CAP-172	Elson Hall Rehabilitation - Zanesville	\$	359,572	37235
CAP-183	Central Classroom Building	\$	36,595	37236
CAP-186	Ellis Hall Partial Renovation	\$	7,080	37237
CAP-189	Conference Center Planning - Lancaster	\$	500,358	37238
CAP-190	Center for Public Policy	\$	29,589	37239
CAP-191	District Water Cooling	\$	17,030	37240
CAP-192	Plant and Microbe Functional Genomics	\$	38,358	37241
	Facilities			
CAP-200	Building Acquisition/Renovation - Eastern	\$	373,182	37242
CAP-202	Putnam Hall Rehabilitation	\$	3,507	37243
CAP-206	Human Resources Training Center	\$	1,116	37244
CAP-208	Student Services	\$	15,278	37245
CAP-209	Creativity Through Technology	\$	147,891	37246
CAP-212	Exterior Site Improvement	\$	23,436	37247
CAP-213	Daycare Center	\$	447,950	37248
CAP-214	Science/Fine Arts Renovation - Phase 2	\$	874,713	37249
CAP-215	Land-Use Plan/Future Development	\$	5,100	37250
CAP-219	Mainframe Computing Alliance	\$	10,000	37251
CAP-221	Tunnel 5 Rehabilitation	\$	68,344	37252
CAP-222	Clippinger Lab Planning	\$	112,709	37253
CAP-223	Alden Library Planning	\$	150,000	37254
CAP-224	University Center Replacement	\$	113,900	37255
CAP-225	Lausche Heating Plant	\$	1,580,338	37256
CAP-226	New Grounds Maintenance Building	\$	259,064	37257
CAP-227	Chillicothe Parking & Roadway	\$	480,000	37258
CAP-228	Shoemaker Center Air Conditioning	\$	271,000	37259
CAP-230	Kettering Medical Center - Nixon	\$	450,000	37260
CAP-232	Child Care Matching Grant	\$	221,987	37261
	Total Ohio University	\$	12,372,088	37262

BASIC RENOVATIONS	37263
The amount reappropriated for the foregoing appropriation	37264
item CAP-020, Basic Renovations, is the sum of the unencumbered	37265
and unallotted balance as of June 30, 2006, in appropriation item	37266
CAP-020, Basic Renovations, plus \$25,204.	37267
HEALTH PROFESSIONAL LABS - PHASE 1	37268
The amount reappropriated for the foregoing appropriation	37269
item CAP-142, Health Professions Labs - Phase 1, is the sum of the	37270
unencumbered and unallotted balance as of June 30, 2006, in	37271
appropriation item CAP-142, Health Professions LABS - Phase 1,	37272
plus \$33,046.	37273
GORDY HALL ADDITION & REHABILITATION	37274
The amount reappropriated for the foregoing appropriation	37275
item CAP-152, Gordy Hall Addition & Rehabilitation, is the sum of	37276
the unencumbered and unallotted balance as of June 30, 2006, in	37277
appropriation item CAP-152, Gordy Hall Addition & Rehabilitation,	37278
plus \$12,650.	37279
CENTER FOR PUBLIC POLICY	37280
The amount reappropriated for the foregoing appropriation	37281
item CAP-190, Center for Public Policy, is the sum of the	37282
unencumbered and unallotted balance as of June 30, 2006, in	37283
appropriation item CAP-190, Center for Public Policy, plus \$3,255.	37284
PUTNAM HALL REHABILITATION	37285
The amount reappropriated for the foregoing appropriation	37286
item CAP-202, Putnam Hall Rehabilitation, is the sum of the	37287
unencumbered and unallotted balance as of June 30, 2006, in	37288
appropriation item CAP-202, Putnam Hall Rehabilitation, plus	37289
\$5,482.	37290

Reappropriations

<b>Section 252.90. SSC SHAWNEE STATE UNIVERSITY</b>			37291
CAP-004	Basic Renovations	\$ 612,759	37292
CAP-008	Massie Hall Renovation	\$ 33,186	37293
CAP-010	Land Acquisition	\$ 56,267	37294
CAP-016	Library Building	\$ 10,777	37295
CAP-017	Math/Science Building	\$ 10,065	37296
CAP-029	Fine Arts Class and Lab Building	\$ 108,704	37297
CAP-030	Utilities and Landscaping	\$ 4,679	37298
CAP-037	ADA Modifications	\$ 53,188	37299
CAP-039	Central Heating Plant Replacement	\$ 7,665	37300
CAP-040	Chiller Replacement	\$ 12,054	37301
CAP-041	Kricker Hall Renovation	\$ 1,932	37302
CAP-042	Sidewalk/Plaza Replacement	\$ 250,276	37303
CAP-043	Communication/Data Upgrade	\$ 23,079	37304
CAP-044	Land Acquisition	\$ 571,511	37305
CAP-045	Rehabilitation of Health Sciences Building - Phase I	\$ 122,189	37306
CAP-046	Digital Infrastructure	\$ 55,803	37307
CAP-047	Natatorium Rehabilitation	\$ 21,987	37308
CAP-048	Facilities Building Renovation	\$ 223,120	37309
CAP-051	Rhodes Center Rehabilitation	\$ 1,315,586	37310
Total Shawnee State University		\$ 3,494,827	37311
LAND ACQUISITION			37312
The amount reappropriated for the foregoing appropriation			37313
item CAP-010, Land Acquisition, is the sum of the unencumbered and			37314
unallotted balance as of June 30, 2006, in appropriation item			37315
CAP-010, Land Acquisition, plus \$1,150.			37316
PLAZA/ROAD/LANDSCAPING			37317
The amount reappropriated for the foregoing appropriation			37318
item CAP-035, Plaza/Road/Landscaping, shall be \$24,522.			37319

Reappropriations

<b>Section 253.10. UTO UNIVERSITY OF TOLEDO</b>			37320
CAP-010	Basic Renovations	\$ 6,069,480	37321
CAP-073	ADA Modifications	\$ 2,434	37322
CAP-077	Tribology	\$ 192,296	37323
CAP-083	Bowman-Oddy Rehabilitation - Phase 2	\$ 32,196	37324
CAP-091	Greenhouse Improvements	\$ 11,675	37325
CAP-094	Plant Operations Renovation	\$ 450,000	37326
CAP-096	Health & Human Services Rehabilitation - Phase I	\$ 327,288	37327
CAP-105	Gillham Hall Rehabilitation	\$ 2,999,373	37328
CAP-109	Student Services	\$ 70,929	37329
CAP-110	Distributed Learning Courses	\$ 858	37330
CAP-112	Campus Signage Improvements	\$ 185,572	37331
CAP-115	Palmer Hall - 3rd Floor Classroom Renovations	\$ 4,879	37332
CAP-116	Bowman-Oddy-North Wing Renovations	\$ 695,909	37333
CAP-121	Emergency Phone System Upgrades	\$ 29,895	37334
CAP-122	Bowman-Oddy Instructional Labs	\$ 1,080,000	37335
CAP-125	University Computer Center Roof Replacement	\$ 19,000	37336
CAP-126	Health & Human Services South Roof Replacement	\$ 11,481	37337
CAP-127	Westwood Building Rehabilitation	\$ 4,107,000	37338
CAP-128	Rocket Hall Renovation	\$ 813,000	37339
CAP-129	Science - Lab Building	\$ 3,006,304	37340
CAP-130	Rehabilitate/Expand Classroom Building	\$ 2,200,000	37341
Total University of Toledo		\$ 22,309,569	37342
HEALTH AND HUMAN SERVICES REHABILITATION - PHASE I			37343
The amount reappropriated for the foregoing appropriation			37344
item CAP-096, Health & Human Services Rehabilitation - Phase I, is			37345
the sum of the unencumbered and unallotted balance as of June 30,			37346
2006, in appropriation item CAP-096, Health & Human Services			37347

Rehabilitation - Phase I, plus \$19,808.11. 37348

Reappropriations

<b>Section 253.20. WSU WRIGHT STATE UNIVERSITY</b>			37349
CAP-015	Basic Renovations	\$ 2,646,778	37350
CAP-064	Basic Renovations - Lake	\$ 98,582	37351
CAP-080	Library Access Consolidation System	\$ 4,400,080	37352
CAP-093	Information Technology Center	\$ 23,860	37353
CAP-102	Specialized Communication	\$ 7,791	37354
CAP-114	Environmental Technology Consortium	\$ 6,298	37355
CAP-116	Rike Hall Renovation - Planning	\$ 2,200,000	37356
CAP-117	Electrical Infrastructure - Phase 1	\$ 305,296	37357
CAP-119	Science Lab Renovations - Planning	\$ 5,898,819	37358
CAP-120	Lake Campus University Center	\$ 2,007,909	37359
CAP-122	Accelerated Maturation of Materials	\$ 26,621	37360
CAP-124	Video Analysis Content Extraction	\$ 81,834	37361
CAP-127	Rehabilitate Festival Playhouse	\$ 440,000	37362
CAP-128	Glenn Helen Preserve Eco Art Classroom	\$ 25,000	37363
CAP-130	Creative Arts HVAC Upgrade	\$ 5,300	37364
CAP-131	Advanced Data Manager	\$ 250,000	37365
CAP-132	Montgomery County Port Authority	\$ 1,000,000	37366
Total Wright State University			\$ 19,424,168 37367

BASIC RENOVATIONS 37368

The amount reappropriated for the foregoing appropriation 37369  
 item CAP-015, Basic Renovations, is the sum of the unencumbered 37370  
 and unallotted balance as of June 30, 2006, in appropriation items 37371  
 CAP-015, Basic Renovations; and CAP-071, New Academic Building. 37372

LIBRARY ACCESS CONSOLIDATION SYSTEM 37373

The amount reappropriated for the foregoing appropriation 37374  
 item CAP-080, Library Access Consolidation System, is the sum of 37375  
 the unencumbered and unallotted balance as of June 30, 2006, in 37376

appropriation item CAP-080, Library Access Consolidation System, 37377  
 plus \$81,413. 37378

Reappropriations

<b>Section 253.30. YSU YOUNGSTOWN STATE UNIVERSITY</b>			37379
CAP-014	Basic Renovations	\$ 2,921,385	37380
CAP-066	Asbestos Abatement	\$ 48,154	37381
CAP-099	Todd Hall Renovations	\$ 146,979	37382
CAP-108	Electronic Campus Infrastructure/Technology	\$ 2,722	37383
CAP-112	Beeghly Center Rehabilitation	\$ 13,429	37384
CAP-113	Campus Development	\$ 1,430,337	37385
CAP-114	Chiller and Steamline Replacement - Phase 3	\$ 92,003	37386
CAP-117	Ward Beecher/HVAC Upgrade	\$ 133,987	37387
CAP-124	Classroom Updates	\$ 155,948	37388
CAP-125	Campus - Wide Building System Upgrades	\$ 858,349	37389
CAP-126	Technology Upgrades	\$ 962,153	37390
CAP-130	Residential Technology Integration	\$ 34,072	37391
CAP-131	Masonry Restoration	\$ 111,580	37392
CAP-132	Youngstown Convocation Center	\$ 2,000,000	37393
Total Youngstown State University			\$ 8,911,098 37394

BASIC RENOVATIONS 37395

The amount reappropriated for the foregoing appropriation 37396  
 item CAP-014, Basic Renovations, is the sum of the unencumbered 37397  
 and unallotted balance as of June 30, 2006, in appropriation item 37398  
 CAP-014, Basic Renovations, plus \$33,680. 37399

Reappropriations

<b>Section 253.40. MCO MEDICAL UNIVERSITY OF OHIO</b>			37400
CAP-049	Center for Classrooms of the Future	\$ 5,169	37401
CAP-053	ADA Modifications	\$ 1,531	37402

CAP-062	Waterproofing	\$	3,381	37403
CAP-066	Core Research Facility	\$	3,739,440	37404
CAP-076	Supplemental Renovations	\$	990,789	37405
CAP-078	Clinical Academic Renovation	\$	536,150	37406
CAP-080	2005 Campus Waterproof/Roof Replacements	\$	3,834	37407
Total Medical University of Ohio		\$	5,280,294	37408

Reappropriations

<b>Section 253.50. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF</b>				37410
MEDICINE				37411
CAP-018	Basic Renovations	\$	407,517	37412
CAP-022	Cooperating Regional Library Depository	\$	452,200	37413
CAP-042	Outdoor Athletic Facilities	\$	15,450	37414
CAP-048	Rehabilitation of Multidisciplinary Labs	\$	1,346,879	37415
CAP-049	Renovation of Liebelt and Olson Halls	\$	34,325	37416
Total Northeastern Ohio Universities College of Medicine		\$	2,256,371	37417

REHAB OF MULTIDISCIPLINARY LABS 37418

The amount reappropriated for the foregoing appropriation 37419  
item CAP-048, Rehabilitation of Multidisciplinary Labs, is the sum 37420  
of the unencumbered and unallotted balances as of June 30, 2006, 37421  
in appropriation items CAP-048, Rehabilitation of 37422  
Multidisciplinary Labs and CAP-034, ADA Modifications, plus \$928. 37423

Reappropriations

<b>Section 253.60. CWR CASE WESTERN RESERVE UNIVERSITY</b>				37424
CAP-005	Northeast Ohio Biomedical Research Consortium	\$	33,750	37425
CAP-013	Ohio MEMSnet	\$	17,579	37426
CAP-016	Ohio Pharmacological Sciences Consortium	\$	9,892	37427
CAP-022	Developing and Improving Institutional Animal Resources	\$	64,144	37428

CAP-028	Ohio MicroMD: The Ohio BioMEMS Consortium on Medical Therapeutic Microdevices	\$	11,002	37429
CAP-029	Consortium for Novel Microfabrication Methods of Mesoscale Devices in Non-Silicon Materials	\$	10,612	37430
CAP-031	Research in Propulsion Systems for Future Vehicles	\$	31,738	37431
CAP-032	Center for Fire & Explosion Science & Technology	\$	32,749	37432
CAP-036	Ohio Eminent Scholar for Fuel Cells	\$	105,000	37433
CAP-039	Ohio Organic Semiconductor Consortium	\$	67,749	37434
CAP-042	Nanoscale Hybrid Materials: Novel Synthesis, Characterization and Applications	\$	1,080	37435
CAP-043	Ohio Organic Semiconductor Consortium	\$	500	37436
CAP-044	Stem Cell and Regenerative Medicine	\$	500,000	37437
CAP-047	Condensed Matter Physics	\$	500,000	37438
CAP-048	Center for Chemical Dynamics	\$	159,076	37439
	Total Case Western Reserve University	\$	1,544,871	37440

Reappropriations

	<b>Section 253.70. CTC CINCINNATI STATE TECHNICAL AND COMMUNITY COLLEGE</b>			37442
				37443
CAP-008	Interior Renovations	\$	2,258	37444
CAP-013	Basic Renovations	\$	1,161,143	37445
CAP-016	Health Professions Building Planning	\$	1,468	37446
CAP-017	Instructional and Data Processing Equipment	\$	361,277	37447
CAP-030	Student Life/Education Building	\$	2,865,422	37448
CAP-032	Child Care Facility	\$	63,235	37449
CAP-035	Install Kiosks	\$	150,450	37450
CAP-037	Classroom Technology Enhancements	\$	792,372	37451



unencumbered and unallotted balances as of June 30, 2006, in 37481  
 appropriation items CAP-043, Building "E" Planning, and CAP-037, 37482  
 Academic Center "C." 37483

Reappropriations

<b>Section 254.10. CCC CUYAHOGA COMMUNITY COLLEGE</b>			37484
CAP-031	Basic Renovations	\$ 2,907,779	37485
CAP-064	Technology Learning Center - Western	\$ 43,096	37486
CAP-073	Noncredit Job Training	\$ 7,177	37487
CAP-076	Distance Learning	\$ 139,287	37488
CAP-079	Cleveland Art Museum - Improvements	\$ 3,000,000	37489
CAP-084	Literacy Initiative	\$ 202,020	37490
CAP-090	Building A Expansion Module - Western	\$ 5,689,241	37491
CAP-093	Corporate College East	\$ 57,750	37492
CAP-094	College-Wide Wayfinding Signage System	\$ 1,067,510	37493
CAP-095	College-Wide Asset Protection & Building	\$ 1,491,522	37494
CAP-096	Healthcare Technology Building - Eastern	\$ 6,050,264	37495
CAP-097	WVIZ Technical Center/Play House Square	\$ 750,000	37496
Total Cuyahoga Community College			\$ 21,405,646 37497

BASIC RENOVATIONS 37498

The amount reappropriated for the foregoing appropriation 37499  
 item CAP-031, Basic Renovations, is the sum of the unencumbered 37500  
 and unallotted balances as of June 30, 2006, in appropriation 37501  
 items CAP-031, Basic Renovations; CAP-087, Center for Nursing and 37502  
 Health Careers; CAP-088, Corporate College; and CAP-089, East I 37503  
 Renovations Phase 2 - Eastern. 37504

Reappropriations

<b>Section 254.20. ESC EDISON STATE COMMUNITY COLLEGE</b>			37505
CAP-006	Basic Renovations	\$ 649,311	37506
CAP-011	Roadway Construction	\$ 16,696	37507
CAP-014	Student Activities Area	\$ 13,398	37508

CAP-018	Master Plan Update	\$	15,243	37509
CAP-021	Student Services	\$	13,683	37510
Total Edison State Community College		\$	708,331	37511

Reappropriations

<b>Section 254.30. JTC JEFFERSON COMMUNITY COLLEGE</b>				37513
CAP-022	Basic Renovations	\$	210,806	37514
CAP-031	Law Enforcement/Engineering Lab Renovations	\$	56,172	37515
CAP-041	Campus Master Plan	\$	189,442	37516
Total Jefferson Community College		\$	456,420	37517

Reappropriations

<b>Section 254.40. LCC LAKELAND COMMUNITY COLLEGE</b>				37519
CAP-006	Basic Renovations	\$	1,148,687	37520
CAP-036	Noncredit Job Training	\$	172,170	37521
CAP-037	Building East End Project	\$	985,000	37522
CAP-038	HVAC Upgrades/Rehabilitation	\$	960,300	37523
CAP-040	Roadway and Drainage Improvements	\$	77,084	37524
CAP-043	Mooreland Educational Center Rehabilitation	\$	65,150	37525
CAP-044	Industrial Skills Training Program	\$	178,200	37526
CAP-045	Instructional Use Building	\$	2,433,264	37527
Total Lakeland Community College		\$	6,019,855	37528

Reappropriations

<b>Section 254.50. LOR LORAIN COUNTY COMMUNITY COLLEGE</b>				37530
CAP-005	Basic Renovations	\$	909,693	37531
CAP-042	Virtual Lab Courses	\$	84,970	37532
CAP-043	Great Lakes Business Growth Center	\$	435,000	37533
CAP-044	Learning Technology Center	\$	8,857,919	37534
Total Lorain County Community College		\$	10,287,582	37535

BASIC RENOVATIONS				37536
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The amount reappropriated for the foregoing appropriation 37537  
 item CAP-005, Basic Renovation, is the sum of the unencumbered and 37538  
 unallotted balance as of June 30, 2006, in appropriation item 37539  
 CAP-005, Basic Renovations, plus \$23,600. 37540

Reappropriations

**Section 254.60.** NTC NORTHWEST STATE COMMUNITY COLLEGE 37541  
 CAP-003 Basic Renovations \$ 525,209 37542  
 CAP-013 Classroom & Engineering Building \$ 9,917 37543  
 CAP-022 Branch Campus Facility \$ 400,000 37544  
 Total Northwest State Community College \$ 935,126 37545

Reappropriations

**Section 254.70.** OTC OWENS COMMUNITY COLLEGE 37547  
 CAP-019 Basic Renovations \$ 1,490,497 37548  
 CAP-037 Education Center \$ 5,463 37549  
 CAP-039 Services Building Phase 2 - Finley \$ 3,160,268 37550  
 Total Owens Community College \$ 4,656,228 37551

Reappropriations

**Section 254.80.** RGC RIO GRANDE COMMUNITY COLLEGE 37553  
 CAP-005 Basic Renovations \$ 1,027,918 37554  
 CAP-012 Instructional and Data Processing \$ 72,035 37555  
 Equipment  
 CAP-013 College of Business \$ 998 37556  
 CAP-022 Child Care Facility \$ 35,000 37557  
 CAP-025 Student and Community Center \$ 125,000 37558  
 CAP-026 Supplemental Renovations \$ 200,000 37559  
 Total Rio Grande Community College \$ 1,460,951 37560

Reappropriations

**Section 254.90.** SCC SINCLAIR COMMUNITY COLLEGE 37562  
 CAP-007 Basic Renovations \$ 1,691,235 37563

CAP-034	Advanced Educational Applications Center	\$	40,000	37564
	- Phase I			
CAP-042	Autolab/Fire Science Facility	\$	3,500	37565
CAP-055	Distance Learning	\$	1,870	37566
CAP-056	Information Literacy	\$	300,053	37567
CAP-061	Accelerated Product Development	\$	500,000	37568
Total Sinclair Community College		\$	2,536,658	37569

Reappropriations

<b>Section 255.10. SOC SOUTHERN STATE COMMUNITY COLLEGE</b>				37571
CAP-010	Basic Renovations	\$	81,365	37572
CAP-011	Supplemental Renovations	\$	100,000	37573
Total Southern State Community College		\$	181,365	37574

Reappropriations

<b>Section 255.20. TTC TERRA STATE COMMUNITY COLLEGE</b>				37576
CAP-009	Basic Renovations	\$	294,222	37577
CAP-015	Child Care Facility	\$	166,148	37578
CAP-018	Nursing Online	\$	3,873	37579
CAP-020	New Health and Science Building	\$	2,967,947	37580
Total Terra State Community College		\$	3,432,190	37581

Reappropriations

<b>Section 255.30. WTC WASHINGTON STATE COMMUNITY COLLEGE</b>				37583
CAP-006	Basic Renovations	\$	231,224	37584
CAP-009	Instructional and Data Processing	\$	92,363	37585
	Equipment			
CAP-012	ADA Modifications	\$	14,575	37586
CAP-019	Industrial Certifications	\$	4,000	37587
CAP-020	Child Care Matching Grant	\$	43,000	37588
Total Washington State Community College		\$	385,162	37589

Reappropriations

<b>Section 255.40. BTC BELMONT TECHNICAL COLLEGE</b>			37591		
CAP-008	Basic Renovations	\$	813,671	37592	
CAP-014	Main Building Renovation - Phase 3	\$	49,137	37593	
CAP-016	Industrial and Data Processing Equipment	\$	85,628	37594	
CAP-019	ADA Modifications	\$	49,915	37595	
Total Belmont Technical College			\$	998,351	37596

Reappropriations

<b>Section 255.50. COT CENTRAL OHIO TECHNICAL COLLEGE</b>			37598		
CAP-003	Basic Renovations	\$	9,857	37599	
CAP-013	Hopewell Hall Science Suite	\$	354,765	37600	
CAP-014	Founders Hopewell Halls	\$	5,158	37601	
Total Central Ohio Technical College			\$	369,780	37602

Reappropriations

<b>Section 255.60. HTC HOCKING TECHNICAL COLLEGE</b>			37604		
CAP-019	Basic Renovations	\$	638,185	37605	
CAP-024	Building Addition	\$	5,270	37606	
CAP-027	Instructional and Data Processing Equipment	\$	288,546	37607	
CAP-028	College Hall Rehabilitation	\$	3,769	37608	
CAP-032	Public Safety Service	\$	57,065	37609	
CAP-033	Light and Oakley Halls	\$	41,129	37610	
CAP-039	Student Services	\$	9,752	37611	
CAP-041	Flexible Manufacturing Center	\$	205,000	37612	
CAP-042	McClenaghan Center Expansion	\$	1,283,437	37613	
CAP-044	Hocking College Fire and Emergency Training Center	\$	250,000	37614	
Total Hocking Technical College			\$	2,782,153	37615

Reappropriations

<b>Section 255.70. LTC JAMES RHODES STATE COLLEGE</b>			37617	
CAP-004	Basic Renovations	\$	1,123,167	37618

CAP-006	Building Renovations	\$	5,000	37619
CAP-007	Training and Education Facility	\$	79,934	37620
CAP-008	Instructional and Data Processing Equipment	\$	290,732	37621
CAP-009	Life and Physical Sciences	\$	10,133	37622
Total James Rhodes State College		\$	1,508,965	37623

Reappropriations

**Section 255.80. MAT ZANE STATE COLLEGE** 37625

CAP-007	Basic Renovations	\$	498,234	37626
CAP-017	Basic Capacity Grant	\$	1,390,645	37627
CAP-021	Lighting/HVAC Replacement	\$	175,000	37628
Total Zane State College		\$	2,063,879	37629

Reappropriations

**Section 255.90. MTC MARION TECHNICAL COLLEGE** 37631

CAP-004	Basic Renovations	\$	103,485	37632
CAP-006	Instructional and Data Processing Equipment	\$	71,786	37633
CAP-012	Technical Education Center	\$	38,622	37634
Total Marion Technical College		\$	213,893	37635

Reappropriations

**Section 256.10. NCC NORTH CENTRAL TECHNICAL COLLEGE** 37637

CAP-003	Basic Renovations	\$	586,030	37638
CAP-009	ADA Modifications	\$	25,000	37639
CAP-013	Engineering Center Renovation	\$	6,272	37640
CAP-014	Kee Hall Roof Replacement	\$	509,000	37641
CAP-015	Richland/Braintree Incubator	\$	250,000	37642
CAP-018	Fallerius Center Rehabilitation	\$	482,406	37643
Total North Central Technical College		\$	1,858,708	37644

BASIC RENOVATIONS 37645

The amount reappropriated for the foregoing appropriation 37646

item CAP-003, Basic Renovations, is the sum of the unencumbered 37647  
and unallotted balance as of June 30, 2006, in appropriation item 37648  
CAP-003, Basic Renovations, plus \$5,563. 37649

FALLERIUS CENTER REHABILITATION 37650

The amount reappropriated for the foregoing appropriation 37651  
item CAP-018, Fallerius Center Rehabilitation, is the sum of the 37652  
unencumbered and unallotted balance as of June 30, 2006, in 37653  
appropriation item CAP-018, Fallerius Center Phase II 37654  
Rehabilitation, plus \$7,797. 37655

Reappropriations

**Section 256.20.** STC STARK TECHNICAL COLLEGE 37656

CAP-004	Basic Renovations	\$	496,210	37657
CAP-027	Information Technology Learning Center	\$	921	37658
CAP-037	Fuel Cell Initiative	\$	2,862	37659
CAP-038	General Study Faculty Offices	\$	1,378,892	37660
Total Stark Technical College		\$	1,878,885	37661
TOTAL HIGHER EDUCATION IMPROVEMENT FUND		\$	491,713,902	37662

**Section 256.30.** For all of the foregoing appropriation items 37664  
from the Higher Education Improvement Fund (Fund 034) that require 37665  
local funds to be contributed by any state-supported or 37666  
state-assisted institution of higher education, the Board of 37667  
Regents shall not recommend that any funds be released until the 37668  
recipient institution demonstrates to the Board of Regents and the 37669  
Office of Budget and Management that the local funds contribution 37670  
requirement has been secured or satisfied. The local funds shall 37671  
be in addition to the foregoing appropriations. 37672

**Section 256.40.** None of the foregoing capital improvements 37673  
appropriations for state-supported or state-assisted institutions 37674  
of higher education shall be expended until the particular 37675

appropriation has been recommended for release by the Board of 37676  
Regents and released by the Director of Budget and Management or 37677  
the Controlling Board. Either the institution concerned, or the 37678  
Board of Regents with the concurrence of the institution 37679  
concerned, may initiate the request to the Director of Budget and 37680  
Management or the Controlling Board for the release of the 37681  
particular appropriations. 37682

**Section 256.50.** (A) No capital improvement appropriations 37683  
made in Sections 251.30 to 256.80, 289.10, 289.20, 291.10, and 37684  
291.20 of this act shall be released for planning or for 37685  
improvement, renovation, construction, or acquisition of capital 37686  
facilities if the institution of higher education or the state 37687  
does not own the real property on which the capital facilities are 37688  
or will be located. This restriction does not apply in any of the 37689  
following circumstances: 37690

(1) The institution has a long-term (at least fifteen years) 37691  
lease of, or other interest (such as an easement) in, the real 37692  
property. 37693

(2) The Board of Regents certifies to the Controlling Board 37694  
that undue delay will occur if planning does not proceed while the 37695  
property or property interest acquisition process continues. In 37696  
this case, funds may be released upon approval of the Controlling 37697  
Board to pay for planning through the development of schematic 37698  
drawings only. 37699

(3) In the case of an appropriation for capital facilities 37700  
that, because of their unique nature or location, will be owned or 37701  
will be part of facilities owned by a separate nonprofit 37702  
organization or public body and made available to the institution 37703  
of higher education for its use, the nonprofit organization or 37704  
public body either owns or has a long-term (at least fifteen 37705

years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement, approved by the Board of Regents, with the institution of higher education that meets the requirements of division (C) of this section. 37706  
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(B) Any foregoing appropriations which require cooperation between a technical college and a branch campus of a university may be released by the Controlling Board upon recommendation by the Board of Regents that the facilities proposed by the institutions are: 37711  
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37713  
37714  
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(1) The result of a joint planning effort by the university and the technical college, satisfactory to the Board of Regents; 37716  
37717

(2) Facilities that will meet the needs of the region in terms of technical and general education, taking into consideration the totality of facilities which will be available after the completion of these projects; 37718  
37719  
37720  
37721

(3) Planned to permit maximum joint use by the university and technical college of the totality of facilities which will be available upon their completion; 37722  
37723  
37724

(4) To be located on or adjacent to the branch campus of the university. 37725  
37726

(C) In the case of capital facilities referred to in division (A)(3) of this section, the joint or cooperative use agreements shall include, as a minimum, provisions that: 37727  
37728  
37729

(1) Specify the extent and nature of that joint or cooperative use, extending for not 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 Board of Regents, reasonably related to the amount of the appropriations; 37730  
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(2) Provide for pro rata reimbursement to the state should 37735

the arrangement for joint or cooperative use be terminated;	37736
(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including provisions of this act;	37737 37738 37739
(4) Provide for payment or reimbursement to the institution of its administrative costs incurred as a result of the facilities project, not to exceed 1.5 per cent of the appropriated amount.	37740 37741 37742
(D) Upon the recommendation of the Board of Regents, the Controlling Board may approve the transfer of appropriations for projects requiring cooperation between institutions from one institution to another institution, with the approval of both institutions.	37743 37744 37745 37746 37747
(E) Notwithstanding section 127.14 of the Revised Code, the Controlling Board, upon the recommendation of the Board of Regents, may transfer amounts appropriated to the Board of Regents to accounts of state-supported or state-assisted institutions created for that same purpose.	37748 37749 37750 37751 37752
<b>Section 256.60.</b> The requirements of Chapters 123. and 153. of the Revised Code, with respect to the powers and duties of the Director of Administrative Services in the procedure for and award of contracts for capital improvement projects, and the requirements of section 127.16 of the Revised Code, with respect to the Controlling Board, do not apply to projects of community college districts and technical college districts.	37753 37754 37755 37756 37757 37758 37759
<b>Section 256.70.</b> Those institutions locally administering capital improvement projects pursuant to sections 3345.50 and 3345.51 of the Revised Code may:	37760 37761 37762
(A) Establish charges for recovering costs directly related to project administration as defined by the Director of	37763 37764

Administrative Services. The Department of Administrative Services 37765  
shall review and approve these administrative charges when such 37766  
charges are in excess of 1.5 per cent of the total construction 37767  
budget. 37768

(B) Seek reimbursement from state capital appropriations to 37769  
the institution for the in-house design services performed by the 37770  
institution for such capital projects. Acceptable charges shall be 37771  
limited to design document preparation work that is done by the 37772  
institution. These reimbursable design costs shall be shown as 37773  
"A/E fees" within the project's budget that is submitted to the 37774  
Controlling Board or the Director of Budget and Management as part 37775  
of a request for release of funds. The reimbursement for in-house 37776  
design may not exceed seven per cent of the estimated construction 37777  
cost. 37778

**Section 256.80.** The Board of Regents shall adopt rules 37779  
regarding the release of moneys from all the foregoing 37780  
appropriations for capital facilities for all state-supported and 37781  
state-assisted institutions of higher education. 37782

**Section 259.10.** All items set forth in this section are 37783  
hereby appropriated out of any moneys in the state treasury to the 37784  
credit of the Parks and Recreation Improvement Fund (Fund 035) 37785  
that are not otherwise appropriated: 37786

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 37787

CAP-004	Burr Oak State Park	\$	177,314	37788
CAP-005	Cowan Lake State Park	\$	3,680	37789
CAP-011	Findley State Park	\$	22,856	37790
CAP-012	Land Acquisition	\$	243,663	37791
CAP-016	Hueston Woods State Park	\$	5,733	37792
CAP-017	Indian Lake State Park	\$	15,388	37793

CAP-019	Lake Hope State Park	\$	7,276	37794
CAP-025	Punderson State Park	\$	6,263	37795
CAP-029	Salt Fork State Park	\$	799	37796
CAP-045	Mary J. Thurston State Park Marina/Dock	\$	301,000	37797
CAP-051	Buck Creek State Park	\$	750	37798
CAP-064	Geneva State Park	\$	24,592	37799
CAP-069	Hocking Hills State Park	\$	525	37800
CAP-093	Portage Lakes State Park	\$	143,310	37801
CAP-113	East Harbor State Park Shoreline Stabilization	\$	850,000	37802
CAP-162	Shawnee State Park	\$	760	37803
CAP-205	Deer Creek State Park	\$	128,551	37804
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	4,169,570	37805
CAP-331	Park Boating Facilities	\$	9,195,011	37806
CAP-390	State Park Maintenance Facility Development	\$	737,751	37807
CAP-701	Buckeye Lake Dam Rehabilitation	\$	4,000,000	37808
CAP-702	Upgrade Underground Storage Tanks	\$	247,976	37809
CAP-703	Cap Abandoned Water Wells	\$	1,495	37810
CAP-716	Muskingum River Lock and Dam	\$	180,000	37811
CAP-718	Grand Lake St. Mary's State Park	\$	451,882	37812
CAP-719	Indian Lake State Park	\$	16,480	37813
CAP-727	Riverfront Improvements	\$	1,005,000	37814
CAP-744	Multi-Agency Radio Communication Equipment	\$	425,000	37815
CAP-748	Local Parks Projects	\$	1,228,825	37816
CAP-787	Scioto Riverfront Improvements	\$	33,861	37817
CAP-790	Paint Creek State Park Campground Electricity	\$	2,300	37818
CAP-821	State Park Dredging and Shoreline Protection	\$	14,000	37819
CAP-827	Cuyahoga Valley Scenic Railroad	\$	1,000,000	37820

CAP-845	Caesar Creek State Park	\$	109,575	37821
CAP-848	Hazardous Dam Repair/Statewide	\$	1,325,000	37822
CAP-876	Statewide Trails Program	\$	1,889,848	37823
CAP-927	Mohican State Park	\$	72,470	37824
CAP-928	Handicapped Accessibility	\$	50,000	37825
CAP-929	Hazardous Waste/Asbestos Abatement	\$	49,383	37826
CAP-931	Wastewater/Water Systems Upgrade	\$	3,604,700	37827
Total Department of Natural Resources		\$	31,742,587	37828
TOTAL Parks and Recreation Improvement Fund		\$	31,742,587	37829

**Section 259.20. RIVERFRONT IMPROVEMENTS** 37831

Of the foregoing reappropriation item CAP-727, Riverfront 37832  
 Improvements, \$1,000,000 shall be used for the Riverfront West 37833  
 Park Development - Cincinnati Park Board, Hamilton County. 37834

**LOCAL PARKS PROJECTS** 37835

The following projects shall be funded from the foregoing 37836  
 reappropriation item CAP-748, Local Parks Projects: \$50,000 for 37837  
 Liberty Township Playground project; \$25,000 for the Cleveland 37838  
 Police and Firefighters Memorial Park project; \$750,000 for the 37839  
 Banks Park project; \$25,000 for the Early Hill Park project; 37840  
 \$10,000 for the Wellington Soccer Field Park project; and \$10,000 37841  
 for the Greenwich Township Baseball Field Park Improvements 37842  
 project. 37843

**STATEWIDE TRAILS PROGRAM** 37844

Of the foregoing reappropriation item CAP-876, Statewide 37845  
 Trails Program, \$16,500 shall be used for the South Milford Road 37846  
 Bike Trail Project. 37847

**FEDERAL REIMBURSEMENT** 37848

All reimbursements received from the federal government for 37849  
 any expenditures made pursuant to Sections 259.10 and 259.20 of 37850  
 this act shall be deposited in the state treasury to the credit of 37851

the Parks and Recreation Improvement Fund. 37852

**Section 259.30.** For the appropriations in Section 259.10 of 37853  
this act, the Department of Natural Resources shall periodically 37854  
prepare and submit to the Director of Budget and Management the 37855  
estimated design, planning, and engineering costs of 37856  
capital-related work to be done by the Department of Natural 37857  
Resources for each project. Based on the estimates, the Director 37858  
of Budget and Management may release appropriations from the 37859  
foregoing appropriation item CAP-753, Project Planning, within the 37860  
Parks and Recreation Improvement Fund (Fund 035), to pay for 37861  
design, planning, and engineering costs incurred by the Department 37862  
of Natural Resources for the projects. Upon release of the 37863  
appropriations by the Director of Budget and Management, the 37864  
Department of Natural Resources shall pay for these expenses from 37865  
the Parks Capital Expenses Fund (Fund 227), and be reimbursed by 37866  
the Parks and Recreation Improvement Fund (Fund 035) using an 37867  
intrastate voucher. 37868

**Section 259.40.** (A) No capital improvement appropriations 37869  
made in Sections 249.20 to 249.40 of this act shall be released 37870  
for planning or for improvement, renovation, construction, or 37871  
acquisition of capital facilities if a governmental agency, as 37872  
defined in section 154.01 of the Revised Code, does not own the 37873  
real property that constitutes the capital facilities or on which 37874  
the capital facilities are or will be located. This restriction 37875  
does not apply in any of the following circumstances: 37876

(1) The governmental agency has a long-term (at least fifteen 37877  
years) lease of, or other interest (such as an easement) in, the 37878  
real property. 37879

(2) In the case of an appropriation for capital facilities 37880  
for parks and recreation that, because of their unique nature or 37881

location, will be owned or will be part of facilities owned by a  
separate nonprofit organization and made available to the  
governmental agency for its use, the nonprofit organization either  
owns or has a long-term (at least fifteen years) lease of the real  
property or other capital facility to be improved, renovated,  
constructed, or acquired and has entered into a joint or  
cooperative use agreement, approved by the Department of Natural  
Resources, 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.

(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:

(1) Specify the extent and nature of that joint or  
cooperative use, extending for not 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;

(2) Provide for pro rata reimbursement to the state should  
the arrangement for joint or cooperative use by a governmental  
agency be terminated; and

(3) Provide that procedures to be followed during the capital  
improvement process will comply with appropriate applicable state  
laws and rules, including provisions of this act.

**Section 263.10.** All items set forth in this section are  
hereby appropriated out of any moneys in the state treasury to the  
credit of the State Capital Improvements Fund (Fund 038) that are  
not otherwise appropriated:

		Reappropriations	
PWC PUBLIC WORKS COMMISSION			37912
Ohio Small Government Capital Improvement Commission			37913
CAP-150	Local Public Infrastructure	\$ 6,650,225	37914
CIF-000	Ohio Small Government Capital Improvement	\$ 25,422,212	37915
CIF-001	Infrastructure - District 1	\$ 31,170,885	37916
CIF-002	Infrastructure - District 2	\$ 12,243,374	37917
CIF-003	Infrastructure - District 3	\$ 21,652,949	37918
CIF-004	Infrastructure - District 4	\$ 11,447,335	37919
CIF-005	Infrastructure - District 5	\$ 8,542,288	37920
CIF-006	Infrastructure - District 6	\$ 10,958,857	37921
CIF-007	Infrastructure - District 7	\$ 12,155,980	37922
CIF-008	Infrastructure - District 8	\$ 12,272,116	37923
CIF-009	Infrastructure - District 9	\$ 7,541,982	37924
CIF-010	Infrastructure - District 10	\$ 20,352,120	37925
CIF-011	Infrastructure - District 11	\$ 11,000,253	37926
CIF-012	Infrastructure - District 12	\$ 9,703,960	37927
CIF-013	Infrastructure - District 13	\$ 6,051,165	37928
CIF-014	Infrastructure - District 14	\$ 5,871,489	37929
CIF-015	Infrastructure - District 15	\$ 8,298,905	37930
CIF-016	Infrastructure - District 16	\$ 11,218,488	37931
CIF-017	Infrastructure - District 17	\$ 8,580,458	37932
CIF-018	Infrastructure - District 18	\$ 7,050,617	37933
CIF-019	Infrastructure - District 19	\$ 9,556,745	37934
CIF-020	Emergency Set Aside	\$ 4,616,381	37935
CIF-021	Small Counties Program	\$ 381,676	37936
Total Public Works Commission		\$ 262,740,460	37937
TOTAL State Capital Improvement Fund		\$ 262,740,460	37938

The appropriations in this section shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. All expenditures made from these appropriations shall be approved by the Director of the Public Works Commission. The Director of the

Public Works Commission shall not allocate funds in amounts 37943  
 greater than those amounts appropriated by the General Assembly. 37944

**Section 265.10.** All items set forth in this section are 37945  
 hereby appropriated out of any moneys in the state treasury to the 37946  
 credit of the State Capital Improvements Revolving Loan Fund (Fund 37947  
 040) and derived from repayments of loans made to local 37948  
 subdivisions for capital improvements, investment earnings on 37949  
 moneys in the fund, and moneys obtained from federal or private 37950  
 grants or from other sources for the purpose of making loans for 37951  
 the purpose of financing or assisting in the financing of the cost 37952  
 of capital improvement projects of local subdivisions: 37953

Reappropriations

PWC PUBLIC WORKS COMMISSION			37954
CAP-151	Revolving Loan	\$ 509,862	37955
RLF-001	Revolving Loan Fund-District 1	\$ 8,126,096	37956
RLF-002	Revolving Loan Fund-District 2	\$ 5,380,729	37957
RLF-003	Revolving Loan Fund-District 3	\$ 8,530,418	37958
RLF-004	Revolving Loan Fund-District 4	\$ 4,146,430	37959
RLF-005	Revolving Loan Fund-District 5	\$ 2,409,654	37960
RLF-006	Revolving Loan Fund-District 6	\$ 2,262,865	37961
RLF-007	Revolving Loan Fund-District 7	\$ 2,979,413	37962
RLF-008	Revolving Loan Fund-District 8	\$ 2,284,775	37963
RLF-009	Revolving Loan Fund-District 9	\$ 2,373,304	37964
RLF-010	Revolving Loan Fund-District 10	\$ 3,934,237	37965
RLF-011	Revolving Loan Fund-District 11	\$ 2,606,192	37966
RLF-012	Revolving Loan Fund-District 12	\$ 3,766,538	37967
RLF-013	Revolving Loan Fund-District 13	\$ 1,194,287	37968
RLF-014	Revolving Loan Fund-District 14	\$ 1,811,638	37969
RLF-015	Revolving Loan Fund-District 15	\$ 1,483,685	37970
RLF-016	Revolving Loan Fund-District 16	\$ 2,576,025	37971
RLF-017	Revolving Loan Fund-District 17	\$ 2,410,368	37972
RLF-018	Revolving Loan Fund-District 18	\$ 2,692,408	37973

RLF-019	Revolving Loan Fund-District 19	\$	1,984,226	37974
RLF-020	Small Government Program	\$	2,030,053	37975
RLF-021	Emergency Program	\$	153,272	37976
Total Public Works Commission		\$	65,646,475	37977
TOTAL State Capital Improvements Revolving Loan		\$	65,646,475	37978
Fund				

The appropriations in this section shall be used in 37979  
accordance with sections 164.01 to 164.12 of the Revised Code. All 37980  
expenditures made from these appropriations shall be approved by 37981  
the Director of the Public Works Commission. The Director of the 37982  
Public Works Commission shall not allocate funds in amounts 37983  
greater than those amounts appropriated by the General Assembly. 37984

**Section 265.20.** All items set forth in this section are 37985  
hereby appropriated out of any moneys in the state treasury to the 37986  
credit of the Clean Ohio Conservation Fund (Fund 056) that are not 37987  
otherwise appropriated: 37988

Reappropriations

PWC PUBLIC WORKS COMMISSION				37989
COF-001	Clean Ohio-District 1	\$	4,283,924	37990
COF-002	Clean Ohio-District 2	\$	2,156,940	37991
COF-003	Clean Ohio-District 3	\$	4,871,620	37992
COF-004	Clean Ohio-District 4	\$	1,883,778	37993
COF-005	Clean Ohio-District 5	\$	2,526,379	37994
COF-006	Clean Ohio-District 6	\$	1,814,066	37995
COF-007	Clean Ohio-District 7	\$	477,005	37996
COF-008	Clean Ohio-District 8	\$	1,654,808	37997
COF-009	Clean Ohio-District 9	\$	101,338	37998
COF-010	Clean Ohio-District 10	\$	2,158,673	37999
COF-011	Clean Ohio-District 11	\$	2,601,882	38000
COF-012	Clean Ohio-District 12	\$	884,124	38001
COF-013	Clean Ohio-District 13	\$	2,746,579	38002
COF-014	Clean Ohio-District 14	\$	4,056,729	38003

COF-015	Clean Ohio-District 15	\$	1,987,710	38004
COF-016	Clean Ohio-District 16	\$	2,772,449	38005
COF-017	Clean Ohio-District 17	\$	2,862,321	38006
COF-018	Clean Ohio-District 18	\$	3,096,644	38007
COF-019	Clean Ohio-District 19	\$	379,417	38008
Total Public Works Commission		\$	43,316,386	38009
TOTAL Clean Ohio Conservation Fund		\$	43,316,386	38010

**Section 267.10.** All items set forth in this section are 38012  
hereby appropriated out of any moneys in the state treasury to the 38013  
credit of the Clean Ohio Agricultural Easement Fund (Fund 057) 38014  
that are not otherwise appropriated: 38015

Reappropriations

AGR DEPARTMENT OF AGRICULTURE 38016

CAP-047	Clean Ohio Agricultural Easement	\$	5,892,856	38017
Total Department of Agriculture		\$	5,892,856	38018
TOTAL Clean Ohio Agricultural Easement Fund		\$	5,892,856	38019

AGRICULTURAL EASEMENT PURCHASE 38020

The foregoing appropriation item CAP-047, Clean Ohio 38021  
Agricultural Easement, shall be used in accordance with sections 38022  
901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code. 38023

**Section 269.10.** All items set forth in this section are 38024  
hereby appropriated out of any moneys in the state treasury to the 38025  
credit of the Clean Ohio Trail Fund (Fund 061) that are not 38026  
otherwise appropriated: 38027

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 38028

CAP-014	Clean Ohio Trail Fund	\$	6,344,000	38029
Total Department of Natural Resources		\$	6,344,000	38030
TOTAL Clean Ohio Trail Fund		\$	6,344,000	38031

**Section 269.20.** CLEAN OHIO TRAIL 38033

The amount reappropriated for the foregoing appropriation 38034  
item CAP-014, Clean Ohio Trail, is \$700,000 plus the unencumbered 38035  
and unallotted balance as of June 30, 2006, in item CAP-014, Clean 38036  
Ohio Trail. The \$700,000 represents amounts that were previously 38037  
appropriated, allocated to nonprofit organizations and local 38038  
political subdivisions pursuant to division (C) of section 1519.05 38039  
of the Revised Code, and encumbered for local project grants. The 38040  
encumbrances for these local projects shall be cancelled by the 38041  
Director of Natural Resources or the Director of Budget and 38042  
Management. The Director of Natural Resources shall allocate the 38043  
\$700,000 to new local project grants meeting the requirements of 38044  
section 1519.05 of the Revised Code. 38045

**Section 271.10.** All items set forth in this section are 38046  
hereby appropriated out of any moneys in the state treasury to the 38047  
credit of the Clean Ohio Revitalization Fund (Fund 003) that are 38048  
not otherwise appropriated: 38049

	Appropriations	
DEV DEPARTMENT OF DEVELOPMENT		38050
CAP-001 Clean Ohio Revitalization	\$ 43,000,000	38051
CAP-002 Clean Ohio Assistance	\$ 10,000,000	38052
Total Department of Development	\$ 53,000,000	38053
TOTAL Clean Ohio Assistance Fund	\$ 53,000,000	38054

**Section 271.20.** CLEAN OHIO REVITALIZATION 38056

The Treasurer of State is hereby authorized to issue and 38057  
sell, in accordance with Section 20 of Article VIII, Ohio 38058  
Constitution, and pursuant to sections 151.01 and 151.40 of the 38059  
Revised Code, original obligations in an aggregate principal 38060  
amount not to exceed \$50,000,000, in addition to the original 38061  
issuance of obligations heretofore authorized by prior acts of the 38062  
General Assembly. These authorized obligations shall be issued and 38063

sold from time to time, subject to applicable constitutional and 38064  
statutory limitations, as needed to ensure sufficient moneys to 38065  
the credit of the Clean Ohio Revitalization Fund (Fund 003) to pay 38066  
costs of revitalization projects. 38067

**Section 273.10.** All items set forth in this section are 38068  
hereby appropriated out of any moneys in the state treasury to the 38069  
credit of the Job Ready Sites Fund (Fund 012) that are not 38070  
otherwise appropriated: 38071

Appropriations

DEV DEPARTMENT OF DEVELOPMENT			38072
CAP-003 Job Ready Sites	\$	30,000,000	38073
Total Department of Development	\$	30,000,000	38074
TOTAL Job Ready Sites Fund	\$	30,000,000	38075

**Section 273.20.** JOB READY SITES DEVELOPMENT 38077

The Ohio Public Facilities Commission, upon request of the 38078  
Department of Development, is hereby authorized to issue and sell, 38079  
in accordance with Section 2p of Article VIII, Ohio Constitution, 38080  
and pursuant to sections 151.01 and 151.11 of the Revised Code, 38081  
original obligations of the State of Ohio in an aggregate amount 38082  
not to exceed \$30,000,000 in addition to the original issuance of 38083  
obligations heretofore authorized by prior acts of the General 38084  
Assembly. These authorized obligations shall be issued and sold 38085  
from time to time, subject to applicable constitutional and 38086  
statutory limitations, as needed to ensure sufficient moneys to 38087  
the credit of the Job Ready Sites Fund (Fund 012) to pay costs of 38088  
sites and facilities. 38089

**Section 275.10.** All items set forth in this section are 38090  
hereby appropriated out of any moneys in the state treasury to the 38091  
credit of the Public School Building Fund (Fund 021) that are not 38092  
otherwise appropriated: 38093

		Appropriations	
SFC SCHOOL FACILITIES COMMISSION			38094
CAP-622	Public School Building	\$ 80,000,000	38095
Total School Facilities Commission		\$ 80,000,000	38096
TOTAL Public School Building Fund		\$ 80,000,000	38097

**Section 277.10.** All items set forth in this section are 38099  
hereby appropriated out of any moneys in the state treasury to the 38100  
credit of the Administrative Building Fund (Fund 026) that are not 38101  
otherwise appropriated: 38102

		Appropriations	
CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			38103
CAP-020	Cupola Gutters and Ancillary Roof Improvements	\$ 380,000	38104
CAP-021	Exterior Walkway Plaza Repairs	\$ 1,159,000	38105
CAP-023	ADA Specific Sidewalk Ramp Replacement	\$ 71,500	38106
Total Capitol Square Review and Advisory Board		\$ 1,610,500	38107

		Appropriations	
EXP EXPOSITIONS COMMISSION			38108
CAP-073	Asset Procurement	\$ 500,000	38109
Total Expositions Commission		\$ 500,000	38110

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			38112
CAP-744	MARCS Equipment	\$ 1,000,000	38113
Total Department of Natural Resources		\$ 1,000,000	38114
TOTAL Administrative Building Fund		\$ 3,110,500	38115

**Section 277.20.** ADMINISTRATIVE BUILDINGS 38117

The Ohio Building Authority is hereby authorized to issue and 38118  
sell, in accordance with Section 2i of Article VIII, Ohio 38119  
Constitution, and Chapter 152. and other applicable sections of 38120

the Revised Code, original obligations in an aggregate principal amount not to exceed \$4,000,000 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 Administrative Building Fund (Fund 026) to pay costs of authorized capital facilities.

**Section 279.10.** 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:

			Appropriations	
DRC DEPARTMENT OF REHABILITATION AND CORRECTION				38133
CAP-008	Powerhouse/Utility Improvements	\$ 1,147,237		38134
CAP-009	Water System/Plant Improvements	\$ 3,510,000		38135
CAP-017	Security Improvements - Statewide	\$ 7,191,750		38136
CAP-111	General Building Renovations	\$ 16,176,003		38137
CAP-238	Electric System Upgrade	\$ 2,000,000		38138
Total Department of Rehabilitation and Correction			\$ 30,024,990	38139
TOTAL Adult Correctional Building Fund			\$ 30,024,990	38140

**Section 279.20.** DRC - ADULT CORRECTION BUILDINGS 38142

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 38151  
the credit of the Adult Correctional Building Fund (Fund 027) to 38152  
pay costs of rehabilitation and correction related capital 38153  
facilities. 38154

**Section 281.10.** All items set forth in this section are 38155  
hereby appropriated out of any moneys in the state treasury to the 38156  
credit of the Juvenile Correctional Building Fund (Fund 028) that 38157  
are not otherwise appropriated: 38158

Appropriations

DYS DEPARTMENT OF YOUTH SERVICES 38159  
CAP-801 Fire Suppression/Safety/Security \$ 1,750,000 38160  
Total Department of Youth Services \$ 1,750,000 38161  
TOTAL Juvenile Correctional Building Fund \$ 1,750,000 38162

**Section 281.20.** DYS - JUVENILE CORRECTION BUILDINGS 38164

The Ohio Building Authority is hereby authorized to issue and 38165  
sell, in accordance with Section 2i of Article VIII, Ohio 38166  
Constitution, and Chapter 152. and other applicable sections of 38167  
the Revised Code, original obligations in an aggregate principal 38168  
amount not to exceed \$2,000,000 in addition to the original 38169  
issuance of obligations heretofore authorized by prior acts of the 38170  
General Assembly. These authorized obligations shall be issued and 38171  
sold from time to time, subject to applicable constitutional and 38172  
statutory limitations, as needed to ensure sufficient moneys to 38173  
the credit of the Juvenile Correctional Building Fund (Fund 028) 38174  
to pay costs of juvenile correction related capital facilities. 38175

**Section 283.10.** All items set forth in this section are 38176  
hereby appropriated out of any moneys in the state treasury to the 38177  
credit of the Ohio Parks and Natural Resources Fund (Fund 031) 38178  
that are not otherwise appropriated: 38179

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			38180
CAP-753	Project Planning	\$ 1,050,000	38181
CAP-881	DAM Rehabilitation	\$ 4,000,000	38182
Total Department of Natural Resources			38183
TOTAL Ohio Parks and Natural Resources Fund			38184

**Section 283.20.** DNR - NATUREWORKS 38186

The Ohio Public Facilities Commission is hereby authorized to 38187  
 issue and sell, in accordance with Section 21 of Article VIII, 38188  
 Ohio Constitution, and pursuant to sections 151.01 and 151.05 of 38189  
 the Revised Code, original obligations of the State of Ohio in an 38190  
 aggregate amount not to exceed \$5,000,000 in addition to the 38191  
 original issuance of obligations heretofore authorized by prior 38192  
 acts of the General Assembly. These authorized obligations shall 38193  
 be issued and sold from time to time, subject to applicable 38194  
 constitutional and statutory limitations, as needed to ensure 38195  
 sufficient moneys to the credit of the Ohio Parks and Natural 38196  
 Resources Fund (Fund 031) to pay costs of natural resources 38197  
 capital improvements. 38198

**Section 285.10.** All items set forth in this section are 38199  
 hereby appropriated out of any moneys in the state treasury to the 38200  
 credit of the School Building Program Assistance Fund (Fund 032) 38201  
 that are not otherwise appropriated: 38202

Appropriations

SFC SCHOOL FACILITIES COMMISSION			38203
CAP-770	School Facilities Program Assistance	\$ 585,000,000	38204
Total School Facilities Commission			38205
TOTAL School Building Program Assistance Fund			38206

**Section 285.20.** PUBLIC SCHOOL BUILDING ASSISTANCE 38208

The Ohio Public Facilities Commission is hereby authorized to 38209  
 issue and sell, in accordance with Section 2n of Article VIII, 38210

Ohio Constitution, and pursuant to sections 151.01 and 151.03 of  
the Revised Code, original obligations of the State of Ohio in an  
aggregate amount not to exceed \$580,000,000 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 School Building Program  
Assistance Fund (Fund 032) to pay the State's share of the costs  
of capital facilities for a system of common schools throughout  
the State.

**Section 287.10.** All items set forth in this section are  
hereby appropriated out of any moneys in the state treasury to the  
credit of the Mental Health Facilities Improvement Fund (Fund 033)  
that are not otherwise appropriated:

	Appropriations	
DMH DEPARTMENT OF MENTAL HEALTH		38226
CAP-986 Campus Consolidation	\$ 5,500,000	38227
Total Department of Mental Health	\$ 5,500,000	38228
TOTAL Mental Health Facilities Improvement Fund	\$ 5,500,000	38229

**Section 287.20.** DMH/DMR - MENTAL HEALTH FACILITY IMPROVEMENT  
FUND 033

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 38241  
the credit of the Mental Health Facilities Improvement Fund (Fund 38242  
033) to pay costs of capital facilities for mental hygiene and 38243  
retardation. 38244

**Section 289.10.** All items set forth in this section are 38245  
hereby appropriated out of any moneys in the state treasury to the 38246  
credit of the Higher Education Improvement Fund (Fund 034) that 38247  
are not otherwise appropriated. The appropriations made in this 38248  
act are in addition to any other capital appropriations made for 38249  
the 2007-2008 biennium. 38250

Appropriations

BOR BOARD OF REGENTS 38251

Higher Education Improvement Fund 38252

CAP-029 Ohio Library and \$ 3,500,000 38253  
Information Network

CAP-068 Third Frontier Project \$ 50,000,000 38254

Total Board of Regents \$ 53,500,000 38255

TOTAL Higher Education Improvement \$ 53,500,000 38256  
Fund

**Section 289.20.** BOR - HIGHER EDUCATION IMPROVEMENT 38258

The Ohio Public Facilities Commission is hereby authorized to 38259  
issue and sell, in accordance with Section 2n of Article VIII, 38260  
Ohio Constitution, and pursuant to sections 151.01 and 151.04 of 38261  
the Revised Code, original obligations of the State of Ohio in an 38262  
aggregate amount not to exceed \$54,000,000 in addition to the 38263  
original issuance of obligations heretofore authorized by prior 38264  
acts of the General Assembly. These authorized obligations shall 38265  
be issued and sold from time to time, subject to applicable 38266  
constitutional and statutory limitations, as needed to ensure 38267  
sufficient moneys to the credit of the Higher Education 38268

Improvement Fund (Fund 034) to pay costs of capital facilities for 38269  
state-supported and state-assisted institutions of higher 38270  
education. 38271

**Section 291.10. THIRD FRONTIER PROJECT** 38272

The foregoing appropriation item CAP-068, Third Frontier 38273  
Project, shall be used to acquire, renovate, or construct 38274  
facilities and purchase equipment for research programs, 38275  
technology development, product development, and commercialization 38276  
programs at or involving state-supported and state-assisted 38277  
institutions of higher education. The funds shall be used to make 38278  
grants awarded on a competitive basis, and shall be administered 38279  
by the Third Frontier Commission. Expenditure of the funds shall 38280  
comply with Section 2n of Article VIII, Ohio Constitution, and 38281  
sections 151.01 and 151.04 of the Revised Code for the period 38282  
beginning July 1, 2006, and ending June 30, 2008. 38283

The Third Frontier Commission shall develop guidelines 38284  
relative to the application for and selection of projects funded 38285  
from appropriation item CAP-068, Third Frontier Project. The 38286  
commission may develop the guidelines in consultation with other 38287  
interested parties. The Board of Regents and all state-assisted 38288  
and state-supported institutions of higher education shall take 38289  
all actions necessary to implement grants awarded by the Third 38290  
Frontier Commission. 38291

The foregoing appropriation item CAP-068, Third Frontier 38292  
Project, for which an appropriation is made from the Higher 38293  
Education Improvement Fund (Fund 034), is determined to consist of 38294  
capital improvements and capital facilities for state-supported 38295  
and state-assisted institutions of higher education, and is 38296  
designated for the capital facilities to which proceeds of 38297  
obligations in the Higher Education Improvement Fund (Fund 034) 38298  
are to be applied. 38299

**Section 291.20.** The appropriations made in Section 289.10 are 38300  
subject to Sections 256.30, 256.40, 256.50, 256.60, 256.70, and 38301  
256.80 of this act. 38302

**Section 293.10.** All items set forth in this section are 38303  
hereby appropriated out of any moneys in the state treasury to the 38304  
credit of the Parks and Recreation Improvement Fund (Fund 035) 38305  
that are not otherwise appropriated: 38306

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 38307  
CAP-099 South Bass Island State Park \$ 1,500,000 38308  
Total Department of Natural Resources \$ 1,500,000 38309  
TOTAL Parks and Recreation Improvement Fund \$ 1,500,000 38310

**Section 293.20.** DNR - PARKS AND RECREATION IMPROVEMENT 38312

The Treasurer of State is hereby authorized to issue and 38313  
sell, in accordance with Section 2i of Article VIII, Ohio 38314  
Constitution, Chapter 154. and particularly section 154.22 of the 38315  
Revised Code, original obligations in an aggregate principal 38316  
amount not to exceed \$2,000,000, in addition to the original 38317  
issuance of obligations heretofore authorized by prior acts of the 38318  
General Assembly. These authorized obligations shall be issued and 38319  
sold from time to time, subject to applicable constitutional and 38320  
statutory limitations, as needed to ensure sufficient moneys to 38321  
the credit of the Parks and Recreation Improvement Fund (Fund 035) 38322  
to pay costs of capital facilities for parks and recreation. 38323

**Section 295.10.** All items set forth in this section are 38324  
hereby appropriated out of any moneys in the state treasury to the 38325  
credit of the State Capital Improvements Fund (Fund 038) that are 38326  
not otherwise appropriated: 38327

Appropriations

PWC PUBLIC WORKS COMMISSION		38328
CAP-150 Local Public Infrastructure	\$ 120,000,000	38329
Total Public Works Commission	\$ 120,000,000	38330
TOTAL State Capital Improvements Fund	\$ 120,000,000	38331

The foregoing appropriation item CAP-150, Local Public Infrastructure, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. The Director of the Public Works Commission may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with sections 164.01 to 164.12 of the Revised Code. If the Director of Budget and Management determines pursuant to division (D) of section 164.08 and section 164.12 of the Revised Code that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

**Section 295.20.** The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and pursuant to sections 151.01 and 151.08 of the Revised Code, original obligations of the state, in an aggregate principal amount not to exceed \$120,000,000, in addition to the original 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 State Capital Improvements Fund (Fund 038) to pay costs of the state in financing or assisting in the financing of local subdivision capital improvement projects.

**Section 297.10.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Capital Improvements Revolving Loan Fund (Fund 040). Revenues to the State Capital Improvements Revolving Loan

Fund shall consist of all repayments of loans made to local subdivisions for capital improvements, investment earnings on moneys in the fund, and moneys obtained from federal or private grants or from other sources for the purpose of making loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions.

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Appropriations

PWC PUBLIC WORKS COMMISSION		38365
CAP-151 Revolving Loan	\$ 24,100,000	38366
Total Public Works Commission	\$ 24,100,000	38367
TOTAL State Capital Improvements Revolving Loan Fund	\$ 24,100,000	38368 38369

The foregoing appropriation item CAP-151, Revolving Loan, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code.

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**Section 299.10.** 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 Conservation Fund (Fund 056) that are not otherwise appropriated:

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Appropriations

PWC PUBLIC WORKS COMMISSION		38377
CAP-152 Clean Ohio Conservation	\$ 37,500,000	38378
Total Public Works Commission	\$ 37,500,000	38379
TOTAL Clean Ohio Conservation Fund	\$ 37,500,000	38380

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

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Management determines that the project refunds are available to 38388  
support additional appropriations, such amounts are hereby 38389  
appropriated. 38390

**Section 301.10.** All items set forth in this section are 38391  
hereby appropriated out of any moneys in the state treasury to the 38392  
credit of the Clean Ohio Agricultural Easement Fund (Fund 057) 38393  
that are not otherwise appropriated: 38394

	Appropriations	
AGR DEPARTMENT OF AGRICULTURE		38395
CAP-047 Clean Ohio Agricultural Easement	\$ 6,250,000	38396
Total Department of Agriculture	\$ 6,250,000	38397
TOTAL Clean Ohio Agricultural Easement Fund	\$ 6,250,000	38398

**Section 301.20.** All items set forth in this section are 38400  
hereby appropriated out of any moneys in the state treasury to the 38401  
credit of the Clean Ohio Trail Fund (Fund 061) that are not 38402  
otherwise appropriated: 38403

	Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES		38404
CAP-014 Clean Ohio Trail	\$ 6,250,000	38405
Total Department of Natural Resources	\$ 6,250,000	38406
TOTAL Clean Ohio Trail Fund	\$ 6,250,000	38407

**Section 301.30.** The Ohio Public Facilities Commission is 38409  
hereby authorized to issue and sell, in accordance with Section 20 38410  
of Article VIII, Ohio Constitution, and pursuant to sections 38411  
151.01 and 151.09 of the Revised Code, original obligations of the 38412  
state in an aggregate amount not to exceed \$50,000,000 in addition 38413  
to the original issuance of obligations heretofore authorized by 38414  
prior acts of the General Assembly. These authorized obligations 38415  
shall be issued and sold from time to time, subject to applicable 38416  
constitutional and statutory limitations, as needed to ensure 38417

sufficient moneys to the credit of the Clean Ohio Conservation Fund (Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 057), and the Clean Ohio Trail Fund (Fund 061) to pay costs of conservation projects.

**Section 303.10.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Fire Marshal Fund (Fund 546) that are not otherwise appropriated:

	Appropriations	
COM DEPARTMENT OF COMMERCE		38426
CAP-114 Office and Dorm Addition	\$ 1,908,000	38427
Total Department of Commerce	\$ 1,908,000	38428
TOTAL State Fire Marshal Fund	\$ 1,908,000	38429

**Section 305.10.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Veterans' Home Improvement Fund (Fund 604) that are not otherwise appropriated:

	Appropriations	
OVH OHIO VETERANS' HOME		38435
CAP-781 Secrest/Veterans' Hall Roof Replacement	\$ 552,500	38436
Total Ohio Veterans' Home	\$ 552,500	38437
TOTAL Veterans' Home Improvement Fund	\$ 552,500	38438

**Section 401.10.** CERTIFICATION OF AVAILABILITY OF MONEYS 38440

No moneys that require release shall be expended from any appropriation contained in this act without certification of the Director of Budget and Management that there are sufficient moneys in the state treasury in the fund from which the appropriation is made. Such certification made by the Office of Budget and Management shall be based on estimates of revenue, receipts, and

expenses. Nothing herein shall be construed as a limitation on the 38447  
authority of the Director of Budget and Management as granted in 38448  
section 126.07 of the Revised Code. 38449

**Section 401.20. LIMITATION ON USE OF CAPITAL APPROPRIATIONS** 38450

The appropriations made in this act, excluding those made to 38451  
the State Capital Improvement Fund (Fund 038) and the State 38452  
Capital Improvements Revolving Loan Fund (Fund 040) for buildings 38453  
or structures, including remodeling and renovations, are limited 38454  
to: 38455

(A) Acquisition of real property or interest in real 38456  
property; 38457

(B) Buildings and structures, which includes construction, 38458  
demolition, complete heating, lighting, and lighting fixtures, and 38459  
all necessary utilities, ventilating, plumbing, sprinkling, and 38460  
sewer systems, when such systems are authorized or necessary; 38461

(C) Architectural, engineering, and professional services 38462  
expenses directly related to the projects; 38463

(D) Machinery that is a part of structures at the time of 38464  
initial acquisition or construction; 38465

(E) Acquisition, development, and deployment of new computer 38466  
systems, including the redevelopment or integration of existing 38467  
and new computer systems, but excluding regular or ongoing 38468  
maintenance or support agreements; 38469

(F) Equipment that meets all the following criteria: 38470

(1) The equipment is essential in bringing the facility up to 38471  
its intended use. 38472

(2) The unit cost of the equipment, and not the individual 38473  
parts of a unit, is about \$100 or more. 38474

(3) The equipment has a useful life of five years or more. 38475

(4) The equipment is necessary for the functioning of the 38476  
particular facility or project. 38477

No equipment shall be paid for from these appropriations that 38478  
is not an integral part of or directly related to the basic 38479  
purpose or function of a project for which moneys are 38480  
appropriated. This paragraph does not apply to appropriation line 38481  
items for equipment. 38482

**Section 401.30. CONTINGENCY RESERVE REQUIREMENT** 38483

Any request for release of capital appropriations by the 38484  
Director of Budget and Management or the Controlling Board of 38485  
capital appropriations for projects, the contracts for which are 38486  
awarded by the Department of Administrative Services, shall 38487  
contain a contingency reserve, the amount of which shall be 38488  
determined by the Department of Administrative Services, for 38489  
payment of unanticipated project expenses. Any amount deducted 38490  
from the encumbrance for a contractor's contract as an assessment 38491  
for liquidated damages shall be added to the encumbrance for the 38492  
contingency reserve. Contingency reserve funds shall be used to 38493  
pay costs resulting from unanticipated job conditions, to comply 38494  
with rulings regarding building and other codes, to pay costs 38495  
related to errors or omissions in contract documents, to pay costs 38496  
associated with changes in the scope of work, and to pay the cost 38497  
of settlements and judgments related to the project. 38498

Any funds remaining upon completion of a project, may, upon 38499  
approval of the Controlling Board, be released for the use of the 38500  
institution to which the appropriation was made for another 38501  
capital facilities project or projects. 38502

**Section 401.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES** 38503  
**PROJECTS** 38504

Notwithstanding sections 123.01 and 123.15 of the Revised 38505

Code, the Director of Administrative Services may authorize the 38506  
Departments of Mental Health, Mental Retardation and Developmental 38507  
Disabilities, Alcohol and Drug Addiction Services, Agriculture, 38508  
Jobs and Family Services, Rehabilitation and Correction, Youth 38509  
Services, Public Safety, Transportation, the Ohio Veterans' Home, 38510  
and the Rehabilitation Services Commission to administer any 38511  
capital facilities projects when the estimated cost, including 38512  
design fees, construction, equipment, and contingency amounts, is 38513  
less than \$1,500,000. Requests for authorization to administer 38514  
capital facilities projects shall be made in writing to the 38515  
Director of Administrative Services by the respective state agency 38516  
within sixty days after the effective date of the act in which the 38517  
General Assembly initially makes an appropriation for the project. 38518  
Upon the release of funds for such projects by the Controlling 38519  
Board or the Director of Budget and Management, the agency may 38520  
administer the capital project or projects for which agency 38521  
administration has been authorized without the supervision, 38522  
control, or approval of the Director of Administrative Services. 38523

The state agency authorized by the Director of Administrative 38524  
Services to administer capital facilities projects pursuant to 38525  
this section shall comply with the applicable procedures and 38526  
guidelines established in Chapter 153. of the Revised Code. 38527

**Section 401.50. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 38528  
**AGAINST THE STATE** 38529

Except as otherwise provided in this section, an 38530  
appropriation contained in this act or any other act may be used 38531  
for the purpose of satisfying judgments, settlements, or 38532  
administrative awards ordered or approved by the Court of Claims 38533  
or by any other court of competent jurisdiction in connection with 38534  
civil actions against the state. This authorization shall not 38535  
apply to appropriations to be applied to or used for payment of 38536

guarantees by or on behalf of the state or for payments under 38537  
lease agreements relating to or debt service on bonds, notes, or 38538  
other obligations of the state. Notwithstanding any other section 38539  
of law to the contrary, this authorization includes appropriations 38540  
from funds into which proceeds or direct obligations of the state 38541  
are deposited only to the extent that the judgment, settlement, or 38542  
administrative award is for or represents capital costs for which 38543  
the appropriation may otherwise be used and is consistent with the 38544  
purpose for which any related obligations were issued or entered 38545  
into. Nothing contained in this section is intended to subject the 38546  
state to suit in any forum in which it is not otherwise subject to 38547  
suit, nor is it intended to waive or compromise any defense or 38548  
right available to the state in any suit against it. 38549

**Section 401.60. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 38550**  
**AND MANAGEMENT 38551**

Notwithstanding section 126.14 of the Revised Code, 38552  
appropriations for appropriation items CAP-002, Local Jails, and 38553  
CAP-003, Community-Based Correctional Facilities, appropriated 38554  
from the Adult Correctional Building Fund (Fund 027) to the 38555  
Department of Rehabilitation and Correction shall be released upon 38556  
the written approval of the Director of Budget and Management. The 38557  
appropriations from the Public School Building Fund (Fund 021), 38558  
the Education Facilities Trust Fund (Fund N87), and the School 38559  
Building Program Assistance Fund (Fund 032) to the School 38560  
Facilities Commission, from the Transportation Building Fund (Fund 38561  
029) to the Department of Transportation, from the Clean Ohio 38562  
Conservation Fund (Fund 056) to the Public Works Commission, and 38563  
appropriations from the State Capital Improvement Fund (Fund 038) 38564  
and the State Capital Improvements Revolving Loan Fund (Fund 040) 38565  
to the Public Works Commission shall be released upon presentation 38566  
of a request to release the funds, by the agency to which the 38567

appropriation has been made, to the Director of Budget and 38568  
Management. 38569

**Section 401.70. PREVAILING WAGE REQUIREMENT** 38570

Except as provided in section 4115.04 of the Revised Code, no 38571  
moneys appropriated or reappropriated by the 126th General 38572  
Assembly shall be used for the construction of public 38573  
improvements, as defined in section 4115.03 of the Revised Code, 38574  
unless the mechanics, laborers, or workers engaged therein are 38575  
paid the prevailing rate of wages as prescribed in section 4115.04 38576  
of the Revised Code. Nothing in this section shall affect the 38577  
wages and salaries established for state employees under the 38578  
provisions of Chapter 124. of the Revised Code, or collective 38579  
bargaining agreements entered into by the state pursuant to 38580  
Chapter 4117. of the Revised Code, while engaged on force account 38581  
work, nor shall this section interfere with the use of inmate and 38582  
patient labor by the state. 38583

**Section 401.80. CAPITAL FACILITIES LEASES** 38584

Capital facilities for which appropriations are made from the 38585  
Highway Safety Building Fund (Fund 025), the Administrative 38586  
Building Fund (Fund 026), the Adult Correctional Building Fund 38587  
(Fund 027), and the Juvenile Correctional Building Fund (Fund 028) 38588  
may be leased by the Ohio Building Authority to the Department of 38589  
Public Safety, the Department of Youth Services, the Department of 38590  
Administrative Services, and the Department of Rehabilitation and 38591  
Correction, and other agreements may be made by the Ohio Building 38592  
Authority and the departments with respect to the use or purchase 38593  
of such capital facilities, or subject to the approval of the 38594  
director of the department or the commission, the Ohio Building 38595  
Authority may lease such capital facilities to, and make other 38596  
agreements with respect to the use or purchase thereof with, any 38597

governmental agency or nonprofit corporation having authority 38598  
under law to own, lease, or operate such capital facilities. The 38599  
director of the department or the commission may sublease such 38600  
capital facilities to, and make other agreements with respect to 38601  
the use or purchase thereof with, any such governmental agency or 38602  
nonprofit corporation, which may include provisions for 38603  
transmittal of receipts of that agency or nonprofit corporation of 38604  
any charges for the use of such facilities, all upon such terms 38605  
and conditions as the parties may agree upon and any other 38606  
provision of law affecting the leasing, acquisition, or 38607  
disposition of capital facilities by such parties. 38608

**Section 401.90.** AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 38609  
MANAGEMENT 38610

The Director of Budget and Management shall authorize both of 38611  
the following: 38612

(A) The initial release of moneys for projects from the funds 38613  
into which proceeds of direct obligations of the state are 38614  
deposited. 38615

(B) The expenditure or encumbrance of moneys from funds into 38616  
which proceeds of direct obligations are deposited, only after 38617  
determining to the director's satisfaction that either of the 38618  
following apply: 38619

(1) The application of such moneys to the particular project 38620  
will not negatively affect any exemption or exclusion from federal 38621  
income tax of the interest or interest equivalent on obligations, 38622  
issued to provide moneys to the particular fund. 38623

(2) Moneys for the project will come from the proceeds of 38624  
obligations, the interest on which is not so excluded or exempt 38625  
and which have been authorized as "taxable obligations" by the 38626  
issuing authority. 38627

The director shall report any nonrelease of moneys pursuant 38628  
to this section to the Governor, the presiding officer of each 38629  
house of the General Assembly, and the agency for the use of which 38630  
the project is intended. 38631

**Section 403.10.** OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 38632

The Ohio Administrative Knowledge System (OAKS) shall be an 38633  
enterprise resource planning system that replaces the state's 38634  
central services infrastructure systems, including, but not 38635  
limited to, the central accounting system, the human 38636  
resources/payroll system, the capital improvements projects 38637  
tracking system, the fixed assets management system, and the 38638  
procurement system. The Department of Administrative Services, in 38639  
conjunction with the Office of Budget and Management, may acquire 38640  
the system, including, but not limited to, the enterprise resource 38641  
planning software and installation and implementation thereof 38642  
pursuant to Chapter 125. of the Revised Code. Any lease-purchase 38643  
arrangement utilized under Chapter 125. of the Revised Code, 38644  
including any fractionalized interest therein as defined in 38645  
division (N) of section 133.01 of the Revised Code, shall provide 38646  
at the end of the lease periods that OAKS becomes the property of 38647  
the state. 38648

**Section 403.20.** SCHOOL FACILITIES ENCUMBRANCES AND 38649  
REAPPROPRIATION 38650

At the request of the Executive Director of the Ohio School 38651  
Facilities Commission, the Director of Budget and Management may 38652  
cancel encumbrances for school district projects from a previous 38653  
biennium if the district has not raised its local share of project 38654  
costs within one year of receiving Controlling Board approval in 38655  
accordance with section 3318.05 of the Revised Code. The Executive 38656  
Director of the Ohio School Facilities Commission shall certify 38657

the amounts of these canceled encumbrances to the Director of 38658  
Budget and Management on a quarterly basis. The amounts of the 38659  
canceled encumbrances are hereby appropriated. 38660

**Section 403.30. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 38661**  
BALANCES OF CAPITAL APPROPRIATIONS 38662

(A) An unexpended balance of a capital appropriation or 38663  
reappropriation that a state agency has lawfully encumbered prior 38664  
to the close of a capital biennium is hereby reappropriated for 38665  
the following capital biennium from the fund from which it was 38666  
originally appropriated or was reappropriated and shall be used 38667  
only for the purpose of discharging the encumbrance in the 38668  
following capital biennium. For those encumbered appropriations or 38669  
reappropriations, any Controlling Board approval previously 38670  
granted and referenced by the encumbering document remains in 38671  
effect until the encumbrance is discharged in the following 38672  
capital biennium or until the encumbrance expires at the end of 38673  
the following capital biennium. 38674

(B) At the end of the reappropriation period provided for by 38675  
division (A) of this section, an unexpended balance of a capital 38676  
appropriation or reappropriation that remains encumbered at the 38677  
end of that period is hereby reappropriated for the next capital 38678  
biennium from the fund from which it was originally appropriated 38679  
or was reappropriated and shall be used only for the purpose of 38680  
discharging the encumbrance in the next capital biennium. For 38681  
those encumbered appropriations or reappropriations, any 38682  
Controlling Board approval previously granted and referenced by 38683  
the encumbering document remains in effect until the encumbrance 38684  
is discharged in the next capital biennium or until the 38685  
encumbrance expires at the end of the next capital biennium. 38686

(C) At the end of the reappropriation period provided for by 38687  
division (B) of this section, a reappropriation made pursuant to 38688

division (B) of this section shall lapse, and the encumbrance 38689  
shall expire. 38690

(D) If an encumbrance expired pursuant to division (C) of 38691  
this section, the Director of Budget and Management may 38692  
re-establish the encumbrance as provided in this division. If a 38693  
reappropriation for a project is made by the General Assembly for 38694  
the biennium immediately following the biennium in which an 38695  
encumbrance for that project expired, the Director of Budget and 38696  
Management may re-establish the encumbrance in an amount not to 38697  
exceed the amount of the expired encumbrance, in the name of the 38698  
contractor named in the expired encumbrance, and for the same 38699  
purpose specified in the expired encumbrance. The encumbrance 38700  
amount shall be in addition to the amount of the reappropriation 38701  
and is hereby reappropriated. The amount re-encumbered shall be 38702  
used only for the purpose of discharging the encumbrance in the 38703  
capital biennium for which the reappropriation was made. For those 38704  
re-encumbered reappropriations, any Controlling Board approval 38705  
previously granted and referenced by the expired encumbering 38706  
document remains in effect until the encumbrance is discharged or 38707  
expires at the end of the capital biennium for which the 38708  
reappropriation was made. If any portion of the amount 38709  
re-encumbered by the Director of Budget and Management under this 38710  
division is not expended prior to the close of the capital 38711  
biennium for which the reappropriation was made, that amount is 38712  
hereby reappropriated for the following capital biennium as 38713  
provided for in division (A) of this section and subject to the 38714  
provisions of division (A) of this section. 38715

**Section 403.40.** Capital reappropriations in this act that 38716  
have been released by the Controlling Board or the Director of 38717  
Budget and Management between June 30, 2004, and July 1, 2006, do 38718  
not require further approval or release prior to being encumbered. 38719

Funds reappropriated in excess of such prior releases shall be 38720  
released in accordance with applicable provisions of this act. 38721

**Section 403.50.** Unless otherwise specified, the 38722  
reappropriations made in this act represent the unencumbered and 38723  
unallotted balances of prior years' capital improvements 38724  
appropriations estimated to be available on June 30, 2006. The 38725  
actual balances on June 30, 2006, for the appropriation items in 38726  
this act are hereby reappropriated. Additionally, there is hereby 38727  
reappropriated the unencumbered and unallotted balances on June 38728  
30, 2006, of any appropriation items either reappropriated in Am. 38729  
Sub. S.B. 189 of the 125th General Assembly or appropriated in Am. 38730  
Sub. H.B. 16 of the 126th General Assembly, or created by the 38731  
Controlling Board pursuant to section 127.15 of the Revised Code 38732  
from appropriation items in Am. Sub. S.B. 189 of the 125th General 38733  
Assembly and Am. Sub. H.B. 16 of the 126th General Assembly, and 38734  
this act, if the Director of Budget and Management determines that 38735  
such balances are needed to complete the projects for which they 38736  
were reappropriated or appropriated. The appropriation items and 38737  
amounts that are reappropriated by this act shall be reported to 38738  
the Controlling Board within 30 days after the effective date of 38739  
this section. 38740

**Section 403.60.** No appropriation for a health care facility 38741  
authorized under this act may be released until the requirements 38742  
of sections 3702.51 to 3702.68 of the Revised Code have been met. 38743

**Section 403.70.** All proceeds received by the state as a 38744  
result of litigation, judgments, settlements, or claims, filed by 38745  
or on behalf of any state agency as defined by section 1.60 of the 38746  
Revised Code or any state-supported or state-assisted institution 38747  
of higher education, for damages or costs resulting from the use, 38748  
removal, or hazard abatement of asbestos materials shall be 38749

deposited in the Asbestos Abatement Distribution Fund (Fund 674). 38750  
All funds deposited into the Asbestos Abatement Distribution Fund 38751  
are hereby appropriated to the Attorney General. To the extent 38752  
practicable, the proceeds placed in the Asbestos Abatement 38753  
Distribution Fund shall be divided among the state agencies and 38754  
state-supported or state-assisted institutions of higher education 38755  
in accordance with the general provisions of the litigation 38756  
regarding the percentage of recovery. Distribution of the proceeds 38757  
to each state agency or state-supported or state-assisted 38758  
institution of higher education shall be made in accordance with 38759  
the Asbestos Abatement Distribution Plan to be developed by the 38760  
Attorney General, the Division of Public Works within the 38761  
Department of Administrative Services, and the Office of Budget 38762  
and Management. 38763

In those circumstances where asbestos litigation proceeds are 38764  
for reimbursement of expenditures made with funds outside the 38765  
state treasury or damages to buildings not constructed with state 38766  
appropriations, direct payments shall be made to the affected 38767  
institutions of higher education. Any proceeds received for 38768  
reimbursement of expenditures made with funds within the state 38769  
treasury or damages to buildings occupied by state agencies shall 38770  
be distributed to the affected agencies with an intrastate 38771  
transfer voucher to the funds identified in the Asbestos Abatement 38772  
Distribution Plan. 38773

Such proceeds shall be used for additional asbestos abatement 38774  
or encapsulation projects, or for other capital improvements, 38775  
except that proceeds distributed to the General Revenue Fund and 38776  
other funds that are not bond improvement funds may be used for 38777  
any purpose. The Controlling Board may, for bond improvement 38778  
funds, create appropriation items or increase appropriation 38779  
authority in existing appropriation items equaling the amount of 38780  
such proceeds. Such amounts approved by the Controlling Board are 38781

hereby appropriated. Such proceeds deposited in bond improvement 38782  
funds shall not be expended until released by the Controlling 38783  
Board, which shall require certification by the Director of Budget 38784  
and Management that such proceeds are sufficient and available to 38785  
fund the additional anticipated expenditures. 38786

**Section 403.80.** OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 38787  
REVISED CODE 38788

The capital improvements for which appropriations are made in 38789  
this act from the Ohio Parks and Natural Resources Fund (Fund 38790  
031), the School Building Program Assistance Fund (Fund 032), the 38791  
Higher Education Improvement Fund (Fund 034), the State Capital 38792  
Improvements Fund (Fund 038), the Clean Ohio Conservation Fund 38793  
(Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 057), 38794  
and the Clean Ohio Trail Fund (Fund 061) are determined to be 38795  
capital improvements and capital facilities for natural resources, 38796  
a statewide system of common schools, state-supported and 38797  
state-assisted institutions of higher education, local subdivision 38798  
capital improvement projects, and conservation purposes (under the 38799  
Clean Ohio Program) and are designated as capital facilities to 38800  
which proceeds of obligations issued under Chapter 151. of the 38801  
Revised Code are to be applied. 38802

**Section 403.90.** OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 38803  
REVISED CODE 38804

The capital improvements for which appropriations are made in 38805  
this act from the Highway Safety Building Fund (Fund 025), the 38806  
Administrative Building Fund (Fund 026), the Adult Correctional 38807  
Building Fund (Fund 027), the Juvenile Correctional Building Fund 38808  
(Fund 028), and the Transportation Building Fund (Fund 029) are 38809  
determined to be capital improvements and capital facilities for 38810  
housing state agencies and branches of state government and are 38811

designated as capital facilities to which proceeds of obligations 38812  
issued under Chapter 152. of the Revised Code are to be applied. 38813

**Section 405.10.** OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 38814  
REVISED CODE 38815

The capital improvements for which appropriations are made in 38816  
this act from the Cultural and Sports Facilities Building Fund 38817  
(Fund 030), the Mental Health Facilities Improvement Fund (Fund 38818  
033), and the Parks and Recreation Improvement Fund (Fund 035) are 38819  
determined to be capital improvements and capital facilities for 38820  
housing state agencies and branches of government, mental hygiene 38821  
and retardation, and parks and recreation and are designated as 38822  
capital facilities to which proceeds of obligations issued under 38823  
Chapter 154. of the Revised Code are to be applied. 38824

**Section 405.20.** Upon the request of the agency to which a 38825  
capital project appropriation item is appropriated, the Director 38826  
of Budget and Management may transfer open encumbrance amounts 38827  
between separate encumbrances for the project appropriation item 38828  
to the extent that any reductions in encumbrances are agreed to by 38829  
the contracting vendor and the agency. 38830

**Section 405.30.** Any proceeds received by the state as the 38831  
result of litigation or a settlement agreement related to any 38832  
liability for the planning, design, engineering, construction, or 38833  
constructed management of such facilities operated by the 38834  
Department of Administrative Services shall be deposited into the 38835  
Administrative Building Fund (Fund 026). 38836

**Section 405.40.** Sections 203.10 to 405.30 of this act shall 38837  
remain in full force and effect commencing on July 1, 2006, and 38838  
terminating on June 30, 2008, for the purpose of drawing money 38839  
from the state treasury in payment of liabilities lawfully 38840

incurred hereunder, and on June 30, 2008, and not before, the 38841  
moneys hereby appropriated shall lapse into the funds from which 38842  
they are severally appropriated. If, under Section 1c of Article 38843  
II, Ohio Constitution, Section 1c, Sections 203.10 to 405.30 of 38844  
this act do not take effect until after July 1, 2006, Sections 38845  
203.10 to 405.30 of this act shall be and remain in full force and 38846  
effect commencing on that later effective date. 38847

**Section 405.50.** TRANSFERS TO THE SCHOOL DISTRICT SOLVENCY 38848  
ASSISTANCE FUND (FUND 5H3) 38849

Notwithstanding any provision of law to the contrary, upon 38850  
the request of the Superintendent of Public Instruction, the 38851  
Director of Budget and Management may make transfers of cash to 38852  
the School District Solvency Assistance Fund (Fund 5H3) from any 38853  
Department of Education administered fund or the General Revenue 38854  
Fund to maintain sufficient cash balances in the School District 38855  
Solvency Assistance Fund (Fund 5H3) in fiscal years 2006 and 2007 38856  
for providing assistance and grants to school districts to enable 38857  
them to remain solvent and to pay unforeseeable expenses of a 38858  
temporary or emergency nature that they are unable to pay from 38859  
existing resources. The Director of Budget and Management shall 38860  
notify the members of the Controlling Board of any such transfers. 38861

This section is not subject to the referendum. Therefore, 38862  
under Ohio Constitution, Article II, Section 1d and section 1.471 38863  
of the Revised Code, this section goes into immediate effect when 38864  
this act becomes law. 38865

**Section 405.60.** The amendment of section 6301.03 of the 38866  
Revised Code by Am. Sub. S.B. 189 of the 125th General Assembly 38867  
applies on and after July 1, 2004. Local areas and sub-recipients 38868  
of a local area may continue to use the public assistance fund to 38869  
facilitate close out of workforce development activities conducted 38870

pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 38871  
29 U.S.C. 2801, as amended, or Chapter 6301. of the Revised Code 38872  
that occurred prior to July 1, 2004. 38873

**Section 506.03.** (A) If money deposited into an escrow account 38874  
under section 153.63 of the Revised Code by the Department of 38875  
Administrative Services has not been released pursuant to that 38876  
section due to the failure of the contractor, within three years, 38877  
to give notice requesting release, the money shall be released 38878  
pursuant to division (B) of this section to the Director of 38879  
Administrative Services, who shall deposit it to the credit of the 38880  
State Architect's Fund created under section 123.10 of the Revised 38881  
Code. 38882

(B) Notwithstanding section 153.63 of the Revised Code, the 38883  
escrow agent in charge of the money described in division (A) of 38884  
this section shall release the money to the Director if all of the 38885  
following occur: 38886

(1) The Director notifies the contractor of the existence of 38887  
the escrowed amount in writing, sent by certified mail to the 38888  
contractor's last known address and to the last known address of 38889  
the contractor's statutory agent, if such agent exists; 38890

(2) In the event a mechanics lien has been filed against the 38891  
contractor pursuant to sections 1311.25 to 1311.32 of the Revised 38892  
Code for labor performed or materials supplied in connection with 38893  
the project, the Director notifies the lien claimant of the 38894  
existence of the escrowed amount in writing, sent by certified 38895  
mail to the lien claimant's last known address and to the last 38896  
known address of the lien claimant's statutory agent, if such 38897  
agent exists; 38898

(3) The contractor or statutory agent and, if applicable, the 38899  
lien claimant or statutory agent fail to respond to the notice by 38900  
the date that is sixty days after the date the notice is sent. 38901

(C) Money released to the Director pursuant to this section 38902  
shall be considered an additional fee related to the 38903  
administration of the contract for which the escrow deposit was 38904  
made. 38905

**Section 512.03.** CASH TRANSFER TO DEPARTMENT OF HEALTH'S 38906  
GENERAL OBLIGATIONS FUND 38907

Not later than 30 days after the effective date of this 38908  
section, the Director of Budget and Management shall transfer 38909  
\$103,981.68 cash from the Adjutant General's Department's Camp 38910  
Perry Clubhouse and Rental Fund (Fund 536) to the Department of 38911  
Health's General Obligations Fund (Fund 392). 38912

**Section 512.03.03.** DEPARTMENT OF EDUCATION APPROPRIATION 38913  
TRANSFERS 38914

The Director of Budget and Management, in consultation with 38915  
the Superintendent of Public Instruction, may transfer up to 38916  
\$200,000 in fiscal year 2006 and up to \$300,000 in fiscal year 38917  
2007 of unspent and unencumbered balances of General Revenue Fund 38918  
appropriation items within the Department of Education to GRF 38919  
appropriation item 200-421, Alternative Education Programs. The 38920  
funds transferred shall be used for the administration of the 38921  
Educational Choice Scholarship Pilot Program. All funds 38922  
transferred under this section are hereby appropriated. 38923

**Section 512.06.** TRANSFERS TO STATE NEED-BASED FINANCIAL AID 38924  
PROGRAMS 38925

In fiscal year 2006, if the Chancellor of the Board of 38926  
Regents determines that additional funds are needed to support the 38927  
distribution of state need-based financial aid in accordance with 38928  
section 3333.12 of the Revised Code, the Chancellor shall 38929  
recommend the reallocation of unencumbered and unobligated 38930

appropriation balances of General Revenue Fund appropriation items 38931  
within the Board of Regents to GRF appropriation item 235-503, 38932  
Ohio Instructional Grants. If the Director of Budget and 38933  
Management determines that such a reallocation is required, the 38934  
Director may transfer those identified unencumbered and 38935  
unobligated funds within the Board of Regents as necessary to GRF 38936  
appropriation item 235-503, Ohio Instructional Grants. The amounts 38937  
transferred to appropriation item 235-503, Ohio Instructional 38938  
Grants, are hereby appropriated. If those unencumbered and 38939  
unobligated funds are not sufficient to support the distribution 38940  
of state need-based financial aid in accordance with section 38941  
3333.12 of the Revised Code in fiscal year 2006, the Director of 38942  
Budget and Management may increase the appropriation from the 38943  
General Revenue Fund of appropriation item 235-503, Ohio 38944  
Instructional Grants, in fiscal year 2006 by up to \$30,000,000. 38945

In fiscal year 2007, if the Chancellor of the Board of 38946  
Regents determines that additional funds are needed to support the 38947  
distribution of state need-based financial aid in accordance with 38948  
sections 3333.12 and 3333.122 of the Revised Code, the Chancellor 38949  
shall recommend the reallocation of unencumbered and unobligated 38950  
appropriation balances of General Revenue Fund appropriation items 38951  
within the Board of Regents to GRF appropriation items 235-503, 38952  
Ohio Instructional Grants, and 235-563, Ohio College Opportunity 38953  
Grant. If the Director of Budget and Management determines that 38954  
such a reallocation is required, the Director may transfer those 38955  
identified unencumbered and unobligated funds within the Board of 38956  
Regents as necessary to GRF appropriation items 235-503, Ohio 38957  
Instructional Grants, and 235-563, Ohio College Opportunity Grant. 38958  
The amounts transferred to appropriation items 235-503, Ohio 38959  
Instructional Grants, and 235-563, Ohio College Opportunity Grant, 38960  
are hereby appropriated. If those unencumbered and unobligated 38961  
funds are not sufficient to support the distribution of state 38962

need-based financial aid in accordance with sections 3333.12 and 3333.122 of the Revised Code in fiscal year 2007, the Director of Budget and Management may increase the appropriation from the General Revenue Fund of appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant, in fiscal year 2007. The combined increase to appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant, authorized under this section shall not exceed \$30,000,000 in fiscal year 2007.

**Section 512.12. DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES**

By June 30, 2006, or as soon as possible thereafter, the Director of Budget and Management shall, to fulfill the requirement of section 5123.23 of the Revised Code, transfer \$4,163.90 cash from the Miscellaneous Revenue Fund (Fund 152 in the Department of Mental Retardation and Developmental Disabilities) to the General Revenue Fund.

**Section 512.15. TRANSFER TO DEPARTMENT OF JOB AND FAMILY SERVICES FOR PACE PAYMENTS**

The Director of Job and Family Services and the Director of Aging may certify on a quarterly basis to the Director of Budget and Management the nonfederal amount paid to PACE providers for Medicaid services. On receipt of the certification, the Director of Budget and Management may:

(1) Transfer appropriations equal to the amount certified from GRF appropriation item 490-421, PACE, to GRF appropriation item 600-525, Health Care/Medicaid;

(2) Increase the appropriation of GRF appropriation item 600-525, Health Care/Medicaid, by the corresponding federal share; and

(3) Decrease the appropriation in appropriation item 490-621, 38993  
PACE-Federal, (Fund 3C4) by the corresponding federal share. 38994

**Section 512.18.** TRANSFER TO THE DEPARTMENT OF JOB AND FAMILY 38995  
SERVICES FROM THE DEPARTMENT OF EDUCATION 38996

Transfers from the Department of Education to the Department 38997  
of Job and Family Services pursuant to section 3317.023 of the 38998  
Revised Code are hereby appropriated to appropriation item 38999  
600-671, Medicaid Program Support. Federal funds generated by 39000  
expenditure of the transfers are hereby appropriated to 39001  
appropriation item 600-623, Health Care Federal. Within seven days 39002  
after initiating the transfer, the Director of Job and Family 39003  
Services shall notify the Director of Budget and Management of the 39004  
transfer. 39005

**Section 515.03.** (A) The Director of Budget and Management 39006  
shall, on the effective date of this section, supersede and 39007  
replace the Auditor of State in all matters relating to the 39008  
drawing of warrants for the payment or transfer of money from the 39009  
state treasury (referred to in this section as "the payment 39010  
function"). With respect to the payment function, the Director 39011  
shall succeed to and perform all of the duties, powers, and 39012  
obligations of the Auditor of State provided for by law. 39013

(B) Any aspect of the payment function commenced but not 39014  
completed by the Auditor of State on the effective date of this 39015  
section shall be completed by the Director or the staff of the 39016  
Office of Budget and Management in the same manner, and with the 39017  
same effect, as if completed by the Auditor of State or the staff 39018  
of the Auditor of State. Any validation, cure, right, privilege, 39019  
remedy, obligation, or liability related to the payment function 39020  
is not lost or impaired by reason of the transfer required by this 39021  
section and shall be administered by the Office of Budget and 39022

Management. All of the rules, orders, and determinations of the Auditor of State in relation to the payment function continue in effect as rules, orders, and determinations of the Director of Budget and Management until modified or rescinded by the Director. At the request of the Auditor of State and if necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber rules of the Auditor of State in relation to the payment function to reflect the transfer to the Director of Budget and Management.

(C) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, the Auditor of State and the Director of Budget and Management shall identify the employees of the Auditor of State assigned to or responsible for the payment function who shall be transferred to the Office of Budget and Management. The transfer shall take effect on July 1, 2007, or as soon as possible thereafter.

(D) Whenever the Auditor of State in relation to the payment function is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Director of Budget and Management.

(E) Any action or proceeding that is related to the payment function and is pending on the effective date of this section is not affected by the transfer and shall be prosecuted or defended in the name of the Director of Budget and Management or the Office of Budget and Management. In all such actions and proceedings the Director or the Office, upon application to the court, shall be substituted as a party.

**Section 515.06.** (A) The Director of Administrative Services, the Director of Agriculture, the Director of Health, and the Director of Environmental Protection shall enter into a memorandum of understanding concerning the co-location at the Department of

Agriculture's campus in Reynoldsburg of the Department of 39054  
Agriculture, Department of Health, and Ohio Environmental 39055  
Protection Agency laboratory and related office and storage 39056  
facilities. The memorandum shall include the agreed upon 39057  
obligations and responsibilities of the agencies relative to the 39058  
facilities, and it and any later revision shall not take effect 39059  
unless approved by the Director of Budget and Management. 39060

(B) Notwithstanding division (A)(12) of section 123.01 of the 39061  
Revised Code, and as shall be specified in the memorandum, the 39062  
Department of Agriculture shall be responsible for the maintenance 39063  
and care of the co-located facilities, the cost of which care 39064  
shall be itemized and proportionately allocated among the 39065  
Department of Agriculture, the Department of Health, and the Ohio 39066  
Environmental Protection Agency. Except for this requirement, 39067  
nothing in this section affects the authority of the Department of 39068  
Administrative Services under section 123.01 of the Revised Code. 39069

(C) If required, the Office of Budget and Management and 39070  
Department of Administrative Services shall assist in addressing 39071  
issues regarding the memorandum's implementation. 39072

**Section 606.05.** That Section 3 of Sub. H.B. 11 of the 126th 39073  
General Assembly be amended to read as follows: 39074

**Sec. 3.** (A) Notwithstanding anything to the contrary in 39075  
division ~~(E)~~(D) of section 3317.024 of the Revised Code, in 39076  
section 3317.07 of the Revised Code or in rules adopted under that 39077  
section, or in Section 206.09.21 of Am. Sub. H.B. 66 of the 126th 39078  
General Assembly, during fiscal year 2006 only, upon receipt of a 39079  
waiver granted by the Superintendent of Public Instruction a 39080  
school district, educational service center, or county MR/DD board 39081  
may use the portion of the funds paid under appropriation item 39082  
200-503, Bus Purchase Allowance, as approved in the waiver for 39083

purchasing fuel for school buses. 39084

(B) In the manner specified by the Superintendent of Public 39085  
Instruction for purposes of this section, a school district, 39086  
educational service center, or county MR/DD board may apply to the 39087  
Superintendent for a waiver to use funds paid during fiscal year 39088  
2006 under appropriation item 200-503, Bus Purchase Allowance, to 39089  
purchase fuel for school buses. The Superintendent shall require 39090  
the school district, educational service center, or county MR/DD 39091  
board to report to the Superintendent by December 31, 2005, its 39092  
total expenditures for fuel for buses in fiscal year 2005 and its 39093  
estimated expenditures for fuel for buses in fiscal year 2006. The 39094  
Superintendent may grant a waiver to a school district, 39095  
educational service center, or county MR/DD board only if the 39096  
following conditions are met: 39097

(1) The district, service center, or county MR/DD board 39098  
demonstrates to the Superintendent's satisfaction that it has a 39099  
sufficient supply of buses or contracted bus service to meet its 39100  
pupil transportation obligations for fiscal year 2006 without 39101  
spending all or part of its allocation of funds under 39102  
appropriation item 200-503, Bus Purchase Allowance. 39103

(2) The district's, service center's, or county MR/DD board's 39104  
estimate of expenditures for fuel for buses in fiscal year 2006 is 39105  
higher than its expenditures for fuel for buses in fiscal year 39106  
2005. 39107

The Superintendent shall prescribe in the waiver the portion 39108  
of those funds allocated to the school district, service center, 39109  
or county MR/DD board under appropriation item 200-503, Bus 39110  
Purchase Allowance, that may be used for purchasing fuel for 39111  
buses, which portion shall not exceed the difference between the 39112  
estimated expenditures for fuel for buses in fiscal year 2006 and 39113  
the expenditures for fuel for buses in fiscal year 2005. 39114

(C) Not later than July 31, 2006, each school district, 39115  
educational service center, and county MR/DD board that receives a 39116  
waiver under this section shall report to the Superintendent of 39117  
Public Instruction its actual expenditures to purchase fuel for 39118  
school buses in fiscal year 2006. If the Superintendent determines 39119  
that the district, service center, or county MR/DD board did not 39120  
spend all of the funds from appropriation item 200-503, Bus 39121  
Purchase Allowance, prescribed in the waiver to purchase fuel for 39122  
buses, the district, service center, or county MR/DD board shall 39123  
allocate the remainder of those funds for school bus purchases in 39124  
fiscal year 2007. 39125

(D) The Office of Pupil Transportation within the Department 39126  
of Education may audit school districts, educational service 39127  
centers, and county MR/DD boards that apply for waivers to ensure 39128  
the accuracy of the data reported under this section. If the 39129  
Office finds that a district, service center, or county MR/DD 39130  
board has reported data inaccurately, the Department shall apply 39131  
division (L) of section 3301.0714 of the Revised Code to that 39132  
district, service center, or county MR/DD board. 39133

**Section 606.06.** That existing Section 3 of Sub. H.B. 11 of 39134  
the 126th General Assembly is hereby repealed. 39135

**Section 606.17.** That Sections 203.09, 203.12, 203.12.12, 39136  
203.45, 203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 203.99.01, 39137  
203.99.30, 203.99.48, 206.03, 206.09, 206.09.12, 206.09.15, 39138  
206.09.21, 206.09.27, 206.09.36, 206.09.39, 206.09.42, 206.09.61, 39139  
206.09.63, 206.09.66, 206.09.84, 206.16, 206.42, 206.42.09, 39140  
206.48, 206.66, 206.66.22, 206.66.23, 206.66.36, 206.66.64, 39141  
206.66.66, 206.66.84, 206.66.85, 206.66.91, 206.67.15, 206.67.21, 39142  
206.99, 209.04, 209.06.06, 209.06.09, 209.09.06, 209.09.18, 39143  
209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 209.36, 209.45, 39144

209.63, 209.63.42, 209.64.60, 209.72, 209.75, 209.78.03, 209.81, 39145  
 209.90.06, 212.03, 212.24, 212.27, 212.30, 212.33, 557.12, and 39146  
 612.36.03 of Am. Sub. H.B. 66 of the 126th General Assembly be 39147  
 amended to read as follows: 39148

**Sec. 203.09. ADJ ADJUTANT GENERAL** 39149

General Revenue Fund 39150

GRF 745-401	Ohio Military Reserve	\$	15,188	\$	15,188	39151
GRF 745-404	Air National Guard	\$	1,939,762	\$	1,939,762	39152
GRF 745-407	National Guard	\$	1,400,000	\$	1,400,000	39153

Benefits

GRF 745-409	Central Administration	\$	3,949,590	\$	3,949,590	39154
GRF 745-499	Army National Guard	\$	4,086,222	\$	4,086,222	39155
GRF 745-502	Ohio National Guard	\$	102,973	\$	102,973	39156

Unit Fund

TOTAL GRF	General Revenue Fund	\$	11,493,735	\$	11,493,735	39157
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General Services Fund Group 39158

534 745-612	Armory Improvements	\$	534,304	\$	534,304	39159
536 745-620	Camp Perry/Buckeye Inn	\$	1,094,970	\$	1,094,970	39160

Operations

537 745-604	Ohio National Guard	\$	219,826	\$	219,826	39161
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Facility Maintenance

TOTAL GSF	General Services Fund	\$	1,849,100	\$	1,849,100	39162
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Group

Federal Special Revenue Fund Group 39163

3E8 745-628	Air National Guard	\$	12,174,760	\$	12,174,760	39164
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Agreement

3R8 745-603	Counter Drug	\$	25,000	\$	25,000	39165
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Operations

341 745-615	Air National Guard	\$	2,424,740	\$	2,424,740	39166
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Base Security

342	745-616	Army National Guard	\$	8,686,893	\$	8,686,893	39167
		Agreement					
	TOTAL FED	Federal Special Revenue	\$	23,311,393	\$	23,311,393	39168
	Fund Group						
	State Special Revenue	Fund Group					39169
	<u>5DN 745-618</u>	<u>Service Medal</u>	<u>\$</u>	<u>1,500</u>	<u>\$</u>	<u>0</u>	39170
		<u>Production</u>					
5U8	745-613	Community Match	\$	90,000	\$	91,800	39171
		Armories					
528	745-605	Marksmanship	\$	126,078	\$	128,600	39172
		Activities					
	TOTAL SSR	State Special Revenue	\$	<del>216,078</del>	\$	220,400	39173
	Fund Group			<u>217,578</u>			
	TOTAL ALL BUDGET FUND GROUPS		\$	<del>36,870,306</del>	\$	36,874,628	39174
				<u>36,871,806</u>			

NATIONAL GUARD BENEFITS 39175

The foregoing appropriation item 745-407, National Guard 39176  
 Benefits, shall be used for purposes of sections 5919.31 and 39177  
 5919.33 of the Revised Code, and for administrative costs of the 39178  
 associated programs. 39179

For active duty members of the Ohio National Guard who died 39180  
 after October 7, 2001, while performing active duty, the death 39181  
 benefit, pursuant to section 5919.33 of the Revised Code, shall be 39182  
 paid to the beneficiary or beneficiaries designated on the 39183  
 member's Servicemembers' Group Life Insurance Policy. 39184

STATE ACTIVE DUTY COSTS 39185

Of the foregoing appropriation item 745-409, Central 39186  
 Administration, \$50,000 in each fiscal year shall be used for the 39187  
 purpose of paying expenses related to state active duty of members 39188  
 of the Ohio organized militia, in accordance with a proclamation 39189  
 of the Governor. Expenses include, but are not limited to, the 39190

cost of equipment, supplies, and services, as determined by the 39191  
 Adjutant General's Department. 39192

NATIONAL GUARD SERVICE MEDAL PRODUCTION 39193

The foregoing appropriation item 745-618, Service Medal 39194  
Production, shall be used to cover costs of production of the 39195  
Commemorative National Guard Service Medal pursuant to section 39196  
5919.19 of the Revised Code. 39197

CASH TRANSFER TO NATIONAL GUARD SERVICE MEDAL FUND 39198

At the request of the Adjutant General, the Director of 39199  
Budget and Management may transfer up to \$1,500 cash from the 39200  
General Revenue Fund to the National Guard Service Medal Fund 39201  
(Fund 5DN) in fiscal year 2006. 39202

**Sec. 203.12.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 39203

General Revenue Fund 39204

GRF 100-403	Public School Employee	\$	1,200,000	\$	1,500,000	39205
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Benefits

GRF 100-404	CRP Procurement	\$	248,040	\$	268,040	39206
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Program

GRF 100-405	Agency Audit Expenses	\$	329,000	\$	329,000	39207
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GRF 100-406	County & University	\$	<del>60,000</del>	\$	<del>60,000</del>	39208
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	Human Resources		<u>280,000</u>		<u>940,000</u>	
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Services

GRF 100-410	Veterans' Records	\$	69,000	\$	48,600	39209
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Conversion

GRF 100-418	Web Sites and Business	\$	3,275,280	\$	3,275,280	39210
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Gateway

GRF 100-419	IT Security	\$	1,636,247	\$	1,636,247	39211
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Infrastructure

GRF 100-421	OAKS Project	\$	484,000	\$	410,839	39212
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Implementation

GRF 100-433	State of Ohio Computer Center	\$	4,991,719	\$	4,991,719	39213
GRF 100-439	Equal Opportunity Certification Programs	\$	726,481	\$	728,384	39214
GRF 100-447	OBA - Building Rent Payments	\$	115,740,400	\$	116,091,300	39215
GRF 100-448	OBA - Building Operating Payments	\$	25,393,250	\$	25,647,183	39216
GRF 100-449	DAS - Building Operating Payments	\$	4,160,383	\$	4,170,623	39217
GRF 100-451	Minority Affairs	\$	47,000	\$	47,000	39218
GRF 100-734	Major Maintenance - State Bldgs	\$	50,000	\$	50,000	39219
GRF 102-321	Construction Compliance	\$	1,190,959	\$	1,206,779	39220
GRF 130-321	State Agency Support Services	\$	2,693,788	\$	2,668,986	39221
TOTAL GRF General Revenue Fund		\$	<del>162,295,547</del>	\$	<del>163,129,980</del>	39222
			<u>162,515,547</u>		<u>164,009,980</u>	
General Services Fund Group						39223
112 100-616	DAS Administration	\$	5,221,393	\$	5,299,427	39224
115 100-632	Central Service Agency	\$	466,517	\$	<del>485,178</del>	39225
					<u>860,878</u>	
117 100-644	General Services Division - Operating	\$	6,834,247	\$	7,245,772	39226
122 100-637	Fleet Management	\$	4,025,043	\$	4,032,968	39227
125 100-622	Human Resources Division - Operating	\$	18,864,179	\$	19,220,614	39228
127 100-627	Vehicle Liability Insurance	\$	3,344,644	\$	3,344,644	39229
128 100-620	Collective Bargaining	\$	3,410,952	\$	3,410,952	39230
130 100-606	Risk Management Reserve	\$	223,904	\$	223,904	39231

131	100-639	State Architect's Office	\$	6,977,274	\$	7,047,427	39232
132	100-631	DAS Building Management	\$	10,721,430	\$	11,066,228	39233
133	100-607	IT Services Delivery	\$	81,418,432	\$	80,345,564	39234
188	100-649	Equal Opportunity Division - Operating	\$	993,378	\$	1,010,256	39235
201	100-653	General Services Resale Merchandise	\$	1,553,000	\$	1,553,000	39236
210	100-612	State Printing	\$	5,931,421	\$	5,931,421	39237
229	100-630	IT Governance	\$	18,531,812	\$	17,601,712	39238
4N6	100-617	Major IT Purchases	\$	10,617,166	\$	10,617,166	39239
4P3	100-603	DAS Information Services	\$	5,902,099	\$	6,117,004	39240
427	100-602	Investment Recovery	\$	5,580,208	\$	5,683,564	39241
5C2	100-605	MARCS Administration	\$	9,268,178	\$	9,268,178	39242
5C3	100-608	Skilled Trades	\$	1,406,278	\$	1,434,982	39243
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000	39244
5L7	100-610	Professional Development	\$	2,700,000	\$	2,700,000	39245
5V6	100-619	Employee Educational Development	\$	936,129	\$	936,129	39246
TOTAL GSF General Services Fund							39247
Group			\$	216,927,684	\$	<del>216,576,090</del> <u>216,951,790</u>	39248
Federal Special Revenue Fund Group							39249
3AJ	100-623	Information Technology Grants	\$	82,048	\$	82,048	39250
TOTAL FSR Federal Special Revenue Fund Group			\$	82,048	\$	82,048	39251
Agency Fund Group							39252
124	100-629	Payroll Deductions	\$	2,050,000,000	\$	2,050,000,000	39253

TOTAL AGY Agency Fund Group	\$ 2,050,000,000	\$ 2,050,000,000	39254
Holding Account Redistribution Fund Group			39255
R08 100-646 General Services	\$ 20,000	\$ 20,000	39256
Refunds			
TOTAL 090 Holding Account			39257
Redistribution Fund Group	\$ 20,000	\$ 20,000	39258
TOTAL ALL BUDGET FUND GROUPS	\$ <del>2,429,325,279</del>	\$ <del>2,429,808,118</del>	39259
	<u>2,429,545,279</u>	<u>2,431,063,818</u>	

**Sec. 203.12.12. CENTRAL SERVICE AGENCY FUND** 39261

The Director of Budget and Management may transfer up to 39262  
\$363,851 in fiscal year 2006 from the Occupational Licensing and 39263  
Regulatory Fund (Fund 4K9) to the Central Service Agency Fund 39264  
(Fund 115). The Director of Budget and Management may transfer up 39265  
to \$45,184 in fiscal year 2006 from the State Medical Board 39266  
Operating Fund (Fund 5C6) to the Central Service Agency Fund (Fund 39267  
115). The Director of Budget and Management may transfer up to 39268  
\$625 in fiscal year 2006 from the Motor Vehicle Collision Repair 39269  
Registration Fund (Fund 5H9) to the Central Service Agency Fund 39270  
(Fund 115). The appropriation item 100-632, Central Service 39271  
Agency, shall be used to purchase the necessary equipment, 39272  
products, and services to maintain an automated application for 39273  
the professional licensing boards, and to support their licensing 39274  
functions in fiscal year 2006. The amount of the cash transfers is 39275  
appropriated to appropriation item 100-632, Central Service 39276  
Agency. 39277

The Department of Administrative Services shall establish 39278  
charges for recovering the costs of maintaining an automated 39279  
application for the professional licensing boards and for the 39280  
costs of supporting licensing functions in fiscal year 2007. In 39281  
establishing these charges for fiscal year 2007 any changes from 39282  
the method used to calculate fiscal year 2006 costs to be 39283

recovered via transfer of funds or any changes from the type of 39284  
costs recovered through fiscal year 2006 transfers are subject to 39285  
Controlling Board approval. The charges shall be billed to the 39286  
professional licensing boards and deposited via intrastate 39287  
transfer vouchers to the credit of the Central Service Agency Fund 39288  
(Fund 115). Total Department of Administrative Services charges 39289  
for the maintenance and support of the licensing system in fiscal 39290  
year 2007 shall not exceed \$375,700. 39291

**Sec. 203.45. ATH ATHLETIC COMMISSION**

General Services Fund Group 39292

4K9 175-609 Operating Expenses	\$	248,150	\$	0	<u>255,850</u>	39294
TOTAL GSF General Services Fund Group	\$	248,150	\$	0	<u>255,850</u>	39295
TOTAL ALL BUDGET FUND GROUPS	\$	248,150	\$	0	<u>255,850</u>	39296

**Sec. 203.51. AUD AUDITOR OF STATE**

General Revenue Fund 39298

GRF 070-321 Operating Expenses	\$	<del>29,014,425</del>	\$	<del>28,964,425</del>		39300
		<u>29,334,425</u>		<u>29,144,425</u>		
GRF 070-403 Fiscal Watch/Emergency Technical Assistance	\$	500,000	\$	500,000		39301
GRF 070-405 Electronic Data Processing - Auditing and Administration	\$	823,193	\$	823,193		39302
GRF 070-406 Uniform Accounting Network/Technology Improvements Fund	\$	1,588,538	\$	1,588,538		39303
TOTAL GRF General Revenue Fund	\$	<del>31,926,156</del>	\$	<del>31,876,156</del>		39304
		<u>32,246,156</u>		<u>32,056,156</u>		

Auditor of State Fund Group 39305

R06 070-604 Continuous Receipts	\$	35,000	\$	35,000		39306
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109	070-601	Public Audit Expense -	\$	<del>9,300,000</del>	\$	<del>9,300,000</del>	39307
		Intra-State		<u>12,000,000</u>		<u>12,000,000</u>	
422	070-601	Public Audit Expense -	\$	31,104,840	\$	31,104,840	39308
		Local Government					
584	070-603	Training Program	\$	<del>131,250</del>	\$	<del>131,250</del>	39309
				<u>181,250</u>		<u>181,250</u>	
675	070-605	Uniform Accounting	\$	3,317,336	\$	3,317,336	39310
		Network					
TOTAL <del>AUS</del> <u>AUD</u> Auditor of State Fund							39311
Group			\$	<del>43,888,426</del>	\$	<del>43,888,426</del>	39312
				<u>46,638,426</u>		<u>46,638,426</u>	
TOTAL ALL BUDGET FUND GROUPS							39313
			\$	<del>75,814,582</del>	\$	<del>75,764,582</del>	
				<u>78,884,582</u>		<u>78,694,582</u>	

BILLING PRACTICES PILOT REVIEW 39314

Of the foregoing appropriation item 070-321, Operating 39315  
 Expenses, \$50,000 shall be used by the Auditor of State to conduct 39316  
 a pilot review of the billing practices of facilities licensed by 39317  
 the Department of Mental Health and the Department of Job and 39318  
 Family Services that serve children in a residential setting for 39319  
 whom mental health treatment services are provided. In conducting 39320  
 this review, the Auditor of State shall have access to any 39321  
 information, records, or other data that would otherwise be 39322  
 available to any federal, state, or local public agency that 39323  
 provides funding to the facility. 39324

The Auditor of State shall prepare a report on the 39325  
 conclusions of the pilot review, and shall furnish copies of the 39326  
 report to the Governor, the Speaker of the House of 39327  
 Representatives, and the President of the Senate, as well as to 39328  
 the majority and minority leaders of the House of Representatives 39329  
 and the Senate, by June 30, 2006. 39330

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 39331

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.				39363
<b>Sec. 203.54.</b>	BRB BOARD OF BARBER EXAMINERS			39364
General Services Fund Group				39365
4K9 877-609 Operating Expenses	\$	568,126	\$	⊖ <u>567,119</u>
TOTAL GSF General Services Fund				39367
Group	\$	568,126	\$	⊖ <u>567,119</u>
TOTAL ALL BUDGET FUND GROUPS	\$	568,126	\$	⊖ <u>567,119</u>
<b>Sec. 203.66.</b>	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD			39371
General Services Fund Group				39372
4K9 930-609 Operating Expenses	\$	452,976	\$	⊖ <u>452,729</u>
TOTAL GSF General Services Fund	\$	452,976	\$	⊖ <u>452,729</u>
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	452,976	\$	⊖ <u>452,729</u>
<b>Sec. 203.69.</b>	CHR STATE CHIROPRACTIC BOARD			39377
General Services Fund Group				39378
4K9 878-609 Operating Expenses	\$	605,278	\$	⊖ <u>621,621</u>
TOTAL GSF General Services Fund	\$	605,278	\$	⊖ <u>621,621</u>
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	605,278	\$	⊖ <u>621,621</u>
<b>Sec. 203.84.</b>	COS STATE BOARD OF COSMETOLOGY			39383
General Services Fund Group				39384
4K9 879-609 Operating Expenses	\$	2,929,630	\$	⊖ <u>2,951,179</u>
TOTAL GSF General Services Fund				39386
Group	\$	2,929,630	\$	⊖ <u>2,951,179</u>
TOTAL ALL BUDGET FUND GROUPS	\$	2,929,630	\$	⊖ <u>2,951,179</u>
<b>Sec. 203.87.</b>	CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND			39390
FAMILY THERAPIST BOARD				39391

General Services Fund Group				39392	
4K9 899-609 Operating Expenses	\$	1,058,445	\$	± <u>1,057,519</u>	39393
TOTAL GSF General Services Fund				39394	
Group	\$	1,058,445	\$	± <u>1,057,519</u>	39395
TOTAL ALL BUDGET FUND GROUPS	\$	1,058,445	\$	± <u>1,057,519</u>	39396

**Sec. 203.99.01. OPERATING EXPENSES** 39398

Of the foregoing appropriation item 195-321, Operating 39399  
Expenses, \$50,000 in fiscal year 2006 and \$35,000 in fiscal year 39400  
2007 shall be used ~~for~~ by Crawford County ~~to hire an employee to~~ 39401  
~~act as a~~ for local economic development ~~coordinator for Crawford,~~ 39402  
~~Hancock, Richland, and Marion Counties~~ purposes. 39403

**Sec. 203.99.30. TRAVEL AND TOURISM GRANTS** 39404

The foregoing appropriation item 195-507, Travel and Tourism 39405  
Grants, shall be used to provide grants to local organizations to 39406  
support various local travel and tourism events in Ohio. 39407

Of the foregoing appropriation item 195-507, Travel and 39408  
Tourism Grants, \$25,000 in each fiscal year shall be used for the 39409  
Lorain County Visitors Bureau. 39410

Of the foregoing appropriation item 195-507, Travel and 39411  
Tourism Grants, \$25,000 in each fiscal year shall be used for the 39412  
Sandusky/Erie County Visitors and Convention Bureau. 39413

Of the foregoing appropriation item 195-507, Travel and 39414  
Tourism Grants, \$25,000 in each fiscal year shall be used for the 39415  
Ottawa County Convention and Visitors Bureau. 39416

Of the foregoing appropriation item 195-507, Travel and 39417  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 39418  
Greene County Convention and Visitors Bureau. 39419

Of the foregoing appropriation item 195-507, Travel and 39420  
Tourism Grants, \$45,000 in each fiscal year shall be used for the 39421

Warren County Convention and Visitors Bureau.	39422
Of the foregoing appropriation item 195-507, Travel and	39423
Tourism Grants, \$25,000 in each fiscal year shall be used for	39424
grants to the Wood County Economic Development Commission.	39425
Of the foregoing appropriation item 195-507, Travel and	39426
Tourism Grants, \$50,000 in each fiscal year shall be used for the	39427
Wright Dunbar Historical Site.	39428
Of the foregoing appropriation item 195-507, Travel and	39429
Tourism Grants, up to \$120,000 in each fiscal year may be used to	39430
support the outdoor dramas "Trumpet in the Land," "Blue Jacket,"	39431
and "Tecumseh!".	39432
Of the foregoing appropriation item 195-507, Travel and	39433
Tourism Grants, \$40,000 in each fiscal year shall be used for the	39434
Cincinnati Film Commission and \$40,000 in each fiscal year shall	39435
be used for the Cleveland Film Commission.	39436
Of the foregoing appropriation item 195-507, Travel and	39437
Tourism Grants, \$100,000 in each fiscal year shall be used for the	39438
Cleveland Institute of Art.	39439
Of the foregoing appropriation item 195-507, Travel and	39440
Tourism Grants, up to \$500,000 in each fiscal year shall be used	39441
for grants to The International Center for the Preservation of	39442
Wild Animals.	39443
Of the foregoing appropriation item 195-507, Travel and	39444
Tourism Grants, \$50,000 in each fiscal year shall be used for the	39445
Lake Shore Railway Association, Inc.	39446
Of the foregoing appropriation item 195-507, Travel and	39447
Tourism Grants, \$50,000 in each fiscal year shall be used for the	39448
Ohio River Trails program.	39449
Of the foregoing appropriation item 195-507, Travel and	39450
Tourism Grants, \$12,500 in each fiscal year shall be used for the	39451

Morgan County Community Improvement Corporation.	39452
Of the foregoing appropriation item 195-507, Travel and	39453
Tourism Grants, \$25,000 in fiscal year 2006 shall be used for the	39454
Ohio Buckeye Junior Hereford Association.	39455
Of the foregoing appropriation item 195-507, Travel and	39456
Tourism Grants, \$100,000 in fiscal year 2006 shall be used for	39457
grants to the NCR U.S. Senior Open.	39458
Of the foregoing appropriation item 195-507, Travel and	39459
Tourism Grants, \$5,000 in each fiscal year shall be used for the	39460
Canton Football Hall of Fame <u>Festival</u> .	39461
<b>Sec. 203.99.48. FACILITIES ESTABLISHMENT FUND</b>	39462
The foregoing appropriation item 195-615, Facilities	39463
Establishment (Fund 037), shall be used for the purposes of the	39464
Facilities Establishment Fund under Chapter 166. of the Revised	39465
Code.	39466
Notwithstanding Chapter 166. of the Revised Code, up to	39467
\$1,800,000 in cash each fiscal year may be transferred from the	39468
Facilities Establishment Fund (Fund 037) to the Economic	39469
Development Financing Operating Fund (Fund 451). The transfer is	39470
subject to Controlling Board approval under division (B) of	39471
section 166.03 of the Revised Code.	39472
Notwithstanding Chapter 166. of the Revised Code, up to	39473
\$5,000,000 in cash each fiscal year may be transferred from the	39474
Facilities Establishment Fund (Fund 037) to the Shovel Ready Sites	39475
Fund (Fund 5CA). The transfer is subject to Controlling Board	39476
approval under division (B) of section 166.03 of the Revised Code.	39477
Notwithstanding Chapter 166. of the Revised Code, up to	39478
<del>\$10,950,000</del> <u>\$16,425,000</u> in cash may be transferred during the	39479
biennium from the Facilities Establishment Fund (Fund 037) to the	39480
Urban Redevelopment Loans Fund (Fund 5D2) for the purpose of	39481

removing barriers to urban core redevelopment. The Director of 39482  
Development shall develop program guidelines for the transfer and 39483  
release of funds, including, but not limited to, the completion of 39484  
all appropriate environmental assessments before state assistance 39485  
is committed to a project. 39486

Notwithstanding Chapter 166. of the Revised Code, up to 39487  
\$3,000,000 each fiscal year in cash may be transferred from the 39488  
Facilities Establishment Fund (Fund 037) to the Rural Industrial 39489  
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 39490  
Board approval under section 166.03 of the Revised Code. 39491

**FAMILY FARM LOAN PROGRAM** 39492

Notwithstanding Chapter 166. of the Revised Code, up to 39493  
\$1,000,000 in each fiscal year shall be transferred from moneys in 39494  
the Facilities Establishment Fund (Fund 037) to the Family Farm 39495  
Loan Guarantee Fund (Fund 5H1) in the Department of Development. 39496  
The moneys shall be used for loan guarantees. The transfer is 39497  
subject to Controlling Board approval. 39498

Financial assistance from the Family Farm Loan Guarantee Fund 39499  
(Fund 5H1) shall be repaid to Fund 5H1. This fund is established 39500  
under sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the 39501  
Revised Code. 39502

When the Family Farm Loan Guarantee Fund (Fund 5H1) ceases to 39503  
exist, all outstanding balances, all loan repayments, and any 39504  
other outstanding obligations shall revert to the Facilities 39505  
Establishment Fund (Fund 037). 39506

**RURAL DEVELOPMENT INITIATIVE FUND** 39507

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 39508  
entitled to receive moneys from the Facilities Establishment Fund 39509  
(Fund 037). The Director of Development may make grants from the 39510  
Rural Development Initiative Fund as specified in division (A)(2) 39511  
of this section to eligible applicants in Appalachian counties and 39512

in rural counties in the state that are designated as distressed 39513  
under section 122.25 of the Revised Code. Preference shall be 39514  
given to eligible applicants located in Appalachian counties 39515  
designated as distressed by the federal Appalachian Regional 39516  
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 39517  
cease to exist after June 30, 2007. All moneys remaining in the 39518  
Fund after that date shall revert to the Facilities Establishment 39519  
Fund (Fund 037). 39520

(2) The Director of Development shall make grants from the 39521  
Rural Development Initiative Fund (Fund 5S8) only to eligible 39522  
applicants who also qualify for and receive funding under the 39523  
Rural Industrial Park Loan Program as specified in sections 122.23 39524  
to 122.27 of the Revised Code. Eligible applicants shall use the 39525  
grants for the purposes specified in section 122.24 of the Revised 39526  
Code. All projects supported by grants from the fund are subject 39527  
to Chapter 4115. of the Revised Code as specified in division (E) 39528  
of section 166.02 of the Revised Code. The Director shall develop 39529  
program guidelines for the transfer and release of funds. The 39530  
release of grant moneys to an eligible applicant is subject to 39531  
Controlling Board approval. 39532

(B) Notwithstanding Chapter 166. of the Revised Code, the 39533  
Director of Budget and Management may transfer up to \$3,000,000 39534  
each fiscal year in cash on an as needed basis at the request of 39535  
the Director of Development from the Facilities Establishment Fund 39536  
(Fund 037) to the Rural Development Initiative Fund (Fund 5S8). 39537  
The transfer is subject to Controlling Board approval under 39538  
section 166.03 of the Revised Code. 39539

CAPITAL ACCESS LOAN PROGRAM 39540

The foregoing appropriation item 195-628, Capital Access Loan 39541  
Program, shall be used for operating, program, and administrative 39542  
expenses of the program. Funds of the Capital Access Loan Program 39543

shall be used to assist participating financial institutions in 39544  
making program loans to eligible businesses that face barriers in 39545  
accessing working capital and obtaining fixed asset financing. 39546

Notwithstanding Chapter 166. of the Revised Code, the 39547  
Director of Budget and Management may transfer up to \$3,000,000 39548  
each fiscal year in cash on an as needed basis at the request of 39549  
the Director of Development from the Facilities Establishment Fund 39550  
(Fund 037) to the Capital Access Loan Program Fund (Fund 5S9). The 39551  
transfer is subject to Controlling Board approval under section 39552  
166.03 of the Revised Code. 39553

INNOVATION OHIO LOAN FUND 39554

The foregoing appropriation item 195-664, Innovation Ohio, 39555  
shall be used to provide for innovation Ohio purposes, including 39556  
loan guarantees and loans under Chapter 166. and particularly 39557  
sections 166.12 to 166.16 of the Revised Code. 39558

RESEARCH AND DEVELOPMENT 39559

The foregoing appropriation item 195-665, Research and 39560  
Development, shall be used to provide for research and development 39561  
purposes, including loans, under Chapter 166. and particularly 39562  
sections 166.17 to 166.21 of the Revised Code. 39563

**Sec. 206.03.** OBD OHIO BOARD OF DIETETICS 39564

General Services Fund Group 39565

4K9 860-609 Operating Expenses	\$	332,495	\$	±	<u>330,320</u>	39566
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TOTAL GSF General Services Fund 39567

Group	\$	332,495	\$	±	<u>330,320</u>	39568
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TOTAL ALL BUDGET FUND GROUPS	\$	332,495	\$	±	<u>330,320</u>	39569
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**Sec. 206.09.** EDU DEPARTMENT OF EDUCATION 39571

General Revenue Fund 39572

GRF 200-100 Personal Services	\$	9,880,406	\$	10,880,655	39573
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GRF 200-320	Maintenance and Equipment	\$	4,344,235	\$	4,344,235	39574
GRF 200-408	Early Childhood Education	\$	19,002,195	\$	19,002,195	39575
GRF 200-410	Educator Training	\$	19,302,057	\$	19,802,057	39576
GRF 200-416	Career-Technical Education Match	\$	2,233,195	\$	2,233,195	39577
GRF 200-420	Computer/Application/ Network Development	\$	5,361,525	\$	5,361,525	39578
GRF 200-421	Alternative Education Programs	\$	13,907,665	\$	13,732,665	39579
GRF 200-422	School Management Assistance	\$	2,683,208	\$	2,710,572	39580
GRF 200-424	Policy Analysis	\$	556,687	\$	556,687	39581
GRF 200-425	Tech Prep Consortia Support	\$	2,069,217	\$	2,069,217	39582
GRF 200-426	Ohio Educational Computer Network	\$	30,446,197	\$	30,446,197	39583
GRF 200-427	Academic Standards	\$	11,607,753	\$	11,679,181	39584
GRF 200-431	School Improvement Initiatives	\$	21,813,649	\$	23,842,828	39585
GRF 200-433	Reading/Writing Improvement-Professional Development	\$	16,165,000	\$	16,165,000	39586
GRF 200-437	Student Assessment	\$	54,445,234	\$	60,011,935	39587
GRF 200-439	Accountability/Report Cards	\$	3,878,850	\$	7,457,290	39588
GRF 200-442	Child Care Licensing	\$	1,302,495	\$	1,302,495	39589
GRF 200-445	OhioReads Volunteer Support	\$	3,905,000	\$	3,905,000	39590
GRF 200-446	Education Management Information System	\$	15,674,805	\$	15,674,805	39591
GRF 200-447	GED Testing	\$	1,544,360	\$	1,544,360	39592

GRF 200-448	Educator Preparation	\$	1,651,000	\$	1,651,000	39593
GRF 200-455	Community Schools	\$	2,942,094	\$	2,942,094	39594
GRF 200-502	Pupil Transportation	\$	412,330,728	\$	420,577,343	39595
GRF 200-503	Bus Purchase Allowance	\$	8,600,000	\$	14,000,000	39596
GRF 200-505	School Lunch Match	\$	8,998,025	\$	8,998,025	39597
GRF 200-509	Adult Literacy	\$	8,669,738	\$	8,669,738	39598
	Education					
GRF 200-511	Auxiliary Services	\$	127,903,356	\$	127,903,356	39599
GRF 200-514	Postsecondary Adult	\$	19,481,875	\$	19,481,875	39600
	Career-Technical					
	Education					
GRF 200-521	Gifted Pupil Program	\$	46,910,068	\$	47,157,293	39601
GRF 200-532	Nonpublic	\$	56,762,916	\$	58,068,463	39602
	Administrative Cost					
	Reimbursement					
GRF 200-540	Special Education	\$	134,169,606	\$	135,430,125	39603
	Enhancements					
GRF 200-545	Career-Technical	\$	10,169,442	\$	9,225,569	39604
	Education Enhancements					
GRF 200-550	Foundation Funding	\$	5,579,031,663	\$	5,709,057,366	39605
GRF 200-558	Emergency Loan	\$	1,388,164	\$	651,404	39606
	Interest Subsidy					
GRF 200-566	Reading/Writing	\$	12,062,336	\$	12,062,336	39607
	Improvement-Classroom					
	Grants					
GRF 200-578	Safe and Supportive	\$	1,218,555	\$	1,218,555	39608
	Schools					
GRF 200-901	Property Tax	\$	764,626,987	\$	728,793,318	39609
	Allocation - Education					
GRF 200-906	Tangible Tax Exemption	\$	42,830,487	\$	32,122,865	39610
	- Education					
TOTAL GRF	General Revenue Fund	\$	7,479,870,773	\$	7,590,732,819	39611
	General Services Fund Group					39612

138	200-606	Computer Services-Operational Support	\$	7,600,091	\$	7,600,091	39613
4D1	200-602	Ohio Prevention/Education Resource Center	\$	832,000	\$	832,000	39614
4L2	200-681	Teacher Certification and Licensure	\$	5,497,158	\$	5,628,332	39615
452	200-638	Miscellaneous Educational Services	\$	400,000	\$	400,000	39616
5H3	200-687	School District Solvency Assistance	\$	18,000,000	\$	18,000,000	39617
596	200-656	Ohio Career Information System	\$	529,761	\$	529,761	39618
TOTAL GSF General Services							39619
Fund Group			\$	32,859,010	\$	32,990,184	39620
Federal Special Revenue Fund Group							39621
3AF	200-603	Schools Medicaid Administrative Claims	\$	1,000,000	\$	1,000,000	39622
3C5	200-661	Early Childhood Education	\$	23,874,338	\$	23,874,338	39623
3D1	200-664	Drug Free Schools	\$	13,347,966	\$	13,347,966	39624
3D2	200-667	Honors Scholarship Program	\$	5,812,903	\$	5,833,965	39625
3H9	200-605	Head Start Collaboration Project	\$	275,000	\$	275,000	39626
3L6	200-617	Federal School Lunch	\$	220,256,132	\$	227,583,653	39627
3L7	200-618	Federal School Breakfast	\$	56,382,851	\$	58,405,608	39628
3L8	200-619	Child/Adult Food Programs	\$	66,590,622	\$	67,915,843	39629
3L9	200-621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701	39630

3M0	200-623	ESEA Title 1A	\$	440,260,178	\$	461,026,070	39631
3M1	200-678	Innovative Education	\$	11,800,000	\$	11,800,000	39632
3M2	200-680	Individuals with Disabilities Education Act	\$	513,058,569	\$	605,581,547	39633
3S2	200-641	Education Technology	\$	20,800,000	\$	20,800,000	39634
3T4	200-613	Public Charter Schools	\$	22,000,000	\$	22,000,000	39635
3U2	200-662	Teacher Quality Enhancement Grants	\$	795,280	\$	795,280	39636
3X5	200-684	School Renovation/IDEA	\$	2,200,000	\$	0	39637
3Y2	200-688	21st Century Community Learning Centers	\$	30,681,554	\$	30,681,554	39638
3Y4	200-632	Reading First	\$	50,775,637	\$	31,215,798	39639
3Y5	200-634	Community Service Grants	\$	1,000,000	\$	0	39640
3Y6	200-635	Improving Teacher Quality	\$	107,000,000	\$	107,000,000	39641
3Y7	200-689	English Language Acquisition	\$	8,500,000	\$	9,000,000	39642
3Y8	200-639	Rural and Low Income	\$	1,700,000	\$	1,700,000	39643
3Z2	200-690	State Assessments	\$	12,681,031	\$	12,883,799	39644
3Z3	200-645	Consolidated USDE Administration	\$	9,200,000	\$	9,200,000	39645
309	200-601	Educationally Disadvantaged	\$	19,658,846	\$	19,658,846	39646
366	200-604	Adult Basic Education	\$	18,500,000	\$	18,500,000	39647
367	200-607	School Food Services	\$	11,383,637	\$	11,666,732	39648
368	200-614	Veterans' Training	\$	672,961	\$	691,130	39649
369	200-616	Career-Technical Education Federal Enhancement	\$	6,500,000	\$	6,500,000	39650
370	200-624	Education of Exceptional Children	\$	2,386,610	\$	2,386,610	39651

371	200-631	Immigrant Education Opportunities	\$	400,000	\$	400,000	39652
374	200-647	Troops to Teachers	\$	1,600,000	\$	0	39653
378	200-660	Learn and Serve	\$	1,200,000	\$	1,200,000	39654
TOTAL FED Federal Special Revenue Fund Group							39655
			\$	1,730,323,816	\$	1,830,953,440	39656
State Special Revenue Fund Group							39657
4R7	200-695	Indirect Operational Support	\$	5,382,864	\$	5,449,748	39658
4V7	200-633	Interagency Operational Support	\$	500,000	\$	500,000	39659
454	200-610	Guidance and Testing	\$	400,000	\$	400,000	39660
455	200-608	Commodity Foods	\$	24,000,000	\$	24,000,000	39661
5BB	200-696	State Action for Education Leadership	\$	1,200,000	\$	1,200,000	39662
5BJ	200-626	Half-Mill Maintenance Equalization	\$	0	\$	10,700,000	39663
5U2	200-685	National Education Statistics	\$	300,000	\$	300,000	39664
5W2	200-663	Early Learning Initiative	\$	106,580,000	\$	127,456,000	39665
598	200-659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	39666
620	200-615	Educational Improvement Grants	\$	1,000,000	\$	1,000,000	39667
TOTAL SSR State Special Revenue Fund Group							39668
			\$	140,691,774	\$	172,334,658	39669
Lottery Profits Education Fund Group							39670
017	200-612	Foundation Funding	\$	606,208,300	\$	606,296,800	39671
017	200-682	Lease Rental Payment Reimbursement	\$	31,691,700	\$	31,603,200	39672
TOTAL LPE Lottery Profits							39673

Education Fund Group	\$	637,900,000	\$	637,900,000	39674
Revenue Distribution Fund Group					39675
047 200-909 School District	\$	<del>49,350,000</del>	\$	<del>369,054,000</del>	39676
Property Tax		<u>67,350,000</u>		<u>420,000,000</u>	
Replacement-Business					
053 200-900 School District	\$	116,647,522	\$	101,647,522	39677
Property Tax					
Replacement-Utility					
TOTAL RDF Revenue Distribution					39678
Fund Group	\$	<del>165,997,522</del>	\$	<del>470,701,522</del>	39679
		<u>183,997,522</u>		<u>521,647,522</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	<del>10,187,642,895</del>	\$	<del>10,735,612,623</del>	39680
		<u>10,205,642,895</u>		<u>10,786,558,623</u>	

**Sec. 206.09.12. COMPUTER/APPLICATION/NETWORK DEVELOPMENT** 39682

The foregoing appropriation item 200-420, 39683  
 Computer/Application/Network Development, shall be used to support 39684  
 the development and implementation of information technology 39685  
 solutions designed to improve the performance and services of the 39686  
 Department of Education. Funds may be used for personnel, 39687  
 maintenance, and equipment costs related to the development and 39688  
 implementation of these technical system projects. Implementation 39689  
 of these systems shall allow the Department to provide greater 39690  
 levels of assistance to school districts and to provide more 39691  
 timely information to the public, including school districts, 39692  
 administrators, and legislators. 39693

**ALTERNATIVE EDUCATION PROGRAMS** 39694

There is hereby created the Alternative Education Advisory 39695  
 Council, which shall consist of one representative from each of 39696  
 the following agencies: the Ohio Department of Education; the 39697  
 Department of Youth Services; the Ohio Department of Alcohol and 39698  
 Drug Addiction Services; the Department of Mental Health; the 39699

Office of the Governor or, at the Governor's discretion, the 39700  
Office of the Lieutenant Governor; the Office of the Attorney 39701  
General; and the Office of the Auditor of State. 39702

Of the foregoing appropriation item 200-421, Alternative 39703  
Education Programs, up to \$6,227,310 in each fiscal year shall be 39704  
used for the renewal of successful implementation grants and for 39705  
competitive matching grants to the 21 urban school districts as 39706  
defined in division (O) of section 3317.02 of the Revised Code as 39707  
it existed prior to July 1, 1998, and up to ~~\$6,408,074~~ \$6,161,074 39708  
in each fiscal year shall be used for the renewal of successful 39709  
implementation grants and for competitive matching grants to rural 39710  
and suburban school districts for alternative educational programs 39711  
for existing and new at-risk and delinquent youth. Programs shall 39712  
be focused on youth in one or more of the following categories: 39713  
those who have been expelled or suspended, those who have dropped 39714  
out of school or who are at risk of dropping out of school, those 39715  
who are habitually truant or disruptive, or those on probation or 39716  
on parole from a Department of Youth Services facility. Grants 39717  
shall be awarded according to the criteria established by the 39718  
Alternative Education Advisory Council in 1999. Grants shall be 39719  
awarded only to programs in which the grant will not serve as the 39720  
program's primary source of funding. These grants shall be 39721  
administered by the Department of Education. 39722

The Department of Education may waive compliance with any 39723  
minimum education standard established under section 3301.07 of 39724  
the Revised Code for any alternative school that receives a grant 39725  
under this section on the grounds that the waiver will enable the 39726  
program to more effectively educate students enrolled in the 39727  
alternative school. 39728

Of the foregoing appropriation item 200-421, Alternative 39729  
Education Programs, up to \$422,281 in each fiscal year may be used 39730  
for program administration, monitoring, technical assistance, 39731

support, research, and evaluation. Any unexpended balance may be 39732  
used to provide additional matching grants to urban, suburban, or 39733  
rural school districts as outlined above. 39734

Of the foregoing appropriation item 200-421, Alternative 39735  
Education Programs, \$247,000 in each fiscal year shall be used to 39736  
contract with the Center for Learning Excellence at The Ohio State 39737  
University to provide technical support for the project and the 39738  
completion of formative and summative evaluation of the grants. 39739

Of the foregoing appropriation item 200-421, Alternative 39740  
Education Programs, up to \$675,000 in fiscal year 2006 and up to 39741  
\$500,000 in fiscal year 2007 may be used by the Department of 39742  
Education to administer the Educational Choice Scholarship Pilot 39743  
Program established under section 3310.02 of the Revised Code. 39744

Of the foregoing appropriation item 200-421, Alternative 39745  
Education Programs, \$75,000 in each fiscal year shall be used to 39746  
support the Toledo Tech Academy. 39747

Of the foregoing appropriation item 200-421, Alternative 39748  
Education Programs, \$100,000 in each fiscal year shall be used for 39749  
the Youth Opportunities United, Inc. 39750

SCHOOL MANAGEMENT ASSISTANCE 39751

Of the foregoing appropriation item 200-422, School 39752  
Management Assistance, up to \$1,315,000 in each fiscal year shall 39753  
be used by the Auditor of State in consultation with the 39754  
Department of Education for expenses incurred in the Auditor of 39755  
State's role relating to fiscal caution, fiscal watch, and fiscal 39756  
emergency activities as defined in Chapter 3316. of the Revised 39757  
Code and may also be used to conduct performance audits consistent 39758  
with the recommendations of the Governor's Blue Ribbon Task Force 39759  
on Financing Student Success, with priority given to districts in 39760  
fiscal distress. Expenses include duties related to the completion 39761  
of performance audits for school districts that the Superintendent 39762

of Public Instruction determines are employing fiscal practices or 39763  
experiencing budgetary conditions that could produce a state of 39764  
fiscal watch or fiscal emergency. 39765

The remainder of foregoing appropriation item 200-422, School 39766  
Management Assistance, shall be used by the Department of 39767  
Education to provide fiscal technical assistance and inservice 39768  
education for school district management personnel and to 39769  
administer, monitor, and implement the fiscal watch and fiscal 39770  
emergency provisions under Chapter 3316. of the Revised Code. 39771

POLICY ANALYSIS 39772

The foregoing appropriation item 200-424, Policy Analysis, 39773  
shall be used by the Department of Education to support a system 39774  
of administrative, statistical, and legislative education 39775  
information to be used for policy analysis. Staff supported by 39776  
this appropriation shall administer the development of reports, 39777  
analyses, and briefings to inform education policymakers of 39778  
current trends in education practice, efficient and effective use 39779  
of resources, and evaluation of programs to improve education 39780  
results. The database shall be kept current at all times. These 39781  
research efforts shall be used to supply information and analysis 39782  
of data to the General Assembly and other state policymakers, 39783  
including the Office of Budget and Management and the Legislative 39784  
Service Commission. 39785

The Department of Education may use funding from this 39786  
appropriation item to purchase or contract for the development of 39787  
software systems or contract for policy studies that will assist 39788  
in the provision and analysis of policy-related information. 39789  
Funding from this appropriation item also may be used to monitor 39790  
and enhance quality assurance for research-based policy analysis 39791  
and program evaluation to enhance the effective use of education 39792  
information to inform education policymakers. 39793

TECH PREP CONSORTIA SUPPORT 39794

The foregoing appropriation item 200-425, Tech Prep Consortia 39795  
Support, shall be used by the Department of Education to support 39796  
state-level activities designed to support, promote, and expand 39797  
tech prep programs. Use of these funds shall include, but not be 39798  
limited to, administration of grants, program evaluation, 39799  
professional development, curriculum development, assessment 39800  
development, program promotion, communications, and statewide 39801  
coordination of tech prep consortia. 39802

OHIO EDUCATIONAL COMPUTER NETWORK 39803

The foregoing appropriation item 200-426, Ohio Educational 39804  
Computer Network, shall be used by the Department of Education to 39805  
maintain a system of information technology throughout Ohio and to 39806  
provide technical assistance for such a system in support of the 39807  
State Education Technology Plan under section 3301.07 of the 39808  
Revised Code. 39809

Of the foregoing appropriation item 200-426, Ohio Educational 39810  
Computer Network, up to \$18,136,691 in each fiscal year shall be 39811  
used by the Department of Education to support connection of all 39812  
public school buildings and participating chartered nonpublic 39813  
schools to the state's education network, to each other, and to 39814  
the Internet. In each fiscal year the Department of Education 39815  
shall use these funds to assist data acquisition sites or school 39816  
districts with the operational costs associated with this 39817  
connectivity. The Department of Education shall develop a formula 39818  
and guidelines for the distribution of these funds to the data 39819  
acquisition sites or individual school districts. As used in this 39820  
section, "public school building" means a school building of any 39821  
city, local, exempted village, or joint vocational school 39822  
district, any community school established under Chapter 3314. of 39823  
the Revised Code, any educational service center building used for 39824

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. 39825  
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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. 39830  
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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 services, including approved computerized financial accounting, and to ensure the effective operation of local automated administrative and instructional systems. 39833  
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Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to \$769,223 in each fiscal year shall be used for the INFOhio Network to support the provision of electronic resources with priority given to resources that support the teaching of state academic content standards to all public schools. Consideration shall be given by the Department of Education to coordinating the allocation of these moneys with the efforts of Libraries Connect Ohio, whose members include OhioLINK, the Ohio Public Information Network, and the State Library of Ohio. 39843  
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The remainder of appropriation item 200-426, Ohio Educational Computer Network, shall be used to support development, maintenance, and operation of a network of uniform and compatible 39853  
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computer-based information and instructional systems. This 39856  
technical assistance shall include, but not be restricted to, 39857  
development and maintenance of adequate computer software systems 39858  
to support network activities. In order to improve the efficiency 39859  
of network activities, the Department and data acquisition sites 39860  
may jointly purchase equipment, materials, and services from funds 39861  
provided under this appropriation for use by the network and, when 39862  
considered practical by the Department, may utilize the services 39863  
of appropriate state purchasing agencies. 39864

ACADEMIC STANDARDS 39865

Of the foregoing appropriation item 200-427, Academic 39866  
Standards, up to \$747,912 in each fiscal year shall be used to 39867  
provide funds to school districts that have one or more teachers 39868  
participating in the teachers-on-loan program. 39869

Of the foregoing appropriation item 200-427, Academic 39870  
Standards, \$150,000 in each fiscal year shall be used by the 39871  
Department in combination with funding earmarked for this purpose 39872  
in the Board of Regents' budget under appropriation item 235-321, 39873  
Operating Expenses. Such funding shall be used to support Ohio's 39874  
Partnership for Continued Learning at the direction of the Office 39875  
of the Governor. Ohio's Partnership for Continued Learning 39876  
replaces and broadens the former Joint Council of the Department 39877  
of Education and the Board of Regents. The Partnership shall 39878  
advise and make recommendations to promote collaboration among 39879  
relevant state entities in an effort to help local communities 39880  
develop coherent and successful "P-16" learning systems. The 39881  
Governor, or the Governor's designee, shall serve as the 39882  
chairperson. 39883

Of the foregoing appropriation item 200-427, Academic 39884  
Standards, \$1,000,000 in each fiscal year shall be used for 39885  
Project Lead the Way leadership and management oversight and 39886

initial and continuing support of Project Lead the Way workforce 39887  
development programs in participating school districts. Project 39888  
Lead the Way is a program that supports students interested in 39889  
pursuing engineering professions and stimulates growth of career 39890  
pathways that meet business and industry workforce needs. 39891

Of the foregoing appropriation item 200-427, Academic 39892  
Standards, up to \$2,600,000 in each fiscal year shall be used for 39893  
intensive teacher professional development institutes that focus 39894  
on classroom implementation of the mathematics standards. 39895

Of the foregoing appropriation item 200-427, Academic 39896  
Standards, \$200,000 in each fiscal year may be used to support the 39897  
Ohio Resource Center for Math and Science. 39898

Of the foregoing appropriation item 200-427, Academic 39899  
Standards, up to \$282,000 in each fiscal year shall be used for 39900  
the JASON Expedition project that provides statewide access to 39901  
JASON Expedition content. Funds shall be used to provide 39902  
professional development training for teachers participating in 39903  
the project, statewide management, and a seventy-five per cent 39904  
subsidy for statewide licensing of JASON Expedition content with 39905  
priority given to content aligned with state academic content 39906  
standards for approximately 90,000 middle school students 39907  
statewide. 39908

Of the foregoing appropriation item 200-427, Academic 39909  
Standards, \$285,000 in each fiscal year shall be used for the Ohio 39910  
Science Institute (OSCI). 39911

The remainder of appropriation item 200-427, Academic 39912  
Standards, shall be used by the Department of Education to develop 39913  
and communicate to school districts academic content standards and 39914  
curriculum models. 39915

**Sec. 206.09.15. SCHOOL IMPROVEMENT INITIATIVES** 39916

Of the foregoing appropriation item 200-431, School 39917  
Improvement Initiatives, \$300,000 in fiscal year 2006 and \$450,000 39918  
in fiscal year 2007 shall be used for Ohio's Rural Appalachian 39919  
Leadership Development Initiative. 39920

Of the foregoing appropriation item 200-431, School 39921  
Improvement Initiatives, up to \$601,165 in each fiscal year shall 39922  
be used by the Department of Education to contract with 39923  
educational media centers to provide Ohio public schools with 39924  
instructional resources and services with priority given to 39925  
resources and services aligned with state academic content 39926  
standards. 39927

Of the foregoing appropriation item 200-431, School 39928  
Improvement Initiatives, up to \$13,972,949 in fiscal year 2006 and 39929  
\$13,672,678 in fiscal year 2007 shall be used to provide technical 39930  
assistance to school districts that are declared to be in a state 39931  
of academic watch or academic emergency under section 3302.03 of 39932  
the Revised Code, to provide support to districts in the 39933  
development and implementation of their continuous improvement 39934  
plans as required in section 3302.04 of the Revised Code, to 39935  
support a statewide comprehensive system of field relations that 39936  
support local educators' abilities to foster academic achievement 39937  
in the students they serve, and to provide technical assistance 39938  
and support in accordance with Title I of the "No Child Left 39939  
Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. The field 39940  
relations system shall include training that assists educators, 39941  
school leadership, and technical assistance providers in 39942  
understanding and implementing standards-based education, data 39943  
analysis, and development of assessment systems for quality 39944  
instruction. 39945

Of the foregoing appropriation item 200-431, School 39946  
Improvement Initiatives, up to \$315,000 in each fiscal year shall 39947  
be used to reduce the dropout rate by addressing the academic and 39948

social problems of inner-city students through Project GRAD. 39949

Of the foregoing appropriation item 200-431, School 39950  
Improvement Initiatives, \$1,574,535 in fiscal year 2006 and 39951  
\$2,753,985 in fiscal year 2007 shall be used in conjunction with 39952  
funding provided in the Board of Regents' budget under 39953  
appropriation item 235-434, College Readiness and Access, to 39954  
create early college high schools, which are small, autonomous 39955  
schools that blend high school and college into a coherent 39956  
educational program. The funds shall be distributed according to 39957  
guidelines established by the Department of Education and the 39958  
Board of Regents. 39959

Of the foregoing appropriation item 200-431, School 39960  
Improvement Initiatives, up to \$2,935,000 in fiscal year 2006 and 39961  
up to \$4,935,000 in fiscal year 2007 shall be used in partnership 39962  
with nonprofit groups with expertise in converting existing large 39963  
urban high schools into small, personalized high schools. 39964  
Districts eligible for such funding include the Urban 21 high 39965  
schools, as defined in division (O) of section 3317.02 of the 39966  
Revised Code as it existed prior to July 1, 1998. 39967

Of the foregoing appropriation item 200-431, School 39968  
Improvement Initiatives, up to \$65,000 in each fiscal year shall 39969  
be provided to Southern State Community College for the Pilot 39970  
Post-Secondary Enrollment Options Program with Miami Trace High 39971  
School. 39972

Of the foregoing appropriation item 200-431, School 39973  
Improvement Initiatives, \$1,000,000 in each fiscal year shall be 39974  
used to support Jobs for Ohio Graduates (JOG). The Department of 39975  
Education shall require a two-to-one match of local funding to 39976  
state funding before releasing these funds to JOG. 39977

Of the foregoing appropriation item 200-431, School 39978  
Improvement Initiatives, \$50,000 in each fiscal year shall be used 39979

for the Big City Schools Program in Cincinnati. 39980

Of the foregoing appropriation item 200-431, School 39981  
Improvement Initiatives, \$1,000,000 shall be used in fiscal year 39982  
2006 to support Improved Solutions for Urban Students (ISUS) in 39983  
Dayton. 39984

READING/WRITING IMPROVEMENT-PROFESSIONAL DEVELOPMENT 39985

Of the foregoing appropriation item 200-433, Reading/Writing 39986  
Improvement-Professional Development, up to \$9,790,000 in each 39987  
fiscal year shall be used for educator training in literacy for 39988  
classroom teachers, administrators, and literacy specialists. 39989

Of the foregoing appropriation item 200-433, Reading/Writing 39990  
Improvement-Professional Development, up to \$5,000,000 in each 39991  
fiscal year shall be used to support literacy professional 39992  
development partnerships between the Department of Education, 39993  
higher education institutions, literacy networks, and school 39994  
districts. 39995

Of the foregoing appropriation item 200-433, Reading/Writing 39996  
Improvement-Professional Development, up to \$900,000 in each 39997  
fiscal year shall be used by the Department of Education to fund 39998  
the Reading Recovery Training Network, to cover the cost of 39999  
release time for the teacher trainers, and to provide grants to 40000  
districts to implement other reading improvement programs on a 40001  
pilot basis. Funds from this set-aside also may be used to conduct 40002  
evaluations of the impact and effectiveness of Reading Recovery 40003  
and other reading improvement programs. 40004

Of the foregoing appropriation item 200-433, Reading/Writing 40005  
Improvement-Professional Development, up to \$250,000 in each 40006  
fiscal year shall be used for the Waterford Early Reading Program. 40007

The remainder of appropriation item 200-433, Reading/Writing 40008  
Improvement-Professional Development, shall be used by the 40009

Department of Education to provide administrative support of	40010
literacy professional development programs.	40011
STUDENT ASSESSMENT	40012
The foregoing appropriation item 200-437, Student Assessment,	40013
shall be used to develop, field test, print, distribute, score,	40014
report results, and support other associated costs for the tests	40015
required under sections 3301.0710 and 3301.0711 of the Revised	40016
Code and for similar purposes as required by section 3301.27 of	40017
the Revised Code.	40018
ACCOUNTABILITY/REPORT CARDS	40019
Of the foregoing appropriation item 200-439,	40020
Accountability/Report Cards, up to \$200,100 in fiscal year 2006	40021
and up to \$3,778,540 in fiscal year 2007 shall be used by the	40022
Department of Education to incorporate a statewide pilot	40023
value-added progress dimension into performance ratings for school	40024
districts and to train regional specialists. This funding shall be	40025
used in consultation with a credible nonprofit organization with	40026
expertise in value-added progress dimensions.	40027
The remainder of the appropriation item 200-439,	40028
Accountability/Report Cards, shall be used for the development of	40029
an accountability system that includes the preparation and	40030
distribution of school report cards under section 3302.03 of the	40031
Revised Code.	40032
CHILD CARE LICENSING	40033
The foregoing appropriation item 200-442, Child Care	40034
Licensing, shall be used by the Department of Education to license	40035
and to inspect preschool and school-age child care programs under	40036
sections 3301.52 to 3301.59 of the Revised Code.	40037
OHIOREADS VOLUNTEER SUPPORT	40038
The foregoing appropriation item 200-445, OhioReads Volunteer	40039

Support, may be allocated by the Department of Education for 40040  
volunteer coordinators in public school buildings, for background 40041  
checks for volunteers, to evaluate programs, and to develop, 40042  
implement, and support literacy improvement activities and 40043  
interventions for students in grades kindergarten through twelve. 40044

**Sec. 206.09.21. PUPIL TRANSPORTATION** 40045

Of the foregoing appropriation item 200-502, Pupil 40046  
Transportation, up to \$822,400 in each fiscal year may be used by 40047  
the Department of Education for training prospective and 40048  
experienced school bus drivers in accordance with training 40049  
programs prescribed by the Department. Up to \$58,115,428 in fiscal 40050  
year 2006 and up to \$59,277,737 in fiscal year 2007 may be used by 40051  
the Department of Education for special education transportation 40052  
reimbursements to school districts and county MR/DD boards for 40053  
transportation operating costs as provided in division ~~(M)~~(J) of 40054  
section 3317.024 of the Revised Code. The remainder of 40055  
appropriation item 200-502, Pupil Transportation, shall be used 40056  
for the state reimbursement of public school districts' costs in 40057  
transporting pupils to and from the school they attend in 40058  
accordance with the district's policy, State Board of Education 40059  
standards, and the Revised Code. 40060

Notwithstanding the distribution formula outlined in division 40061  
(D) of section 3317.022 of the Revised Code, each school district 40062  
shall receive an additional two per cent in state funding for 40063  
transportation in fiscal year 2006 over what was received in 40064  
fiscal year 2005, and the local share of transportation costs that 40065  
is used in the calculation of the charge-off supplement and excess 40066  
cost supplement for each school district in fiscal year 2006 shall 40067  
be increased by two per cent from that used in calculations in 40068  
fiscal year 2005. 40069

Notwithstanding the distribution formula outlined in division 40070

(D) of section 3317.022 of the Revised Code, each school district shall receive an additional two per cent in state funding for transportation in fiscal year 2007 over what was received in fiscal year 2006, and the local share of transportation costs that is used in the calculation of the charge-off supplement and excess cost supplement for each school district in fiscal year 2007 shall be increased by two per cent from that used in calculations in fiscal year 2006.

The Department of Education shall recommend a new formula for allocating state funds for transportation costs. The Department shall submit the recommendation to the Director of Budget and Management, the Speaker of the House of Representatives, and the President of the Senate not later than July 1, 2006.

School districts not receiving state funding for transportation in fiscal year 2005 under division (D) of section 3317.022 of the Revised Code shall not receive state funding for transportation in fiscal year 2006 or fiscal year 2007.

**BUS PURCHASE ALLOWANCE**

The foregoing appropriation item 200-503, Bus Purchase Allowance, shall be distributed to school districts, educational service centers, and county MR/DD boards pursuant to rules adopted under section 3317.07 of the Revised Code. Up to 28 per cent of the amount appropriated may be used to reimburse school districts and educational service centers for the purchase of buses to transport handicapped and nonpublic school students and to county MR/DD boards, the Ohio School for the Deaf, and the Ohio School for the Blind for the purchase of buses to transport handicapped students.

**SCHOOL LUNCH MATCH**

The foregoing appropriation item 200-505, School Lunch Match, shall be used to provide matching funds to obtain federal funds

for the school lunch program.	40102
<b>Sec. 206.09.27. GIFTED PUPIL PROGRAM</b>	40103
The foregoing appropriation item 200-521, Gifted Pupil	40104
Program, shall be used for gifted education units not to exceed	40105
1,110 in each fiscal year under division <del>(P)</del> <u>(L)</u> of section	40106
3317.024 and division (F) of section 3317.05 of the Revised Code.	40107
Of the foregoing appropriation item 200-521, Gifted Pupil	40108
Program, up to \$4,700,000 in each fiscal year may be used as an	40109
additional supplement for identifying gifted students under	40110
Chapter 3324. of the Revised Code.	40111
Of the foregoing appropriation item 200-521, Gifted Pupil	40112
Program, the Department of Education may expend up to \$940,000 in	40113
each fiscal year for the Summer Honors Institute for gifted	40114
freshman and sophomore high school students. Up to \$65,800 in each	40115
fiscal year shall be used for the Ohio Summer School for the	40116
Gifted (Martin Essex Program).	40117
<b>NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT</b>	40118
The foregoing appropriation item 200-532, Nonpublic	40119
Administrative Cost Reimbursement, shall be used by the Department	40120
of Education for the purpose of implementing section 3317.063 of	40121
the Revised Code.	40122
<b>Sec. 206.09.36. FOUNDATION FUNDING</b>	40123
The foregoing appropriation item 200-550, Foundation Funding,	40124
includes \$85,000,000 in each fiscal year for the state education	40125
aid offset due to the change in public utility valuation as a	40126
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd	40127
General Assembly. This amount represents the total state education	40128
aid offset due to the valuation change for school districts and	40129
joint vocational school districts from all relevant appropriation	40130

line item sources. Upon certification by the Department of  
Education, in consultation with the Department of Taxation, to the  
Director of Budget and Management of the actual state aid offset,  
the cash transfer from ~~fund~~ Fund 053, appropriation item 200-900,  
School District Property Tax Replacement - Utility, shall be  
decreased or increased by the Director of Budget and Management to  
match the certification in accordance with section 5727.84 of the  
Revised Code.

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Of the foregoing appropriation item 200-550, Foundation  
Funding, up to \$425,000 shall be expended in each fiscal year for  
court payments under section 2151.357 of the Revised Code; an  
amount shall be available in each fiscal year for the cost of  
reappraisal guarantee under section 3317.04 of the Revised Code;  
an amount shall be available in each fiscal year to fund up to 225  
full-time equivalent approved GRADS teacher grants under division  
(~~R~~)(N) of section 3317.024 of the Revised Code; an amount shall be  
available in each fiscal year to make payments to school districts  
under division (A)(3) of section 3317.022 of the Revised Code; an  
amount shall be available in each fiscal year to make payments to  
school districts under division (F) of section 3317.022 of the  
Revised Code; an amount shall be available in each fiscal year to  
make payments to school districts under division (C) of section  
3317.0212 of the Revised Code; and up to \$30,000,000 in each  
fiscal year shall be reserved for payments under sections  
3317.026, 3317.027, and 3317.028 of the Revised Code except that  
the Controlling Board may increase the \$30,000,000 amount if  
presented with such a request from the Department of Education. Of  
the foregoing appropriation item 200-550, Foundation Funding, up  
to \$18,000,000 in fiscal year 2006 and up to \$19,000,000 in fiscal  
year 2007 shall be used to provide additional state aid to school  
districts for special education students under division (C)(3) of  
section 3317.022 of the Revised Code; up to \$2,000,000 in each

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fiscal year shall be reserved for Youth Services tuition payments 40163  
under section 3317.024 of the Revised Code; and up to \$52,000,000 40164  
in each fiscal year shall be reserved to fund the state 40165  
reimbursement of educational service centers under section 3317.11 40166  
of the Revised Code and the section of this act entitled 40167  
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 40168  
available for special education weighted funding under division 40169  
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 40170  
of the Revised Code. 40171

Of the foregoing appropriation item 200-550, Foundation 40172  
Funding, an amount shall be available in each fiscal year to be 40173  
used by the Department of Education for transitional aid for 40174  
school districts and joint vocational school districts. Funds 40175  
shall be distributed under the sections of this act entitled 40176  
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 40177  
DISTRICTS" ~~AND~~ and "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 40178  
DISTRICTS." 40179

Of the foregoing appropriation item 200-550, Foundation 40180  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 40181  
Department of Education for a program to pay for educational 40182  
services for youth who have been assigned by a juvenile court or 40183  
other authorized agency to any of the facilities described in 40184  
division (A) of the section of this act entitled "PRIVATE 40185  
TREATMENT FACILITY PROJECT." 40186

Of the foregoing appropriation item 200-550, Foundation 40187  
Funding, up to \$3,700,000 in each fiscal year shall be used for 40188  
school breakfast programs. Of this amount, up to \$900,000 shall be 40189  
used in each fiscal year by the Department of Education to 40190  
contract with the Children's Hunger Alliance to expand access to 40191  
child nutrition programs consistent with the organization's 40192  
continued ability to meet specified performance measures as 40193  
detailed in the contract. Of this amount, the Children's Hunger 40194

Alliance shall use at least \$150,000 in each fiscal year to  
subcontract with an appropriate organization or organizations to  
expand summer food participation in underserved areas of the  
state, consistent with those organizations' continued ability to  
meet specified performance measures as detailed in the  
subcontracts. The remainder of the appropriation shall be used to  
partially reimburse school buildings within school districts that  
are required to have a school breakfast program under section  
3313.813 of the Revised Code, at a rate decided by the Department.

Of the foregoing appropriation item 200-550, Foundation  
Funding, up to \$8,800,000 in fiscal year 2006 and up to \$8,600,000  
in fiscal year 2007 shall be used to operate the school choice  
program in the Cleveland Municipal School District under sections  
3313.974 to 3313.979 of the Revised Code.

Of the portion of the funds distributed to the Cleveland  
Municipal School District under this section, up to \$10,401,887 in  
fiscal year 2006 and up to \$11,901,887 in fiscal year 2007 shall  
be used to operate the school choice program in the Cleveland  
Municipal School District under sections 3313.974 to 3313.979 of  
the Revised Code.

Of the foregoing appropriation item 200-550, Foundation  
Funding, \$250,000 in fiscal year 2006 shall be provided to the  
Julie Billiard School for operating expenses of the school.

The remaining portion of appropriation item 200-550,  
Foundation Funding, shall be expended for the public schools of  
city, local, exempted village, and joint vocational school  
districts, including base-cost funding, special education speech  
service enhancement funding, career-technical education weight  
funding, career-technical education associated service funding,  
guarantee funding, teacher training and experience funding,  
poverty-based assistance, parity aid, charge-off supplement, and

excess cost supplement under sections 3317.022, 3317.023, 40226  
3317.029, 3317.0212, 3317.0216, 3317.0217, and 3317.16 of the 40227  
Revised Code. 40228

Appropriation items 200-502, Pupil Transportation, 200-521, 40229  
Gifted Pupil Program, 200-540, Special Education Enhancements, and 40230  
200-550, Foundation Funding, other than specific set-asides, are 40231  
collectively used in each fiscal year to pay state formula aid 40232  
obligations for school districts and joint vocational school 40233  
districts under Chapter 3317. of the Revised Code. The first 40234  
priority of these appropriation items, with the exception of 40235  
specific set-asides, is to fund state formula aid obligations 40236  
under Chapter 3317. of the Revised Code. It may be necessary to 40237  
reallocate funds among these appropriation items or use excess 40238  
funds from other general revenue fund appropriation items in the 40239  
Department of Education's budget in each fiscal year, in order to 40240  
meet state formula aid obligations. If it is determined that it is 40241  
necessary to transfer funds among these appropriation items or to 40242  
transfer funds from other General Revenue Fund appropriations in 40243  
the Department of Education's budget to meet state formula aid 40244  
obligations, the Department of Education shall seek approval from 40245  
the Controlling Board to transfer funds as needed. 40246

**Sec. 206.09.39. TRANSITIONAL AID FOR CITY, LOCAL, AND 40247**  
**EXEMPTED VILLAGE SCHOOL DISTRICTS 40248**

(A) The Department of Education shall distribute funds within 40249  
appropriation item 200-550, Foundation Funding, for transitional 40250  
aid in each fiscal year to each qualifying city, local, and 40251  
exempted village school district. 40252

In fiscal years 2006 and 2007, the Department shall pay 40253  
transitional aid to each city, local, or exempted village school 40254  
district that experiences any decrease in its SF-3 funding plus 40255  
charge-off supplement for the current fiscal year from its SF-3 40256

funding plus charge-off supplement for the previous fiscal year. 40257  
The amount of the transitional aid payment shall equal the 40258  
difference between the district's SF-3 funding plus charge-off 40259  
supplement for the current fiscal year and its SF-3 funding plus 40260  
charge-off supplement for the previous fiscal year. 40261

(B)(1) Subject to divisions (B)(2) and (3) of this section, 40262  
the "SF-3 funding plus charge-off supplement" for each city, 40263  
local, and exempted village school district ~~in~~ for fiscal years 40264  
2006 and 2007 equals the sum of the following: 40265

(a) Base-cost funding under division (A) of section 3317.022 40266  
of the Revised Code; 40267

(b) Special education and related services additional 40268  
weighted funding under division (C)(1) of section 3317.022 of the 40269  
Revised Code; 40270

(c) Speech services funding under division (C)(4) of section 40271  
3317.022 of the Revised Code; 40272

(d) Vocational education additional weighted funding under 40273  
division (E) of section 3317.022 of the Revised Code; 40274

(e) GRADS funding under division ~~(R)~~(N) of section 3317.024 40275  
of the Revised Code; 40276

(f) Adjustments for classroom teachers and educational 40277  
service personnel under divisions (B), (C), and (D) of section 40278  
3317.023 of the Revised Code; 40279

(g) Poverty-Based Assistance under section 3317.029 of the 40280  
Revised Code; 40281

(h) Gifted education units under section 3317.05 of the 40282  
Revised Code; 40283

(i) Transportation under the section of this act entitled 40284  
"PUPIL TRANSPORTATION"; 40285

(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	40286 40287
(k) Parity aid under section 3317.0217 of the Revised Code;	40288
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	40289 40290
(m) The charge-off supplement under section 3317.0216 of the Revised Code.	40291 40292
(2) For purposes of calculating transitional aid <del>in</del> <u>for</u> 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 <del>in</del> <u>for</u> fiscal year 2005, <u>as determined based on the final reconciliation of data by the Department,</u> minus (b) the amount of parity aid and the amount of disadvantaged pupil impact aid deducted <u>for</u> 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 students entitled to attend school in the district who were enrolled in Internet- and computer-based community schools. For purposes of calculating transitional aid <del>in</del> <u>for</u> fiscal year 2007, a district's fiscal year 2006 SF-3 funding plus charge-off supplement is the sum of the amounts described in divisions (B)(1)(a) to <del>(n)</del> <u>(m)</u> of this section, plus any transitional aid paid to the district under this section, that the district actually received <del>in</del> <u>for</u> fiscal year 2006, <u>as determined based on the final reconciliation of data by the Department.</u>	40293 40294 40295 40296 40297 40298 40299 40300 40301 40302 40303 40304 40305 40306 40307 40308 40309 40310 40311 40312 40313
(3) The SF-3 funding plus charge-off supplement <del>in</del> <u>for</u> each fiscal year for each district is the sum of the amounts specified in divisions (B)(1)(a) to <del>(n)</del> <u>(m)</u> and (B)(2) of this section less	40314 40315 40316

any general revenue fund spending reductions ordered by the 40317  
Governor under section 126.05 of the Revised Code. 40318

(C)(1) When calculating the reappraisal guarantee under 40319  
division (C) or (D) of section 3317.04 of the Revised Code ~~in~~ for 40320  
fiscal year 2006, the Department shall: 40321

(a) Include in a school district's fiscal year 2005 payments 40322  
any transitional aid paid to the district ~~in~~ for fiscal year 2005 40323  
under Section 41.37 of Am. Sub. H.B. 95 of the 125th General 40324  
Assembly, as amended; 40325

(b) Subtract from a school district's fiscal year 2005 40326  
payments the amount of parity aid and the amount of disadvantaged 40327  
pupil impact aid deducted for that year under division (C)(6) of 40328  
section 3314.08 of the Revised Code, as that section existed that 40329  
year, and Section 16 of Am. Sub. S.B. 2 of the 125th General 40330  
Assembly on behalf of students entitled to attend school in the 40331  
district who were enrolled in Internet- and computer-based 40332  
community schools. 40333

(2) When calculating the reappraisal guarantee under division 40334  
(C) or (D) of section 3317.04 of the Revised Code ~~in~~ for fiscal 40335  
year 2007, the Department shall include in a school district's 40336  
fiscal year 2006 payments any transitional aid paid to the 40337  
district ~~in~~ for fiscal year 2006 under this section. 40338

(3) When calculating the reappraisal guarantee under division 40339  
(C) or (D) of section 3317.04 of the Revised Code ~~in~~ for fiscal 40340  
year 2008, the Department shall include in a school district's 40341  
fiscal year 2007 payments any transitional aid paid to the 40342  
district ~~in~~ for fiscal year 2007 under this section. 40343

**Sec. 206.09.42. TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 40344  
DISTRICTS 40345**

(A) The Department of Education shall distribute funds within 40346

appropriation item 200-550, Foundation Funding, for transitional  
aid in each fiscal year to each joint vocational school district  
that experiences a decrease in its joint vocational funding for  
the current fiscal year from the previous fiscal year. The  
Department shall distribute to each such district transitional aid  
in an amount equal to the decrease in the district's joint  
vocational funding from the previous fiscal year.

(B)(1) Subject to divisions (B)(2) and (3) of this section, a  
district's joint vocational funding equals the sum of the  
following:

(a) Base-cost funding under division (B) of section 3317.16  
of the Revised Code;

(b) Special education and related services additional  
weighted funding under division (D)(1) of section 3317.16 of the  
Revised Code;

(c) Speech services funding under division (D)(2) of section  
3317.16 of the Revised Code;

(d) Vocational education additional weighted funding under  
division (C) of section 3317.16 of the Revised Code;

(e) GRADS funding under division ~~(R)~~(N) of section 3317.024  
of the Revised Code;

(f) The state aid guarantee under division (H) of section  
3317.16 of the Revised Code.

(2) For purposes of calculating transitional aid ~~in~~ for  
fiscal year 2007, a district's fiscal year 2006 joint vocational  
funding is the sum of the amounts described in divisions (B)(1)(a)  
to ~~(f)~~(e) of this section, plus any transitional aid paid to the  
district under this section, that the district actually received  
~~in~~ for fiscal year 2006, as determined based on the final  
reconciliation of data by the Department.

(3) The joint vocational funding ~~in~~ for each fiscal year for 40377  
each district is the sum of the amounts specified in divisions 40378  
(B)(1)(a) to (f) and (B)(2) of this section less any general 40379  
revenue fund spending reductions ordered by the Governor under 40380  
section 126.05 of the Revised Code. 40381

EMERGENCY LOAN INTEREST SUBSIDY 40382

The foregoing appropriation item 200-558, Emergency Loan 40383  
Interest Subsidy, shall be used to provide a subsidy to school 40384  
districts receiving emergency school loans pursuant to section 40385  
3313.484 of the Revised Code. The subsidy shall be used to pay 40386  
these districts the difference between the amount of interest the 40387  
district is paying on an emergency loan, and the interest that the 40388  
district would have paid if the interest rate on the loan had been 40389  
two per cent. 40390

**Sec. 206.09.61. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 40391**  
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 047) 40392

Notwithstanding any provision of law to the contrary, in 40393  
fiscal year 2006 and fiscal year 2007 the Director of Budget and 40394  
Management ~~shall~~ may transfer ~~\$10,010,000 in fiscal year 2006 and~~ 40395  
~~\$70,210,000 in fiscal year 2007~~ from the General Revenue Fund to 40396  
~~appropriation item 200-909, the~~ School District Property Tax 40397  
Replacement - Business Fund (Fund 047) in the Department of 40398  
Education. ~~The funds shall be used, those amounts necessary to~~ 40399  
make payments to reimburse school districts and joint vocational 40400  
districts under section 5751.21 of the Revised Code. Also, in 40401  
fiscal year 2006 and fiscal year 2007, the Director of Budget and 40402  
Management may make temporary transfers to ensure sufficient 40403  
balances in the School District Property Tax Replacement - 40404  
Business Fund (Fund 047) and to replenish the General Revenue Fund 40405  
for such transfers. 40406

**Sec. 206.09.63.** SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 40407  
BUSINESS 40408

The foregoing appropriation item, 200-909, School District 40409  
Property Tax Replacement - Business, in Fund 047, shall be used by 40410  
the Department of Education, in consultation with the Department 40411  
of Taxation, to make payments to school districts and joint 40412  
vocational school districts under section 5751.21 of the Revised 40413  
Code. If it is determined by the Director of Budget and Management 40414  
that additional appropriations are necessary for this purpose, 40415  
such amounts are hereby appropriated. 40416

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 40417

The foregoing appropriation item 200-900, School District 40418  
Property Tax Replacement-Utility, in Fund 053, shall be used by 40419  
the Department of Education, in consultation with the Department 40420  
of Taxation, to make payments to school districts and joint 40421  
vocational school districts under section 5727.85 of the Revised 40422  
Code. 40423

**\*Sec. 206.09.66.** DISTRIBUTION FORMULAS 40424

The Department of Education shall report the following to the 40425  
Director of Budget and Management, ~~the Legislative Office of~~ 40426  
~~Education Oversight,~~ and the Legislative Service Commission: 40427

(A) Changes in formulas for distributing state 40428  
appropriations, including administratively defined formula 40429  
factors; 40430

(B) Discretionary changes in formulas for distributing 40431  
federal appropriations; 40432

(C) Federally mandated changes in formulas for distributing 40433  
federal appropriations. 40434

Any such changes shall be reported two weeks prior to the 40435

effective date of the change. 40436

**Sec. 206.09.84.** (A) As used in this section: 40437

(1) "Entitled to attend school" means entitled to attend 40438  
school in a school district under section 3313.64 ~~and~~ or 3313.65 40439  
of the Revised Code. 40440

(2) "Formula ADM" and "category six special education ADM" 40441  
have the same meanings as in section 3317.02 of the Revised Code. 40442

(3) "Individualized education program" has the same meaning 40443  
as in section 3323.01 of the Revised Code. 40444

(4) "Parent" has the same meaning as in section 3313.64 of 40445  
the Revised Code. 40446

(5) "Qualified special education child" is a child for whom 40447  
all of the following conditions apply: 40448

(a) The school district in which the child is entitled to 40449  
attend school has identified the child as autistic. A child who 40450  
has been identified as having a "pervasive developmental disorder 40451  
- not otherwise specified (PPD-NOS)" shall be considered to be an 40452  
autistic child for purposes of this section. 40453

(b) The school district in which the child is entitled to 40454  
attend school has developed an individualized education program 40455  
under Chapter 3323. of the Revised Code for the child. 40456

(c) The child either: 40457

(i) Was enrolled in the school district in which the child is 40458  
entitled to attend school in any grade from preschool through 40459  
twelve in the school year prior to the year in which a scholarship 40460  
under this section is first sought for the child; or 40461

(ii) Is eligible to enter school in any grade preschool 40462  
through twelve in the school district in which the child is 40463  
entitled to attend school in the school year in which a 40464

scholarship under this section is first sought for the child. 40465

(6) "Registered private provider" means a nonpublic school or 40466  
other nonpublic entity that has been approved by the Department of 40467  
Education to participate in the program established under this 40468  
section. 40469

(B) There is hereby established the Pilot Project Special 40470  
Education Scholarship Program. Under the program, in fiscal years 40471  
2006 and 2007, the Department of Education shall pay a scholarship 40472  
to the parent of each qualified special education child upon 40473  
application of that parent pursuant to procedures and deadlines 40474  
established by rule of the State Board of Education. Each 40475  
scholarship shall be used only to pay tuition for the child on 40476  
whose behalf the scholarship is awarded to attend a special 40477  
education program that implements the child's individualized 40478  
education program and that is operated by a school district other 40479  
than the school district in which the child is entitled to attend 40480  
school, by another public entity, or by a registered private 40481  
provider. Each scholarship shall be in an amount not to exceed the 40482  
lesser of the tuition charged for the child by the special 40483  
education program or twenty thousand dollars. The purpose of the 40484  
scholarship is to permit the parent of a qualified special 40485  
education child the choice to send the child to a special 40486  
education program, instead of the one operated by or for the 40487  
school district in which the child is entitled to attend school, 40488  
to receive the services prescribed in the child's individualized 40489  
education program once the individualized education program is 40490  
finalized. A scholarship under this section shall not be awarded 40491  
to the parent of a child while the child's individualized 40492  
education program is being developed by the school district in 40493  
which the child is entitled to attend school, or while any 40494  
administrative or judicial mediation or proceedings with respect 40495  
to the content of the child's individualized education program are 40496

pending. A scholarship under this section shall not be used for a  
child to attend a public special education program that operates  
under a contract, compact, or other bilateral agreement between  
the school district in which the child is entitled to attend  
school and another school district or other public provider, or  
for a child to attend a community school established under Chapter  
3314. of the Revised Code. However, nothing in this section or in  
any rule adopted by the State Board of Education shall prohibit a  
parent whose child attends a public special education program  
under a contract, compact, or other bilateral agreement, or a  
parent whose child attends a community school, from applying for  
and accepting a scholarship under this section so that the parent  
may withdraw the child from that program or community school and  
use the scholarship for the child to attend a special education  
program for which the parent is required to pay for services for  
the child. A child attending a special education program with a  
scholarship under this section shall continue to be entitled to  
transportation to and from that program in the manner prescribed  
by law.

(C)(1) Notwithstanding anything to the contrary in the  
Revised Code, a child for whom a scholarship is awarded under this  
section shall be counted in the formula ADM and the category six  
special education ADM of the district in which the child is  
entitled to attend school and not in the formula ADM and the  
category six special education ADM of any other school district.

(2) In each fiscal year, the Department shall deduct from the  
amounts paid to each school district under Chapter 3317. of the  
Revised Code, and, if necessary, sections 321.24 and 323.156 of  
the Revised Code, the aggregate amount of scholarships awarded  
under this section for qualified special education children  
included in the formula ADM and category six special education ADM  
of that school district as provided in division (C)(1) of this

section. The scholarships deducted shall be considered as an 40529  
approved special education and related services expense for the 40530  
purpose of the school district's compliance with division (C)(5) 40531  
of section 3317.022 of the Revised Code. 40532

(3) From time to time, the Department shall make a payment to 40533  
the parent of each qualified special education child for whom a 40534  
scholarship has been awarded under this section. The scholarship 40535  
amount shall be proportionately reduced in the case of any such 40536  
child who is not enrolled in the special education program for 40537  
which a scholarship was awarded under this section for the entire 40538  
school year. The Department shall make no payments to the parent 40539  
of a child while any administrative or judicial mediation or 40540  
proceedings with respect to the content of the child's 40541  
individualized education program are pending. 40542

(D) A scholarship shall not be paid to a parent for payment 40543  
of tuition owed to a nonpublic entity unless that entity is a 40544  
registered private provider. The Department shall approve entities 40545  
that meet the standards established by rule of the State Board for 40546  
the program established under this section. 40547

(E) The State Board shall adopt rules under Chapter 119. of 40548  
the Revised Code prescribing procedures necessary to implement 40549  
this section, including, but not limited to, procedures and 40550  
deadlines for parents to apply for scholarships, standards for 40551  
registered private providers, and procedures for approval of 40552  
entities as registered private providers. The Board shall adopt 40553  
the rules so that the program established under this section is 40554  
operational by January 1, 2004. 40555

**Sec. 206.16. FUN STATE BOARD OF EMBALMERS AND FUNERAL** 40556  
**DIRECTORS** 40557  
General Services Fund Group 40558

4K9 881-609 Operating Expenses	\$	598,933	\$	± <u>598,706</u>	40559
TOTAL GSF General Services					40560
Fund Group	\$	598,933	\$	± <u>598,706</u>	40561
TOTAL ALL BUDGET FUND GROUPS	\$	598,933	\$	± <u>598,706</u>	40562

**Sec. 206.42. DOH DEPARTMENT OF HEALTH** 40564

General Revenue Fund					40565
GRF 440-407 Animal Borne Disease and Prevention	\$	2,452,101	\$	2,452,101	40566
GRF 440-412 Cancer Incidence Surveillance System	\$	1,002,619	\$	1,002,619	40567
GRF 440-413 Local Health Department Support	\$	3,786,794	\$	3,786,794	40568
GRF 440-416 Child and Family Health Services	\$	9,682,874	\$	9,582,874	40569
GRF 440-418 Immunizations	\$	8,600,615	\$	9,400,615	40570
GRF 440-431 Free Clinic Liability Insurance	\$	275,000	\$	325,000	40571
GRF 440-444 AIDS Prevention and Treatment	\$	7,158,127	\$	7,158,127	40572
GRF 440-446 Infectious Disease Prevention	\$	200,000	\$	200,000	40573
GRF 440-451 Lab and Public Health Prevention Programs	\$	6,085,250	\$	6,085,250	40574
GRF 440-452 Child and Family Health Services Match	\$	1,024,017	\$	1,024,017	40575
GRF 440-453 Health Care Quality Assurance	\$	10,253,728	\$	10,253,728	40576
GRF 440-454 Local Environmental Health	\$	889,752	\$	889,752	40577
GRF 440-459 Help Me Grow	\$	9,323,797	\$	9,323,797	40578
GRF 440-461 Center for Vital and Health Stats	\$	3,629,535	\$	3,629,535	40579

GRF 440-505	Medically Handicapped Children	\$	9,591,784	\$	8,791,784	40580
GRF 440-507	Targeted Health Care Services Over 21	\$	<del>1,631,023</del>	\$	<del>1,631,023</del>	40581
			<u>1,581,023</u>		<u>1,681,023</u>	40582
TOTAL GRF General Revenue Fund		\$	<del>75,587,016</del>	\$	<del>75,537,016</del>	40583
			<u>75,537,016</u>		<u>75,587,016</u>	40584
General Services Fund Group						40585
142 440-618	Agency Health Services	\$	2,461,915	\$	2,561,915	40586
211 440-613	Central Support Indirect Costs	\$	26,584,707	\$	26,584,707	40587
473 440-622	Lab Operating Expenses	\$	4,154,045	\$	4,154,045	40588
683 440-633	Employee Assistance Program	\$	1,208,214	\$	1,208,214	40589
698 440-634	Nurse Aide Training	\$	170,000	\$	170,000	40590
TOTAL GSF General Services Fund Group						40591
		\$	34,578,881	\$	34,678,881	40592
Federal Special Revenue Fund Group						40593
320 440-601	Maternal Child Health Block Grant	\$	28,779,322	\$	29,025,635	40594
387 440-602	Preventive Health Block Grant	\$	7,755,005	\$	7,826,659	40595
389 440-604	Women, Infants, and Children	\$	219,920,083	\$	230,077,451	40596
391 440-606	Medicaid/Medicare	\$	24,211,198	\$	24,850,959	40597
392 440-618	Federal Public Health Programs	\$	126,678,202	\$	127,677,458	40598
TOTAL FED Federal Special Revenue Fund Group						40599
		\$	407,343,810	\$	419,458,162	40600
State Special Revenue Fund Group						40601
4D6 440-608	Genetics Services	\$	2,617,000	\$	2,617,000	40602
4F9 440-610	Sickle Cell Disease	\$	1,035,344	\$	1,035,344	40603

		Control					
4G0	440-636	Heirloom Birth	\$	5,000	\$	5,000	40604
		Certificate					
4G0	440-637	Birth Certificate	\$	5,000	\$	5,000	40605
		Surcharge					
4L3	440-609	Non-Governmental	\$	144,119	\$	144,119	40606
		Grants and Awards					
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	40607
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	40608
470	440-618	Fee Supported Programs	\$	16,025,194	\$	16,025,194	40609
471	440-619	Certificate of Need	\$	581,572	\$	594,572	40610
477	440-627	Medically Handicapped	\$	3,800,000	\$	3,693,016	40611
		Children Audit					
5BL	440-638	Healthy Ohioans	\$	5,000,000	\$	0	40612
5B5	440-616	Quality, Monitoring,	\$	838,479	\$	838,479	40613
		and Inspection					
5CB	440-640	Poison Control Centers	\$	200,000	\$	200,000	40614
5C0	440-615	Alcohol Testing and	\$	1,455,405	\$	1,455,405	40615
		Permit					
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	40616
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	40617
5L1	440-623	Nursing Facility	\$	617,517	\$	617,517	40618
		Technical Assistance					
		Program					
610	440-626	Radiation Emergency	\$	850,000	\$	850,000	40619
		Response					
666	440-607	Medically Handicapped	\$	14,320,687	\$	14,320,687	40620
		Children - County					
		Assessments					
TOTAL	SSR	State Special Revenue					40621
Fund Group			\$	50,572,156	\$	45,478,172	40622
Holding Account	Redistribution	Fund Group					40623
R14	440-631	Vital Statistics	\$	70,000	\$	70,000	40624

R48 440-625 Refunds, Grants	\$	20,000	\$	20,000	40625
Reconciliation, and					
Audit Settlements					
TOTAL 090 Holding Account					40626
Redistribution Fund Group	\$	90,000	\$	90,000	40627
TOTAL ALL BUDGET FUND GROUPS	\$	<del>568,171,863</del>	\$	<del>575,242,231</del>	40628
		<u>568,121,863</u>		<u>575,292,231</u>	40629

**Sec. 206.42.09. IMMUNIZATIONS** 40631

Of the foregoing appropriation item 440-418, Immunizations, 40632  
\$800,000 in fiscal year 2007 shall be used for the purchase of 40633  
varicella vaccines. 40634

**FREE CLINIC LIABILITY INSURANCE** 40635

Of the foregoing appropriation item 440-431, Free Clinic 40636  
Liability Insurance, up to \$20,000 in each fiscal year may be used 40637  
by the Department of Health for administrative expenses related to 40638  
the Medical Liability Insurance Reimbursement Program. The 40639  
remainder in each fiscal year shall be used to pay for medical 40640  
liability insurance for free clinics, including the clinics' staff 40641  
and volunteer health care professionals and volunteer health care 40642  
workers. The necessity and feasibility of the program shall be 40643  
reviewed as part of the next biennial budget. 40644

**HIV/AIDS PREVENTION/TREATMENT** 40645

Of the foregoing appropriation item 440-444, AIDS Prevention 40646  
and Treatment, not more than \$6.7 million per fiscal year shall be 40647  
used to assist persons with HIV/AIDS in acquiring HIV-related 40648  
medications. 40649

**INFECTIOUS DISEASE PREVENTION** 40650

The foregoing appropriation item 440-446, Infectious Disease 40651  
Prevention, shall be used for the purchase of drugs for sexually 40652  
transmitted diseases. 40653

HELP ME GROW 40654

The foregoing appropriation item 440-459, Help Me Grow, shall 40655  
be used by the Department of Health to distribute subsidies to 40656  
counties to implement the Help Me Grow Program. Appropriation item 40657  
440-459, Help Me Grow, may be used in conjunction with Temporary 40658  
Assistance for Needy Families from the Department of Job and 40659  
Family Services, Early Intervention funding from the Department of 40660  
Mental Retardation and Developmental Disabilities, and in 40661  
conjunction with other early childhood funds and services to 40662  
promote the optimal development of young children. Local contracts 40663  
shall be developed between local departments of job and family 40664  
services and family and children first councils for the 40665  
administration of TANF funding for the Help Me Grow Program. The 40666  
Department of Health shall enter into an interagency agreement 40667  
with the Department of Education, Department of Mental Retardation 40668  
and Developmental Disabilities, Department of Job and Family 40669  
Services, and Department of Mental Health to ensure that all early 40670  
childhood programs and initiatives are coordinated and school 40671  
linked. 40672

TARGETED HEALTH CARE SERVICES OVER 21 40673

In each fiscal year, of the foregoing appropriation item 40674  
440-507, Targeted Health Care Services Over 21, \$731,023 shall be 40675  
used to administer the cystic fibrosis program and implement the 40676  
Hemophilia Insurance Premium Payment Program. 40677

Of the foregoing appropriation item 440-507, Targeted Health 40678  
Care Services Over 21, ~~\$900,000~~ \$850,000 in fiscal year 2006 and 40679  
\$950,000 in each fiscal year 2007 shall be used to provide 40680  
essential medications and to pay the copayments for drugs approved 40681  
by the Department of Health and covered by Medicare Part D that 40682  
are dispensed to Bureau for Children with Medical Handicaps (BCMH) 40683  
participants, in accordance with the section of this act entitled 40684

<u>"BCMh - MEDICARE PART D COPAYMENTS"</u> for the cystic fibrosis	40685
program.	40686
MATERNAL CHILD HEALTH BLOCK GRANT	40687
Of the foregoing appropriation item 440-601, Maternal Child	40688
Health Block Grant (Fund 320), \$2,091,299 shall be used in each	40689
fiscal year for the purposes of abstinence-only education. The	40690
Director of Health shall develop guidelines for the establishment	40691
of abstinence programs for teenagers with the purpose of	40692
decreasing unplanned pregnancies and abortion. The guidelines	40693
shall be developed under Title V of the "Social Security Act," 42	40694
U.S.C. 510, and shall include, but are not limited to, advertising	40695
campaigns and direct training in schools and other locations.	40696
GENETICS SERVICES	40697
The foregoing appropriation item 440-608, Genetics Services	40698
(Fund 4D6), shall be used by the Department of Health to	40699
administer programs authorized by sections 3701.501 and 3701.502	40700
of the Revised Code. None of these funds shall be used to counsel	40701
or refer for abortion, except in the case of a medical emergency.	40702
SAFETY AND QUALITY OF CARE STANDARDS	40703
The Department of Health may use Fund 471, Certificate of	40704
Need, for administering sections 3702.11 to 3702.20 and 3702.30 of	40705
the Revised Code in each fiscal year.	40706
MEDICALLY HANDICAPPED CHILDREN AUDIT	40707
The Medically Handicapped Children Audit Fund (Fund 477)	40708
shall receive revenue from audits of hospitals and recoveries from	40709
third-party payers. Moneys may be expended for payment of audit	40710
settlements and for costs directly related to obtaining recoveries	40711
from third-party payers and for encouraging Medically Handicapped	40712
Children's Program recipients to apply for third-party benefits.	40713
Moneys also may be expended for payments for diagnostic and	40714

treatment services on behalf of medically handicapped children, as 40715  
defined in division (A) of section 3701.022 of the Revised Code, 40716  
and Ohio residents who are twenty-one or more years of age and who 40717  
are suffering from cystic fibrosis or hemophilia. Moneys may also 40718  
be expended for administrative expenses incurred in operating the 40719  
Medically Handicapped Children's Program. 40720

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 40721  
PERMIT FUND 40722

The Director of Budget and Management, pursuant to a plan 40723  
submitted by the Department of Health, or as otherwise determined 40724  
by the Director of Budget and Management, shall set a schedule to 40725  
transfer cash from the Liquor Control Fund (Fund 043) to the 40726  
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 40727  
needs of the Alcohol Testing and Permit program. 40728

The Director of Budget and Management shall transfer to the 40729  
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 40730  
Fund (Fund 043) created in section 4301.12 of the Revised Code 40731  
such amounts at such times as determined by the transfer schedule. 40732

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 40733

The foregoing appropriation item 440-607, Medically 40734  
Handicapped Children - County Assessments (Fund 666), shall be 40735  
used to make payments under division (E) of section 3701.023 of 40736  
the Revised Code. 40737

**Sec. 206.48.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 40738

General Revenue Fund 40739

GRF 148-100 Personal Services	\$	145,880	\$	145,880	40740
GRF 148-200 Maintenance	\$	35,901	\$	35,901	40741
TOTAL GRF General Revenue Fund	\$	181,781	\$	181,781	40742

General Services Fund Group 40743

601 148-602 Gifts and	\$	20,000	\$	20,000	40744
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Miscellaneous			
TOTAL GSF General Services			40745
Fund Group	\$	20,000	\$ 20,000 40746
TOTAL ALL BUDGET FUND GROUPS	\$	201,781	\$ 201,781 40747
<u>GRF TRANSFER TO FUND 601, GIFTS AND MISCELLANEOUS</u>			40748
<u>Prior to June 30, 2006, the Director of Budget and Management</u>			40749
<u>may transfer \$5,850 in cash from the General Revenue Fund to Fund</u>			40750
<u>601, Gifts and Miscellaneous Fund.</u>			40751
 <b>Sec. 206.66. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b>			 40752
General Revenue Fund			40753
GRF 600-321 Support Services			40754
State	\$	63,797,907	\$ 60,565,397 40755
Federal	\$	8,114,493	\$ 8,454,541 40756
Support Services Total	\$	71,912,400	\$ 69,019,938 40757
GRF 600-410 TANF State	\$	272,619,061	\$ 272,619,061 40758
GRF 600-413 Child Care	\$	84,120,596	\$ 84,120,596 40759
Match/Maintenance of Effort			
GRF 600-416 Computer Projects			40760
State	\$	114,516,710	\$ 117,226,021 40761
Federal	\$	37,579,198	\$ 34,255,465 40762
Computer Projects Total	\$	152,095,908	\$ 151,481,486 40763
GRF 600-420 Child Support Administration	\$	5,091,446	\$ 5,091,446 40764
GRF 600-421 Office of Family Stability	\$	4,864,932	\$ 4,864,932 40765
GRF 600-423 Office of Children and Families	\$	5,408,020	\$ 5,431,690 40766
GRF 600-425 Office of Ohio Health Plans			40767
State	\$	24,803,631	\$ 24,054,873 40768

Federal	\$	26,539,544	\$	25,810,409	40769
Office of Ohio Health	\$	51,343,175	\$	49,865,282	40770
Plans Total					
GRF 600-502 Child Support Match	\$	16,814,103	\$	16,814,103	40771
GRF 600-511 Disability Financial Assistance	\$	22,839,371	\$	22,839,371	40772
GRF 600-512 Non-TANF Disaster Assistance	\$	1,000,000	\$	1,000,000	40773
GRF 600-513 Disability Medical Assistance	\$	<del>19,500,000</del> <u>23,833,050</u>	\$	<del>25,500,000</del> <u>31,166,950</u>	40774
GRF 600-521 Entitlement Administration - Local	\$	151,206,401	\$	151,206,401	40775
GRF 600-523 Children and Families Subsidy	\$	69,438,543	\$	69,438,543	40776
GRF 600-525 Health Care/Medicaid State	\$	<del>3,751,848,959</del> <u>3,741,848,959</u>	\$	<del>3,795,940,675</del> <u>3,786,408,432</u>	40777 40778
Federal	\$	<del>5,612,109,788</del> <u>5,597,010,257</u>	\$	<del>5,731,692,576</del> <u>5,717,586,895</u>	40779
Health Care Total	\$	<del>9,363,958,747</del> <u>9,338,859,216</u>	\$	<del>9,527,633,251</del> <u>9,503,995,327</u>	40780
GRF 600-526 Medicare Part D	\$	155,349,266	\$	339,578,325	40781
GRF 600-528 Adoption Services State	\$	33,698,298	\$	35,516,130	40782 40783
Federal	\$	40,331,807	\$	43,022,485	40784
Adoption Services Total	\$	74,030,105	\$	78,538,615	40785
<u>GRF 600-529 Capital Compensation Program</u>	\$	<u>\$10,000,000</u>	\$	<u>0</u>	40786
TOTAL GRF General Revenue Fund					40787
State	\$	<del>4,777,417,244</del> <u>4,801,250,294</u>	\$	<del>5,006,307,564</del> <u>5,027,942,271</u>	40788
Federal	\$	<del>5,744,174,880</del> <u>5,709,575,299</u>	\$	<del>5,868,735,476</del> <u>5,829,129,795</u>	40789

GRF Total		\$ <del>10,521,592,074</del>	\$ <del>10,875,043,040</del>	40790
		<u>10,510,825,593</u>	<u>10,857,072,066</u>	
General Services Fund Group				40791
4A8 600-658 Child Support		\$ 26,680,794	\$ 26,680,794	40792
Collections				
4R4 600-665 BCII Services/Fees		\$ 36,974	\$ 36,974	40793
5C9 600-671 Medicaid Program		\$ 73,015,021	\$ 63,947,536	40794
Support				
5N1 600-677 County Technologies		\$ 1,000,000	\$ 1,000,000	40795
613 600-645 Training Activities		\$ 135,000	\$ 135,000	40796
TOTAL GSF General Services				40797
Fund Group		\$ 100,867,789	\$ 91,800,304	40798
Federal Special Revenue Fund Group				40799
3AW 600-675 Faith Based		\$ 750,000	\$ 750,000	40800
Initiatives				
3A2 600-641 Emergency Food		\$ 2,600,000	\$ 2,800,000	40801
Distribution				
<del>3BB</del> 600-635 Children's Hospitals -		\$ 9,000,000	\$ 9,000,000	40802
<u>3F0</u> Federal				
3D3 600-648 Children's Trust Fund		\$ 2,040,524	\$ 2,040,524	40803
Federal				
3F0 600-623 Health Care Federal		\$ 616,011,784	\$ <del>771,889,193</del>	40804
			<u>1,119,728,886</u>	
3F0 600-650 Hospital Care		\$ 343,239,047	\$ 343,239,047	40805
Assurance Match				
3G5 600-655 Interagency		\$ 1,364,802,369	\$ 1,426,954,440	40806
Reimbursement				
3H7 600-617 Child Care Federal		\$ 208,000,000	\$ 208,000,000	40807
3N0 600-628 IV-E Foster Care		\$ 153,963,142	\$ 153,963,142	40808
Maintenance				
3S5 600-622 Child Support Projects		\$ 534,050	\$ 534,050	40809
3V0 600-688 Workforce Investment		\$ 208,322,037	\$ 208,097,948	40810

		Act				
3V4	600-678	Federal Unemployment Programs	\$	153,435,545	\$	157,202,750 40811
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$	3,829,430	\$	3,800,573 40812
3V6	600-689	TANF Block Grant	\$	767,104,142	\$	792,483,200 40813
3W3	600-659	TANF/Title XX Transfer	\$	8,000,000	\$	5,400,000 40814
327	600-606	Child Welfare	\$	33,160,190	\$	33,090,786 40815
331	600-686	Federal Operating	\$	43,966,134	\$	44,929,546 40816
384	600-610	Food Stamps and State Administration	\$	188,238,706	\$	181,250,799 40817
385	600-614	Refugee Services	\$	6,083,829	\$	6,542,439 40818
395	600-616	Special Activities/Child and Family Services	\$	4,567,112	\$	4,564,877 40819
396	600-620	Social Services Block Grant	\$	120,993,012	\$	121,004,222 40820
397	600-626	Child Support	\$	287,468,576	\$	287,468,576 40821
398	600-627	Adoption Maintenance/ Administration	\$	314,639,519	\$	314,639,519 40822
TOTAL FED		Federal Special Revenue				40823
Fund Group			\$	4,840,749,148	\$	<del>5,079,645,631</del> 40824
						<u>5,427,485,324</u>
State Special Revenue Fund Group						40825
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522 40826
4A9	600-607	Unemployment Compensation Administration Fund	\$	10,811,527	\$	10,811,527 40827
4A9	600-694	Unemployment Compensation Review Commission	\$	3,188,473	\$	3,188,473 40828
4E3	600-605	Nursing Home	\$	4,759,914	\$	4,759,914 40829

		Assessments				
4E7	600-604	Child and Family	\$	1,237,500	\$	300,000 40830
		Services Collections				
4F1	600-609	Foundation	\$	61,420	\$	61,420 40831
		Grants/Child and Family Services				
4J5	600-613	Nursing Facility Bed	\$	34,613,984	\$	34,613,984 40832
		Assessments				
4J5	600-618	Residential State	\$	15,700,000	\$	15,700,000 40833
		Supplement Payments				
4K1	600-621	ICF/MR Bed Assessments	\$	20,074,255	\$	20,064,131 40834
4R3	600-687	Banking Fees	\$	800,000	\$	800,000 40835
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000 40836
5AA	600-673	Ohio's Best Rx	\$	5,000,000	\$	5,000,000 40837
		Administration				
5AX	600-697	Public Assistance	\$	60,000,000	\$	0 40838
		Reconciliation				
5BE	600-693	Child Support	\$	5,000,000	\$	5,000,000 40839
		Operating				
5BG	600-653	Managed Care	\$	18,795,483	\$	99,410,121 40840
		Assessment				
5CR	600-636	Children's Hospitals - State	\$	6,000,000	\$	6,000,000 40841
<u>5DB</u>	<u>600-637</u>	<u>Military Injury Grants</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,000,000</u> 40842
<u>5DL</u>	<u>600-639</u>	<u>Medicaid Revenue and</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>56,927,358</u> 40843
		<u>Collections</u>				
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000 40844
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000 40845
5P5	600-692	<del>Health Care Services</del>	\$	828,587,776	\$	<del>538,301,761</del> 40846
		<u>Prescription Drug</u>				<u>179,307,452</u>
		<u>Rebate - State</u>				
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998 40847

5R2 600-608	Medicaid-Nursing Facilities	\$ 160,192,055	\$ 176,632,090	40848
5S3 600-629	MR/DD Medicaid Administration and Oversight	\$ 1,620,960	\$ 1,620,960	40849
5U3 600-654	Health Care Services Administration	\$ 10,115,870	\$ 15,474,709	40850
5U6 600-663	Children and Family Support	\$ 4,929,717	\$ 4,929,717	40851
5Z9 600-672	TANF Quality Control Reinvestments	\$ 647,409	\$ 688,421	40852
651 600-649	Hospital Care Assurance Program Fund	\$ 231,893,404	\$ 231,893,404	40853
TOTAL SSR State Special Revenue				40854
Fund Group		\$ 1,498,194,267	\$ <del>1,249,415,152</del> <u>949,348,201</u>	40855
Agency Fund Group				40856
192 600-646	Support Intercept - Federal	\$ 110,000,000	\$ 110,000,000	40857
5B6 600-601	Food Stamp Intercept	\$ 2,000,000	\$ 2,000,000	40858
583 600-642	Support Intercept - State	\$ 16,000,000	\$ 16,000,000	40859
TOTAL AGY Agency Fund Group				40860
Holding Account Redistribution Fund Group				40861
R12 600-643	Refunds and Audit Settlements	\$ 3,600,000	\$ 3,600,000	40862
R13 600-644	Forgery Collections	\$ 10,000	\$ 10,000	40863
TOTAL 090 Holding Account Redistribution Fund Group				40864
TOTAL ALL BUDGET FUND GROUPS		\$ <del>17,093,013,278</del> <u>17,082,246,797</u>	\$ <del>17,427,514,127</del> <u>17,457,315,895</u>	40865
<u>MEDICAID REVENUE AND COLLECTIONS - STATE</u>				40866

The foregoing appropriation item 600-639, Medicaid Revenue and Collections, shall be used by the Department of Job and Family Services to pay for Medicaid services and contracts.

**Sec. 206.66.22. FISCAL YEAR 2006 MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES**

(A) As used in this section:

"2003 cost report" means a complete and adequate Medicaid cost report covering calendar year 2003 filed with the Department of Job and Family Services under section 5111.26 of the Revised Code.

"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.

"Franchise permit fee" means the fee imposed by sections 3721.50 to 3721.58 of the Revised Code.

"Nursing facility" and "provider" have the same ~~meaning~~ meanings as in section 5111.20 of the Revised Code.

"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.

"Reviewable activity" has the same meaning as in section 3702.51 of the Revised Code.

(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:

(1) The rate the provider is paid for nursing facility services the nursing facility provides on June 30, 2005;

(2) Unless the nursing facility is exempt from paying the franchise permit fee, one dollar and ninety-five cents.

(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 ending June 30, 2006, the entering operator shall be paid, for nursing facility services the nursing facility provides during the period beginning on the effective date of the change of operator and ending June 30, 2006, the rate paid to the exiting operator for nursing facility services that the nursing facility provided on the day immediately before the effective date of the change of operator.

(D) If, during fiscal year 2006, a nursing facility obtains certification as a nursing facility from the Director of Health and begins participation in the Medicaid program, the provider of the nursing facility shall be paid, for nursing facility services the nursing facility provides during the period beginning on the date the nursing facility begins participation in the Medicaid program and ending June 30, 2006, a rate that is the median of all rates paid to providers of nursing facilities on July 1, 2005.

(E) If, during fiscal year ~~2007~~ 2006, one or more Medicaid certified beds are added to a nursing facility with a valid Medicaid provider agreement for fiscal year 2006, the provider of the nursing facility shall be paid a rate for the new beds that is

the same as the nursing facility's rate for the Medicaid certified 40927  
beds that are in the nursing facility on the day before the new 40928  
beds are added. 40929

(F) If the United States Centers for Medicare and Medicaid 40930  
Services requires that the franchise permit fee be reduced or 40931  
eliminated, the Department of Job and Family Services shall reduce 40932  
the amount it pays providers of nursing facilities under this 40933  
section as necessary to reflect the loss to the state of the 40934  
revenue and federal financial participation generated from the 40935  
franchise permit fee. 40936

(G)~~(1)~~ A nursing facility's rate established under this 40937  
section shall not be subject to any adjustments except ~~as follows:~~ 40938

~~(a) An for an adjustment resulting from an audit of the 40939  
nursing facility's 2003 cost report may be applied to a rate 40940  
established under this section for the nursing facility not later 40941  
than three years after the first day of the fiscal year for which 40942  
the rate is established. 40943~~

~~(b) the nursing facility's rate established under this 40944  
section may be adjusted pursuant to a process established in rules 40945  
adopted under section 5111.02 of the Revised Code to reflect a 40946  
change in the nursing facility's capital costs due to any of the 40947  
following: 40948~~

~~(i) A change of provider agreement that goes into effect 40949  
before July 1, 2005, and for which a rate adjustment is not 40950  
implemented before June 30, 2005; 40951~~

~~(ii) A reviewable activity for which a certificate of need 40952  
application is filed with the Director of Health before July 1, 40953  
2005, costs are incurred before June 30, 2005, and a rate 40954  
adjustment is not implemented before June 30, 2005; 40955~~

~~(iii) An activity that the Director of Health, before July 1, 40956  
2005, rules is not a reviewable activity and for which costs are 40957~~

~~incurred before June 30, 2005, and a rate adjustment is not~~ 40958  
~~implemented before June 30, 2005.~~ 40959

(H) The Department of Job and Family Services shall follow 40960  
this section in determining the rate to be paid to the provider of 40961  
a nursing facility under the Medicaid program for nursing facility 40962  
services provided during fiscal year 2006 notwithstanding anything 40963  
to the contrary in sections 5111.20 to 5111.33 of the Revised 40964  
Code. 40965

**Sec. 206.66.23. FISCAL YEAR 2007 MEDICAID REIMBURSEMENT** 40966  
**SYSTEM FOR NURSING FACILITIES** 40967

(A) As used in this section: 40968

"Franchise permit fee" means the fee imposed by sections 40969  
3721.50 to 3721.58 of the Revised Code. 40970

"Nursing facility" and "provider" have the same meanings as 40971  
in section 5111.20 of the Revised Code. 40972

"Nursing facility services" means nursing facility services 40973  
covered by the Medicaid program that a nursing facility provides 40974  
to a resident of the nursing facility who is a Medicaid recipient 40975  
eligible for Medicaid-covered nursing facility services. 40976

(B) Except as provided in division (C) of this section, the 40977  
provider of a nursing facility that has a valid Medicaid provider 40978  
agreement on June 30, 2006, and a valid Medicaid provider 40979  
agreement for fiscal year 2007 shall be paid, for nursing facility 40980  
services the nursing facility provides during fiscal year 2007, 40981  
the rate determined as follows: 40982

(1) Determine the rate for the nursing facility under 40983  
sections 5111.20 to 5111.33 of the Revised Code; 40984

(2) Increase the rate determined under division (B)(1) of 40985  
this section by two per cent; 40986

(3) Increase the rate determined under division (B)(2) of this section by two per cent. 40987  
40988

(C) If the rate determined for a nursing facility under 40989  
~~sections 5111.20 to 5111.33 of the Revised Code~~ division (B) of 40990  
this section for nursing facility services provided during fiscal 40991  
year 2007 is more than one hundred two per cent of the rate the 40992  
provider is paid for nursing facility services the nursing 40993  
facility provides on June 30, 2006, the Department of Job and 40994  
Family Services shall reduce the nursing facility's fiscal year 40995  
2007 rate so that the rate is no more than one hundred two per 40996  
cent of the nursing facility's rate for June 30, 2006. If the rate 40997  
determined for a nursing facility under sections 5111.20 to 40998  
5111.33 of the Revised Code for nursing facility services provided 40999  
during fiscal year 2007 is less than ninety-eight per cent of the 41000  
rate the provider was paid for nursing facility services the 41001  
nursing facility provides on June 30, 2006, the Department shall 41002  
increase the nursing facility's fiscal year 2007 rate so that the 41003  
rate is no less than ninety-eight per cent of the nursing 41004  
facility's rate for June 30, 2006. 41005

(D) If the United States Centers for Medicare and Medicaid 41006  
Services requires that the franchise permit fee be reduced or 41007  
eliminated, the Department of Job and Family Services shall reduce 41008  
the amount it pays providers of nursing facilities under this 41009  
section as necessary to reflect the loss to the state of the 41010  
revenue and federal financial participation generated from the 41011  
franchise permit fee. 41012

(E) The Department of Job and Family Services shall follow 41013  
this section in determining the rate to be paid to the provider of 41014  
a nursing facility that has a valid Medicaid provider agreement on 41015  
June 30, 2006, and a valid Medicaid provider agreement for fiscal 41016  
year 2007 notwithstanding anything to the contrary in sections 41017  
5111.20 to 5111.33 of the Revised Code. 41018

Sec. 206.66.36. ASSISTED LIVING MEDICAID WAIVER PROGRAM 41019

(A) As used in this section, "Assisted Living Program" has 41020  
the same meaning as in section 5111.89 of the Revised Code. 41021

(B) After the Department of Job and Family Services enters 41022  
into a contract with the Department of Aging under section 5111.91 41023  
of the Revised Code for the Department of Aging to administer the 41024  
Assisted Living Program, the Director of Job and Family Services 41025  
shall quarterly certify to the Director of Budget and Management 41026  
the ~~estimated costs of~~ amounts to be transferred from the state 41027  
and federal shares for the Assisted Living Program for the 41028  
upcoming quarter. ~~The estimate shall include the state and federal~~ 41029  
~~share of the costs.~~ On receipt of the ~~certified estimated costs~~ 41030  
certification for an upcoming quarter, the Director of Budget and 41031  
Management shall do ~~all~~ both of the following: 41032

(1) Transfer the state share of the certified amount ~~of the~~ 41033  
~~estimated costs~~ from GRF appropriation item 600-525, Health 41034  
Care/Medicaid, to GRF appropriation item 490-422, Assisted Living, 41035  
and reduce appropriation item 600-525, Health Care/Medicaid, by 41036  
the corresponding federal share; 41037

(2) ~~Transfer the federal share of the amount of the estimated~~ 41038  
~~costs from GRF appropriation item 600-525, Health Care/Medicaid,~~ 41039  
~~to Fund 3C4, appropriation item 490-622, Assisted Living~~ 41040  
~~Federal;~~ 41041

~~(3) Increase the appropriation in JFS Fund 3G5, appropriation~~ 41042  
~~item 600-655, Interagency Reimbursement, by the federal share of~~ 41043  
~~the~~ certified amount ~~of the estimated costs.~~ 41044

~~(C) The funds that the Director of Budget and Management~~ 41045  
~~transfers and increases under this section are hereby~~ 41046  
~~appropriated.~~ 41047

Sec. 206.66.64. INDIVIDUALS MOVED FROM NURSING FACILITIES TO	41048
PASSPORT	41049
(A) As used in this section:	41050
(1) "Area agency on aging" has the same meaning as in section	41051
173.14 of the Revised Code.	41052
(2) "Long-Term Care Consultation Program" means the program	41053
the Department of Aging is required to develop under section	41054
173.42 of the Revised Code.	41055
(3) "Long-Term Care Consultation Program administrator" or	41056
"administrator" means the Department of Aging or, if the	41057
Department contracts with an area agency on aging or other entity	41058
to administer the Long-Term Care Consultation Program for a	41059
particular area, that agency or entity.	41060
(4) "Nursing facility" has the same meaning as in section	41061
5111.20 of the Revised Code.	41062
(5) "PASSPORT program" means the program created under	41063
section 173.40 of the Revised Code.	41064
(B) Each month during fiscal years 2006 and 2007, each area	41065
agency on aging shall determine whether individuals who reside in	41066
the area that the area agency on aging serves and are on a waiting	41067
list for the PASSPORT program have been admitted to a nursing	41068
facility. If an area agency on aging determines that such an	41069
individual has been admitted to a nursing facility, the agency	41070
shall notify the Long-Term Care Consultation Program administrator	41071
serving the area in which the individual resides about the	41072
determination. The administrator shall determine whether the	41073
PASSPORT program is appropriate for the individual and whether the	41074
individual would rather participate in the PASSPORT program than	41075
continue residing in the nursing facility. If the administrator	41076
determines that the PASSPORT program is appropriate for the	41077

individual and the individual would rather participate in the  
PASSPORT program than continue residing in the nursing facility,  
the administrator shall so notify the Department of Aging. On  
receipt of the notice from the administrator, the Department of  
Aging shall approve the enrollment of the individual in the  
PASSPORT program regardless of whether other individuals who are  
not in a nursing facility are ahead of the individual on the  
PASSPORT program's waiting list. Each quarter, the Department of  
Aging shall certify to the Director of Budget and Management the  
~~estimated increase in costs of the PASSPORT program total~~  
expenditures made for the individuals enrolled in the PASSPORT  
program pursuant to this section.

(C) On a quarterly basis, on receipt of the certified ~~costs~~  
expenditures, the Director of Budget and Management shall do all  
of the following:

(1) Transfer the state share of the amount of the ~~estimated~~  
~~costs~~ actual expenditures from GRF appropriation item 600-525,  
Health Care/Medicaid, to GRF appropriation item 490-403, PASSPORT,  
~~for the remainder of the biennium;~~

(2) Increase the appropriation in Ohio Department of Aging  
Fund 3C4, appropriation item 490-607, PASSPORT, by the federal  
share of the amount of the ~~estimated costs~~ actual expenditures;

(3) Increase the appropriation in JFS Fund 3G5, appropriation  
item 600-655, Interagency Reimbursement, by the federal share of  
the amount of the ~~estimated costs~~ actual expenditures.

The funds that the Director of Budget and Management  
transfers and increases under this division are hereby  
appropriated.

(D) The individuals placed in the PASSPORT program pursuant  
to this section shall be in addition to the individuals placed in  
the PASSPORT program during fiscal years 2006 and 2007 based on

the amount of money that is in GRF appropriation item 490-403, 41109  
PASSPORT; Fund 4J4, appropriation item 490-610, 41110  
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 41111  
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 41112  
490-607, PASSPORT, before any transfers to GRF appropriation item 41113  
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 41114  
PASSPORT, are made under this section. 41115

(E) The Director of Job and Family Services shall do both of 41116  
the following: 41117

(1) Submit to the United States Secretary of Health and Human 41118  
Services an amendment to the Medicaid waiver authorizing the 41119  
PASSPORT program as necessary for the implementation of this 41120  
section; 41121

(2) By not later than December 31, 2006, submit to the 41122  
General Assembly a report regarding the number of individuals 41123  
placed in the PASSPORT program pursuant to this section and the 41124  
costs incurred and savings achieved as a result of the individuals 41125  
being placed in the PASSPORT program. 41126

**Sec. 206.66.66. OHIO ACCESS SUCCESS PROJECT** 41127

Notwithstanding any limitations in sections 3721.51 and 41128  
3721.56 of the Revised Code, in each fiscal year, cash from Fund 41129  
4J5, Home and Community-Based Services for the Aged, in excess of 41130  
the amounts needed for the transfers may be used by the Department 41131  
of Job and Family Services for the following purposes: (A) up to 41132  
\$1.0 million in each fiscal year to fund the state share of audits 41133  
of ~~Medicaid cost reports filed with the Department of Job and~~ 41134  
~~Family Services by~~ nursing facilities and intermediate care 41135  
facilities for the mentally retarded; and (B) up to \$350,000 in 41136  
fiscal year 2006 and up to \$350,000 in fiscal year 2007 to provide 41137  
one-time transitional benefits under the Ohio Access Success 41138

Project that the Director of Job and Family Services may establish 41139  
under section 5111.88 of the Revised Code. 41140

**Sec. 206.66.84. CHILDREN'S TRUST FUND** 41141

Notwithstanding sections 3109.13 to 3109.18 of the Revised 41142  
Code, in fiscal ~~year~~ years 2006 and 2007, the Director of Budget 41143  
and Management shall transfer \$1,500,000 cash from the Children's 41144  
Trust Fund (Fund 198 in the Department of Job and Family Services) 41145  
to the Partnerships for Success Fund (Fund 5BH in the Department 41146  
of Youth Services). On or before January 1, ~~2007~~ 2008, the 41147  
Director of Budget and Management shall transfer to the Children's 41148  
Trust Fund (Fund 198) any amount of cash that remains unspent in 41149  
the Partnerships for Success Fund (Fund 5BH). 41150

**Sec. 206.66.85. HOSPITAL CARE ASSURANCE MATCH FUND** 41151

Appropriation item 600-650, Hospital Care Assurance Match, 41152  
shall be used by the Department of Job and Family Services ~~in~~ 41153  
~~accordance with division (B) of~~ solely for distributing funds to 41154  
hospitals under section ~~5112.18~~ 5112.08 of the Revised Code. 41155

**Sec. 206.66.91.** The Department of Job and Family Services 41156  
shall retain in each fiscal year \$1,500,000 of the federal 41157  
incentives that are described in division (A) of section 3125.19 41158  
of the Revised Code and authorized by 42 U.S.C. 658a that the 41159  
Department of Job and Family Services receives from the United 41160  
States Department of Human Services to reimburse the Department of 41161  
Job and Family Services for the state share of payments made by 41162  
the Department of Job and Family Services for mandatory contracts 41163  
utilized by county child support enforcement agencies in the 41164  
program of child support enforcement authorized by sections 41165  
3125.03 and 3125.11 of the Revised Code. This revenue shall be 41166  
deposited in the Child Support Operating Fund (Fund 5BE in the 41167  
Department of Job and Family Services). 41168

**Sec. 206.67.15. PRESCRIPTION DRUG REBATE FUND** 41169

The foregoing appropriation item 600-692, ~~Health Care Services Prescription Drug Rebate - State~~, shall be used by the Department of Job and Family Services ~~in accordance with section 5111.081 of the Revised Code to pay for Medicaid services and contracts. Moneys recovered by the Department for either hospital settlements or pursuant to the Department's rights of recovery under section 5101.58 of the Revised Code, that are not directed to the Health Care Services Administration Fund (Fund 5U3) under section 5111.94 of the Revised Code, shall also be deposited into Fund 5P5.~~ 41170  
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On July 1, 2006, or as soon as possible thereafter, the Director of Job and Family Services shall certify to the Director of Budget and Management the federal share of the balance of the Prescription Drug Rebates Fund created under section 5111.942 of the Revised Code. On receipt of the certification, the Director of Budget and Management shall transfer the federal share to the Health Care - Federal Fund created under section 5111.943 of the Revised Code. 41180  
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**Sec. 206.67.21. TRANSFER OF TOBACCO MASTER SETTLEMENT AGREEMENT FUNDS TO SUPPORT THE AGED, BLIND, AND DISABLED MANAGED CARE PROGRAM** 41188  
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(A) Not later than June 30, 2006, the Director of Job and Family Services, in conjunction with the Office of Budget and Management, shall determine the amount necessary to implement the Aged, Blind, and Disabled Managed Care Program established under section 5111.16 of the Revised Code. 41191  
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(B) Notwithstanding section 183.02 of the Revised Code, on July 1, 2006, or as soon as possible thereafter, the Director of Budget and Management shall transfer cash equal to the state share 41196  
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of the amount determined pursuant to division (A) of this section 41199  
from the Tobacco Master Settlement Agreement Fund (Fund 087) to 41200  
the ABD Managed Care Program - State Fund (Fund 5BZ in the 41201  
Department of Job and Family Services), which is hereby created. 41202  
Of the tobacco revenue that is credited to the Tobacco Master 41203  
Settlement Agreement Fund (Fund 087) in fiscal year 2006, the 41204  
share that is determined pursuant to section 183.02 of the Revised 41205  
Code to be the amount transferred by the Director of Budget and 41206  
Management from the Tobacco Master Settlement Agreement Fund (Fund 41207  
087) to the Tobacco Use Prevention and Cessation Trust Fund (Fund 41208  
H87) shall be reduced by the amount that is transferred from the 41209  
Tobacco Master Settlement Agreement Fund (Fund 087) to the ABD 41210  
Managed Care Program - State Fund (Fund 5BZ) in accordance with 41211  
this section. The amount transferred under this division is hereby 41212  
appropriated to appropriation item 600-698, ABD Managed Care 41213  
Program - State. 41214

(C) The Department of Job and Family Services shall deposit 41215  
federal reimbursement received for the Aged, Blind, and Disabled 41216  
Managed Care Program into the ~~ABD Managed Care Program~~ Hospital 41217  
Care Assurance Match Fund - Federal Fund (Fund ~~3AZ 3F0~~), ~~which is~~ 41218  
~~hereby created~~. Amounts deposited into Fund ~~3AZ 3F0~~ pursuant to 41219  
this section are hereby appropriated to appropriation item 41220  
600-699, ABD Managed Care Program - Federal. 41221

**Sec. 206.99. MHC MANUFACTURED HOMES COMMISSION** 41222

General Services Fund Group 41223  
4K9 996-609 Operating Expenses \$ 272,500 \$ 0 254,500 41224  
TOTAL GSF General Services 41225  
Fund Group \$ 272,500 \$ 0 254,500 41226  
TOTAL ALL BUDGET FUND GROUPS \$ 272,500 \$ 0 254,500 41227

**Sec. 209.04. AMB MEDICAL TRANSPORTATION BOARD** 41229

General Services Fund Group				41230
4N1 915-601 Operating Expenses	\$	388,450	\$ 0 <u>388,450</u>	41231
TOTAL GSF General Services				41232
Fund Group	\$	388,450	\$ 0 <u>388,450</u>	41233
TOTAL ALL BUDGET FUND GROUPS	\$	388,450	\$ 0 <u>388,450</u>	41234
<b>Sec. 209.06.06. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT</b>				41236
SERVICES				41237
General Revenue Fund				41238
GRF 335-404 Behavioral Health	\$	5,865,265	\$ 6,865,265	41239
Services-Children				
GRF 335-405 Family & Children	\$	2,260,000	\$ 2,260,000	41240
First				
GRF 335-419 Community Medication	\$	<del>12,292,848</del>	\$ <del>13,626,748</del>	41241
Subsidy		<u>7,959,798</u>	<u>7,959,798</u>	
GRF 335-505 Local Mental Health	\$	94,687,868	\$ 99,687,868	41242
Systems of Care				
TOTAL GRF General Revenue Fund	\$	<del>115,105,981</del>	\$ <del>122,439,881</del>	41243
		<u>110,772,931</u>	<u>116,772,931</u>	
General Services Fund Group				41244
4P9 335-604 Community Mental	\$	250,000	\$ 250,000	41245
Health Projects				
TOTAL GSF General Services				41246
Fund Group	\$	250,000	\$ 250,000	41247
Federal Special Revenue Fund Group				41248
3A6 335-608 Federal Miscellaneous	\$	1,089,699	\$ 678,699	41249
3A7 335-612 Social Services Block	\$	8,657,288	\$ 8,657,288	41250
Grant				
3A8 335-613 Federal Grant -	\$	2,407,040	\$ 2,407,040	41251
Community Mental				
Health Board Subsidy				
3A9 335-614 Mental Health Block	\$	14,969,400	\$ 14,969,400	41252

Grant			
3B1 335-635 Community Medicaid	\$ 264,088,404	\$ 282,807,902	41253
Expansion			
TOTAL FED Federal Special Revenue	\$ 291,211,831	\$ 309,520,329	41254
Fund Group			
State Special Revenue Fund Group			41255
5AU 335-615 Behavioral Healthcare	\$ 4,690,000	\$ 4,690,000	41256
5CH 335-622 Residential State	\$ 1,500,000	\$ 1,500,000	41257
Supplement			
632 335-616 Community Capital	\$ 350,000	\$ 350,000	41258
Replacement			
TOTAL SSR State Special Revenue	\$ 6,540,000	\$ 6,540,000	41259
Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$ <del>413,107,812</del>	\$ <del>438,750,210</del>	41260
	<u>408,774,762</u>	<u>433,083,260</u>	
DEPARTMENT TOTAL			41261
GENERAL REVENUE FUND	\$ <del>561,012,510</del>	\$ <del>578,783,810</del>	41262
	<u>556,679,460</u>	<u>573,116,860</u>	
DEPARTMENT TOTAL			41263
GENERAL SERVICES FUND GROUP	\$ 115,901,936	\$ 120,196,482	41264
DEPARTMENT TOTAL			41265
FEDERAL SPECIAL REVENUE			41266
FUND GROUP	\$ 311,131,959	\$ 329,461,338	41267
DEPARTMENT TOTAL			41268
STATE SPECIAL REVENUE FUND GROUP	\$ 12,266,164	\$ 12,266,164	41269
DEPARTMENT TOTAL			41270
TOTAL DEPARTMENT OF MENTAL HEALTH	\$ <del>1,000,312,569</del>	\$ <del>1,040,707,794</del>	41271
	<u>995,979,519</u>	<u>1,035,040,844</u>	
<b>Sec. 209.06.09. COMMUNITY MEDICATION SUBSIDY</b>			41273
The foregoing appropriation item 335-419, Community			41274
Medication Subsidy, shall be used to provide subsidized support			41275

for psychotropic medication needs of indigent citizens in the 41276  
community to reduce unnecessary hospitalization because of lack of 41277  
medication and to provide subsidized support for methadone costs. 41278

~~Of the foregoing appropriation item 335-419, Community 41279  
Medication Subsidy, \$4,333,050 in fiscal year 2006 and \$5,666,950 41280  
in fiscal year 2007 shall be used to provide services to persons 41281  
who meet criteria that is consistent with the criteria for the 41282  
Disability Medical Assistance Program. 41283~~

LOCAL MENTAL HEALTH SYSTEMS OF CARE 41284

The foregoing appropriation item 335-505, Local Mental Health 41285  
Systems of Care, shall be used for mental health services provided 41286  
by community mental health boards in accordance with a community 41287  
mental health plan submitted under section 340.03 of the Revised 41288  
Code and as approved by the Department of Mental Health. 41289

Of the foregoing appropriation, not less than \$34,818,917 in 41290  
fiscal year 2006 and not less than \$34,818,917 in fiscal year 2007 41291  
shall be distributed by the Department of Mental Health on a per 41292  
capita basis to community mental health boards. 41293

Of the foregoing appropriation, \$100,000 in each fiscal year 41294  
shall be used to fund family and consumer education and support. 41295

BEHAVIORAL HEALTH - CHILDREN 41296

The foregoing appropriation item 335-404, Behavioral Health 41297  
Services-Children, shall be used to provide behavioral health 41298  
services for children and their families. Behavioral health 41299  
services include mental health and alcohol and other drug 41300  
treatment services and other necessary supports. 41301

Of the foregoing appropriation item 335-404, Behavioral 41302  
Health Services-Children, an amount up to \$4.5 million in fiscal 41303  
year 2006 and \$5.5 million in fiscal year 2007 shall be 41304  
distributed to local Alcohol, Drug Addiction, and Mental Health 41305

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:

(A) At least one representative from each of the Departments  
of Alcohol and Drug Addiction Services, Mental Health, Education,  
Health, Job and Family Services, Mental Retardation and  
Developmental Disabilities, and the Department of Youth Services;

(B) At least one person representing local public children's  
services agencies;

(C) At least one person representing juvenile courts;

(D) At least one person representing local Alcohol, Drug  
Addiction, and Mental Health Boards; Community Mental Health  
Boards; and Alcohol and Drug Addiction Boards;

(E) At least one person representing local Family and  
Children First Council Coordinators;

(F) At least one family representative.

Children's behavioral health transformation plans shall be  
congruent with the development and implementation of the process  
described in division (B)(2)(b) of section 121.37 of the Revised  
Code and shall address all of the following as determined by a  
team of state and local stakeholders appointed by the Ohio Family  
and Children First Cabinet Council:

(A) Specific strategies and actions for use of all funds allocated for the Access to Better Care Initiative by all Ohio Family and Children First Cabinet Council agencies that will further the transformation of the local Children's Behavioral Health Care System;

(B) Providing services to children with behavioral health disorders, particularly those with intensive needs, and their families, across all child-serving systems, including child welfare and juvenile justice and for those youth whose parents would otherwise have to relinquish custody to obtain needed behavioral health services;

(C) Assuring that families are included in all service planning activities and have access to advocates to assist them if they choose;

(D) Implementation of home-based services and other alternatives to out-of-home placement;

(E) Assuring that all individual service plans for children and their families address the academic achievement of the child;

(F) Coordinating the most efficient and effective use of federal, state, and local funds to meet the needs of children and their families.

Funds may be used to support the following services and activities:

(A) Mental health services provided by the Ohio Department of Mental Health certified agencies and alcohol and other drug services provided by Department of Alcohol and Drug Addiction Services certified agencies;

(B) Services and supports for children and their families that further the implementation of their individual service plans;

(C) Treatment services in out-of-home settings, including

residential facilities, when other alternatives are not available 41366  
or feasible; 41367

(D) Administrative support for efforts associated with this 41368  
initiative; 41369

(E) These funds shall not be used to supplant existing 41370  
efforts. 41371

The Ohio Family and Children First Cabinet Council appointed 41372  
team shall approve the plans for local behavioral health services 41373  
and ensure the plans are components of and properly coordinated 41374  
with the county service coordination plan as defined in section 41375  
121.37 of the Revised Code. In addition to approving the plans for 41376  
new behavioral health funding, this team shall design a mechanism 41377  
to provide technical assistance to local communities, monitor the 41378  
plans, and may, as part of the monitoring role, conduct site 41379  
visits. 41380

Of the foregoing appropriation item 335-404, Behavioral 41381  
Health Services-Children, an amount up to \$1.0 million in fiscal 41382  
year 2006 and \$1.0 million in fiscal year 2007 shall be used to 41383  
support projects, as determined by the Ohio Family and Children 41384  
First Cabinet Council, in select areas around the state to focus 41385  
on improving behavioral health services for children involved in 41386  
the child welfare and juvenile justice systems. At least one of 41387  
these projects shall focus on services for adolescent girls that 41388  
are involved in or at risk of involvement with the juvenile 41389  
justice system. 41390

Of the foregoing appropriation item 335-405, Family & 41391  
Children First, an amount up to \$500,000 in fiscal year 2006 and 41392  
\$500,000 in fiscal year 2007 shall be used for children who do not 41393  
have behavioral health disorders but require assistance through 41394  
the County Family and Children First Council. 41395

RESIDENTIAL STATE SUPPLEMENT 41396

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.

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	<b>Sec. 209.09.06.</b>	<b>COMMUNITY SERVICES</b>			41401
	General Revenue Fund				41402
GRF 322-405	State Use Program	\$	20,000	\$	0
GRF 322-413	Residential and	\$	7,423,021	\$	7,423,021
	Support Services				
GRF 322-416	Waiver State Match	\$	103,090,738	\$	104,397,504
GRF 322-417	Supported Living	\$	43,160,198	\$	43,160,198
GRF 322-451	Family Support	\$	6,938,898	\$	6,938,898
	Services				
GRF 322-452	Service and Support	\$	8,672,730	\$	8,672,730
	Administration				
GRF 322-501	County Boards	\$	32,193,542	\$	32,193,542
	Subsidies				
GRF 322-503	Tax Equity	\$	14,500,000	\$	14,500,000
TOTAL GRF	General Revenue Fund	\$	215,999,127	\$	217,285,893
	General Services Fund Group				41412
4J6 322-645	Intersystem Services	\$	300,000	\$	0
	for Children				
4U4 322-606	Community MR and DD	\$	300,000	\$	50,000
	Trust				
4V1 322-611	Family and Children	\$	40,000	\$	0
	First				
488 322-603	Provider Audit Refunds	\$	350,000	\$	350,000
TOTAL GSF	General Services				41417
	Fund Group	\$	990,000	\$	400,000
	Federal Special Revenue Fund Group				41419
3A4 322-605	Community Program	\$	1,500,000	\$	1,500,000

		Support				
3A5	322-613	DD Council Grants	\$	3,204,240	\$	3,204,240 41421
3G6	322-639	Medicaid Waiver	\$	373,772,814	\$	373,772,814 41422
3M7	322-650	CAFS Medicaid	\$	125,924,299	\$	103,773,730 41423
325	322-608	Grants for Infants and Families with Disabilities	\$	1,763,165	\$	1,763,165 41424
325	322-612	Community Social Service Programs	\$	11,500,000	\$	11,500,000 41425
TOTAL FED	Federal Special Revenue					41426
Fund Group			\$	517,664,518	\$	495,513,949 41427
State Special Revenue Fund Group						41428
4K8	322-604	Waiver - Match	\$	12,000,000	\$	12,000,000 41429
<u>5DJ</u>	<u>322-625</u>	<u>Targeted Case</u>	<u>\$</u>	<u>9,340,000</u>	<u>\$</u>	<u>20,280,000</u> 41430
		<u>Management Match</u>				
<u>5DJ</u>	<u>322-626</u>	<u>Targeted Case</u>	<u>\$</u>	<u>23,350,000</u>	<u>\$</u>	<u>50,070,000</u> 41431
		<u>Management Services</u>				
5H0	322-619	Medicaid Repayment	\$	25,000	\$	25,000 41432
5Z1	322-624	County Board Waiver	\$	82,000,000	\$	82,000,000 41433
		Match				
TOTAL SSR	State Special Revenue					41434
Fund Group			\$	<del>94,025,000</del>	\$	<del>94,025,000</del> 41435
				<u>126,715,000</u>		<u>164,375,000</u>
TOTAL ALL COMMUNITY SERVICES						41436
BUDGET FUND GROUPS			\$	<del>828,678,645</del>	\$	<del>807,224,842</del> 41437
				<u>861,368,645</u>		<u>877,574,842</u>
RESIDENTIAL AND SUPPORT SERVICES						41438
The Department of Mental Retardation and Developmental Disabilities may designate a portion of appropriation item 322-413, Residential and Support Services, for the following:						41439
(A) Sermak Class Services used to implement the requirements of the agreement settling the consent decree in <i>Sermak v. Manuel</i> ,						41440
						41441
						41442
						41443

Case No. c-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division; 41444  
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(B) Medicaid-reimbursed programs other than home and community-based waiver services, in an amount not to exceed \$1,000,000 in each fiscal year, that enable persons with mental retardation and developmental disabilities to live in the community. 41446  
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WAIVER STATE MATCH 41451

The purposes for which the foregoing appropriation item 322-416, Waiver State Match, shall be used include the following: 41452  
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(A) Home and community-based waiver services under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 41454  
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(B) Services contracted by county boards of mental retardation and developmental disabilities. 41457  
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(C) To pay the nonfederal share of the cost of one or more new intermediate-care-facility-for-the-mentally-retarded certified beds in a county where the county board of mental retardation and developmental disabilities does not initiate or support the development or certification of such beds, if the Director of Mental Retardation and Developmental Disabilities is required by ~~this act~~ Am. Sub. H.B. 66 of the 126th General Assembly to transfer to the Director of Job and Family Services funds to pay such nonfederal share. 41459  
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The Department of Mental Retardation and Developmental Disabilities may designate a portion of appropriation item 322-416, Waiver State Match, to county boards of mental retardation and developmental disabilities that have greater need for various residential and support services because of a low percentage of residential and support services development in comparison to the number of individuals with mental retardation or 41468  
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developmental disabilities in the county. 41475

Of the foregoing appropriation item 322-416, Waiver State 41476  
Match, \$9,850,000 in each year of the biennium shall be 41477  
distributed by the Department to county boards of mental 41478  
retardation and developmental disabilities to support existing 41479  
residential facilities waiver and individual options waiver 41480  
related to Medicaid activities provided for in the component of a 41481  
county board's plan developed under division (A)(2) of section 41482  
5126.054 of the Revised Code and approved under section 5123.046 41483  
of the Revised Code. Up to \$3,000,000 of these funds in each 41484  
fiscal year may be used to implement day-to-day program management 41485  
services under division (A)(2) of section 5126.054 of the Revised 41486  
Code. Up to \$4,200,000 in each fiscal year may be used to 41487  
implement the program and health and welfare requirements of 41488  
division (A)(2) of section 5126.054 of the Revised Code. 41489

In fiscal years 2006 and 2007 not less than \$2,650,000 of 41490  
these funds shall be used to recruit and retain, under division 41491  
(A)(2) of section 5126.054 of the Revised Code, the direct care 41492  
staff necessary to implement the services included in an 41493  
individualized service plan in a manner that ensures the health 41494  
and welfare of the individuals being served. 41495

The method utilized by the department to determine each 41496  
residential facilities waiver and individual options provider's 41497  
allocation of such funds in fiscal year 2005 shall be used for 41498  
allocation purposes to such providers in fiscal years 2006 and 41499  
2007, respectively. 41500

SUPPORTED LIVING 41501

The purposes for which the foregoing appropriation item 41502  
322-417, Supported Living, shall be used include supported living 41503  
services contracted by county boards of mental retardation and 41504  
developmental disabilities under sections 5126.40 to 5126.47 of 41505

the Revised Code and paying the nonfederal share of the cost of 41506  
one or more new 41507  
intermediate-care-facility-for-the-mentally-retarded certified 41508  
beds in a county where the county board of mental retardation and 41509  
developmental disabilities does not initiate or support the 41510  
development or certification of such beds, if the Director of 41511  
Mental Retardation and Developmental Disabilities is required by 41512  
~~this act~~ Am. Sub. H.B. 66 of the 126th General Assembly to 41513  
transfer to the Director of Job and Family Services funds to pay 41514  
such nonfederal share. 41515

OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS 41516

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 41517  
the Department of Mental Retardation and Developmental 41518  
Disabilities may develop residential and support service programs 41519  
funded by appropriation item 322-413, Residential and Support 41520  
Services; appropriation item 322-416, Waiver State Match; or 41521  
appropriation item 322-417, Supported Living, that enable persons 41522  
with mental retardation and developmental disabilities to live in 41523  
the community. Notwithstanding Chapter 5121. and section 5123.122 41524  
of the Revised Code, the Department may waive the support 41525  
collection requirements of those statutes for persons in community 41526  
programs developed by the Department under this section. The 41527  
Department shall adopt rules under Chapter 119. of the Revised 41528  
Code or may use existing rules for the implementation of these 41529  
programs. 41530

FAMILY SUPPORT SERVICES 41531

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 41532  
5126.11 of the Revised Code, the Department of Mental Retardation 41533  
and Developmental Disabilities may implement programs funded by 41534  
appropriation item 322-451, Family Support Services, to provide 41535  
assistance to persons with mental retardation or developmental 41536

disabilities and their families who are living in the community. 41537  
The department shall adopt rules to implement these programs. The 41538  
department may also use the foregoing appropriation item 322-451, 41539  
Family Support Services, to pay the nonfederal share of the cost 41540  
of one or more new 41541  
intermediate-care-facility-for-the-mentally-retarded certified 41542  
beds in a county where the county board of mental retardation and 41543  
developmental disabilities initiates or supports the development 41544  
or certification of such beds, if the Director of Mental 41545  
Retardation and Developmental Disabilities is required by ~~this act~~ 41546  
Am. Sub. H.B. 66 of the 126th General Assembly to transfer to the 41547  
Director of Job and Family Services funds to pay such nonfederal 41548  
share. 41549

SERVICE AND SUPPORT ADMINISTRATION 41550

The foregoing appropriation item 322-452, Service and Support 41551  
Administration, shall be allocated to county boards of mental 41552  
retardation and developmental disabilities for the purpose of 41553  
providing service and support administration services and to 41554  
assist in bringing state funding for all department-approved 41555  
service and support administrators within county boards of mental 41556  
retardation and developmental disabilities to the level authorized 41557  
in division (C) of section 5126.15 of the Revised Code. The 41558  
department may request approval from the Controlling Board to 41559  
transfer any unobligated appropriation authority from other state 41560  
General Revenue Fund appropriation items within the department's 41561  
budget to appropriation item 322-452, Service and Support 41562  
Administration, to be used to meet the statutory funding level in 41563  
division (C) of section 5126.15 of the Revised Code. 41564

Notwithstanding division (C) of section 5126.15 of the 41565  
Revised Code and subject to funding in appropriation item 322-452, 41566  
Service and Support Administration, no county may receive less 41567  
than its allocation in fiscal year 1995. Wherever case management 41568

services are referred to in any law, contract, or other document, 41569  
the reference shall be deemed to refer to service and support 41570  
administration. No action or proceeding pending on the effective 41571  
date of this section is affected by the renaming of case 41572  
management services as service and support administration. 41573

The Department of Mental Retardation and Developmental 41574  
Disabilities shall adopt, amend, and rescind rules as necessary to 41575  
reflect the renaming of case management services as service and 41576  
support administration. All boards of mental retardation and 41577  
developmental disabilities and the entities with which they 41578  
contract for services shall rename the titles of their employees 41579  
who provide service and support administration. All boards and 41580  
contracting entities shall make corresponding changes to all 41581  
employment contracts. 41582

The Department also may use the foregoing appropriation item 41583  
322-452, Service and Support Administration, to pay the nonfederal 41584  
share of the cost of one or more new 41585  
intermediate-care-facility-for-the-mentally-retarded certified 41586  
beds in a county where the county board of mental retardation and 41587  
developmental disabilities initiates or supports the development 41588  
or certification of such beds, if the Director of Mental 41589  
Retardation and Developmental Disabilities is required by ~~this act~~ 41590  
Am. Sub. H.B. 66 of the 126th General Assembly to transfer to the 41591  
Director of Job and Family Services funds to pay such nonfederal 41592  
share. 41593

STATE SUBSIDIES TO MR/DD BOARDS 41594

Notwithstanding section 5126.12 of the Revised Code, for 41595  
fiscal year 2006, the Department shall, if sufficient funds as 41596  
determined by the Department are available, use the foregoing 41597  
appropriation item 322-501, County Boards Subsidies, to pay each 41598  
county board of mental retardation and developmental disabilities 41599

an amount that is equal to the amount such board received in 41600  
fiscal year 2005. If the Department determines that there are not 41601  
sufficient funds available in appropriation item 322-501, County 41602  
Boards Subsidies, for this purpose, the Department shall pay to 41603  
each county board an amount that is proportionate to the amount 41604  
such board received in fiscal year 2005. Proportionality shall be 41605  
determined by comparing the payment a county board received in a 41606  
category in fiscal year 2005 to the total payments distributed to 41607  
all county boards for such category in fiscal year 2005. For 41608  
fiscal year 2007, the Department shall pay to each county board an 41609  
amount that is determined by an allocation formula to be developed 41610  
by the Department that considers the applicable factors in section 41611  
5126.12 of the Revised Code. 41612

The Department also may use the foregoing appropriation item 41613  
322-501, County Boards Subsidies, to pay the nonfederal share of 41614  
the cost of one or more new 41615  
intermediate-care-facility-for-the-mentally-retarded certified 41616  
beds in a county where the county board of mental retardation and 41617  
developmental disabilities initiates or supports the development 41618  
or certification of such beds, if the Director of Mental 41619  
Retardation and Developmental Disabilities is required by ~~this act~~ 41620  
Am. Sub. H.B. 66 of the 126th General Assembly to transfer to the 41621  
Director of Job and Family Services funds to pay such nonfederal 41622  
share. 41623

NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES 41624

Pursuant to an agreement between the county board and the 41625  
Director of Mental Retardation and Developmental Disabilities, a 41626  
county may pledge funds from its state allocation from GRF 41627  
appropriation item 322-501, County Boards Subsidies, to cover the 41628  
cost of providing the nonfederal match for active treatment 41629  
services that the county provides to residents of the Department's 41630  
developmental centers. The Director of Mental Retardation and 41631

Developmental Disabilities is authorized to transfer, through 41632  
intrastate transfer vouchers, cash from these pledges from GRF 41633  
appropriation item 322-501, County Boards Subsidies, to Fund 489, 41634  
Mental Retardation Operating. Any other county funds received by 41635  
the Department from county boards for active treatment shall be 41636  
deposited in Fund 489, Mental Retardation Operating. 41637

WAIVER - MATCH 41638

The foregoing appropriation item 322-604, Waiver - Match 41639  
(Fund 4K8), shall be used as state matching funds for the home and 41640  
community-based waivers. 41641

COUNTY BOARD WAIVER MATCH 41642

The Director of Mental Retardation and Developmental 41643  
Disabilities shall transfer, through intrastate transfer vouchers, 41644  
cash from any allowable General Revenue Fund appropriation item to 41645  
Fund 5Z1, appropriation item 322-624, County Board Waiver Match. 41646  
(The amounts being transferred reflect the amounts that county 41647  
boards pledge from their state General Revenue Funds allocations 41648  
to cover the cost of providing the non-federal match for waiver 41649  
services.) 41650

TRANSFER OF FUNDS FOR THE FAMILY AND CHILDREN FIRST CABINET 41651  
COUNCIL TO THE DEPARTMENT OF MENTAL HEALTH 41652

On July 1, 2005, or as soon as possible thereafter, the 41653  
Director of Mental Retardation and Developmental Disabilities 41654  
shall certify the remaining cash balance in Fund 4V1, 41655  
Miscellaneous Use, to the Director of Budget and Management. Upon 41656  
receipt of the certification, the Director of Budget and 41657  
Management shall transfer that amount and re-establish existing 41658  
encumbrances in the Department of Mental Health, Fund 232, Family 41659  
and Children First Administration Fund. When this transfer has 41660  
been completed, Fund 4V1 shall be abolished. 41661

On November 1, 2005, or as soon as possible thereafter, the 41662  
Director of Mental Retardation and Developmental Disabilities 41663  
shall certify the remaining cash balance in Fund 4J6, Youth 41664  
Cluster, to the Director of Budget and Management, who upon 41665  
receipt shall transfer that amount to the General Revenue Fund and 41666  
increase the Department of Mental Health's GRF appropriation item 41667  
335-404, Behavioral Health Services-Children, by the same amount. 41668  
When this transfer has been completed, Fund 4J6 shall be 41669  
abolished. 41670

TARGETED CASE MANAGEMENT SERVICES 41671

The Departments of Mental Retardation and Developmental 41672  
Disabilities and Job and Family Services may enter into an 41673  
interagency agreement under which the Department of Mental 41674  
Retardation and Developmental Disabilities shall pay the 41675  
Department of Job and Family Services the nonfederal portion of 41676  
the cost of targeted case management services and the Department 41677  
of Job and Family Services shall pay the total cost of targeted 41678  
case management claims. 41679

Quarterly, the Director of Mental Retardation and 41680  
Developmental Disabilities, in consultation with the Director of 41681  
Job and Family Services, shall estimate the cost, less any 41682  
adjustments from the previous quarter, of the nonfederal share of 41683  
targeted case management for claims with service dates after 41684  
December 31, 2005, and shall certify this amount to the Director 41685  
of Budget and Management. Notwithstanding any other provision of 41686  
law to the contrary, the Director of Budget and Management may 41687  
transfer cash equal to the amount certified from any Department of 41688  
Mental Retardation and Developmental Disabilities fund identified 41689  
by the Director of Mental Retardation and Developmental 41690  
Disabilities to the Department of Job and Family Services Fund 41691  
5C9, Medicaid Program Support. 41692

County boards of mental retardation and developmental disabilities shall pay the nonfederal portion of targeted case management costs to the Department of Mental Retardation and Developmental Disabilities. Notwithstanding any other provision of law to the contrary, county boards of mental retardation and developmental disabilities may pledge funds from any appropriation line item to pay for the nonfederal costs of targeted case management. The Director of Mental Retardation and Developmental Disabilities shall withhold any amount owed to the department from subsequent disbursements from any appropriation line item or money otherwise due to a nonpaying county. The Director of Mental Retardation and Developmental Disabilities may transfer cash, through intrastate transfer vouchers, from any Department of Mental Retardation and Developmental Disabilities appropriation line item to Fund 5DJ.

The Director of Budget and Management may increase the appropriation level of the Department of Job and Family Services appropriation item 600-671, Medicaid Program Support, by \$9,340,000 in fiscal year 2006 and by \$20,280,000 in fiscal year 2007. The Director may then increase the appropriation level for the Department of Job and Family Services Fund 3F0, appropriation item 600-623, Health Care Federal, by the corresponding federal amount in fiscal year 2006 and fiscal year 2007.

**Sec. 209.09.18. RESIDENTIAL FACILITIES**

General Revenue Fund				41717	
GRF 323-321 Residential Facilities	\$	101,764,366	\$	100,457,600	41718
Operations					41719
TOTAL GRF General Revenue Fund	\$	101,764,366	\$	100,457,600	41720
General Services Fund Group					41721
152 323-609 Residential Facilities	\$	912,177	\$	912,177	41722
Support					41723

TOTAL GSF General Services				41724
Fund Group	\$	912,177	\$ 912,177	41725
Federal Special Revenue Fund Group				41726
3A4 323-605 Developmental Center	\$	120,000,000	\$ 120,000,000	41727
Operation Expenses				
325 323-608 Foster Grandparent	\$	575,000	\$ 575,000	41728
Program				
TOTAL FED Federal Special Revenue				41729
Fund Group	\$	120,575,000	\$ 120,575,000	41730
State Special Revenue Fund Group				41731
221 322-620 Supplement Service	\$	150,000	\$ 150,000	41732
Trust				
489 323-632 Developmental Center	\$	12,125,628	\$ 12,125,628	41733
Direct Care Support				
TOTAL SSR State Special Revenue				41734
Fund Group	\$	12,275,628	\$ 12,275,628	41735
TOTAL ALL RESIDENTIAL FACILITIES				41736
BUDGET FUND GROUPS	\$	235,527,171	\$ 234,220,405	41737
DEPARTMENT TOTAL				41738
GENERAL REVENUE FUND	\$	352,880,570	\$ 353,397,967	41739
DEPARTMENT TOTAL				41740
GENERAL SERVICES FUND GROUP	\$	2,202,177	\$ 1,612,177	41741
DEPARTMENT TOTAL				41742
FEDERAL SPECIAL REVENUE FUND GROUP	\$	652,727,850	\$ 630,577,281	41743
DEPARTMENT TOTAL				41744
STATE SPECIAL REVENUE FUND GROUP	\$	<del>114,300,628</del>	\$ <del>114,300,628</del>	41745
		<u>146,990,628</u>	<u>184,650,628</u>	
TOTAL DEPARTMENT OF MENTAL				41746
RETARDATION AND DEVELOPMENTAL				41747
DISABILITIES	\$	<del>1,122,111,225</del>	\$ <del>1,099,888,053</del>	41748
		<u>1,154,801,225</u>	<u>1,170,238,053</u>	

<b>Sec. 209.15.</b> CRB MOTOR VEHICLE COLLISION REPAIR REGISTRATION				41750
BOARD				41751
General Service Fund Group				41752
5H9 865-609 Operating Expenses -	\$	325,047	\$ 0 <u>334,995</u>	41753
CRB				
TOTAL GSF General Services				41754
Fund Group	\$	325,047	\$ 0 <u>334,995</u>	41755
TOTAL ALL BUDGET FUND GROUPS	\$	325,047	\$ 0 <u>334,995</u>	41756
<b>Sec. 209.18.</b> DNR DEPARTMENT OF NATURAL RESOURCES				41758
General Revenue Fund				41759
GRF 725-401 Wildlife-GRF Central	\$	<del>1,000,000</del>	\$ <del>1,000,000</del>	41760
Support		<u>1,315,000</u>	<u>1,365,000</u>	
GRF 725-404 Fountain Square Rental	\$	1,025,300	\$ 1,092,000	41761
Payments - OBA				
GRF 725-407 Conservation Reserve	\$	1,000,000	\$ 1,000,000	41762
Enhancement Program				
GRF 725-413 OPFC Lease Rental	\$	18,699,100	\$ 20,962,800	41763
Payments				
GRF 725-423 Stream and Ground	\$	311,910	\$ 311,910	41764
Water Gauging				
GRF 725-425 Wildlife License	\$	646,319	\$ 646,319	41765
Reimbursement				
GRF 725-456 Canal Lands	\$	332,859	\$ 332,859	41766
GRF 725-502 Soil and Water	\$	9,836,436	\$ 9,836,436	41767
Districts				
GRF 725-903 Natural Resources	\$	25,866,000	\$ 24,359,100	41768
General Obligation				
Debt Service				
GRF 727-321 Division of Forestry	\$	8,541,511	\$ 8,541,511	41769
GRF 728-321 Division of Geological	\$	1,630,000	\$ 1,630,000	41770

	Survey				
GRF 729-321	Office of Information Technology	\$	440,895	\$	440,895
					41771
GRF 730-321	Division of Parks and Recreation	\$	37,874,841	\$	39,874,841
					41772
GRF 731-321	Office of Coastal Management	\$	259,707	\$	259,707
					41773
GRF 733-321	Division of Water	\$	3,257,619	\$	3,207,619
					41774
GRF 736-321	Division of Engineering	\$	3,118,703	\$	3,118,703
					41775
GRF 737-321	Division of Soil and Water	\$	4,074,788	\$	4,074,788
					41776
GRF 738-321	Division of Real Estate and Land Management	\$	2,291,874	\$	2,291,874
					41777
GRF 741-321	Division of Natural Areas and Preserves	\$	3,009,505	\$	3,009,505
					41778
GRF 744-321	Division of Mineral Resources Management	\$	3,068,167	\$	3,068,167
					41779
TOTAL GRF	General Revenue Fund	\$	<del>126,285,534</del>	\$	<del>129,059,034</del>
			<u>126,600,534</u>		<u>129,424,034</u>
					41780
	General Services Fund Group				41781
155 725-601	Departmental Projects	\$	3,135,821	\$	3,011,726
					41782
157 725-651	Central Support Indirect	\$	6,528,675	\$	6,528,675
					41783
204 725-687	Information Services	\$	4,676,627	\$	4,676,627
					41784
206 725-689	REALM Support Services	\$	475,000	\$	475,000
					41785
207 725-690	Real Estate Services	\$	64,000	\$	64,000
					41786
223 725-665	Law Enforcement Administration	\$	2,096,225	\$	2,096,225
					41787
227 725-406	Parks Projects Personnel	\$	175,000	\$	110,000
					41788
4D5 725-618	Recycled Materials	\$	50,000	\$	50,000
					41789
					41790

4S9	725-622	NatureWorks Personnel	\$	472,648	\$	307,648	41791
4X8	725-662	Water Resources Council	\$	125,000	\$	125,000	41792
430	725-671	Canal Lands	\$	797,582	\$	847,582	41793
508	725-684	Natural Resources Publications	\$	157,792	\$	157,792	41794
510	725-631	Maintenance - State-owned Residences	\$	260,849	\$	260,849	41795
516	725-620	Water Management	\$	2,442,956	\$	2,459,120	41796
635	725-664	Fountain Square Facilities Management	\$	3,182,223	\$	3,190,223	41797
697	725-670	Submerged Lands	\$	542,011	\$	542,011	41798
TOTAL GSF General Services							41799
Fund Group			\$	25,182,409	\$	24,902,478	41800
Federal Special Revenue Fund Group							41801
3B3	725-640	Federal Forest Pass-Thru	\$	150,000	\$	150,000	41802
3B4	725-641	Federal Flood Pass-Thru	\$	350,000	\$	350,000	41803
3B5	725-645	Federal Abandoned Mine Lands	\$	14,310,497	\$	14,307,666	41804
3B6	725-653	Federal Land and Water Conservation Grants	\$	5,000,000	\$	5,000,000	41805
3B7	725-654	Reclamation - Regulatory	\$	2,107,292	\$	2,107,291	41806
3P0	725-630	Natural Areas and Preserves - Federal	\$	315,000	\$	315,000	41807
3P1	725-632	Geological Survey - Federal	\$	479,651	\$	479,651	41808
3P2	725-642	Oil and Gas-Federal	\$	362,933	\$	367,912	41809
3P3	725-650	Coastal Management - Federal	\$	1,592,923	\$	1,607,686	41810
3P4	725-660	Water - Federal	\$	419,766	\$	420,525	41811

3R5	725-673	Acid Mine Drainage	\$	2,225,000	\$	2,225,000	41812
		Abatement/Treatment					
3Z5	725-657	REALM-Federal	\$	1,578,871	\$	1,578,871	41813
328	725-603	Forestry Federal	\$	1,813,827	\$	2,228,081	41814
332	725-669	Federal Mine Safety	\$	258,102	\$	258,102	41815
		Grant					
TOTAL FED Federal Special Revenue							41816
Fund Group			\$	30,963,862	\$	31,395,785	41817
State Special Revenue Fund Group							41818
4J2	725-628	Injection Well Review	\$	93,957	\$	79,957	41819
4M7	725-631	Wildfire Suppression	\$	100,000	\$	100,000	41820
4U6	725-668	Scenic Rivers	\$	407,100	\$	407,100	41821
		Protection					
<u>5BV</u>	<u>725-683</u>	<u>Soil and Water</u>	<u>\$</u>	<u>1,850,000</u>	<u>\$</u>	<u>1,850,000</u>	41822
		<u>Districts</u>					
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	41823
<del>5BV</del>	<del>725-683</del>	<del>Soil and Water</del>	<del>\$</del>	<del>1,850,000</del>	<del>\$</del>	<del>1,850,000</del>	41824
		<del>Districts</del>					
5P2	725-634	Wildlife Boater Angler	\$	4,200,000	\$	3,500,000	41825
		Administration					
509	725-602	State Forest	\$	2,291,664	\$	2,591,664	41826
511	725-646	Ohio Geological	\$	549,310	\$	549,310	41827
		Mapping					
512	725-605	State Parks Operations	\$	26,814,288	\$	26,814,288	41828
512	725-680	Parks Facilities	\$	2,576,240	\$	2,576,240	41829
		Maintenance					
514	725-606	Lake Erie Shoreline	\$	612,075	\$	657,113	41830
518	725-643	Oil and Gas Permit	\$	2,674,377	\$	2,674,378	41831
		Fees					
518	725-677	Oil and Gas Well	\$	1,200,000	\$	1,200,000	41832
		Plugging					
521	725-627	Off-Road Vehicle	\$	143,490	\$	143,490	41833
		Trails					

522	725-656	Natural Areas Checkoff Funds	\$	1,550,670	\$	1,550,670	41834
526	725-610	Strip Mining Administration Fee	\$	1,932,492	\$	1,932,492	41835
527	725-637	Surface Mining Administration	\$	2,312,815	\$	2,322,702	41836
529	725-639	Unreclaimed Land Fund	\$	623,356	\$	631,257	41837
531	725-648	Reclamation Forfeiture	\$	2,061,861	\$	2,062,237	41838
532	725-644	Litter Control and Recycling	\$	7,100,000	\$	7,100,000	41839
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	41840
615	725-661	Dam Safety	\$	365,223	\$	365,223	41841
TOTAL SSR State Special Revenue Fund Group							41842
			\$	60,487,768	\$	60,136,971	41843
Clean Ohio Fund Group							41844
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	41845
TOTAL CLF Clean Ohio Fund Group							41846
			\$	155,000	\$	155,000	41846
Wildlife Fund Group							41847
015	740-401	Division of Wildlife Conservation	\$	49,447,500	\$	50,447,500	41848
815	725-636	Cooperative Management Projects	\$	120,449	\$	120,449	41849
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	41850
817	725-655	Wildlife Conservation Checkoff Fund	\$	5,000,000	\$	5,000,000	41851
818	725-629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	41852
819	725-685	Ohio River Management	\$	128,584	\$	128,584	41853
TOTAL WLF Wildlife Fund Group							41854
			\$	57,163,418	\$	58,163,418	41854
Waterways Safety Fund Group							41855
086	725-414	Waterways Improvement	\$	3,792,343	\$	3,792,343	41856
086	725-418	Buoy Placement	\$	52,182	\$	52,182	41857

086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	41858
086	725-506	Watercraft Marine Patrol	\$	576,153	\$	576,153	41859
086	725-513	Watercraft Educational Grants	\$	366,643	\$	366,643	41860
086	739-401	Division of Watercraft	\$	20,027,909	\$	20,086,681	41861
5AW	725-682	Watercraft Revolving Loans	\$	3,000,000	\$	1,000,000	41862
TOTAL WSF Waterways Safety Fund							41863
Group			\$	27,953,097	\$	26,011,869	41864
Holding Account Redistribution Fund Group							41865
R17	725-659	Performance Cash Bond Refunds	\$	374,263	\$	374,263	41866
R43	725-624	Forestry	\$	2,500,000	\$	1,500,000	41867
TOTAL 090 Holding Account							41868
Redistribution Fund Group			\$	2,874,263	\$	1,874,263	41869
Accrued Leave Liability Fund Group							41870
4M8	725-675	FOP Contract	\$	20,844	\$	20,844	41871
TOTAL ALF Accrued Leave							41872
Liability Fund Group			\$	20,844	\$	20,844	41873
TOTAL ALL BUDGET FUND GROUPS			\$	<del>331,086,195</del>	\$	<del>331,719,662</del>	41874
				<u>331,401,195</u>		<u>332,084,662</u>	41875

**Sec. 209.18.09. WILDLIFE LICENSE REIMBURSEMENT** 41877

Notwithstanding the limits of the transfer from the General 41878  
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 41879  
of the Revised Code, up to the amount available in appropriation 41880  
item 725-425, Wildlife License Reimbursement, may be transferred 41881  
from the General Revenue Fund to the Wildlife Fund (Fund 015). 41882  
Pursuant to the certification of the Director of Budget and 41883  
Management of the amount of foregone revenue in accordance with 41884  
section 1533.15 of the Revised Code, the foregoing appropriation 41885

item in the General Revenue Fund, appropriation item 725-425, 41886  
Wildlife License Reimbursement, shall be used to reimburse the 41887  
Wildlife Fund (Fund 015) for the cost of hunting and fishing 41888  
licenses and permits issued after June 30, 1990, to individuals 41889  
who are exempted under the Revised Code from license, permit, and 41890  
stamp fees. 41891

CANAL LANDS 41892

The foregoing appropriation item 725-456, Canal Lands, shall 41893  
be used to transfer funds to the Canal Lands Fund (Fund 430) to 41894  
provide operating expenses for the State Canal Lands Program. The 41895  
transfer shall be made using an intrastate transfer voucher and 41896  
shall be subject to the approval of the Director of Budget and 41897  
Management. 41898

SOIL AND WATER DISTRICTS 41899

In addition to state payments to soil and water conservation 41900  
districts authorized by section 1515.10 of the Revised Code, the 41901  
Department of Natural Resources may pay to any soil and water 41902  
conservation district, from authority in appropriation item 41903  
725-502, Soil and Water Districts, an annual amount not to exceed 41904  
\$30,000, upon receipt of a request and justification from the 41905  
district and approval by the Ohio Soil and Water Conservation 41906  
Commission. The county auditor shall credit the payments to the 41907  
special fund established under section 1515.10 of the Revised Code 41908  
for the local soil and water conservation district. Moneys 41909  
received by each district shall be expended for the purposes of 41910  
the district. The foregoing appropriation item 725-683, Soil and 41911  
Water Districts, shall be expended for the purposes described 41912  
above, except that the funding source for this appropriation shall 41913  
be a fee applied on the disposal of construction and demolition 41914  
debris as provided in section 1515.14 of the Revised Code, as 41915  
amended by ~~this act~~ Am. Sub. H.B. 66 of the 126th General 41916

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Of the foregoing appropriation item 725-502, Soil and Water Districts, \$25,000 in each fiscal year shall be used for the Conservation Action Project.	41918 41919 41920
Of the foregoing appropriation item, 725-683, Soil and Water Districts, \$200,000 in each fiscal year shall be used to support the Heidelberg College Water Quality Laboratory.	41921 41922 41923
Of the foregoing appropriation item 725-683, Soil and Water Districts, \$100,000 in each fiscal year shall be used to support the Muskingum Watershed Conservancy District.	41924 41925 41926
Of the foregoing appropriation item 725-683, Soil and Water Districts, \$100,000 in each fiscal year shall be used to support the Indian Lake Watershed in Logan County.	41927 41928 41929
DIVISION OF WATER	41930
Of the foregoing appropriation item 733-321, Division of Water, \$50,000 in fiscal year 2006 shall be used for the Fairport Harbor Port Authority boat launch in Lake County.	41931 41932 41933
FUND CONSOLIDATION	41934
The Director of Budget and Management shall transfer an amount certified by the Director of Natural Resources from the Central Support Indirect Fund (Fund 157) to the Law Enforcement Administration Fund (Fund 223) and the Information Services Fund (Fund 204) to implement a direct cost recovery plan.	41935 41936 41937 41938 41939
STATE PARK DEPRECIATION RESERVE	41940
The foregoing appropriation item 725-680, Parks Facilities Maintenance, shall be used by the Division of Parks and Recreation to maintain state park revenue producing facilities in the best economic operating condition and to repair and replace equipment used in the operation of state park revenue producing facilities.	41941 41942 41943 41944 41945
Upon certification of the Director of Natural Resources, the	41946

Director of Budget and Management shall transfer the cash balance 41947  
in the Depreciation Reserve Fund (Fund 161), which is abolished in 41948  
section 1541.221 of the Revised Code, as amended by ~~this act~~ Am. 41949  
Sub. H.B. 66 of the 126th General Assembly, to the State Park Fund 41950  
(Fund 512), which is created in section 1541.22 of the Revised 41951  
Code. All outstanding encumbrances shall be ~~cancelled~~ cancelled on 41952  
October 1, 2005. 41953

OIL AND GAS WELL PLUGGING 41954

The foregoing appropriation item 725-677, Oil and Gas Well 41955  
Plugging, shall be used exclusively for the purposes of plugging 41956  
wells and to properly restore the land surface of idle and orphan 41957  
oil and gas wells pursuant to section 1509.071 of the Revised 41958  
Code. No funds from the appropriation item shall be used for 41959  
salaries, maintenance, equipment, or other administrative 41960  
purposes, except for those costs directly attributed to the 41961  
plugging of an idle or orphan well. Appropriation authority from 41962  
this appropriation item shall not be transferred to any other fund 41963  
or line item. 41964

LITTER CONTROL AND RECYCLING 41965

Of the foregoing appropriation item, 725-644, Litter Control 41966  
and Recycling, not more than \$1,500,000 may be used in each fiscal 41967  
year for the administration of the Recycling and Litter Prevention 41968  
program. 41969

CLEAN OHIO OPERATING EXPENSES 41970

The foregoing appropriation item 725-405, Clean Ohio 41971  
Operating, shall be used by the Department of Natural Resources in 41972  
administering section 1519.05 of the Revised Code. 41973

WATERCRAFT MARINE PATROL 41974

Of the foregoing appropriation item 739-401, Division of 41975  
Watercraft, not more than \$200,000 in each fiscal year shall be 41976

expended for the purchase of equipment for marine patrols 41977  
qualifying for funding from the Department of Natural Resources 41978  
pursuant to section 1547.67 of the Revised Code. Proposals for 41979  
equipment shall accompany the submission of documentation for 41980  
receipt of a marine patrol subsidy pursuant to section 1547.67 of 41981  
the Revised Code and shall be loaned to eligible marine patrols 41982  
pursuant to a cooperative agreement between the Department of 41983  
Natural Resources and the eligible marine patrol. 41984

WATERCRAFT REVOLVING LOAN PROGRAM 41985

Upon certification by the Director of Natural Resources, the 41986  
Director of Budget and Management shall transfer an amount not to 41987  
exceed \$3,000,000 in fiscal year 2006 and not to exceed \$1,000,000 41988  
in fiscal year 2007 so certified from the Waterways Safety Fund 41989  
(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The 41990  
moneys shall be used pursuant to section 1547.721 of the Revised 41991  
Code. 41992

PARKS CAPITAL EXPENSES FUND 41993

There is hereby created in the state treasury the Parks 41994  
Capital Expenses Fund (Fund 227). The fund shall be used to pay 41995  
for design, engineering, and planning costs incurred by the 41996  
Department of Natural Resources for capital parks projects. 41997

The Director of Natural Resources shall submit to the 41998  
Director of Budget and Management the estimated design, 41999  
engineering, and planning costs of capital-related work to be done 42000  
by Department of Natural Resources staff for parks projects. If 42001  
the Director of Budget and Management approves the estimated 42002  
costs, the Director may release appropriations from appropriation 42003  
item 725-406, Parks Projects Personnel, for those purposes. Upon 42004  
release of the appropriations, the Department of Natural Resources 42005  
shall pay for these expenses from the Parks Capital Expenses Fund 42006  
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the 42007

Parks and Recreation Improvement Fund (Fund 035) using an 42008  
 intrastate transfer voucher. In fiscal year 2006 the Director of 42009  
Budget and Management shall transfer, using an intrastate transfer 42010  
voucher, \$20,000 from the Parks and Recreation Improvement Fund 42011  
(Fund 035) to the Parks Capital Expenses Fund (Fund 227). 42012

**Sec. 209.24.** PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND 42013  
 ATHLETIC TRAINERS BOARD 42014

General Services Fund Group 42015  
 4K9 890-609 Operating Expenses \$ 824,057 \$ 0 836,529 42016  
 TOTAL GSF General Services Fund \$ 824,057 \$ 0 836,529 42017  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 824,057 \$ 0 836,529 42018

**Sec. 209.30.** ODB OHIO OPTICAL DISPENSERS BOARD 42020

General Services Fund Group 42021  
 4K9 894-609 Operating Expenses \$ 316,517 \$ 0 312,656 42022  
 TOTAL GSF General Services 42023  
 Fund Group \$ 316,517 \$ 0 312,656 42024  
 TOTAL ALL BUDGET FUND GROUPS \$ 316,517 \$ 0 312,656 42025

**Sec. 209.33.** OPT STATE BOARD OF OPTOMETRY 42027

General Services Fund Group 42028  
 4K9 885-609 Operating Expenses \$ 336,771 \$ 0 336,771 42029  
 TOTAL GSF General Services 42030  
 Fund Group \$ 336,771 \$ 0 336,771 42031  
 TOTAL ALL BUDGET FUND GROUPS \$ 336,771 \$ 0 336,771 42032

**Sec. 209.36.** OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND 42034  
 PEDORTHICS 42035

General Services Fund Group 42036  
 4K9 973-609 Operating Expenses \$ 99,571 \$ 0 106,035 42037

TOTAL GSF General Services				42038	
Fund Group	\$	99,571	\$ 0	<u>106,035</u>	42039
TOTAL ALL BUDGET FUND GROUPS	\$	99,571	\$ 0	<u>106,035</u>	42040
<b>Sec. 209.45. PSY STATE BOARD OF PSYCHOLOGY</b>				42041	
General Services Fund Group				42042	
4K9 882-609 Operating Expenses	\$	566,112	\$ 0	<u>586,565</u>	42043
TOTAL GSF General Services				42044	
Fund Group	\$	566,112	\$ 0	<u>586,565</u>	42045
TOTAL ALL BUDGET FUND GROUPS	\$	566,112	\$ 0	<u>586,565</u>	42046
<b>Sec. 209.63. BOR BOARD OF REGENTS</b>				42048	
General Revenue Fund				42049	
GRF 235-321 Operating Expenses	\$	2,897,659	\$ 2,966,351	42050	
GRF 235-401 Lease Rental Payments	\$	200,619,200	\$ 200,795,300	42051	
GRF 235-402 Sea Grants	\$	231,925	\$ 231,925	42052	
GRF 235-406 Articulation and Transfer	\$	2,900,000	\$ 2,900,000	42053	
GRF 235-408 Midwest Higher Education Compact	\$	90,000	\$ 90,000	42054	
GRF 235-409 Information System	\$	1,146,510	\$ 1,175,172	42055	
GRF 235-414 State Grants and Scholarship Administration	\$	1,352,811	\$ 1,382,881	42056	
GRF 235-415 Jobs Challenge	\$	9,348,300	\$ 9,348,300	42057	
GRF 235-417 Ohio Learning Network	\$	3,119,496	\$ 3,119,496	42058	
GRF 235-418 Access Challenge	\$	73,513,302	\$ 73,004,671	42059	
GRF 235-420 Success Challenge	\$	52,601,934	\$ 52,601,934	42060	
GRF 235-428 Appalachian New Economy Partnership	\$	1,176,068	\$ 1,176,068	42061	
GRF 235-433 Economic Growth Challenge	\$	20,343,097	\$ 23,186,194	42062	

GRF 235-434	College Readiness and Access	\$ 6,375,975	\$ 7,655,425	42063
GRF 235-435	Teacher Improvement Initiatives	\$ 2,697,506	\$ 2,697,506	42064
GRF 235-451	Eminent Scholars	\$ 0	\$ 1,370,988	42065
GRF 235-455	EnterpriseOhio Network	\$ 1,373,941	\$ 1,373,941	42066
GRF 235-474	Area Health Education Centers Program Support	\$ 1,571,756	\$ 1,571,756	42067
GRF 235-501	State Share of Instruction	\$ 1,559,096,031	\$ 1,589,096,031	42068
GRF 235-502	Student Support Services	\$ 795,790	\$ 795,790	42069
GRF 235-503	Ohio Instructional Grants	\$ 121,151,870	\$ 92,496,969	42070
GRF 235-504	War Orphans Scholarships	\$ 4,672,321	\$ 4,672,321	42071
GRF 235-507	OhioLINK	\$ 6,887,824	\$ 6,887,824	42072
GRF 235-508	Air Force Institute of Technology	\$ 1,925,345	\$ 1,925,345	42073
GRF 235-510	Ohio Supercomputer Center	\$ 4,271,195	\$ 4,271,195	42074
GRF 235-511	Cooperative Extension Service	\$ 25,644,863	\$ 25,644,863	42075
GRF 235-513	Ohio University Voinovich Center	\$ 336,082	\$ 336,082	42076
GRF 235-515	Case Western Reserve University School of Medicine	\$ 3,011,271	\$ 3,011,271	42077
GRF 235-518	Capitol Scholarship Program	\$ 125,000	\$ 125,000	42078
GRF 235-519	Family Practice	\$ 4,548,470	\$ 4,548,470	42079
GRF 235-520	Shawnee State	\$ 1,918,830	\$ 1,822,889	42080

Supplement					
GRF 235-521	The Ohio State University Glenn Institute	\$	286,082	\$	286,082 42081
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959 42082
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110 42083
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688 42084
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957 42085
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000 42086
GRF 235-531	Student Choice Grants	\$	50,853,276	\$	52,985,376 42087
GRF 235-534	Student Workforce Development Grants	\$	2,137,500	\$	2,137,500 42088
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,955,188	\$	35,955,188 42089
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885 42090
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756 42091
GRF 235-538	Medical University of Ohio at Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866 42092
GRF 235-539	Wright State University Clinical Teaching		4,225,107	\$	4,225,107 42093
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540 42094
GRF 235-541	Northeastern Ohio	\$	4,200,945	\$	4,200,945 42095

	Universities College of Medicine Clinical Teaching				
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	250,000	\$	250,000 42096
GRF 235-547	School of International Business	\$	450,000	\$	450,000 42097
GRF 235-549	Part-time Student Instructional Grants	\$	14,457,721	\$	10,534,617 42098
GRF 235-552	Capital Component	\$	<del>19,058,863</del> <u>19,059,866</u>	\$	<del>19,058,863</del> <u>19,059,866</u> 42099
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,806,599	\$	2,806,599 42100
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548 42101
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458 42102
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223 42103
GRF 235-558	Long-term Care Research	\$	211,047	\$	211,047 42104
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015 42105
GRF 235-563	Ohio College Opportunity Grant	\$	0	\$	58,144,139 42106
GRF 235-572	The Ohio State University Clinic Support	\$	1,277,019	\$	1,277,019 42107
GRF 235-583	Urban University Program	\$	4,992,937	\$	4,992,937 42108
GRF 235-587	Rural University	\$	1,147,889	\$	1,147,889 42109

	Projects				
GRF 235-596	Hazardous Materials	\$	360,435	\$	360,435
	Program				42110
GRF 235-599	National Guard	\$	15,128,472	\$	16,611,063
	Scholarship Program				42111
GRF 235-909	Higher Education	\$	137,600,300	\$	152,114,100
	General Obligation				42112
	Debt Service				
TOTAL GRF	General Revenue Fund	\$	<del>2,469,260,757</del>	\$	<del>2,548,147,869</del>
			<u>2,469,261,760</u>		<u>2,548,148,872</u>
	General Services Fund Group				42114
220 235-614	Program Approval and	\$	400,000	\$	400,000
	Reauthorization				42115
456 235-603	Sales and Services	\$	700,000	\$	900,000
					42116
TOTAL GSF	General Services				42117
Fund Group		\$	1,100,000	\$	1,300,000
					42118
	Federal Special Revenue Fund Group				42119
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000
					42120
3H2 235-622	Medical Collaboration	\$	3,346,143	\$	3,346,143
	Network				42121
3N6 235-605	State Student	\$	2,196,680	\$	2,196,680
	Incentive Grants				42122
3T0 235-610	National Health	\$	150,001	\$	150,001
	Service Corps - Ohio				42123
	Loan Repayment				
312 235-609	Tech Prep	\$	183,850	\$	183,850
					42124
312 235-611	Gear-up Grant	\$	1,370,691	\$	1,370,691
					42125
312 235-612	Carl D. Perkins	\$	112,960	\$	112,960
	Grant/Plan				42126
	Administration				
312 235-615	Professional	\$	523,129	\$	523,129
	Development				42127

312	235-617	Improving Teacher Quality Grant	\$	2,900,000	\$	2,900,000	42128
312	235-619	Ohio Supercomputer Center	\$	6,000,000	\$	6,000,000	42129
312	235-621	Science Education Network	\$	1,686,970	\$	1,686,970	42130
312	235-631	Federal Grants	\$	250,590	\$	250,590	42131
TOTAL FED Federal Special Revenue							42132
Fund Group			\$	20,221,014	\$	20,221,014	42133
State Special Revenue Fund Group							42134
4E8	235-602	Higher Educational Facility Commission Administration	\$	55,000	\$	55,000	42135
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870	42136
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	42137
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	42138
TOTAL SSR State Special Revenue							42139
Fund Group			\$	2,184,870	\$	2,184,870	42140
TOTAL ALL BUDGET FUND GROUPS			\$	<del>2,492,766,641</del>	\$	<del>2,571,853,753</del>	42141
				<u>2,492,767,644</u>		<u>2,571,854,756</u>	

**Sec. 209.63.42. COLLEGE READINESS AND ACCESS** 42143

Appropriation item 235-434, College Readiness and Access, 42144  
shall be used by the Board of Regents to support programs designed 42145  
to improve the academic preparation and increase the number of 42146  
students that enroll and succeed in higher education such as the 42147  
Ohio College Access Network, the state match for the federal 42148  
Gaining Early Awareness and Readiness for Undergraduate Program, 42149

and early awareness initiatives. The appropriation item shall also 42150  
be used to support innovative statewide strategies to increase 42151  
student access and retention for specialized populations, and to 42152  
provide for pilot projects that will contribute to improving 42153  
access to higher education by specialized populations. The funds 42154  
may be used for projects that improve access for nonpublic 42155  
secondary students. 42156

Of the foregoing appropriation item 235-434, College 42157  
Readiness and Access, \$798,684 in fiscal year 2006 and \$822,645 in 42158  
fiscal year 2007 shall be distributed to the Ohio Appalachian 42159  
Center for Higher Education at Shawnee State University. The board 42160  
of directors of the Center shall consist of the presidents of 42161  
Shawnee State University, ~~Ohio University~~, Belmont Technical 42162  
College, Hocking College, Jefferson Community College, Zane State 42163  
College, Rio Grande Community College, Southern State Community 42164  
College, and Washington State Community College; the president of 42165  
Ohio University or a designee of the president; the dean of one of 42166  
the Salem, Tuscarawas, and East Liverpool regional campuses of 42167  
Kent State University, as designated by the president of Kent 42168  
State University; and a representative of the Board of Regents 42169  
designated by the Chancellor. 42170

Of the foregoing appropriation item 235-434, College 42171  
Readiness and Access, \$169,553 in fiscal year 2006 and \$174,640 in 42172  
fiscal year 2007 shall be distributed to Miami University for the 42173  
Student Achievement in Research and Scholarship (STARS) Program. 42174

Of the foregoing appropriation item 235-434, College 42175  
Readiness and Access, \$1,574,535 in fiscal year 2006 and 42176  
\$2,753,985 in fiscal year 2007 shall be used in conjunction with 42177  
funding provided in the Ohio Department of Education budget under 42178  
appropriation item 200-431, School Improvement Initiatives, to 42179  
support the Early College High School Pilot Program. The funds 42180  
shall be distributed according to guidelines established by the 42181

Department of Education and the Board of Regents. 42182

**Sec. 209.64.60. RURAL UNIVERSITY PROJECTS** 42183

Of the foregoing appropriation item 235-587, Rural University 42184  
 Projects, Bowling Green State University shall receive \$263,783 in 42185  
 each fiscal year, Miami University shall receive \$245,320 in each 42186  
 fiscal year, and Ohio University shall receive \$575,015 in each 42187  
 fiscal year. These funds shall be used to support the Institute 42188  
 for Local Government Administration and Rural Development at Ohio 42189  
 University, the Center for Public Management and Regional Affairs 42190  
 at Miami University, and the Center for ~~Policy Analysis and Public~~ 42191  
~~Service~~ Regional Development at Bowling Green State University. 42192

A small portion of the funds provided to Ohio University 42193  
 shall also be used for the Institute for Local Government 42194  
 Administration and Rural Development State and Rural Policy 42195  
 Partnership with the Governor's Office of Appalachia and the 42196  
 Appalachian delegation of the General Assembly. 42197

Of the foregoing appropriation item 235-587, Rural University 42198  
 Projects, \$15,942 in each fiscal year shall be used to support the 42199  
 Washington State Community College day care center. 42200

Of the foregoing appropriation item 235-587, Rural University 42201  
 Projects, \$47,829 in each fiscal year shall be used to support the 42202  
 COAD/ILGARD/GOA Appalachian Leadership Initiative. 42203

**Sec. 209.72. RSC REHABILITATION SERVICES COMMISSION** 42204

General Revenue Fund 42205

GRF 415-100	Personal Services	\$	8,851,468	\$	8,851,468	42206
GRF 415-402	Independent Living	\$	12,280	\$	<del>12,280</del>	42207
	Council				<u>400,000</u>	
GRF 415-403	Mental Health Services	\$	717,221	\$	717,221	42208
GRF 415-404	MR/DD Services	\$	1,260,816	\$	1,260,816	42209
GRF 415-405	Vocational	\$	536,912	\$	536,912	42210

	Rehabilitation/Job and Family Services					
GRF 415-406	Assistive Technology	\$	47,531	\$	47,531	42211
GRF 415-431	Office for People with Brain Injury	\$	226,012	\$	226,012	42212
GRF 415-506	Services for People with Disabilities	\$	12,185,215	\$	12,185,215	42213
GRF 415-508	Services for the Deaf	\$	50,000	\$	50,000	42214
GRF 415-509	Services for the Elderly	\$	359,377	\$	359,377	42215
GRF 415-520	Independent Living Services	\$	50,000	\$	50,000	42216
TOTAL GRF General Revenue Fund		\$	24,296,832	\$	<del>24,296,832</del> <u>24,684,552</u>	42217
	General Services Fund Group					42218
4W5 415-606	Program Management Expenses	\$	18,557,040	\$	18,557,040	42219
467 415-609	Business Enterprise Operating Expenses	\$	1,632,082	\$	1,632,082	42220
TOTAL GSF General Services Fund Group		\$	20,189,122	\$	20,189,122	42221
	Federal Special Revenue Fund Group					42222
3L1 415-601	Social Security Personal Care Assistance	\$	3,743,740	\$	3,743,740	42223
3L1 415-605	Social Security Community Centers for the Deaf	\$	1,100,488	\$	1,100,488	42224
3L1 415-607	Social Security Administration Cost	\$	175,860	\$	175,860	42225
3L1 415-608	Social Security Special	\$	2,246,991	\$	131,716	42226

		Programs/Assistance					
3L1	415-610	Social Security	\$	1,336,324	\$	1,338,324	42228
		Vocational					
		Rehabilitation					
3L1	415-614	Social Security	\$	154,942	\$	0	42229
		Independent Living					
3L4	415-612	Federal Independent	\$	894,662	\$	686,520	42230
		Living Centers or					
		Services					
3L4	415-615	Federal - Supported	\$	1,338,191	\$	1,338,191	42231
		Employment					
3L4	415-617	Independent	\$	1,508,885	\$	1,608,885	42232
		Living/Vocational					
		Rehabilitation					
		Programs					
317	415-620	Disability	\$	82,870,347	\$	87,999,369	42233
		Determination					
379	415-616	Federal - Vocational	\$	123,565,158	\$	119,998,470	42234
		Rehabilitation					
TOTAL FED		Federal Special					42235
Revenue Fund Group			\$	218,935,588	\$	218,121,563	42236
State Special Revenue Fund Group							42237
4L1	415-619	Services for	\$	4,500,000	\$	4,500,000	42238
		Rehabilitation					
468	415-618	Third Party Funding	\$	1,055,407	\$	1,105,407	42239
TOTAL SSR		State Special					42240
Revenue Fund Group			\$	5,555,407	\$	5,605,407	42241
TOTAL ALL BUDGET FUND GROUPS			\$	268,976,949	\$	<del>268,212,924</del>	42242
						<u>268,600,644</u>	
		INDEPENDENT LIVING COUNCIL					42243
		The foregoing appropriation item 415-402, Independent Living					42244
		Council, shall be used to fund the operations of the State					42245

Independent Living Council.	42246
MENTAL HEALTH SERVICES	42247
The foregoing appropriation item 415-403, Mental Health	42248
Services, shall be used for the provision of vocational	42249
rehabilitation services to mutually eligible consumers of the	42250
Rehabilitation Services Commission and the Department of Mental	42251
Health.	42252
The Rehabilitation Services Commission shall provide the	42253
Department of Mental Health a quarterly report stating the numbers	42254
served, numbers placed in employment, average hourly wage, and	42255
average hours worked.	42256
MR/DD SERVICES	42257
The foregoing appropriation item 415-404, MR/DD Services,	42258
shall be used as state matching funds to provide vocational	42259
rehabilitation services to mutually eligible clients between the	42260
Rehabilitation Services Commission and the Department of Mental	42261
Retardation and Developmental Disabilities. The Rehabilitation	42262
Services Commission shall report to the Department of Mental	42263
Retardation and Developmental Disabilities, as outlined in an	42264
interagency agreement, on the number and status of mutually	42265
eligible clients and the status of the funds and expenditures for	42266
these clients.	42267
VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES	42268
The foregoing appropriation item 415-405, Vocational	42269
Rehabilitation/Job and Family Services, shall be used as state	42270
matching funds to provide vocational rehabilitation services to	42271
mutually eligible clients between the Rehabilitation Services	42272
Commission and the Department of Job and Family Services. The	42273
Rehabilitation Services Commission shall report to the Department	42274
of Job and Family Services, as outlined in an interagency	42275

agreement, on the number and status of mutually eligible clients	42276
and the status of the funds and expenditures for these clients.	42277
ASSISTIVE TECHNOLOGY	42278
The foregoing appropriation item 415-406, Assistive	42279
Technology, shall be provided to Assistive Technology of Ohio and	42280
shall be used only to provide grants under that program. No amount	42281
of the appropriation may be used for administrative costs.	42282
OFFICE FOR PEOPLE WITH BRAIN INJURY	42283
Of the foregoing appropriation item 415-431, Office for	42284
People with Brain Injury, up to \$50,000 in each fiscal year shall	42285
be used for the state match for a federal grant awarded through	42286
the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to	42287
\$50,000 in each fiscal year shall be provided to the Brain Injury	42288
Trust Fund. The remaining appropriation shall be used to plan and	42289
coordinate head-injury-related services provided by state agencies	42290
and other government or private entities, to assess the needs for	42291
such services, and to set priorities in this area.	42292
SERVICES FOR THE DEAF	42293
The foregoing appropriation item 415-508, Services for the	42294
Deaf, shall be used to supplement Social Security reimbursement	42295
funds used to provide grants to community centers for the deaf.	42296
These funds shall not be used in lieu of Social Security	42297
reimbursement funds.	42298
SERVICES FOR THE ELDERLY	42299
The foregoing appropriation item 415-509, Services for the	42300
Elderly, shall be used as matching funds for vocational	42301
rehabilitation services for eligible elderly citizens with a	42302
disability.	42303
INDEPENDENT LIVING SERVICES	42304
The foregoing appropriation items 415-520, Independent Living	42305

Services, and 415-612, Federal - Independent Living Centers or 42306  
Services, shall be used to support state independent living 42307  
centers or independent living services under Title VII of the 42308  
Independent Living Services and Centers for Independent Living of 42309  
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 42310  
U.S.C. 796d. 42311

PROGRAM MANAGEMENT EXPENSES 42312

The foregoing appropriation item 415-606, Program Management 42313  
Expenses, shall be used to support the administrative functions of 42314  
the commission related to the provision of vocational 42315  
rehabilitation, disability determination services, and ancillary 42316  
programs. 42317

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 42318

The foregoing appropriation item 415-617, Independent 42319  
Living/Vocational Rehabilitation Programs, shall be used to 42320  
support vocational rehabilitation programs, including, but not 42321  
limited to, high tech high schools, training, and brain injury 42322  
grants. 42323

SOCIAL SECURITY REIMBURSEMENT FUNDS 42324

Reimbursement funds received from the Social Security 42325  
Administration, United States Department of Health and Human 42326  
Services, for the costs of providing services and training to 42327  
return disability recipients to gainful employment shall be used 42328  
in the Social Security Reimbursement Fund (Fund 3L1), as follows: 42329

(A) Appropriation item 415-601, Social Security Personal Care 42330  
Assistance, to provide personal care services in accordance with 42331  
section 3304.41 of the Revised Code; 42332

(B) Appropriation item 415-605, Social Security Community 42333  
Centers for the Deaf, to provide grants to community centers for 42334  
the deaf in Ohio for services to individuals with hearing 42335

impairments; 42336

(C) Appropriation item 415-607, Social Security 42337  
Administration Cost, to provide administrative services needed to 42338  
administer the Social Security reimbursement program; 42339

(D) Appropriation item 415-608, Social Security Special 42340  
Programs/Assistance, to provide vocational rehabilitation services 42341  
to individuals with severe disabilities who are Social Security 42342  
beneficiaries, to enable them to achieve competitive employment. 42343  
This appropriation item also includes funds to assist the Personal 42344  
Care Assistance, Community Centers for the Deaf, and Independent 42345  
Living Programs to pay their share of indirect costs as mandated 42346  
by federal OMB Circular A-87. 42347

(E) Appropriation item 415-610, Social Security Vocational 42348  
Rehabilitation, to provide vocational rehabilitation services to 42349  
older blind individuals with severe disabilities to enable them to 42350  
achieve a noncompetitive employment goal. 42351

PILOT PROGRAM FOR VOCATIONAL REHABILITATION 42352

During fiscal years 2006 and 2007, the Rehabilitation 42353  
Services Commission may conduct a pilot program to provide 42354  
vocational rehabilitation and related services to entities, 42355  
employers, or individuals that are not eligible for state- or 42356  
federally-supported services through the commission. The 42357  
commission shall propose fees to be collected from the entities, 42358  
employers, or individuals served by the pilot program to support 42359  
the costs for vocational rehabilitation and related services 42360  
provided under the pilot program. Fee revenues collected under the 42361  
program shall be credited to Fund 468 (Third Party Funding). 42362  
During implementation of the pilot program, the Rehabilitation 42363  
Services Commission shall investigate and determine the 42364  
possibility of utilizing this source of revenue to match federal 42365  
funds. The Rehabilitation Services Commission shall evaluate the 42366

progress of the pilot program and issue a report of its findings 42367  
to the Governor not later than December 15, 2007. The report shall 42368  
include a recommendation to either continue or discontinue the 42369  
pilot program in the next biennium. 42370

**Sec. 209.75. RCB RESPIRATORY CARE BOARD** 42371

General Services Fund Group 42372  
4K9 872-609 Operating Expenses \$ 441,987 \$ 0 450,520 42373  
TOTAL GSF General Services 42374  
Fund Group \$ 441,987 \$ 0 450,520 42375  
TOTAL ALL BUDGET FUND GROUPS \$ 441,987 \$ 0 450,520 42376

**Sec. 209.78.03. GENERAL REVENUE FUND TRANSFERS TO LOCAL** 42378  
GOVERNMENT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 081) 42379

Notwithstanding any provision of law to the contrary, in 42380  
fiscal year 2006 and fiscal year 2007, the Director of Budget and 42381  
Management ~~shall~~ may transfer ~~\$4,290,000 in fiscal year 2006 and~~ 42382  
~~\$30,090,000 in fiscal year 2007~~ from the General Revenue Fund to 42383  
~~appropriation item 110-900,~~ the Local Government Property Tax 42384  
Replacement - Business (Fund 081) in the Revenue Distribution 42385  
Fund. ~~The funds shall be used,~~ those amounts necessary to 42386  
reimburse local taxing units under section 5751.22 of the Revised 42387  
Code. Also, in fiscal year 2006 and fiscal year 2007, the Director 42388  
of Budget and Management may make temporary transfers from the 42389  
General Revenue Fund to ensure sufficient balances in the Local 42390  
Government Property Tax Replacement - Business Fund (Fund 081) and 42391  
to replenish the General Revenue Fund for such transfers. 42392

**Sec. 209.81. SAN BOARD OF SANITARIAN REGISTRATION** 42393

General Services Fund Group 42394  
4K9 893-609 Operating Expenses \$ 134,279 \$ 0 138,551 42395  
TOTAL GSF General Services 42396

Fund Group	\$	134,279	\$	0	<u>138,551</u>	42397
TOTAL ALL BUDGET FUND GROUPS	\$	134,279	\$	0	<u>138,551</u>	42398

**Sec. 209.90.06.** EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL FACILITIES 42400  
 FACILITIES 42401

Notwithstanding any other provision of law to the contrary, 42402  
 the School Facilities Commission may provide assistance under the 42403  
 Exceptional Needs School Facilities Program established in section 42404  
 3318.37 of the Revised Code to any school district, and not 42405  
 exclusively to a school district in the lowest ~~fifty~~ seventy-five 42406  
 per cent of adjusted valuation per pupil on the current ranking of 42407  
 school districts established under section 3317.02 of the Revised 42408  
 Code, for the purpose of the relocation or replacement of school 42409  
 facilities required as a result of extreme environmental 42410  
 contamination. 42411

The School Facilities Commission shall contract with an 42412  
 independent environmental consultant to conduct a study and to 42413  
 report to the commission as to the seriousness of the 42414  
 environmental contamination, whether the contamination violates 42415  
 applicable state and federal standards, and whether the facilities 42416  
 are no longer suitable for use as school facilities. The 42417  
 commission then shall make a determination regarding funding for 42418  
 the relocation or replacement of the school facilities. If the 42419  
 federal government or other public or private entity provides 42420  
 funds for restitution of costs incurred by the state or school 42421  
 district in the relocation or replacement of the school 42422  
 facilities, the school district shall use such funds in excess of 42423  
 the school district's share to refund the state for the state's 42424  
 contribution to the environmental contamination portion of the 42425  
 project. The school district may apply an amount of such 42426  
 restitution funds up to an amount equal to the school district's 42427  
 portion of the project, as defined by the commission, toward 42428

paying its portion of that project to reduce the amount of bonds 42429  
the school district otherwise must issue to receive state 42430  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 42431

**Sec. 212.03. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &** 42432  
**AUDIOLOGY** 42433

General Services Fund Group 42434  
4K9 886-609 Operating Expenses \$ 408,864 \$ 0 415,000 42435  
TOTAL GSF General Services 42436  
Fund Group \$ 408,864 \$ 0 415,000 42437  
TOTAL ALL BUDGET FUND GROUPS \$ 408,864 \$ 0 415,000 42438

**Sec. 212.24. OVH OHIO VETERANS' HOME** 42440

General Revenue Fund 42441  
GRF 430-100 Personal Services \$ ~~20,629,914~~ \$ ~~21,030,031~~ 42442  
21,429,914 21,830,031  
GRF 430-200 Maintenance \$ ~~6,396,200~~ \$ ~~6,396,200~~ 42443  
7,246,200 7,246,200  
TOTAL GRF General Revenue Fund \$ ~~27,026,114~~ \$ ~~27,426,231~~ 42444  
28,676,114 29,076,231

General Services Fund Group 42445  
484 430-603 Rental and Service \$ 882,737 \$ 882,737 42446  
Revenue  
TOTAL GSF General Services Fund \$ 882,737 \$ 882,737 42447  
Group

Federal Special Revenue Fund Group 42448  
3L2 430-601 Federal VA Per Diem \$ 14,990,510 \$ 15,290,320 42449  
Grant

TOTAL FED Federal Special Revenue 42450  
Fund Group \$ 14,990,510 \$ 15,290,320 42451  
State Special Revenue Fund Group 42452

4E2 430-602 Veterans Home	\$	8,322,731	\$	8,530,800	42453
Operating					
604 430-604 Veterans Home	\$	770,096	\$	770,096	42454
Improvement					
TOTAL SSR State Special Revenue					42455
Fund Group	\$	9,092,827	\$	9,300,896	42456
TOTAL ALL BUDGET FUND GROUPS	\$	<del>51,992,188</del>	\$	<del>52,900,184</del>	42457
		<u>53,642,188</u>		<u>54,550,184</u>	

Notwithstanding any other provision of law to the contrary, 42458  
in fiscal year 2006 and in fiscal year 2007, the Director of 42459  
Budget and Management may transfer cash from SSR Fund 604, 42460  
Veterans Home Improvement Fund, to SSR Fund 4E2, Veterans Home 42461  
Operating Fund. Any cash transfer described in this section shall 42462  
be used in accordance with section 5907.131 of the Revised Code. 42463  
The amount transferred by the Director is hereby appropriated to 42464  
foregoing SSR appropriation item 430-602, Veterans Home Operating 42465  
(Fund 4E2). 42466

Within thirty days after the conclusion of each fiscal 42467  
quarter, the Ohio Veterans' Home Agency shall submit a report on 42468  
the status of the Agency's fiscal operations to the Governor, 42469  
President of the Senate, Minority Leader of the Senate, Speaker of 42470  
the House of Representatives, and Minority Leader of the House of 42471  
Representatives. 42472

**Sec. 212.27. VET VETERANS' ORGANIZATIONS** 42473

General Revenue Fund					42474
VAP AMERICAN EX-PRISONERS OF WAR					42475
GRF 743-501 State Support	\$	25,030	\$	25,030	42476
VAN ARMY AND NAVY UNION, USA, INC.					42477
GRF 746-501 State Support	\$	55,012	\$	55,012	42478
VKW KOREAN WAR VETERANS					42479
GRF 747-501 State Support	\$	49,453	\$	49,453	42480

	VJW JEWISH WAR VETERANS			42481
GRF 748-501	State Support	\$ 29,715	\$ 29,715	42482
	VCW CATHOLIC WAR VETERANS			42483
GRF 749-501	State Support	\$ 57,990	\$ 57,990	42484
	VPH MILITARY ORDER OF THE PURPLE HEART			42485
GRF 750-501	State Support	\$ 56,377	\$ 56,377	42486
	VVV VIETNAM VETERANS OF AMERICA			42487
GRF 751-501	State Support	\$ 185,954	\$ 185,954	42488
	VAL AMERICAN LEGION OF OHIO			42489
GRF 752-501	State Support	\$ 302,328	\$ 302,328	42490
	VII AMVETS			42491
GRF 753-501	State Support	\$ 287,919	\$ 287,919	42492
	VAV DISABLED AMERICAN VETERANS			42493
GRF 754-501	State Support	\$ 216,308	\$ 216,308	42494
	VMC MARINE CORPS LEAGUE			42495
GRF 756-501	State Support	\$ 115,972	\$ 115,972	42496
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION			42497
GRF 757-501	State Support	\$ 5,946	\$ 5,946	42498
	VFW VETERANS OF FOREIGN WARS			42499
GRF 758-501	State Support	\$ 246,615	\$ 246,615	42500
TOTAL GRF General Revenue Fund		\$ 1,634,619	\$ 1,634,619	42501
TOTAL ALL BUDGET FUND GROUPS		\$ 1,634,619	\$ 1,634,619	42502
	RELEASE OF FUNDS			42503
	The foregoing appropriation items 743-501, 746-501, 747-501,			42504
	748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501,			42505
	756-501, 757-501, and 758-501, State Support, shall be released			42506
	upon approval by the Director of Budget and Management.			42507
	CENTRAL OHIO UNITED SERVICES ORGANIZATION			42508
	Of the foregoing appropriation item 751-501, State Support,			42509
	Vietnam Veterans of America, \$50,000 in each fiscal year shall be			42510
	used to support the activities of the Central Ohio USO.			42511

VAL AMERICAN LEGION OF OHIO 42512

Of the foregoing appropriation item 752-501, State Support, 42513  
VAL American Legion, at least \$50,000 in each fiscal year shall be 42514  
used to fund service officer expenses. 42515

VETERANS SERVICE COMMISSION EDUCATION 42516

Of the foregoing appropriation item 753-501, State Support, 42517  
AMVETS, up to \$20,000 in each fiscal year may be used to provide 42518  
moneys to the Association of County Veterans Service Commissioners 42519  
to reimburse its member county veterans service commissions for 42520  
costs incurred in carrying out educational and outreach duties 42521  
required under divisions (E) and (F) of section 5901.03 of the 42522  
Revised Code. ~~Additionally, at least \$50,000 shall be used in each~~ 42523  
~~fiscal year to fund service officer expenses.~~ The Director of 42524  
Budget and Management shall release these funds upon the 42525  
presentation of an itemized receipt, approved by the Governor's 42526  
Office of Veterans Affairs, from the association for reasonable 42527  
and appropriate expenses incurred while performing these duties. 42528  
The association shall establish uniform procedures for reimbursing 42529  
member commissions. 42530

VII AMVETS 42531

Of the foregoing appropriation item 753-501, State Support, 42532  
AMVETS, at least \$50,000 shall be used in each fiscal year to fund 42533  
service officer expenses. 42534

VAV DISABLED AMERICAN VETERANS 42535

Of the foregoing appropriation item 754-501, State Support, 42536  
VAV Disabled American Veterans, at least \$50,000 in each fiscal 42537  
year shall be used to fund service officer expenses. 42538

VMC MARINE CORPS LEAGUE 42539

Of the foregoing appropriation item 756-501, State Support, 42540  
VMC Marine Corps League, at least \$30,000 in each fiscal year 42541

shall be used to fund service officer expenses.	42542
VFW VETERANS OF FOREIGN WARS	42543
Of the foregoing appropriation item 758-501, State Support,	42544
VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year	42545
shall be used to fund service officer expenses.	42546
<b>Sec. 212.30. DVM STATE VETERINARY MEDICAL BOARD</b>	42547
General Services Fund Group	42548
4K9 888-609 Operating Expenses \$ 293,691 \$ 0 <u>307,000</u>	42549
5BU 888-602 Veterinary Student \$ 60,000 \$ 0 <u>60,000</u>	42550
Loan Program	
TOTAL GSF General Services	42551
Fund Group \$ 353,691 \$ 0 <u>367,000</u>	42552
TOTAL ALL BUDGET FUND GROUPS \$ 353,691 \$ 0 <u>367,000</u>	42553
CASH TRANSFER TO VETERINARY STUDENT LOAN PROGRAM FUND (FUND	42554
5BU)	42555
On July 1, 2005, or as soon as possible thereafter, the	42556
Director of Budget and Management shall transfer \$60,000 in cash	42557
from the Occupational Licensing and Regulatory Fund (Fund 4K9) to	42558
the Veterinary Student Loan Program Fund (Fund 5BU), which is	42559
hereby created. The amount of the transfer is hereby appropriated.	42560
VETERINARY STUDENT LOAN PROGRAM	42561
The foregoing appropriation item 888-602, Veterinary Student	42562
Loan Program, shall be used by the Veterinary Medical Licensing	42563
Board to implement a student loan repayment program for veterinary	42564
students focusing on large animal populations, public health, or	42565
regulatory veterinary medicine.	42566
<b>Sec. 212.33. DYS DEPARTMENT OF YOUTH SERVICES</b>	42567
General Revenue Fund	42568

GRF 470-401	RECLAIM Ohio	\$	177,016,683	\$	182,084,588	42569
GRF 470-412	Lease Rental Payments	\$	20,267,500	\$	21,882,700	42570
GRF 470-510	Youth Services	\$	18,608,587	\$	18,608,587	42571
GRF 472-321	Parole Operations	\$	14,358,995	\$	14,962,871	42572
GRF 477-321	Administrative	\$	14,239,494	\$	14,754,420	42573
	Operations					
TOTAL GRF	General Revenue Fund	\$	244,491,259	\$	252,293,166	42574
	General Services Fund Group					42575
175 470-613	Education	\$	10,112,529	\$	9,450,598	42576
	Reimbursement					
4A2 470-602	Child Support	\$	320,641	\$	328,657	42577
4G6 470-605	General Operational	\$	10,000	\$	10,000	42578
	Funds					
479 470-609	Employee Food Service	\$	141,466	\$	137,666	42579
523 470-621	Wellness Program	\$	46,937	\$	0	42580
6A5 470-616	Building Demolition	\$	31,100	\$	0	42581
TOTAL GSF	General Services					42582
Fund Group		\$	10,662,673	\$	9,926,921	42583
	Federal Special Revenue Fund Group					42584
3V5 470-604	Juvenile	\$	4,254,745	\$	4,254,746	42585
	Justice/Delinquency					
	Prevention					
3W0 470-611	Federal Juvenile	\$	222,507	\$	0	42586
	Programs FFY 02					
3Z8 470-625	Federal Juvenile	\$	1,500,001	\$	773,812	42587
	Programs FFY 04					
3Z9 470-626	Federal Juvenile	\$	465,000	\$	0	42588
	Programs FFY 05					
321 470-601	Education	\$	1,422,580	\$	1,465,399	42589
321 470-603	Juvenile Justice	\$	1,981,169	\$	2,006,505	42590
	Prevention					
321 470-606	Nutrition	\$	2,471,550	\$	2,470,655	42591

321 470-614 Title IV-E	\$	4,960,589	\$	6,012,361	42592
Reimbursements					
321 470-617 Americorps Programs	\$	456,000	\$	463,700	42593
TOTAL FED Federal Special Revenue					42594
Fund Group	\$	17,734,141	\$	17,447,178	42595
State Special Revenue Fund Group					42596
147 470-612 Vocational Education	\$	1,937,784	\$	2,009,866	42597
4W3 470-618 Help Me Grow	\$	11,000	\$	11,000	42598
5BH 470-628 Partnerships for	\$	1,500,000	\$	1,500,000	42599
Success					
TOTAL SSR State Special Revenue					42600
Fund Group	\$	3,448,784	\$	3,520,866	42601
TOTAL ALL BUDGET FUND GROUPS	\$	276,336,857	\$	283,188,131	42602
RECLAIM OHIO					
Of the foregoing appropriation item 470-401, RECLAIM Ohio,					
\$25,000 in each fiscal year shall be distributed directly to the					
Lighthouse Youth Services Wrap-Around Program.					
OHIO BUILDING AUTHORITY LEASE PAYMENTS					
The foregoing appropriation item 470-412, Lease Rental					
Payments, in the Department of Youth Services, shall be used for					
payments to the Ohio Building Authority for the period from July					
1, 2005, to June 30, 2007, under the primary leases and agreements					
for facilities made under Chapter 152. of the Revised Code, but					
limited to the aggregate amount of \$42,150,200. This appropriation					
is the source of funds pledged for bond service charges on related					
obligations issued pursuant to Chapter 152. of the Revised Code.					
EDUCATION REIMBURSEMENT					
The foregoing appropriation item 470-613, Education					
Reimbursement, shall be used to fund the operating expenses of					
providing educational services to youth supervised by the					

Department of Youth Services. Operating expenses include, but are  
not limited to, teachers' salaries, maintenance costs, and  
educational equipment. This appropriation item may be used for  
capital expenses related to the education program.

EMPLOYEE FOOD SERVICE AND EQUIPMENT

Notwithstanding section 125.14 of the Revised Code, the  
foregoing appropriation item 470-609, Employee Food Service, may  
be used to purchase any food operational items with funds received  
into the fund from reimbursement for state surplus property.

PARTNERSHIPS FOR SUCCESS

~~In fiscal year 2006, the~~ The foregoing appropriation item  
470-628, Partnerships for Success, shall be used to support the  
Partnerships for Success Project. On or before January 1, ~~2007~~  
2008, the Director of Budget and Management shall transfer any  
amount of cash that remains unspent in the Partnerships for  
Success Fund (Fund 5BH) to the Children's Trust Fund (Fund 198).

FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF  
CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES

Any business relating to the funds associated with the Office  
of Criminal Justice Services' appropriation item 196-602, Criminal  
Justice Federal Programs, commenced but not completed by the  
Office of Criminal Justice Services or its director shall be  
completed by the Department of Youth Services or its director in  
the same manner, and with the same effect, as if completed by the  
Office of Criminal Justice Services or its director. No  
validation, cure, right, privilege, remedy, obligation, or  
liability is lost or impaired by reason of the transfer and shall  
be administered by the Department of Youth Services.

Any action or proceeding against the Office of Criminal  
Justice Services pending on the effective date of this section

shall not be affected by the transfer of responsibility to the Department of Youth Services, and shall be prosecuted or defended in the name of the Department of Youth Services or its director. In all such actions and proceedings, the Department of Youth Services or its director upon application of the court shall be substituted as party.

**Sec. 557.12. ADJUSTMENT TO LOCAL GOVERNMENT DISTRIBUTIONS**

(A) On or before the seventh day of each month of the period July 2005 through June 2007, the Tax Commissioner shall determine 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. 42681

To the extent the amounts credited under divisions (B) 42682  
~~through to~~ (G) of this section exceed the amounts that otherwise 42683  
would have been credited under sections 5727.45, 5727.84, 5733.12, 42684  
5739.21, 5741.03, and 5747.03 of the Revised Code, the amounts 42685  
credited to the ~~general revenue fund~~ General Revenue Fund shall be 42686  
reduced. To the extent the amounts credited under divisions (B) 42687  
~~through to~~ (G) of this section are less than the amounts that 42688  
otherwise would have been credited under sections 5727.45, 42689  
5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised 42690  
Code, the amounts credited to the ~~general revenue fund~~ General 42691  
Revenue Fund shall be increased. After the appropriate amounts are 42692  
credited to funds under division (B) of this section, additional 42693  
adjustments may be required in June 2006 and June 2007 pursuant to 42694  
division (I) of this section. 42695

(C) Pursuant to divisions (B)(1) and (2) of this section, the 42696  
amounts shall be credited from the corporation franchise, sales 42697  
and use, and personal income taxes to each respective fund as 42698  
follows: 42699

(1) In July 2005, one hundred per cent of the amount credited 42700  
in July 2004; in July 2006, one hundred per cent of the amount 42701  
credited in July 2005; 42702

(2) In August 2005, one hundred per cent of the amount 42703  
credited in August 2004; in August 2006, one hundred per cent of 42704  
the amount credited in August 2005; 42705

(3) In September 2005, one hundred per cent of the amount 42706  
credited in September 2004; in September 2006, one hundred per 42707  
cent of the amount credited in September 2005; 42708

(4) In October 2005, one hundred per cent of the amount 42709  
credited in October 2004; in October 2006, one hundred per cent of 42710  
the amount credited in October 2005; 42711

(5) In November 2005, one hundred per cent of the amount	42712
credited in November 2004; in November 2006, one hundred per cent	42713
of the amount credited in November 2005;	42714
(6) In December 2005, one hundred per cent of the amount	42715
credited in December 2004; in December 2006, one hundred per cent	42716
of the amount credited in December 2005;	42717
(7) In January 2006, one hundred per cent of the amount	42718
credited in January 2005; in January 2007, one hundred per cent of	42719
the amount credited in January 2006;	42720
(8) In February 2006, one hundred per cent of the amount	42721
credited in February 2005; in February 2007, one hundred per cent	42722
of the amount credited in February 2006;	42723
(9) In March 2006, one hundred per cent of the amount	42724
credited in March 2005; in March 2007, one hundred per cent of the	42725
amount credited in March 2006;	42726
(10) In April 2006, one hundred per cent of the amount	42727
credited in April 2005; in April 2007, one hundred per cent of the	42728
amount credited in April 2006;	42729
(11) In May 2006, one hundred per cent of the amount credited	42730
in May 2005; in May 2007, one hundred per cent of the amount	42731
credited in May 2006;	42732
(12) In June 2006, one hundred per cent of the amount	42733
credited in June 2005; in June 2007, one hundred per cent of the	42734
amount credited in June 2006.	42735
(D) Pursuant to divisions (B)(1) and (2) of this section,	42736
from the public utility excise tax, amounts shall be credited to	42737
the Local Government Fund and the Local Government Revenue	42738
Assistance Fund as follows:	42739
(1) In July 2005 and July 2006, no amount shall be credited	42740
to the Local Government Fund and no amount shall be credited to	42741

the Local Government Revenue Assistance Fund; 42742

(2) In August 2005 and August 2006, no amount shall be 42743  
credited to the Local Government Fund or to the Local Government 42744  
Revenue Assistance Fund; 42745

(3) In September 2005 and September 2006, no amount shall be 42746  
credited to the Local Government Fund or to the Local Government 42747  
Revenue Assistance Fund; 42748

(4) In October 2005 and October 2006, thirty per cent of 42749  
\$7,870,426.16 shall be credited to the Local Government Fund and 42750  
thirty per cent of \$1,124,346.59 shall be credited to the Local 42751  
Government Revenue Assistance Fund; 42752

(5) In November 2005 and November 2006, thirty per cent of 42753  
\$1,045,731.11 shall be credited to the Local Government Fund and 42754  
thirty per cent of \$149,390.15 shall be credited to the Local 42755  
Government Revenue Assistance Fund; 42756

(6) In December 2005 and December 2006, thirty per cent of 42757  
\$1,210,041.67 shall be credited to the Local Government Fund and 42758  
thirty per cent of \$172,863.13 shall be credited to the Local 42759  
Government Revenue Assistance Fund; 42760

(7) In January 2006 and January 2007, no amount shall be 42761  
credited to the Local Government Fund or to the Local Government 42762  
Revenue Assistance Fund; 42763

(8) In February 2006 and February 2007, thirty per cent of 42764  
\$1,515,069.22 shall be credited to the Local Government Fund and 42765  
thirty per cent of \$216,438.43 shall be credited to the Local 42766  
Government Revenue Assistance Fund; 42767

(9) In March 2006 and March 2007, thirty per cent of 42768  
\$7,859,958.57 shall be credited to the Local Government Fund and 42769  
thirty per cent of \$1,122,851.24 shall be credited to the Local 42770  
Government Revenue Assistance Fund; 42771

(10) In April 2006 and April 2007, no amount shall be 42772  
credited to the Local Government Fund or to the Local Government 42773  
Revenue Assistance Fund; 42774

(11) In May 2006 and May 2007, thirty per cent of 42775  
\$3,300,718.22 shall be credited to the Local Government Fund and 42776  
thirty per cent of \$471,531.17 shall be credited to the Local 42777  
Government Revenue Assistance Fund; 42778

(12) In June 2006 and June 2007, thirty per cent of 42779  
\$9,344,500.89 shall be credited to the Local Government Fund and 42780  
thirty per cent of \$1,334,928.70 shall be credited to the Local 42781  
Government Revenue Assistance Fund. 42782

(E) Pursuant to divisions (B)(1) and (2) of this section, 42783  
from the kilowatt-hour tax, amounts shall be credited to the Local 42784  
Government Fund and the Local Government Revenue Assistance Fund 42785  
as follows: 42786

(1) In July 2005 and July 2006, no amount shall be credited 42787  
to the Local Government Fund and no amount shall be credited to 42788  
the Local Government Revenue Assistance Fund; 42789

(2) In August 2005 and August 2006, no amount shall be 42790  
credited to the Local Government Fund or to the Local Government 42791  
Revenue Assistance Fund; 42792

(3) In September 2005~~7~~ and September 2006, no amount shall be 42793  
credited to the Local Government Fund or to the Local Government 42794  
Revenue Assistance Fund; 42795

(4) In October 2005 and October 2006, seventy per cent of 42796  
\$7,870,426.16 shall be credited to the Local Government Fund and 42797  
seventy per cent of \$1,124,346.59 shall be credited to the Local 42798  
Government Revenue Assistance Fund; 42799

(5) In November 2005 and November 2006, seventy per cent of 42800  
\$1,045,731.11 shall be credited to the Local Government Fund and 42801

seventy per cent of \$149,390.15 shall be credited to the Local  
Government Revenue Assistance Fund; 42802  
42803

(6) In December 2005 and December 2006, seventy per cent of 42804  
\$1,210,041.67 shall be credited to the Local Government Fund and 42805  
seventy per cent of \$172,863.13 shall be credited to the Local 42806  
Government Revenue Assistance Fund; 42807

(7) In January 2006 and January 2007, no amount shall be 42808  
credited to the Local Government Fund or to the Local Government 42809  
Revenue Assistance Fund; 42810

(8) In February 2006 and February 2007, seventy per cent of 42811  
\$1,515,069.22 shall be credited to the Local Government Fund and 42812  
seventy per cent of \$216,438.43 shall be credited to the Local 42813  
Government Revenue Assistance Fund; 42814

(9) In March 2006 and March 2007, seventy per cent of 42815  
\$7,859,958.57 shall be credited to the Local Government Fund and 42816  
seventy per cent of \$1,122,851.24 shall be credited to the Local 42817  
Government Revenue Assistance Fund; 42818

(10) In April 2006 and April 2007, no amount shall be 42819  
credited to the Local Government Fund or to the Local Government 42820  
Revenue Assistance Fund; 42821

(11) In May 2006 and May 2007, seventy per cent of 42822  
\$3,300,718.22 shall be credited to the Local Government Fund and 42823  
seventy per cent of \$471,531.17 shall be credited to the Local 42824  
Government Revenue Assistance Fund; 42825

(12) In June 2006 and June 2007, seventy per cent of 42826  
\$9,344,500.89 shall be credited to the Local Government Fund and 42827  
seventy per cent of \$1,334,928.70 shall be credited to the Local 42828  
Government Revenue Assistance Fund. 42829

(F) Notwithstanding the amounts required to be credited 42830  
pursuant to division (C) of this section, the amount credited in 42831

June 2006 and June 2007 to the Local Government Fund and the Local  
Government Revenue Assistance Fund from the personal income tax  
shall be net of a reduction that may be required by division (I)  
of this section.

(G) Pursuant to division (B)(3) of this section, amounts  
shall be credited from the personal income tax to the Library and  
Local Government Support Fund as follows:

(1) In July 2005, one hundred per cent of the amount credited  
in July 2004; in July 2006, one hundred per cent of the amount  
credited in July 2005;

(2) In August 2005, one hundred per cent of the amount  
credited in August 2004; in August 2006, one hundred per cent of  
the amount credited in August 2005;

(3) In September 2005, one hundred per cent of the amount  
credited in September 2004; in September 2006, one hundred per  
cent of the amount credited in September 2005;

(4) In October 2005, one hundred per cent of the amount  
credited in October 2004; in October 2006, one hundred per cent of  
the amount credited in October 2005;

(5) In November 2005, one hundred per cent of the amount  
credited in November 2004; in November 2006, one hundred per cent  
of the amount credited in November 2005;

(6) In December 2005, one hundred per cent of the amount  
credited in December 2004; in December 2006, one hundred per cent  
of the amount credited in December 2005;

(7) In January 2006, one hundred per cent of the amount  
credited in January 2005; in January 2007, one hundred per cent of  
the amount credited in January 2006;

(8) In February 2006, one hundred per cent of the amount  
credited in February 2005; in February 2007, one hundred per cent

of the amount credited in February 2006;	42862
(9) In March 2006, one hundred per cent of the amount	42863
credited in March 2005; in March 2007, one hundred per cent of the	42864
amount credited in March 2006;	42865
(10) In April 2006, one hundred per cent of the amount	42866
credited in April 2005; in April 2007, one hundred per cent of the	42867
amount credited in April 2006;	42868
(11) In May 2006, one hundred per cent of the amount credited	42869
in May 2005; in May 2007, one hundred per cent of the amount	42870
credited in May 2006;	42871
(12) In June 2006, one hundred per cent of the amount	42872
credited in June 2005, less any reduction that may be required by	42873
division (I) of this section; in June 2007, one hundred per cent	42874
of the amount credited in June 2006, less any reduction that may	42875
be required by division (I) of this section.	42876
(H) The total amount credited to the Local Government Fund,	42877
the Local Government Revenue Assistance Fund, and the Library and	42878
Local Government Support Fund in each month during the period July	42879
2005 through June 2007 shall be distributed by the tenth day of	42880
the immediately succeeding month in the following manner:	42881
(1) Each county undivided local government fund shall receive	42882
a distribution from the Local Government Fund based on its	42883
proportionate share of the total amount received from the fund in	42884
such respective month for the period August 1, 2004, through July	42885
31, 2005.	42886
(2) Each municipal corporation receiving a direct	42887
distribution from the Local Government Fund shall receive a	42888
distribution based on its proportionate share of the total amount	42889
received from the fund in such respective month for the period	42890
August 1, 2004, through July 31, 2005.	42891

(3) Each county undivided local government revenue assistance fund shall receive a distribution from the Local Government Revenue Assistance Fund based on its proportionate share of the total amount received from the fund in such respective month for the period August 1, 2004, through July 31, 2005.

(4) Each county undivided library and local government support fund shall receive a distribution from the Library and Local Government Support Fund based on its proportionate share of the total amount received from the fund in such respective month for the period August 1, 2004, through July 31, 2005.

(I) The Tax Commissioner shall do each of the following:

(1) By June 7, 2006, the Commissioner shall subtract the amount calculated in division (I)(1)(b) of this section from the amount calculated in division (I)(1)(a) of this section. If the amount in division (I)(1)(a) of this section is greater than the amount in division (I)(1)(b) of this section, then such difference shall be subtracted from the total amount of income tax revenue credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund in June 2006. An amount shall be subtracted from income tax revenue credited to the Local Government Fund, the Local Government Revenue Assistance Fund, or the Library and Local Government Support Fund only if, and according to the proportion by which, such fund contributed to the result that the amount in division (I)(1)(a) of this section exceeds the amount in division (I)(1)(b) of this section.

(a) The sum of all money credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund from July 2005 through May 2006. The sum computed in division (I)(1)(a) of this section shall exclude any dealer in intangibles tax revenues credited to

the Local Government Fund. 42923

(b) The sum of all money that would have been credited to the 42924  
Local Government Fund, the Local Government Revenue Assistance 42925  
Fund, and the Library and Local Government Support Fund from July 42926  
2005 through May 2006, if sections 5727.45, 5727.84, 5733.12, 42927  
5739.21, 5741.03, and 5747.03 of the Revised Code were in effect 42928  
during this period. 42929

(2) By June 7, 2007, the Commissioner shall subtract the 42930  
amount calculated in division (I)(2)(b) of this section from the 42931  
amount calculated in division (I)(2)(a) of this section. If the 42932  
amount in division (I)(2)(a) of this section is greater than the 42933  
amount in division (I)(2)(b) of this section, then such difference 42934  
shall be subtracted from the total amount of income tax revenue 42935  
credited to the Local Government Fund, the Local Government 42936  
Revenue Assistance Fund, and the Library and Local Government 42937  
Support Fund in June 2007. An amount shall be subtracted from 42938  
income tax revenue credited to the Local Government Fund, the 42939  
Local Government Revenue Assistance Fund, or the Library and Local 42940  
Government Support Fund only if, and according to the proportion 42941  
by which, such fund contributed to the result that the amount in 42942  
division (I)(2)(a) of this section exceeds the amount in division 42943  
(I)(2)(b) of this section. 42944

(a) The sum of all money credited to the Local Government 42945  
Fund, the Local Government Revenue Assistance Fund, and the 42946  
Library and Local Government Support Fund from June 2006 through 42947  
May 2007. The sum computed in division (I)(2)(a) of this section 42948  
shall exclude any dealer in intangibles tax revenues credited to 42949  
the Local Government Fund and shall be prior to any reduction 42950  
required by division (I)(1) of this section. 42951

(b) The sum of all money that would have been credited to the 42952  
Local Government Fund, the Local Government Revenue Assistance 42953

Fund, and the Library and Local Government Support Fund from June 2006 through May 2007, if sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code were in effect during this period.

(3) On the advice of the Tax Commissioner, during any month other than June 2006 or June 2007 of the period July 1, 2005, through July 31, 2007, the Director of Budget and Management may reduce the amounts that are to be otherwise credited to the Local Government Fund, Local Government Revenue Assistance Fund, or Library and Local Government Support Fund in order to accomplish more effectively the purposes of the adjustments in divisions (I)(1) and (2) of this section. If the respective calculations made in June 2006 and June 2007 pursuant to divisions (I)(1) and (2) of this section indicate that excess reductions had been made during the previous months, such excess amounts shall be credited, as appropriate, to the Local Government Fund, Local Government Revenue Assistance Fund, and Library and Local Government Support Fund.

(J) For the 2005, 2006, and 2007 distribution years, the Tax Commissioner is not required to issue the certifications otherwise required by sections 5747.47, 5747.501, 5747.51, and 5747.61 of the Revised Code, but shall provide to each county auditor by the twentieth day of July 2005, July 2006, and July 2007 an estimate of the amounts to be received by the county in the ensuing year from the Local Government Fund, Local Government Revenue Assistance Fund, and Library and Local Government Support Fund pursuant to this section and any pertinent section of the Revised Code. At the discretion of the Tax Commissioner, the Tax Commissioner may report to each county auditor additional revised estimates of the 2005, 2006, or 2007 distributions at any time during the period July 1, 2005, through July 31, 2007.

(K) During the period July 1, 2005, through July 31, 2007,

the Director of Budget and Management shall issue such directives 42986  
to state agencies that are necessary to ensure that the 42987  
appropriate amounts are distributed to the Local Government Fund, 42988  
to the Local Government Revenue Assistance Fund, and to the 42989  
Library and Local Government Support Fund. 42990

(L) No subdivision shall receive a proportionate share from 42991  
the county undivided local government fund or county undivided 42992  
local government revenue assistance fund during the period July 1, 42993  
2005, through June 30, 2007, that is less than the proportionate 42994  
share the subdivision received from that fund during the period 42995  
July 1, 2004, through June 30, 2005, unless the subdivision 42996  
consents to receive the lesser proportionate share. Division (L) 42997  
of this section does not apply to a decrease in the proportionate 42998  
share of a county as a subdivision under division (H) of section 42999  
5747.51, division (E) of section 5747.53, division (H) of section 43000  
5747.62, or division (E) of section 5747.63 of the Revised Code. 43001

**Sec. 612.36.03.** (A) Except as otherwise provided in ~~division~~ 43002  
divisions (B)(1) and (2) of this section, the amendments to 43003  
section 3301.0711 of the Revised Code by Am. Sub. H.B. 66 of the 43004  
126th General Assembly are not subject to the referendum. 43005  
Therefore, under Ohio Constitution, Article II, Section 1d and 43006  
section 1.471 of the Revised Code, the amendments go into 43007  
immediate effect when H.B. 530 of the 126th General Assembly 43008  
becomes law. 43009

(B)(1) The amendments to division (G) of section 3301.0711 of 43010  
the Revised Code by Am. Sub. H.B. 66 of the 126th General Assembly 43011  
are subject to the referendum. Therefore, under Ohio Constitution, 43012  
Article II, Section 1c and section 1.471 of the Revised Code, the 43013  
amendments take effect July 1, 2006. If, however, a referendum 43014  
petition is filed against the amendments, the amendments, unless 43015  
rejected at the referendum, take effect at the earliest time 43016

permitted by law that is on or after the effective date specified 43017  
in this division. 43018

~~(B)~~(2) The amendments to division (N) of section 3301.0711 of 43019  
the Revised Code by Am. Sub. H.B. 66 of the 126th General Assembly 43020  
are not subject to the referendum. Therefore, under Ohio 43021  
Constitution, Article II, Section 1d and section 1.471 of the 43022  
Revised Code, the amendments go into immediate effect. 43023

**Section 606.18.** That existing Sections 203.09, 203.12, 43024  
203.12.12, 203.45, 203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 43025  
203.99.01, 203.99.30, 203.99.48, 206.03, 206.09, 206.09.12, 43026  
206.09.15, 206.09.21, 206.09.27, 206.09.36, 206.09.39, 206.09.42, 43027  
206.09.61, 206.09.63, 206.09.66, 206.09.84, 206.16, 206.42, 43028  
206.42.09, 206.48, 206.66, 206.66.22, 206.66.23, 206.66.36, 43029  
206.66.64, 206.66.66, 206.66.84, 206.66.85, 206.66.91, 206.67.15, 43030  
206.67.21, 206.99, 209.04, 209.06.06, 209.06.09, 209.09.06, 43031  
209.09.18, 209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 43032  
209.36, 209.45, 209.63, 209.63.42, 209.64.60, 209.72, 209.75, 43033  
209.78.03, 209.81, 209.90.06, 212.03, 212.24, 212.27, 212.30, 43034  
212.33, 557.12, and 612.36.03 of Am. Sub. H.B. 66 of the 126th 43035  
General Assembly are hereby repealed. 43036

**Section 606.18.03.** COMPENSATION FOR NURSING FACILITY AND 43037  
ICF/MR CAPITAL COSTS 43038

The appropriation item 600-529, Capital Compensation Program, 43039  
shall be used to make payments to nursing facilities and 43040  
intermediate care facilities for the mentally retarded under 43041  
Section 606.18.06 of this act. 43042

The unencumbered balance of appropriation item 600-529, 43043  
Capital Compensation Program, at the end of fiscal year 2006 is 43044  
hereby appropriated to fiscal year 2007 for use under the same 43045  
appropriation item. 43046

Section 606.18.06. FISCAL YEARS 2006 AND 2007 PAYMENTS TO	43047
CERTAIN NURSING FACILITIES AND ICFs/MR	43048
(A) As used in this section:	43049
"Capital costs," "cost of ownership," and "renovation" have	43050
the same meanings as in section 5111.20 of the Revised Code as	43051
that section existed on June 30, 2005.	43052
"Change of operator" has the same meaning as in section	43053
5111.65 of the Revised Code.	43054
"ICF/MR" means an intermediate care facility for the mentally	43055
retarded.	43056
"Inpatient days," "intermediate care facility for the	43057
mentally retarded," "Medicaid days," and "nursing facility" have	43058
the same meanings as in section 5111.20 of the Revised Code.	43059
"Reviewable activity" has the same meaning as in section	43060
3702.51 of the Revised Code.	43061
(B) The following qualify for per diem payments under this	43062
section:	43063
(1) A nursing facility to which both of the following apply:	43064
(a) Both of the following occurred during fiscal year 2006 or	43065
2007:	43066
(i) The facility obtained certification as a nursing facility	43067
from the Director of Health.	43068
(ii) The facility began participating in the Medicaid	43069
program.	43070
(b) An application for a certificate of need for the nursing	43071
facility was filed with the Director of Health before June 15,	43072
2005.	43073
(2) An ICF/MR to which both of the following apply:	43074

(a) Both of the following occurred during fiscal year 2006 or 2007:	43075 43076
(i) The facility obtained certification as an intermediate care facility for the mentally retarded from the Director of Health.	43077 43078 43079
(ii) The facility began participating in the Medicaid program.	43080 43081
(b) At least one of the following occurred before June 30, 2005:	43082 43083
(i) Any materials or equipment for the facility were delivered.	43084 43085
(ii) Preparations for the physical site of the facility, including, if applicable, excavation, began.	43086 43087
(iii) Actual work on the facility began.	43088
(3) A nursing facility to which all of the following apply:	43089
(a) The nursing facility does not qualify for a payment pursuant to division (B)(1) of this section.	43090 43091
(b) The nursing facility, before June 30, 2007, completes a capital project for which a certificate of need was filed with the Director of Health before June 15, 2005, and for which at least one of the following occurred before July 1, 2005, or, if the capital project is undertaken to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June 30, 2007:	43092 43093 43094 43095 43096 43097 43098
(i) Any materials or equipment for the capital project were delivered;	43099 43100
(ii) Preparations for the physical site of the capital project, including, if applicable, excavation, began;	43101 43102
(iii) Actual work on the capital project began.	43103

(c) The costs of the capital project are not fully reflected	43104
in the capital costs portion of the nursing facility's Medicaid	43105
reimbursement per diem rate on June 30, 2005.	43106
(d) The nursing facility files a three-month projected	43107
capital cost report with the Director of Job and Family Services	43108
not later than sixty days after the later of the effective date of	43109
this section or the date the capital project is completed.	43110
(4) An ICF/MR to which all of the following apply:	43111
(a) The ICF/MR does not qualify for a payment pursuant to	43112
division (B)(2) of this section.	43113
(b) The ICF/MR, before June 30, 2007, completes a capital	43114
project for which at least one of the following occurred before	43115
July 1, 2005:	43116
(i) Any materials or equipment for the capital project were	43117
delivered.	43118
(ii) Preparations for the physical site of the capital	43119
project, including, if applicable, excavation, began.	43120
(iii) Actual work on the capital project began.	43121
(c) The costs of the capital project are not fully reflected	43122
in the capital costs portion of the ICF/MR's Medicaid	43123
reimbursement per diem rate on June 30, 2005.	43124
(d) The ICF/MR files a three-month projected capital cost	43125
report with the Director of Job and Family Services not later than	43126
sixty days after the later of the effective date of this section	43127
or the date the capital project is completed.	43128
(5) A nursing facility that, before June 30, 2007, completes	43129
an activity to which all of the following apply:	43130
(a) A request was filed with the Director of Health before	43131
July 1, 2005, for a determination of whether the activity is a	43132

reviewable activity and the Director determined that the activity  
is not a reviewable activity. 43133  
43134

(b) At least one of the following occurred before July 1,  
2005, or, if the nursing facility undertakes the activity to  
comply with rules adopted by the Public Health Council regarding  
resident room size or occupancy, before June 30, 2007: 43135  
43136  
43137  
43138

(i) Any materials or equipment for the activity were  
delivered. 43139  
43140

(ii) Preparations for the physical site of the activity,  
including, if applicable, excavation, began. 43141  
43142

(iii) Actual work on the activity began. 43143

(c) The costs of the activity are not fully reflected in the  
capital costs portion of the nursing facility's Medicaid  
reimbursement per diem rate on June 30, 2005. 43144  
43145  
43146

(d) The nursing facility files a three-month projected  
capital cost report with the Director of Job and Family Services  
not later than sixty days after the later of the effective date of  
this section or the date the activity is completed. 43147  
43148  
43149  
43150

(6) A nursing facility or ICF/MR that, before June 30, 2007,  
completes a renovation to which all of the following apply: 43151  
43152

(a) The Director of Job and Family Services approved the  
renovation before July 1, 2005. 43153  
43154

(b) At least one of the following occurred before July 1,  
2005, or, if the facility undertakes the renovation to comply with  
rules adopted by the Public Health Council regarding resident room  
size or occupancy, before June 30, 2007: 43155  
43156  
43157  
43158

(i) Any materials or equipment for the renovation were  
delivered. 43159  
43160

(ii) Preparations for the physical site of the renovation, 43161

including, if applicable, excavation, began. 43162

(iii) Actual work on the renovation began. 43163

(c) The costs of the renovation are not fully reflected in 43164  
the capital costs portion of the facility's Medicaid reimbursement 43165  
per diem rate on June 30, 2005. 43166

(d) The facility files a three-month projected capital cost 43167  
report with the Director of Job and Family Services not later than 43168  
sixty days after the later of the effective date of this section 43169  
or the date the renovation is completed. 43170

(C) If a nursing facility qualifies for per diem payments 43171  
pursuant to division (B)(1) of this section for fiscal year 2006, 43172  
the nursing facility's per diem payments under this section for 43173  
fiscal year 2006 shall equal the difference between the capital 43174  
costs portion of nursing facility's Medicaid reimbursement per 43175  
diem rate determined under Section 206.66.22 of Am. Sub. H.B. 66 43176  
of the 126th General Assembly, as amended by this act, and the 43177  
lesser of the following: 43178

(1) Eighty-eight and sixty-five hundredths per cent of the 43179  
nursing facility's cost of ownership as reported on a three-month 43180  
projected capital cost report divided by the greater of the number 43181  
of inpatient days the nursing facility is expected to have during 43182  
the period covered by the projected capital cost report or the 43183  
number of inpatient days the nursing facility would have during 43184  
that period if the nursing facility's occupancy rate was eighty 43185  
per cent. 43186

(2) The maximum capital per diem rate in effect for fiscal 43187  
year 2005 for nursing facilities. 43188

(D) If a nursing facility qualifies for per diem payments 43189  
pursuant to division (B)(1) of this section for fiscal year 2007, 43190  
the nursing facility's per diem payments under this section for 43191

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  
year 2005 for nursing facilities.

(E) If an ICF/MR qualifies for per diem payments pursuant to  
division (B)(2) of this section, the ICF/MR's per diem payments  
under this section shall equal the difference between the capital  
costs portion of the ICF/MR's Medicaid reimbursement per diem rate  
determined under Section 206.66.25 of Am. Sub. H.B. 66 of the  
126th General Assembly and the lesser of the following:

(1) The ICF/MR'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 ICF/MR is expected to have  
during the period covered by the projected capital cost report or  
the number of inpatient days the ICF/MR would have during that  
period if the ICF/MR's occupancy rate was eighty per cent.

(2) The maximum capital per diem rate in effect for fiscal  
year 2005 for ICFs/MR.

(F) The per diem payments paid for fiscal year 2006 to a  
nursing facility that qualifies for the payments pursuant to

division (B)(3) or (5) of this section shall equal the difference 43223  
between the capital costs portion of the nursing facility's 43224  
Medicaid reimbursement per diem rate determined under Section 43225  
206.66.22 of Am. Sub. H.B. 66 of the 126th General Assembly, as 43226  
amended by this act, and the lesser of the following: 43227

(1) Eighty-eight and sixty-five hundredths per cent of the 43228  
nursing facility's cost of ownership as reported on a three-month 43229  
projected capital cost report divided by the greater of the number 43230  
of inpatient days the nursing facility is expected to have during 43231  
the period covered by the projected capital cost report or the 43232  
number of inpatient days the nursing facility would have during 43233  
that period if the nursing facility's occupancy rate was 43234  
ninety-five per cent. 43235

(2) The maximum capital per diem rate in effect for fiscal 43236  
year 2005 for nursing facilities. 43237

(G) The per diem payments paid for fiscal year 2007 to a 43238  
nursing facility that qualifies for the payments pursuant to 43239  
division (B)(3) or (5) of this section shall equal the difference 43240  
between the capital costs portion of the nursing facility's 43241  
Medicaid reimbursement per diem rate determined under Section 43242  
206.66.23 of Am. Sub. H.B. 66 of the 126th General Assembly, as 43243  
amended by this act, and the lesser of the following: 43244

(1) Eighty-eight and sixty-five hundredths per cent of the 43245  
nursing facility's cost of ownership as reported on a three-month 43246  
projected capital cost report divided by the greater of the number 43247  
of inpatient days the nursing facility is expected to have during 43248  
the period covered by the projected capital cost report or the 43249  
number of inpatient days the nursing facility would have during 43250  
that period if the nursing facility's occupancy rate was 43251  
ninety-five per cent. 43252

(2) The maximum capital per diem rate in effect for fiscal 43253

year 2005 for nursing facilities. 43254

(H) The per diem payments paid to an ICF/MR that qualifies 43255  
for the payments pursuant to division (B)(4) of this section shall 43256  
equal the difference between the capital costs portion of the 43257  
ICF/MR's Medicaid reimbursement per diem rate determined under 43258  
Section 206.66.25 of Am. Sub. H.B. 66 of the 126th General 43259  
Assembly and the lesser of the following: 43260

(1) The ICF/MR's cost of ownership as reported on a 43261  
three-month projected capital cost report divided by the greater 43262  
of the number of inpatient days the ICF/MR is expected to have 43263  
during the period covered by the projected capital cost report or 43264  
the number of inpatient days the ICF/MR would have during that 43265  
period if the ICF/MR's occupancy rate was ninety-five per cent. 43266

(2) The maximum capital per diem rate in effect for fiscal 43267  
year 2005 for ICFs/MR. 43268

(I) The per diem payments paid to a nursing facility that 43269  
qualifies for the payments pursuant to division (B)(6) of this 43270  
section shall equal eighty-five per cent of the nursing facility's 43271  
capital costs for the renovation as reported on a three-month 43272  
projected capital cost report divided by the greater of the number 43273  
of inpatient days the nursing facility is expected to have during 43274  
the period covered by the projected capital cost report or the 43275  
number of inpatient days the nursing facility would have during 43276  
that period if the nursing facility's occupancy rate was 43277  
ninety-five per cent. 43278

(J) The per diem payments paid to an ICF/MR that qualifies 43279  
for the payments pursuant to division (B)(6) of this section shall 43280  
equal the ICF/MR's capital costs for the renovation as reported on 43281  
a three-month projected capital cost report divided by the greater 43282  
of the number of inpatient days the ICF/MR is expected to have 43283  
during the period covered by the projected capital cost report or 43284

the number of inpatient days the ICF/MR would have during that 43285  
period if the ICF/MR's occupancy rate was ninety-five per cent. 43286

(K) All of the following apply to the per diem payments made 43287  
under this section: 43288

(1) No nursing facility or ICF/MR shall qualify for the 43289  
payments before the following: 43290

(a) In the case of a nursing facility or ICF/MR that 43291  
qualifies for the payments pursuant to division (B)(1) or (2) of 43292  
this section, the later of January 1, 2006, or the date the 43293  
nursing facility or ICF/MR begins to participate in the Medicaid 43294  
program; 43295

(b) In the case of a nursing facility or ICF/MR that 43296  
qualifies for the payments pursuant to division (B)(3), (4), (5), 43297  
or (6) of this section, the later of January 1, 2006, or the date 43298  
the capital project, activity, or renovation is placed into 43299  
service. 43300

(2) All nursing facilities and ICFs/MR's eligibility for the 43301  
payments shall cease at the earlier of the following: 43302

(a) July 1, 2007; 43303

(b) The date that the total amount of the payments equals ten 43304  
million dollars. 43305

(3) The payments made for the last quarter that the payments 43306  
are made may be reduced proportionately as necessary to avoid 43307  
spending more than ten million dollars under this section. 43308

(4) The per diem payments shall be made for quarterly periods 43309  
by multiplying the per diem determined for a nursing facility or 43310  
ICF/MR by the number of Medicaid days the facility has for the 43311  
quarter the payment is made. 43312

(5) Any per diem payments to be made to a nursing facility or 43313  
ICF/MR for a quarter ending before July 2006 shall be made not 43314

later than September 30, 2006. 43315

(6) Any per diem payments to be made to a nursing facility or ICF/MR for a quarter beginning after June 2006 shall be made not later than three months after the last day of the quarter for which the payments are made. 43316  
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(7) A change of operator shall not cause the payments to a nursing facility or ICF/MR to cease. 43320  
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(8) The payments shall only be made to a nursing facility or ICF/MR for the quarters during fiscal years 2006 and 2007 for which the facility has a valid Medicaid provider agreement. 43322  
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(9) The payments shall be in addition to a nursing facility or ICF/MR's Medicaid reimbursement per diem rate calculated under Section 206.66.22, 206.66.23, or 206.66.25 of Am. Sub. H.B. 66 of the 126th General Assembly, as, in the case of Sections 206.66.22 and 206.66.23, amended by this act. 43325  
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(L) The Director of Job and Family Services shall monitor, on a quarterly basis, the per diem payments made to nursing facilities and ICFs/MR under this section to ensure that no more than a total of ten million dollars is spent under this section. 43330  
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43333

(M) The determinations that the Director of Job and Family Services makes under this section are not subject to appeal under Chapter 119. of the Revised Code. 43334  
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(N) The Director of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. The Director's failure to adopt the rules does not affect the requirement that the per diem payments be made under this section. 43337  
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**Section 606.18.09. BCMH - MEDICARE PART D COPAYMENTS** 43342

(A) As used in this section: 43343

- (1) "Approved drug" means a drug approved by the Department of Health for the program for medically handicapped children or program for adults with cystic fibrosis that is a covered part D drug on the formulary of a participant's plan. 43344  
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- (2) "Copayment" means a dollar amount charged for, or a percentage of the total price of, an approved drug prescribed for a participant that meets all of the following criteria: 43348  
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- (a) Is assessed by the participant's plan either at the time the prescription for the drug is presented or the drug is dispensed; 43351  
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- (b) Is not otherwise covered by the participant's plan or any other third party benefits, including any benefits provided by a government entity; 43354  
43355  
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- (c) Is not a premium or deductible. 43357
- (3) "Covered part D drug" has the same meaning as in section 101(e) of the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, 117 Stat. 2066, as amended. 43358  
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- (4) "Participant" means an individual enrolled in the program for medically handicapped children or the program for adults with cystic fibrosis. 43362  
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- (5) "Pharmacist" means a person licensed under Chapter 4729. of the Revised Code to engage in the practice of pharmacy. 43365  
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- (6) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 43367  
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- (7) "Pharmacy provider" means a pharmacist or pharmacy that has entered into a provider agreement with the Department of Health for purposes of the program for medically handicapped children or the program for adults with cystic fibrosis. 43369  
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- (8) "Plan" means a health plan providing qualified 43373

prescription drug coverage under the "Medicare Prescription Drug, 43374  
Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, 43375  
117 Stat. 2066, as amended. 43376

(9) "Program for medically handicapped children" and "program 43377  
for adults with cystic fibrosis" mean the programs established 43378  
under section 3701.023 of the Revised Code. 43379

(B) For fiscal year 2007 only, the Department of Health shall 43380  
pay a pharmacy provider for a copayment. 43381

(C) The Public Health Council may adopt rules as necessary to 43382  
implement this section. The rules may be initially adopted as 43383  
emergency rules. 43384

**Section 606.23.** That Sections 19.01, 20.01, 22.04, 23.12, and 43385  
23.45 of Am. Sub. H.B. 16 of the 126th General Assembly, as 43386  
amended by Am. Sub. H.B. 66 of the 126th General Assembly, be 43387  
amended to read as follows: 43388

**Sec. 19.01.** All items set forth in this section are hereby 43389  
appropriated out of any moneys in the state treasury to the credit 43390  
of the Cultural and Sports Facilities Building Fund (Fund 030) 43391  
that are not otherwise appropriated. 43392

Appropriations

AFC CULTURAL FACILITIES COMMISSION			43393
CAP-010	Sandusky State Theatre Improvements	\$ 325,000	43394
CAP-013	Stambaugh Hall Improvements	\$ 250,000	43395
CAP-033	Woodward Opera House Renovation	\$ 100,000	43396
CAP-038	Center Exhibit Replacement	\$ 816,000	43397
CAP-043	Statewide Site Repairs	\$ 100,000	43398
CAP-044	National Underground Railroad Freedom Center	\$ 4,150,000	43399
CAP-046	Cincinnati Museum Center Improvements	\$ 250,000	43400
CAP-052	Akron Art Museum	\$ 1,012,500	43401

CAP-053	Powers Auditorium Improvements - Eleanor Beecher Flad Pavilion	\$	250,000	43402
CAP-065	Beck Center for the Cultural Arts	\$	100,000	43403
<del>CAP-069</del>	<del>Cleveland Institute of Art</del>	<del>\$</del>	<del>250,000</del>	43404
CAP-071	Cleveland Institute of Music	\$	750,000	43405
CAP-073	Marina District/Ice Arena Development	\$	3,500,000	43406
CAP-074	Stan Hywet Hall & Gardens - West Vista Restoration	\$	750,000	43407
CAP-745	Emergency Repairs	\$	838,560	43408
CAP-769	Rankin House State Memorial	\$	192,000	43409
CAP-781	Archives and Library Automation	\$	624,000	43410
CAP-784	Center Rehabilitation	\$	960,000	43411
CAP-806	Grant Boyhood Home Improvements	\$	480,000	43412
CAP-812	Schuster Arts Center	\$	5,500,000	43413
CAP-823	Marion Palace Theatre	\$	750,000	43414
CAP-826	Renaissance Theatre	\$	750,000	43415
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	43416
CAP-835	Jamestown Opera House	\$	125,000	43417
CAP-844	Charles A. Eulett Education Center/Edge of Appalachia Museum Center	\$	1,850,000	43418
CAP-845	Lima Historic Athletic Field	\$	100,000	43419
CAP-846	Butler Palace Theatre	\$	200,000	43420
CAP-847	Voice of America Museum	\$	275,000	43421
CAP-848	Oxford Arts Center ADA Project	\$	72,000	43422
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	43423
CAP-850	Westcott House Historic Site	\$	75,000	43424
CAP-851	General Lytle Homestead - Harmony Hill	\$	50,000	43425
CAP-852	Miami Township Community Amphitheatre	\$	50,000	43426
CAP-853	Western Reserve Historical Society	\$	1,000,000	43427
CAP-854	Steamship Mather Museum	\$	100,000	43428
CAP-855	Rock and Roll Hall of Fame	\$	250,000	43429

<del>CAP-856</del>	<del>Friendly Inn Settlement House Historic Site</del>	<del>\$</del>	<del>250,000</del>	43430
<del>CAP-857</del>	<del>Merrick House Historic Site</del>	<del>\$</del>	<del>250,000</del>	43431
CAP-858	Strongsville Historic Building	\$	100,000	43432
CAP-859	Arts Castle	\$	100,000	43433
CAP-860	Great Lakes Historical Society	\$	325,000	43434
CAP-861	Ohio Glass Museum	\$	250,000	43435
<del>CAP-862</del>	<del>Goll Wood Homestead</del>	<del>\$</del>	<del>50,000</del>	43436
CAP-863	Ariel Theatre	\$	100,000	43437
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	43438
CAP-866	Sports Facilities Improvements - Cincinnati	\$	4,350,000	43439
CAP-867	Ensemble Theatre	\$	450,000	43440
CAP-868	Taft Museum	\$	500,000	43441
CAP-869	Art Academy of Cincinnati	\$	100,000	43442
CAP-870	Riverbend Pavilion Improvements	\$	250,000	43443
CAP-871	Cincinnati Art & Technology Academy - Longworth Hall	\$	100,000	43444
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	43445
CAP-873	John Bloomfield Home Restoration	\$	115,000	43446
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	43447
CAP-875	Hocking County Historical Society - Schempp House	\$	10,000	43448
CAP-876	Art Deco Markay Theater	\$	200,000	43449
CAP-877	Harvey Wells House	\$	100,000	43450
CAP-878	Bryn Du	\$	250,000	43451
CAP-879	Broad Street Historical Renovation	\$	300,000	43452
CAP-880	Amherst Historical Society	\$	35,000	43453
CAP-881	COSI - Toledo	\$	1,900,000	43454
CAP-882	Ohio Theatre - Toledo	\$	100,000	43455
CAP-883	Chester Academy Historic Site Renovations	\$	25,000	43456
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	43457

CAP-885	Montgomery County Historical Society	\$	100,000	43458
	Archives			
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	43459
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	43460
CAP-888	Preble County Historical Society	\$	100,000	43461
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	43462
CAP-890	Pro Football Hall of Fame	\$	400,000	43463
CAP-891	MAPS Air Museum	\$	15,000	43464
CAP-892	Foundation Community Theatre	\$	50,000	43465
CAP-893	William McKinley Library Restoration	\$	250,000	43466
CAP-894	Hale Farm & Village	\$	250,000	43467
CAP-896	Richard Howe House	\$	100,000	43468
CAP-897	Ward-Thomas Museum	\$	30,000	43469
CAP-898	Packard Music Hall Renovation Project	\$	<del>100,000</del>	43470
			<u>1,075,000</u>	
CAP-899	Holland Theatre	\$	100,000	43471
CAP-900	Van Wert Historical Society	\$	32,000	43472
CAP-901	Warren County Historical Society	\$	225,000	43473
CAP-902	Marietta Colony Theatre	\$	335,000	43474
CAP-903	West Salem Village Opera House	\$	92,000	43475
CAP-904	Beavercreek Community Theater	\$	100,000	43476
CAP-905	Smith Orr Homestead	\$	100,000	43477
	Total Cultural Facilities Commission	\$	<del>41,165,060</del>	43478
			<u>41,340,060</u>	
	TOTAL Cultural and Sports Facilities Building Fund	\$	<del>41,165,060</del>	43479
			<u>41,340,060</u>	

**Sec. 20.01.** All items set forth in this section are hereby 43481  
appropriated out of any moneys in the state treasury to the credit 43482  
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 43483  
not otherwise appropriated. 43484

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 43485

	STATEWIDE AND LOCAL PROJECTS		43486
CAP-012	Land Acquisition	\$ 750,000	43487
CAP-051	Buck Creek State Park - Camp/Dock Renovations	\$ 25,000	43488
CAP-060	East Fork State Park Renovation	\$ 50,000	43489
CAP-068	Kennedy Stone House	\$ 15,000	43490
CAP-080	Atwood Lake Conservancy District	\$ 75,000	43491
CAP-083	John Bryan State Park Shelter Construction	\$ 30,000	43492
CAP-084	Findley State Park General Improvements	\$ 12,500	43493
CAP-086	Scippo Creek Conservation	\$ 75,000	43494
CAP-087	Belpre City Swimming Pool	\$ 125,000	43495
CAP-705	Ohio-Erie Canal Tuscarawas River Logjam Removal	\$ 25,000	43496
CAP-748	Local Parks Projects - Statewide	\$ <del>2,511,079</del>	43497
		<u>2,561,079</u>	43498
CAP-753	Project Planning	\$ 1,144,316	43499
CAP-881	Dam Rehabilitation	\$ 5,000,000	43500
CAP-931	Wastewater/Water Systems Upgrades	\$ 2,900,000	43501
	Total Statewide and Local Projects	\$ <del>12,737,895</del>	43502
		<u>12,787,895</u>	
	Total Department of Natural Resources	\$ <del>12,737,895</del>	43503
		<u>12,787,895</u>	43504
	TOTAL Ohio Parks and Natural Resources Fund	\$ <del>12,737,895</del>	43505
		<u>12,787,895</u>	43506
	<u>GOLL WOOD HOMESTEAD</u>		43507
	<u>Of the foregoing appropriation item CAP-748, Local Parks</u>		43508
	<u>Projects - Statewide, \$50,000 shall be used for the Goll Wood</u>		43509
	<u>Homestead.</u>		43510
		Appropriations	
	<b>Sec. 22.04.</b> DMR DEPARTMENT OF MENTAL RETARDATION AND		43511

DEVELOPMENTAL DISABILITIES		43512
STATEWIDE AND CENTRAL OFFICE PROJECTS		43513
CAP-480 Community Assistance Projects	\$ 9,475,000	43514
CAP-955 Statewide Development Centers	\$ 3,257,257	43515
Total Statewide and Central Office Projects	\$ 12,732,257	43516
TOTAL Department of Mental Retardation and Developmental Disabilities	\$ 12,732,257	43517
TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND	\$ 22,782,257	43518
COMMUNITY ASSISTANCE PROJECTS		43519
The foregoing appropriation item CAP-480, Community Assistance Projects, may be used to provide community assistance funds for the development, purchase, construction, or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities shall be governed by the prevailing wage provisions in section 176.05 of the Revised Code.		43520 43521 43522 43523 43524 43525 43526 43527 43528 43529 43530 43531 43532
Of the foregoing appropriation item CAP-480, \$200,000 shall be used for the Achievement Centers for Children and \$250,000 shall be used for Bellefaire Jewish Children's Bureau.		43533 43534 43535
Notwithstanding any other provision of law to the contrary, of the foregoing appropriation item CAP-480, <del>\$250,000 shall be used for the Julie Billart facility and</del> \$75,000 shall be used for the Hanson Home.		43536 43537 43538 43539
	Appropriations	
Sec. 23.12. CLS CLEVELAND STATE UNIVERSITY		43540

CAP-023	Basic Renovations	\$	3,267,875	43541
<u>CAP-084</u>	<u>Neighborhood Centers Renovations</u>	\$	<u>500,000</u>	43542
CAP-125	College of Education Building	\$	8,057,262	43543
<u>CAP-148</u>	<u>Cleveland Institute of Art</u>	\$	<u>1,000,000</u>	43544
CAP-152	Rhodes Tower-Data Center Relocation	\$	1,000,000	43545
CAP-153	University Annex-Vacation and Demolition	\$	49,390	43546
CAP-154	Main Classroom Stair Tower & Entry	\$	1,500,000	43547
CAP-155	Cleveland Playhouse	\$	250,000	43548
CAP-156	Physical Education Building	\$	1,000,000	43549
	Rehabilitation			
Total Cleveland State University		\$	<del>15,124,527</del>	43550
			<u>16,624,527</u>	

NEIGHBORHOOD CENTERS RENOVATIONS 43551

Of the foregoing appropriation item CAP-084, Neighborhood 43552  
Centers Renovations, \$250,000 shall be used for renovations to the 43553  
Friendly Inn Settlement House and \$250,000 shall be used for 43554  
renovations to the Merrick House. 43555

**Sec. 23.45. STC STARK TECHNICAL COLLEGE** 43556

CAP-004	Basic Renovations	\$	438,295	43557
CAP-035	Business Technologies Addition	\$	1,378,892	43558
	Rehabilitation			
CAP-037	Fuel Cell Initiative	\$	250,000	43559
Total Stark Technical College		\$	2,067,187	43560
Total Board of Regents and State				43561
Institutions of Higher Education		\$	<del>490,956,498</del>	43562
			<u>492,456,498</u>	
TOTAL Higher Education Improvement Fund		\$	<del>492,883,536</del>	43563
			<u>492,456,498</u>	

**Section 606.24.** That existing Sections 19.01, 20.01, 22.04, 43565  
23.12, and 23.45 of Am. Sub. H.B. 16 of the 126th General 43566

Assembly, as amended by Am. Sub. H.B. 66 of the 126th General Assembly, are hereby repealed. 43567  
 43568

**Section 606.29.** That Sections 203.06.06 and 203.06.24 of Am. Sub. H.B. 68 of the 126th General Assembly, as amended by Am. Sub. H.B. 66 of the 126th General Assembly, be amended to read as follows: 43569  
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 43572

**Sec. 203.06.06. ENFORCEMENT** 43573

State Highway Safety Fund Group				43574
036 764-033 Minor Capital Projects	\$	1,250,000	\$ 1,250,000	43575
036 764-321 Operating Expense - Highway Patrol	\$	229,293,561	\$ 237,364,988	43576
036 764-605 Motor Carrier Enforcement Expenses	\$	2,643,022	\$ 2,670,911	43577
5AY 764-688 Traffic Safety Operating	\$	3,082,962	\$ 1,999,437	43578
83C 764-630 Contraband, Forfeiture, Other	\$	622,894	\$ 622,894	43579
83F 764-657 Law Enforcement Automated Data System	\$	7,324,524	\$ 7,544,260	43580
83G 764-633 OMVI Fines	\$	820,927	\$ 820,927	43581
<u>83J 764-693 Highway Patrol Justice Contraband</u>	<u>\$</u>	<u>2,100,000</u>	<u>\$ 2,100,000</u>	43582
<u>83T 764-694 Highway Patrol Treasury Contraband</u>	<u>\$</u>	<u>21,000</u>	<u>\$ 21,000</u>	43583
831 764-610 Patrol - Federal	\$	2,430,950	\$ 2,455,484	43584
831 764-659 Transportation Enforcement - Federal	\$	4,880,671	\$ 5,027,091	43585
837 764-602 Turnpike Policing	\$	9,942,621	\$ 10,240,900	43586
838 764-606 Patrol Reimbursement	\$	222,108	\$ 222,108	43587
840 764-607 State Fair Security	\$	1,496,283	\$ 1,496,283	43588

840 764-617	Security and Investigations	\$	8,145,192	\$	8,145,192	43589
840 764-626	State Fairgrounds Police Force	\$	788,375	\$	788,375	43590
841 764-603	Salvage and Exchange - Highway Patrol	\$	1,305,954	\$	1,339,399	43591
TOTAL HSF State Highway Safety						43592
Fund Group		\$	<del>274,250,044</del>	\$	<del>281,988,249</del>	43593
			<u>276,371,044</u>		<u>284,109,249</u>	
General Services Fund Group						43594
4S2 764-660	MARCS Maintenance	\$	252,432	\$	262,186	43595
TOTAL GSF General Services						43596
Fund Group		\$	252,432	\$	262,186	43597
<del>Federal Special Revenue Fund Group</del>						43598
<del>3BF 764-692</del>	<del>Federal Contraband, Forfeiture, and Other</del>	<del>\$</del>	<del>1,942,040</del>	<del>\$</del>	<del>1,942,040</del>	43599
<del>TOTAL FED Federal Special Revenue</del>		<del>\$</del>	<del>1,942,040</del>	<del>\$</del>	<del>1,942,040</del>	43600
<del>Fund Group</del>						
TOTAL ALL BUDGET FUND GROUPS -						43601
Enforcement		\$	<del>276,444,516</del>	\$	<del>284,192,475</del>	43602
			<u>276,623,476</u>		<u>284,371,435</u>	
CASH TRANSFER TO HIGHWAY PATROL FEDERAL CONTRABAND,						43603
FORFEITURE, AND OTHER FUND (FUND 3BF)						43604
On July 1, 2005, or as soon thereafter as possible,						43605
notwithstanding any other provision of law to the contrary, the						43606
Director of Budget and Management shall transfer \$1,942,040 in						43607
cash from the Highway Patrol State Contraband, Forfeiture, and						43608
Other Fund (Fund 83C) in the State Highway Safety Fund Group to						43609
the Highway Patrol Federal Contraband, Forfeiture, and Other Fund						43610
(Fund 3BF) in the Federal Special Revenue Fund Group.						43611
<u>CASH TRANSFERS FROM THE HIGHWAY PATROL FEDERAL CONTRABAND,</u>						43612

FORFEITURE, AND OTHER FUND (FUND 3BF) 43613

On the effective date of this section, or as soon as 43614  
practicable thereafter, the Director of Public Safety and the 43615  
Director of Budget and Management shall do all of the following: 43616

(A) The Director of Public Safety shall certify to the 43617  
Director of Budget and Management the amount of the cash balance 43618  
credited to the Highway Patrol Federal Contraband, Forfeiture, and 43619  
Other Fund (Fund 3BF) that consists of proceeds received by the 43620  
State Highway Patrol from the United States Department of Justice 43621  
pursuant to federal law from a sale of forfeited contraband, 43622  
proceeds from another disposition of forfeited contraband, or 43623  
forfeited contraband moneys, and any related investment or other 43624  
earnings, and the Director of Budget and Management shall transfer 43625  
that certified amount in cash to the credit of the Highway Patrol 43626  
Justice Contraband Fund (Fund 83J); 43627

(B) The Director of Public Safety shall certify to the 43628  
Director of Budget and Management the amount of the cash balance 43629  
credited to the Highway Patrol Federal Contraband, Forfeiture, and 43630  
Other Fund (Fund 3BF) that consists of proceeds received by the 43631  
State Highway Patrol from the United States Department of Treasury 43632  
pursuant to federal law from a sale of forfeited contraband, 43633  
proceeds from another disposition of forfeited contraband, or 43634  
forfeited contraband moneys, and any related investment or other 43635  
earnings, and the Director of Budget and Management shall transfer 43636  
that certified amount in cash to the credit of the Highway Patrol 43637  
Treasury Contraband Fund (Fund 83T). 43638

Upon completion of the cash transfers specified in divisions 43639  
(A) and (B) of this section, the Highway Patrol Federal 43640  
Contraband, Forfeiture, and Other Fund is abolished. The Director 43641  
of Budget and Management shall cancel any existing encumbrances 43642  
against appropriation item 764-692, Federal Contraband, 43643

Forfeiture, and Other, and re-establish them against appropriation 43644  
items 764-693, Highway Patrol Justice Contraband, and 764-694, 43645  
Highway Patrol Treasury Contraband, as appropriate, for the same 43646  
purpose and to the same vendor. As determined by the Director, the 43647  
appropriation authority necessary to re-establish those 43648  
encumbrances is hereby authorized. 43649

COLLECTIVE BARGAINING INCREASES 43650

Notwithstanding division (D) of section 127.14 and division 43651  
(B) of section 131.35 of the Revised Code, except for the General 43652  
Revenue Fund, the Controlling Board may, upon the request of 43653  
either the Director of Budget and Management, or the Department of 43654  
Public Safety with the approval of the Director of Budget and 43655  
Management, increase appropriations for any fund, as necessary for 43656  
the Department of Public Safety, to assist in paying the costs of 43657  
increases in employee compensation that have occurred pursuant to 43658  
collective bargaining agreements under Chapter 4117. of the 43659  
Revised Code and, for exempt employees, under section 124.152 of 43660  
the Revised Code. 43661

**Sec. 203.06.24. REVENUE DISTRIBUTION** 43662

Holding Account Redistribution Fund Group 43663

R24 762-619 Unidentified Public \$ 1,885,000 \$ 1,885,000 43664

Safety Receipts

R52 762-623 Security Deposits \$ 250,000 \$ 250,000 43665

TOTAL 090 Holding Account 43666

Redistribution Fund Group \$ 2,135,000 \$ 2,135,000 43667

TOTAL ALL BUDGET FUND GROUPS - 43668

Revenue Distribution \$ 2,135,000 \$ 2,135,000 43669

TRANSFER OF CASH BALANCE FROM FUND R27, HIGHWAY PATROL FEE 43670

REFUND FUND 43671

On July 1, 2005, or as soon as possible thereafter, the 43672

Director of Budget and Management shall transfer the cash balance				43673	
in the Highway Patrol Fee Refund Fund (Fund R27) created in former				43674	
section 4501.12 of the Revised Code to the Unidentified Public				43675	
Safety Receipts Fund (Fund R24).				43676	
TOTAL Department of Public Safety				43677	
TOTAL HSF State Highway Safety				43678	
Fund Group	\$	<del>459,009,425</del>	\$	<del>464,841,856</del>	43679
		<u>461,130,425</u>		<u>466,962,856</u>	
TOTAL SSR State Special Revenue				43680	
Fund Group	\$	3,634,144	\$	3,634,144	43681
TOTAL LCF Liquor Control				43682	
Fund Group	\$	10,120,365	\$	10,423,976	43683
TOTAL GSF General Services				43684	
Fund Group	\$	752,432	\$	762,186	43685
TOTAL FED Federal Special Revenue				43686	
Fund Group	\$	<del>168,045,804</del>	\$	<del>168,056,664</del>	43687
		<u>166,103,764</u>		<u>166,114,624</u>	
TOTAL AGY Agency Fund Group	\$	100,000	\$	100,000	43688
TOTAL 090 Holding Account				43689	
Redistribution					
Fund Group	\$	2,135,000	\$	2,135,000	43690
TOTAL ALL BUDGET FUND GROUPS	\$	<del>643,797,170</del>	\$	<del>649,953,826</del>	43691
		<u>643,976,130</u>		<u>650,132,786</u>	

**Section 606.30.** That existing Sections 203.06.06 and 203.06.24 of Am. Sub. H.B. 68 of the 126th General Assembly, as amended by Am. Sub. H.B. 66 of the 126th General Assembly, are hereby repealed.

**Section 609.05.** That Sections 23 and 23.01 of Am. Sub. S.B. 189 of the 125th General Assembly be amended to read as follows:

**Sec. 23.** All items set forth in this section are hereby

appropriated out of any moneys in the state treasury to the credit 43700  
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 43701  
not otherwise appropriated: 43702

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 43703

STATEWIDE AND LOCAL PROJECTS 43704

CAP-012	Land Acquisition	\$	958,039	43705
CAP-702	Upgrade Underground Fuel Storage Tanks	\$	999,294	43706
CAP-703	Cap Abandoned Water Wells	\$	189,482	43707
CAP-748	Local Parks Projects - Statewide	\$	3,406,183	43708
CAP-751	City of Portsmouth Launch Ramp	\$	15,989	43709
CAP-753	Project Planning	\$	118,360	43710
CAP-766	South Fork Licking Watershed Study	\$	600	43711
CAP-768	Grand River Wildlife Area	\$	2,700	43712
CAP-788	Community Recreation Projects	\$	60,000	43713
CAP-799	Village of Nelville Boat Ramp	\$	140,727	43714
CAP-800	City of Gallipolis Courtesy Dock	\$	8,700	43715
CAP-814	North of Rush Run Wildlife Area	\$	200	43716
CAP-834	Appraisal Fees - Statewide	\$	77,265	43717
CAP-844	Put-In-Bay Township Port Authority	\$	79,784	43718
CAP-868	New Philadelphia Office Relocation	\$	1,500,000	43719
CAP-881	Dam Rehabilitation	\$	14,998,701	43720
CAP-900	City of Huron Docks	\$	46,786	43721
CAP-928	Handicapped Accessibility	\$	743,285	43722
CAP-929	Hazardous Waste/Asbestos Abatement	\$	102,857	43723
CAP-931	Wastewater/Water Systems Upgrades	\$	9,439,572	43724
CAP-932	Wetlands/Waterfront Acquisition	\$	223,481	43725
CAP-934	Operations Facilities Development	\$	1,486,438	43726
CAP-963	Fairpoint Harbor Port Authority	\$	103,293	43727
CAP-995	Boundary Protection	\$	32,426	43728
CAP-999	Geographic Information Management System	\$	779,501	43729
Total Statewide and Local Projects		\$	35,513,663	43730

	DIVISION OF CIVILIAN CONSERVATION		43731
CAP-750	Quilter CCC Camp	\$ 900	43732
CAP-817	Riffe CCC Camp	\$ 1,309	43733
CAP-835	Civilian Conservation Facilities	\$ 1,847,074	43734
	Total Division of Civilian Conservation	\$ 1,849,283	43735
	DIVISION OF FORESTRY		43736
CAP-021	Mohican State Forest	\$ 1,200	43737
CAP-030	Shawnee State Forest	\$ 1,300	43738
CAP-073	Brush Creek State Forest	\$ 5,850	43739
CAP-146	Zaleski State Forest	\$ 200	43740
CAP-213	Shade River State Forest	\$ 200	43741
CAP-841	Operations and Maintenance Facility Development and Renovation	\$ 1,489,212	43742
CAP-977	Fernwood State Forest	\$ 7,181	43743
	Total Division of Forestry	\$ 1,505,143	43744
	DIVISION OF MINERAL RESOURCES MANAGEMENT		43745
CAP-867	Reclamation Facilities Renovation and Development	\$ 19,500	43746
	Total Division of Mineral Resources Management	\$ 19,500	43747
	DIVISION OF NATURAL AREAS AND PRESERVES		43748
CAP-006	Little Beaver Creek Nature Preserve	\$ 1,500	43749
CAP-826	Natural Areas and Preserves Maintenance/Facility Development	\$ 788,056	43750
CAP-831	Lake Katherine	\$ 17,699	43751
CAP-870	Little Miami Scenic River	\$ 4,800	43752
	Total Division of Natural Areas	\$ 812,055	43753
	DIVISION OF PARKS AND RECREATION		43754
CAP-003	Barkcamp State Park	\$ 3,025	43755
CAP-005	Cowan Lake State Park	\$ 34,684	43756
CAP-010	East Harbor State Park	\$ 41,329	43757
CAP-016	Hueston Woods State Park	\$ 2,500	43758
CAP-017	Indian Lake State Park	\$ 2,319	43759
CAP-018	Kelleys Island State Park	\$ 5,700	43760

CAP-019	Lake Hope State Park	\$	500	43761
CAP-025	Punderson Lake State Park	\$	8,997	43762
CAP-026	Pymatuning State Park	\$	2,650	43763
CAP-032	West Branch State Park	\$	6,243	43764
CAP-037	Kiser Lake State Park	\$	10,616	43765
CAP-051	Buck Creek State Park	\$	500	43766
CAP-052	Buckeye Lake State Park	\$	74,746	43767
CAP-060	East Fork State Park	\$	1,709	43768
CAP-064	Geneva State Park	\$	750	43769
CAP-069	Hocking Hills State Park	\$	472	43770
CAP-089	Mosquito Lake State Park	\$	<del>2,789</del> <u>27,789</u>	43771
CAP-093	Portage Lakes State Park	\$	44,676	43772
CAP-114	Beaver Creek State Park	\$	12,000	43773
CAP-119	Forked Run State Park	\$	5,123	43774
CAP-169	Lake White State Park	\$	3,100	43775
CAP-222	Wolf Run State Park	\$	205,787	43776
CAP-234	State Parks, Campgrounds, Lodges, and Cabins	\$	3,431,369	43777
CAP-305	Maumee Bay State Park	\$	900	43778
CAP-331	Park Boating Facilities	\$	5,411,873	43779
CAP-390	State Park Maintenance/Facility Development	\$	1,803,182	43780
CAP-718	Grand Lake St. Marys State Park	\$	7,490	43781
CAP-719	Indian Lake State Park	\$	7,610	43782
CAP-758	Muskingum River Parkway Lock #7	\$	1,146	43783
CAP-795	Headlands Beach State Park	\$	25,160	43784
CAP-815	Mary Jane Thurston State Park	\$	4,700	43785
CAP-825	Marblehead Lighthouse State Park	\$	1,233	43786
CAP-829	Sycamore State Park	\$	500	43787
CAP-836	State Park Renovations/Upgrading	\$	3,254,137	43788
CAP-851	Cleveland Lakefront	\$	47,051	43789
CAP-916	Lake Milton State Park	\$	46,509	43790
Total Division of Parks and Recreation		\$	<del>14,513,075</del>	43791

			<u>14,538,075</u>	
	DIVISION OF SOIL AND WATER CONSERVATION			43792
CAP-810	New Facilities at Farm Science Review	\$	500	43793
	Total Division of Soil and Water Conservation	\$	500	43794
	DIVISION OF WATER			43795
CAP-705	Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$	3,781,222	43796
CAP-730	Miami and Erie Canal	\$	700	43797
CAP-819	Rehabilitate/Automate - Ohio Ground Water Observation Well Network	\$	294,266	43798
CAP-820	Automated Stream, Lake, and Ground Water Data Collection	\$	509,396	43799
CAP-822	Flood Hazard Information Studies	\$	5,518	43800
CAP-848	Hazardous Dam Repair - Statewide	\$	267,000	43801
	Total Division of Water	\$	4,858,102	43802
	TOTAL Department of Natural Resources	\$	<del>59,071,321</del>	43803
			<u>59,096,321</u>	
	TOTAL Ohio Parks and Natural Resources Fund	\$	<del>59,071,321</del>	43804
			<u>59,096,321</u>	
	<b>Sec. 23.01. LAND ACQUISITION</b>			43806
	Of the foregoing appropriation item CAP-012, Land			43807
	Acquisition, \$300,000 shall be used by the City of Mentor to			43808
	purchase property for the Mentor Marsh.			43809
	<u>MOSQUITO LAKE STATE PARK</u>			43810
	<u>The amount reappropriated for the foregoing appropriation</u>			43811
	<u>item CAP-089, Mosquito Lake State Park, is the unencumbered and</u>			43812
	<u>unallotted balance as of June 30, 2004, in appropriation item</u>			43813
	<u>CAP-089, Mosquito Lake State Park, plus \$25,000. Of the foregoing</u>			43814
	<u>appropriation item CAP-089, Mosquito Lake State Park, up to</u>			43815
	<u>\$25,000 shall be used to conduct a state lodge feasibility study.</u>			43816
	MIAMI AND ERIE CANAL IMPROVEMENTS			43817

Of the foregoing appropriation item CAP-705, Rehabilitate 43818  
Canals, Hydraulic Works, and Support Facilities, at least 43819  
\$1,250,000 shall be used for Miami and Erie Canal improvements. 43820

LOCAL PARKS PROJECTS - STATEWIDE 43821

The amount reappropriated for the foregoing appropriation 43822  
item CAP-748, Local Parks Projects - Statewide, is \$840,879 plus 43823  
the unencumbered and unallotted balance as of June 30, 2004, in 43824  
item CAP-748, Local Parks Projects - Statewide. The \$840,879 43825  
represents amounts that were previously appropriated, allocated to 43826  
counties pursuant to division (D) of section 1557.06 of the 43827  
Revised Code, and encumbered for local project grants. The 43828  
encumbrances for these local projects in the various counties 43829  
shall be canceled by the Director of Natural Resources or the 43830  
Director of Budget and Management. The Director of Natural 43831  
Resources shall allocate the \$840,879 to the same counties the 43832  
moneys were originally allocated to, in the amount of the canceled 43833  
encumbrances. 43834

DAM REHABILITATION 43835

Of the foregoing appropriation item CAP-881, Dam 43836  
Rehabilitation, up to \$5,000,000 shall be used to rehabilitate the 43837  
Muskingum River Locks and Dams. 43838

**Section 609.06.** That existing Sections 23 and 23.01 of Am. 43839  
Sub. S.B. 189 of the 125th General Assembly are hereby repealed. 43840

**Section 609.11.** That Section 22 of Am. Sub. S.B. 189 of the 43841  
125th General Assembly, as most recently amended by Am. Sub. H.B. 43842  
66 of the 126th General Assembly, be amended to read as follows: 43843

**Sec. 22.** All items set forth in this section are hereby 43844  
appropriated out of any moneys in the state treasury to the credit 43845  
of the Cultural and Sports Facilities Building Fund (Fund 030) 43846

that are not otherwise appropriated:			43847
		Reappropriations	
	AFC CULTURAL FACILITIES COMMISSION		43848
CAP-003	Center of Science and Industry - Toledo	\$ 12,268	43849
CAP-004	Valentine Theatre	\$ 1,111	43850
CAP-005	Center of Science and Industry - Columbus	\$ 181,636	43851
CAP-010	Sandusky State Theatre Improvements	\$ 1,000,000	43852
CAP-017	Zion Center of the National Afro-American Museum	\$ 488,232	43853
CAP-021	Ohio Historical Center - Archives and Library Shelving	\$ 2,395	43854
CAP-033	Woodward Opera House Renovation	\$ 1,050,000	43855
CAP-037	Canton Palace Theatre Renovations	\$ 1,066,126	43856
CAP-038	Center Exhibit Replacement	\$ 750,000	43857
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$ 625,000	43858
CAP-043	Statewide Site Repairs	\$ 454,000	43859
CAP-046	Cincinnati Museum Center Improvements	\$ 500,000	43860
CAP-052	Akron Art Museum	\$ 6,634,666	43861
CAP-053	Powers Auditorium Improvements	\$ 200,000	43862
CAP-055	Waco Museum & Aviation Learning Center	\$ 500,000	43863
CAP-057	Comprehensive Master Plan	\$ 180,000	43864
CAP-058	Cedar Bog Nature Preserve Education Center	\$ 766,200	43865
CAP-061	Statewide Arts Facilities Planning	\$ 35,931	43866
<del>CAP-063</del>	<del>Robins Theatre Renovations</del>	<del>\$ 1,000,000</del>	43867
CAP-064	Bramley Historic House	\$ 75,000	43868
CAP-066	Delaware County Cultural Arts Center	\$ 40,000	43869
CAP-068	Perry County Historical Society	\$ 100,000	43870
<del>CAP-069</del>	<del>Cleveland Institute of Art</del>	<del>\$ 750,000</del>	43871
CAP-071	Cleveland Institute of Music	\$ 750,000	43872
CAP-072	West Side Arts Consortium	\$ 138,000	43873

CAP-074	Stan Hywet Hall & Gardens	\$	250,000	43874
CAP-075	McKinley Museum Improvements	\$	125,000	43875
CAP-076	Spring Hill Historic Home	\$	125,000	43876
CAP-077	Western Reserve Ballet Improvements	\$	100,000	43877
CAP-078	Midland Theatre	\$	175,000	43878
CAP-079	Lorain Palace Civic Theatre	\$	200,000	43879
CAP-080	Great Lakes Historical Society	\$	150,000	43880
CAP-734	Hayes Presidential Center	\$	75,000	43881
CAP-745	Historic Sites and Museums	\$	750,000	43882
CAP-753	Buffington Island State Memorial	\$	91,500	43883
CAP-770	Serpent Mound State Memorial	\$	295,000	43884
CAP-784	Ohio Historical Center Rehabilitation	\$	673,700	43885
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000	43886
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	43887
CAP-791	Harrison Tomb and Site Renovations	\$	149,500	43888
CAP-796	Moundbuilders State Memorial	\$	530,000	43889
CAP-806	Grant Boyhood Home Improvements	\$	68,333	43890
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	43891
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000	43892
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	43893
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	43894
CAP-821	Lorain County Historical Society	\$	300,000	43895
CAP-822	<del>Madison County Historic Schoolhouse</del> <u>Armory Youth Center</u>	\$	40,000	43896
CAP-823	Marion Palace Theatre	\$	825,000	43897
CAP-824	McConnellsville Opera House	\$	75,000	43898
CAP-825	Secrest Auditorium	\$	75,000	43899
CAP-826	Renaissance Theatre	\$	50,000	43900
CAP-827	Trumpet in the Land	\$	100,000	43901
CAP-829	Mid Ohio Valley Players	\$	80,000	43902

CAP-830	The Anchorage	\$	50,000	43903
CAP-831	Wayne County Historical Society	\$	300,000	43904
CAP-833	Promont House Museum	\$	200,000	43905
CAP-837	Lake County Historical Society	\$	250,000	43906
CAP-839	Hancock Historical Society	\$	75,000	43907
CAP-840	Riversouth Development	\$	1,000,000	43908
CAP-841	Ft. Piqua Hotel	\$	200,000	43909
CAP-843	Marina District/Ice Arena Development	\$	4,000,000	43910
Total Cultural Facilities Commission		\$	<del>34,370,114</del>	43911
			<u>32,620,114</u>	
TOTAL <del>CULTURAL</del> <u>Cultural</u> and Sports Facilities		\$	<del>34,370,114</del>	43912
Building Fund			<u>32,620,114</u>	
COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT				43913
CONTRACTS				43914
Notwithstanding division (A) of section 3383.07 of the				43915
Revised Code, the Ohio Cultural Facilities Commission, with				43916
respect to the foregoing appropriation item CAP-005, Center of				43917
Science and Industry - Columbus, may administer all or part of				43918
capital facilities project contracts involving exhibit fabrication				43919
and installation as determined by the Department of Administrative				43920
Services, the Center of Science and Industry - Columbus, and the				43921
Ohio Cultural Facilities Commission in review of the project				43922
plans. The Ohio Cultural Facilities Commission shall enter into a				43923
contract with the Center of Science and Industry - Columbus to				43924
administer the exhibit fabrication and installation contracts and				43925
such contracts are not subject to Chapter 123. or 153. of the				43926
Revised Code.				43927
SPORTS FACILITIES IMPROVEMENTS - AKRON				43928
The amount reappropriated to the Cultural and Sports				43929
Facilities Building Fund (Fund 030), CAP-024, Sports Facilities				43930
Improvements - Akron, is the unallotted and unencumbered balance				43931
in the Sports Facilities Building Fund (Fund 024), CAP-024, Sports				43932

Facilities Improvements - Akron.	43933
REDS HALL OF FAME	43934
The amount reappropriated to the Cultural and Sports	43935
Facilities Building Fund (Fund 030), CAP-025, Reds Hall of Fame,	43936
is the unallotted and unencumbered balance in the Sports	43937
Facilities Building Fund (Fund 024), CAP-025, Reds Hall of Fame.	43938
AKRON ART MUSEUM	43939
The amount reappropriated for the foregoing appropriation	43940
item CAP-052, Akron Art Museum, is the unencumbered and unallotted	43941
balance as of June 30, 2004, in appropriation item CAP-052, Akron	43942
Art Museum, plus \$1,634,666.	43943
<u>MID OHIO VALLEY PLAYERS</u>	43944
<u>The amount reappropriated for the foregoing appropriation</u>	43945
<u>item CAP-829, Mid Ohio Valley Players, is the unencumbered and</u>	43946
<u>unallotted balance as of June 30, 2004, in appropriation item</u>	43947
<u>CAP-829, Mid Ohio Valley Players, plus \$30,000.</u>	43948
RIVERSOUTH DEVELOPMENT	43949
The amount reappropriated for the foregoing appropriation	43950
item CAP-840, Riversouth Development, is the unencumbered and	43951
unallotted balance as of June 30, 2004, in appropriation item	43952
CAP-840, Riversouth Development, minus \$9,000,000.	43953
MARINA DISTRICT/ICE ARENA DEVELOPMENT	43954
The amount reappropriated to the Cultural and Sports	43955
Facilities Building Fund (Fund 030), CAP-843, Marina District/Ice	43956
Arena Development, is the unallotted and unencumbered balance in	43957
the Sports Facilities Building Fund (Fund 024), CAP-073, Marina	43958
District/Ice Arena Development.	43959
<b>Section 609.12.</b> That existing Section 22 of Am. Sub. S.B. 189	43960
of the 125th General Assembly, as most recently amended by Am.	43961

Sub. H.B. 66 of the 126th General Assembly, is hereby repealed.	43962
<b>Section 690.03.</b> That Section 315.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.	43963 43964
<b>Section 690.06.</b> That Section 557.09.09 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed effective December 31, 2006.	43965 43966 43967
<b>Section 690.09.</b> That Section 5 of Am. Sub. S.B. 234 of the 125th General Assembly is hereby repealed.	43968 43969
<b>Section 701.03.</b> On or before February 20, 2007, each clerk of court, as defined in section 120.36 of the Revised Code, shall provide to the State Public Defender a report including all of the following for the calendar year 2006:	43970 43971 43972 43973
(A) The number of persons who requested or were provided a state public defender, county or joint county public defender, or other counsel appointed by the court;	43974 43975 43976
(B) The number of persons for whom the court waived the application fee pursuant to division (A) of section 120.36 of the Revised Code;	43977 43978 43979
(C) The dollar value of the application fees assessed pursuant to division (A) of section 120.36 of the Revised Code;	43980 43981
(D) The amount of assessed application fees collected;	43982
(E) The balance of unpaid assessed application fees at the open and close of the calendar year.	43983 43984
<b>Section 703.03.</b> TRANSFER PROVISIONS FOR ESTABLISHMENT OF AN ADAMH BOARD	43985 43986
If a board of county commissioners establishes a board of	43987

alcohol, drug addiction, and mental health services (ADAMH board) 43988  
pursuant to division (B) of section 340.021 of the Revised Code, 43989  
the ADAMH board shall possess all the rights, privileges, 43990  
immunities, powers, franchises, and authority of the county's 43991  
community mental health board and alcohol and drug addiction 43992  
services board, and all property of every description, and every 43993  
interest therein, and all obligations of or belonging to or due to 43994  
the community mental health board and alcohol and drug addiction 43995  
services board shall thereafter be taken and deemed to be 43996  
transferred to and vested into the ADAMH board without further act 43997  
or deed. 43998

**Section 709.03.** The membership on the Farmland Preservation 43999  
Advisory Board of the representative of the Natural Resources 44000  
Conservation Service in the United States Department of 44001  
Agriculture is hereby terminated pursuant to amendments to section 44002  
901.23 of the Revised Code made by this act. The remainder of the 44003  
term of that member shall be served by the member who is required 44004  
to be appointed by the Director of Agriculture to represent soil 44005  
and water conservation interests under that section as amended by 44006  
this act. 44007

**Section 709.06.** (A) The Department of Agriculture shall 44008  
refund money collected from the fee established under division 44009  
(B)(3) of section 907.14 of the Revised Code, as that section 44010  
existed prior to its amendment by Sub. S.B. 189 of the 126th 44011  
General Assembly, to either or both of the following: 44012

(1) Vegetable seed labelers who sold vegetable seeds in 44013  
hermetically sealed containers of eight ounces or less with a seed 44014  
count of 1,000 seeds or more from January 1, 2004, through 44015  
December 31, 2005; 44016

(2) Flower seed labelers who sold flower seeds in 44017

hermetically sealed containers of eight ounces or less containing 44018  
more than 300 seeds from January 1, 2004, through December 31, 44019  
2005. 44020

(B) The Department shall notify those seed labelers who may 44021  
be eligible for a refund under this section. The Department may 44022  
request, and a seed labeler who may be eligible for a refund under 44023  
this section shall provide, any information that the Department 44024  
requests in order to determine if the seed labeler is eligible for 44025  
a refund under this section. The Department has exclusive 44026  
discretion in determining eligibility for refunds under this 44027  
section. 44028

(C) The Director of Agriculture shall use money appropriated 44029  
to the Commercial Feed, Fertilizer, Seed, and Lime Inspection and 44030  
Laboratory Fund created in section 905.38 of the Revised Code to 44031  
pay the refunds authorized under this section. 44032

**Section 733.03.** Not later than six months after the effective 44033  
date of this section, the Department of Education shall develop 44034  
and submit to the Education Committee of the Senate and of the 44035  
House of Representatives a proposal for an appropriate penalty to 44036  
be applied to school districts and community schools that 44037  
intentionally report to the Department inaccurate data regarding 44038  
formula ADM or community school ADM and other student attendance 44039  
numbers required under section 3314.08 or 3317.03 of the Revised 44040  
Code and shall provide public testimony on the proposal before 44041  
those committees. Copies of the proposal also shall be submitted 44042  
to the President and Minority Leader of the Senate and the Speaker 44043  
and Minority Leader of the House of Representatives. In developing 44044  
the proposal, the Department also shall examine the penalties 44045  
prescribed by law and shall provide legislative recommendations 44046  
regarding those penalties. 44047

**Section 753.03.** (A) The Governor is hereby authorized to 44048  
execute a deed in the name of the state conveying to Wayne County 44049  
Community Improvement Corporation, and its successors and assigns, 44050  
all of the state's right, title, and interest in the following 44051  
described real estate that has been determined as no longer 44052  
required for state purposes: 44053

Situated in the Township of Wooster, County of Wayne, State 44054  
of Ohio, and known as part of the Southwest Quarter of Section 12, 44055  
T-15, R-13, and more fully described as follows: 44056

COMMENCING at the Northwest Corner of the Southwest Quarter 44057  
of Section 12 and bounded by the following courses, 44058

1) Thence S 87°50'00" E along the north line of the Southwest 44059  
Quarter of Section 12 a distance of 2,620.06 feet to the Northeast 44060  
Corner of the Southwest Quarter of Section 12, 44061

2) Thence, S 2°53'14" W along the east line of the Southwest 44062  
Quarter of Section 12 a distance of 432.21 feet to an iron pin. 44063

3) Thence, N 87°50'00" W and parallel with the north line of 44064  
the Southwest Quarter of Section 12 a distance of 2,621.13 feet to 44065  
a point on the Southwest Quarter of Section 12, 44066

4) Thence, N 3°01'41" E along the west line of the Southwest 44067  
Quarter of Section 12 a distance of 432.23 feet to the PLACE OF 44068  
BEGINNING containing 26.000 acres, more or less. All iron pins set 44069  
are a 5/8 inch iron bar, 30 inches in length, with a yellow 44070  
plastic cap marked "RUDOLPH 6449". 44071

Basis of Bearings: Survey "MM" 491 Wayne County Survey 44072  
Records, S 87°50'00" E on the north line of the Southwest Quarter 44073  
of Section 12, Wooster Township. This description prepared from a 44074  
field survey by: R.G. Rudolph Surveying, Inc. by: RONALD G. 44075  
RUDOLPH P.S. 6449, January 5, 1995, Job No. 8441. See Wayne County 44076  
Survey Record Volume "NN" Page 412. Prior Instrument Reference: 44077

Volume 720, Page 770, of the Deed Records of Wayne County, Ohio. 44078  
Parcel Number 5602376004 44079

(B) Consideration for the conveyance of the real estate 44080  
described in division (A) of this section is a purchase price 44081  
equal to the appraised value of the real estate plus the cost of 44082  
the appraisal of the real estate. 44083

(C) Upon payment of the purchase price, the Auditor of State, 44084  
with the assistance of the Attorney General, shall prepare a deed 44085  
to the real estate described in division (A) of this section. The 44086  
deed shall state the consideration. The deed shall be executed by 44087  
the Governor in the name of the state, countersigned by the 44088  
Secretary of State, sealed with the Great Seal of the state, and 44089  
presented for recording in the Office of the Auditor of State. 44090  
Wayne County Community Improvement Corporation shall present the 44091  
deed for recording in the office of the Wayne County Recorder. 44092

(D) The net proceeds of the sale of the real estate described 44093  
in division (A) of this section shall be deposited in the state 44094  
treasury to the credit of the Residential Facilities Support Fund 44095  
152 within the Department of Mental Retardation and Developmental 44096  
Disabilities. 44097

(E) This section shall expire two years after its effective 44098  
date. 44099

**Section 755.03.** (A) There is hereby created the Ohio 44100  
Transportation Task Force consisting of the following twenty-four 44101  
members: three members of the House of Representatives, all of 44102  
whom shall be appointed by the Speaker of the House of 44103  
Representatives and not more than two of whom shall be from the 44104  
same political party as the Speaker of the House of 44105  
Representatives; three members of the Senate, all of whom shall be 44106  
appointed by the President of the Senate and not more than two of 44107

whom shall be from the same political party as the President of 44108  
the Senate; the Director of Development or the Director's 44109  
designee; the Director of Public Safety or the Director's 44110  
designee; the Director of Transportation or the Director's 44111  
designee; the Superintendent of the State Highway Patrol or the 44112  
Superintendent's designee; nine members appointed jointly by the 44113  
Speaker of the House of Representatives and the President of the 44114  
Senate, with each such member being selected from a list of three 44115  
individuals with the Ohio Aggregates Association, the Ohio Coal 44116  
Association, the Ohio Farm Bureau, the Ohio Trucking Association, 44117  
the County Engineers Association of Ohio, the Ohio Municipal 44118  
League, the Ohio Township Association, the Ohio Association of 44119  
Regional Councils, and the Ohio Manufacturers' Association each 44120  
submitting such a list to the Speaker of the House of 44121  
Representatives and the President of the Senate for their 44122  
consideration; three additional members appointed jointly by the 44123  
Speaker of the House of Representatives and the President of the 44124  
Senate, with one member representing the industry that transports 44125  
freight by air, one member representing the industry that 44126  
transports freight by water, and one member representing the 44127  
industry that transports freight by rail; and one person appointed 44128  
by the Speaker of the House of Representatives and one person 44129  
appointed by the President of the Senate, both of whom shall 44130  
represent the general public. 44131

All initial appointments to the Task Force shall be made not 44132  
later than sixty days after the effective date of this section. 44133  
Vacancies shall be filled in the same manner provided for original 44134  
appointments. 44135

The Speaker of the House of Representatives and the President 44136  
of the Senate each shall appoint a co-chairperson of the Task 44137  
Force from among the appointees who are members of their 44138  
respective chambers of the General Assembly. The Task Force may 44139

elect from among its members any other officers it considers 44140  
advisable. The co-chairpersons shall call the first meeting of the 44141  
Task Force not later than thirty days after the last member has 44142  
been appointed. 44143

The Legislative Service Commission shall provide any staff or 44144  
services the Task Force may require. 44145

(B) The Task Force shall examine and evaluate the state's 44146  
ability to provide for the safe and efficient movement of freight 44147  
within this state during the next two decades including all of the 44148  
following: 44149

(1) The state's policies on transportation infrastructure 44150  
development, funding, and investment; 44151

(2) The benefits of public investment in transportation 44152  
infrastructure; 44153

(3) The statutes and rules that impact the transportation of 44154  
freight, including the weight provisions and permit requirements 44155  
of existing law. 44156

The Task Force shall make recommendations to enhance the 44157  
state's ability to provide for the safe and efficient movement of 44158  
freight within this state during that future time period. 44159

The Task Force also may consider or evaluate existing 44160  
statewide freight studies and data, Ohio Department of 44161  
Transportation policies on safety and congestion, multi-modal 44162  
projects, national freight perspectives, transportation 44163  
initiatives of other states in these areas, and potential revenue 44164  
options. The Task Force may evaluate these items to determine how 44165  
they may affect the state's ability to provide for the safe and 44166  
efficient movement of freight within this state during the next 44167  
two decades. 44168

(C) Not later than December 15, 2007, the Task Force shall 44169

issue a report containing its findings and recommendations. The 44170  
Task Force shall send a copy of the report to the Speaker of the 44171  
House of Representatives, the Minority Leader of the House of 44172  
Representatives, the President of the Senate, the Minority Leader 44173  
of the Senate, and the Governor. Upon issuance of the report, the 44174  
Task Force shall cease to exist. 44175

**Section 757.03.** The Tax Commissioner's certification to the 44176  
Department of Education in 2006 for the data described in division 44177  
(A)(6) of section 3317.021 of the Revised Code shall be made on or 44178  
before August 1, 2006. 44179

**Section 757.05.** A person that paid the registration fee under 44180  
section 5751.04 of the Revised Code before December 1, 2005, but 44181  
subsequently determines the person is not subject to the tax 44182  
imposed under Section 557.09 of Am. Sub. H.B. 66 of the 126th 44183  
General Assembly and the tax imposed under Chapter 5751. of the 44184  
Revised Code is entitled to a refund of the registration fee in 44185  
the manner prescribed by section 5751.08 of the Revised Code, as 44186  
an erroneous payment of tax, if the person cancels the person's 44187  
registration before May 10, 2006. Such a person is not subject to 44188  
the minimum tax imposed under Section 557.09 of Am. Sub. H.B. 66 44189  
of the 126th General Assembly for the semi-annual period from July 44190  
1, 2005, through December 31, 2005, or the minimum tax imposed 44191  
under section 5751.03 of the Revised Code for calendar year 2006. 44192  
No refund shall be issued under this section to any person that 44193  
was allowed a credit for the registration fee against the person's 44194  
tax liability for any tax period. 44195

**Section 757.06.** (A) As used in this section, "qualified 44196  
property" means real and tangible personal property that satisfies 44197  
all of the following qualifications: 44198

(1) The property is currently owned by an entity defined 44199

under division (D)(1) of section 5709.07 of the Revised Code; 44200

(2) The current owner purchased the property from an entity 44201  
defined under division (D)(1) of section 5709.07 of the Revised 44202  
Code; and 44203

(3) The property was exempted from taxation under division 44204  
(A)(2) of section 5709.07 of the Revised Code before the previous 44205  
owner's acquisition of the property. 44206

(B) Notwithstanding division (A) of section 5715.27 of the 44207  
Revised Code, when qualified property has not received tax 44208  
exemption for tax year 2003 due to a failure to timely file an 44209  
application for exemption for that year, the previous owner of the 44210  
property, at any time on or before sixty days after the effective 44211  
date of this section, may file with the Tax Commissioner an 44212  
application requesting that, pursuant to this section, the 44213  
property be placed on the tax exempt list and that all unpaid 44214  
taxes, penalties, and interest on the property for tax year 2003 44215  
be abated. 44216

(C) Upon receipt of the application and after consideration 44217  
of it, the Tax Commissioner shall determine if the applicant meets 44218  
the qualifications set forth in this section, and if so shall 44219  
issue an order directing that the property be placed on the tax 44220  
exempt list of the county for tax year 2003 and that all unpaid 44221  
taxes, penalties, and interest for that year be abated, but only 44222  
if the Commissioner finds that the property met the qualifications 44223  
for exemption under division (A)(2) of section 5709.07 of the 44224  
Revised Code for tax year 2003. 44225

(D) The Tax Commissioner may apply this section to any 44226  
qualified property that is the subject of an application for 44227  
exemption pending before the Tax Commissioner on the effective 44228  
date of this section, without requiring the property owner to file 44229  
an additional application, but only if the applicant files a 44230

notice with the Tax Commissioner requesting consideration under 44231  
this section before this section expires. 44232

(E) This section expires six months after the effective date 44233  
of this section. 44234

**Section 757.09.** (A) As used in this section, "qualified 44235  
property" means real and tangible personal property that satisfies 44236  
all of the following conditions: 44237

(1) The property is currently owned by a municipal 44238  
corporation; 44239

(2) The current owner of the property acquired the property 44240  
from an entity that operated a hospital and that was exempt from 44241  
taxation under section 501(c)(3) of the Internal Revenue Code of 44242  
1986; and 44243

(3) That entity had previously filed an application for 44244  
exemption that was dismissed after the property was transferred to 44245  
the municipal corporation. 44246

(B) Notwithstanding section 5713.081 and division (A) of 44247  
section 5715.27 of the Revised Code, when qualified property has 44248  
not received an exemption from taxation for tax years 2001 through 44249  
2004 due to the dismissal of a timely filed application for 44250  
exemption filed after the qualified property had been transferred 44251  
to the current owner and if the qualified property otherwise 44252  
satisfied the qualifications for exemption under section 5709.12 44253  
or 5709.121 of the Revised Code for those years, the prior owner 44254  
of the property, at any time on or before sixty days after the 44255  
effective date of this section, may file an application with the 44256  
Tax Commissioner requesting that, pursuant to this section, the 44257  
property be placed on the tax exempt list of the county and that 44258  
unpaid taxes, penalties, and interest on the property for those 44259  
years be abated or remitted. 44260

(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 amendment's effective date or filed with the Tax Commissioner on or after that date.

**Section 757.12.** Section 5709.081 of the Revised Code, as amended by this act, is remedial in nature and applies to the tax years at issue in any application for exemption from taxation

pending before the Tax Commissioner, the Board of Tax Appeals, any 44291  
Court of Appeals, or the Supreme Court on the effective date of 44292  
this section and to the property that is the subject of the 44293  
application. 44294

**Section 757.15.** Section 5725.222 of the Revised Code, as 44295  
enacted by this act, applies to taxes due or paid before, on, or 44296  
after the effective date of that section, but no statute of 44297  
limitation under division (A) or (B) of that section shall expire 44298  
before thirty days after the effective date of that section. 44299

**Section 757.18.** Section 5729.102 of the Revised Code, as 44300  
enacted by this act, applies to taxes due or paid before, on, or 44301  
after the effective date of that section, but no statute of 44302  
limitation under division (A) or (B) of that section shall expire 44303  
before thirty days after the effective date of that section. 44304

**Section 757.21.** The credit allowed under section 5733.56 of 44305  
the Revised Code for providing programs to aid the communicatively 44306  
impaired shall be allowed in tax year 2006 and thereafter based on 44307  
the amendments made to sections 4905.79, 5733.01, 5733.56, and 44308  
5733.98 of the Revised Code by this act. 44309

**Section 757.24.** (A) As used in this section, "qualifying 44310  
year" and "qualifying certificate" have the same meanings as in 44311  
division (F)(2)(z)(ii) of section 5751.01 of the Revised Code. 44312

(B) An application for a qualifying certificate for 44313  
qualifying year 2007 shall be filed on or before September 1, 44314  
2006, in accordance with the procedures prescribed in division 44315  
(F)(2)(z)(i)(VI) of section 5751.01 of the Revised Code. 44316

**Section 803.03.** The amendment by this act of section 9.901 of 44317

the Revised Code neither confirms nor orders the implementation of 44318  
the provisions of the section that have become law but that are 44319  
not effective because of Section 611.03 of H.B. 66 of the 126th 44320  
General Assembly. The provisions of section 9.901 of the Revised 44321  
Code that have become law but that are not effective because of 44322  
Section 611.03 of H.B. 66 of the 126th General Assembly continue 44323  
not in effect, pending enactment of a law confirming and ordering 44324  
their implementation as contemplated by the latter section. The 44325  
not-in-effect provisions of section 9.901 of the Revised Code are 44326  
presented in this act in compliance with the substantive rule of 44327  
form contained in the second sentence of Ohio Constitution, 44328  
Article II, Section 15(D) and to negate any implication they are 44329  
being repealed. 44330

**Section 806.03.** The items of law of which the sections of law 44331  
contained in this act are composed, and their applications, are 44332  
independent and severable. If any item of law that constitutes the 44333  
whole or part of a section of law contained in this act, or if any 44334  
application of any item of law that constitutes the whole or part 44335  
of a section of law contained in this act, is held invalid, the 44336  
invalidity does not affect other items of law or applications of 44337  
items of law that can be given effect without the invalid item of 44338  
law or application. 44339

**Section 812.03.** Except as otherwise specifically provided in 44340  
this act, the amendment or enactment of the sections of law 44341  
contained in this act, and the items of law of which the 44342  
amendments or enactments are composed, are subject to the 44343  
referendum. Therefore, under Ohio Constitution, Article II, 44344  
Section 1c and section 1.471 of the Revised Code, the amendment or 44345  
enactment of the sections of law contained in this act, and the 44346  
items of law of which the amendments or enactments are composed, 44347

take effect on the ninety-first day after this act is filed with 44348  
the Secretary of State. If, however, a referendum petition is 44349  
filed against any such amendment or enactment, or against any item 44350  
of law of which any such amendment or enactment is composed, the 44351  
amendment or enactment, or item, unless rejected at the 44352  
referendum, takes effect at the earliest time permitted by law. 44353

**Section 812.06.** Except as otherwise specifically provided in 44354  
this act, the repeal by this act of a section of law is subject to 44355  
the referendum. Therefore, under Ohio Constitution, Article II, 44356  
Section 1c and section 1.471 of the Revised Code, the repeal by 44357  
this act of a section of law takes effect on the ninety-first day 44358  
after this act is filed with the Secretary of State. If, however, 44359  
a referendum petition is filed against any such repeal, the 44360  
repeal, unless rejected at the referendum, takes effect at the 44361  
earliest time permitted by law. 44362

**Section 812.09.** The amendment or enactment by this act of the 44363  
sections of law listed in this section, and the items of law of 44364  
which the amendments or enactments are composed, are subject to 44365  
the referendum. Therefore, under Ohio Constitution, Article II, 44366  
Section 1c and section 1.471 of the Revised Code, the amendments 44367  
or enactments, and the items of law of which the amendments or 44368  
enactments are composed, take effect as specified in this section. 44369  
If, however, a referendum petition is filed against any such 44370  
amendment or enactment, or against any item of law of which any 44371  
such amendment or enactment is composed, the amendment or 44372  
enactment, unless rejected at the referendum, goes into effect at 44373  
the earliest time permitted by law that is on or after the 44374  
effective date specified in this section. 44375

Sections 9.41, 113.09, 113.11, 113.12, 117.45 (126.35), 44376  
117.46 (126.36), 117.47 (126.37), 117.48 (126.38), 124.137, 44377

124.138, 124.139, 124.14, 124.181, 124.182, 124.327, 124.384, 44378  
124.387, 124.389, 124.391, 124.821, 124.823, 124.84, 125.21, 44379  
126.07, 126.21, 126.22, 131.01, 131.33, 141.08, 141.10, 145.70, 44380  
742.57, 1523.02, 2503.20, 3307.32, 3309.68, 3701.041, 5115.04, 44381  
5505.27, and 5747.11 of the Revised Code take effect December 1, 44382  
2006. 44383

Section 515.03 of this act takes effect December 1, 2006. 44384

**Section 812.12.** The repeal by this act of the sections of law 44385  
listed in this section is subject to the referendum. Therefore, 44386  
under Ohio Constitution, Article II, Section 1c and section 1.471 44387  
of the Revised Code, the repeals take effect as specified in this 44388  
section. If, however, a referendum petition is filed against any 44389  
such repeal, the repeal, unless rejected at the referendum, goes 44390  
into effect at the earliest time permitted by law that is on or 44391  
after the effective date specified in this section. 44392

The repeal of section 4732.04 of the Revised Code takes 44393  
effect July 1, 2007. 44394

**Section 815.03.** The amendment or enactment by this act of the 44395  
sections of law listed in this section, and the items of law of 44396  
which the amendments or enactments are composed, are not subject 44397  
to the referendum. Therefore, under Ohio Constitution, Article II, 44398  
Section 1d and section 1.471 of the Revised Code, the amendments 44399  
or enactments, and the items of law of which the amendments or 44400  
enactments are composed, go into immediate effect when this act 44401  
becomes law. 44402

Sections 133.01, 133.06, 184.20, 2305.2341, 2923.46, 2925.44, 44403  
2933.43, 3301.0714, 3310.03, 3310.06, 3310.08, 3310.11, 3310.12, 44404  
3310.16, 3313.372, 3314.35, 3314.36, 3317.021, 3317.029, 44405  
3317.0216, 3318.052, 3745.114, 3769.087, 4781.04, 5111.011, 44406  
5111.0116, 5111.0117, 5111.0118, 5111.061, 5111.151, 5111.20, 44407

5111.231, 5111.27, 5123.36, 5123.37, 5123.371, 5123.372, 5123.373, 44408  
5123.374, 5123.375, and 5919.19 of the Revised Code. 44409

The repeal and reenactment of section 3325.12 of the Revised 44410  
Code. 44411

Sections 203.09, 203.12, 203.12.12, 203.45, 203.51, 203.54, 44412  
203.66, 203.69, 203.84, 203.87, 203.99.01, 203.99.30, 203.99.48, 44413  
206.03, 206.09, 206.09.12, 206.09.15, 206.09.36, 206.09.61, 44414  
206.09.63, 206.09.84, 206.16, 206.42, 206.42.09, 206.48, 44415  
206.66.22, 206.66.23, 206.66.36, 206.66.64, 206.66.66, 206.66.84, 44416  
206.66.91, 206.67.21, 206.99, 209.04, 209.06.06, 209.06.09, 44417  
209.09.06, 209.09.18, 209.15, 209.18, 209.18.09, 209.24, 209.30, 44418  
209.33, 209.36, 209.45, 209.63, 209.63.42, 209.64.60, 209.72, 44419  
209.75, 209.78.03, 209.81, 212.03, 212.24, 212.27, 212.30, 212.33, 44420  
557.12, and 612.36.03 of Am. Sub. H.B. 66 of the 126th General 44421  
Assembly. 44422

Sections 203.06.06 and 203.06.24 of Am. Sub. H.B. 68 of the 44423  
126th General Assembly. 44424

Sections 506.03, 512.03, 512.03.03, 512.06, 512.12, 512.15, 44425  
512.18, 515.06, 606.18.03, 606.18.06, 606.18.09, and 757.03 of 44426  
this act. 44427

Sections 815.03, 815.06, 815.09, 821.03, 821.06.06, 821.09, 44428  
827.03, and 831.03 of this act. 44429

**Section 815.06.** The repeal by this act of the sections of law 44430  
listed in this section is not subject to the referendum. 44431  
Therefore, under Ohio Constitution, Article II, Section 1d and 44432  
section 1.471 of the Revised Code, the repeals go into immediate 44433  
effect when this act becomes law. 44434

Section 3325.17 of the Revised Code. 44435

Section 315.03 of Am. Sub. H.B. 66 of the 126th General 44436  
Assembly. 44437

**Section 815.09.** The amendment or enactment by this act of the sections of law listed in this section, and the items of law of which the amendments or enactments are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendments or enactments, and the items of law of which amendments or enactments are composed, go into effect as specified in this section.

Sections 5111.081 (5111.942), 5111.082 (5111.081), 5111.083 (5111.082), 5111.084 (5111.083), 5111.085 (5111.084), 5111.941, 5111.943, 5112.08, and 5112.18 of the Revised Code take effect July 1, 2006.

Sections 206.66.85 and 206.67.15 of Am. Sub. H.B. 66 of the 126th General Assembly take effect July 1, 2006.

**Section 818.03.** The amendment or enactment by this act of the sections of law listed in this section, and the items of law of which the amendments or enactments are composed, provide for or are essential to implementation of a tax levy. Therefore, under Ohio Constitution, Article II, Section 1d, the amendments and enactments, and the items of which the amendments and enactments are composed, are not subject to the referendum and go into immediate effect when this act becomes law.

Sections 122.17, 122.171, 133.04, 133.18, 307.761, 5701.11, 5705.03, 5705.19, 5705.195, 5705.34, 5709.08, 5709.081, 5709.40, 5709.42, 5709.43, 5709.73, 5709.74, 5709.75, 5709.78, 5709.79, 5709.80, 5711.01, 5725.221, 5725.222, 5725.98, 5727.06, 5727.85, 5729.05, 5729.101, 5729.102, 5729.98, 5733.352, 5739.026, 5743.15, 5743.18, 5745.01, 5747.012, 5747.05, 5747.056, 5747.331, 5748.02, 5751.011, 5751.032, 5751.04, 5751.05, 5751.051, 5751.10, 5751.20, 5751.21, 5751.22, and 5751.53 of the Revised Code.

Sections 757.05, 757.06, 757.09, 757.09.03, 757.12, 757.15,  
757.18, and 831.06 of this act. 44468  
44469

Sections 818.03, 821.06, and 821.06.03 of this act. 44470

**Section 821.03.** (A) Except as otherwise provided in division 44471  
(B) of this section, the amendments by this act to sections 44472  
124.09, 124.11, 124.151, 124.152, 124.18, 124.321, 124.382,  
124.82, and 3917.04 of the Revised Code are subject to the 44473  
referendum. Therefore, under Ohio Constitution, Article II, 44474  
Section 1c and section 1.471 of the Revised Code, the amendments 44475  
take effect on the ninety-first day after this act is filed with 44476  
the Secretary of State. If, however, a referendum petition is 44477  
filed against an amendment, the amendment, unless rejected at the 44478  
referendum, takes effect at the earliest time permitted by law. 44479  
44480

(B) The amendments by this act to sections 124.09, 124.11,  
124.151, 124.152, 124.18, 124.321, 124.382, 124.82, and 3917.04 of  
the Revised Code that change references to the "warrant of the  
auditor of state" to the "warrant of the director of budget and  
management," or add references to the "warrant of the director of  
budget and management," are subject to the referendum. Therefore,  
under Ohio Constitution, Article II, Section 1c and section 1.471  
of the Revised Code, the amendments take effect on December 1,  
2006. If, however, a referendum petition is filed against an  
amendment, the amendment, unless rejected at the referendum, takes  
effect at the earliest time that is on or after the effective date  
specified in this division. 44481  
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Until December 1, 2006, the references in section 3917.04 of  
the Revised Code to the "warrant of the director of budget and  
management" shall be construed as references to the "warrant of  
the auditor of state." 44493  
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44496

**Section 821.06.** (A) Except as otherwise provided in division 44497

(B) of this section, the amendments by this act to section 5747.01 44498  
of the Revised Code provide for or are essential to implementation 44499  
of a tax levy. Therefore, under Ohio Constitution, Article II, 44500  
Section 1d, the amendments are not subject to the referendum and 44501  
go into immediate effect when this act becomes law. 44502

(B) The amendments adding divisions (A)(22) and (23) to 44503  
section 5747.01 of the Revised Code are subject to the referendum. 44504  
Therefore, under Ohio Constitution, Article II, Section 1c, the 44505  
amendments take effect on the ninety-first day after this act is 44506  
filed with the Secretary of State. If, however, a referendum 44507  
petition is filed against either amendment, the amendment, unless 44508  
rejected at the referendum, takes effect at the earliest time 44509  
permitted by law. 44510

**Section 821.06.03.** (A) Except as otherwise provided in 44511  
division (B) of this section, the amendments by this act to 44512  
section 5751.01 of the Revised Code, provide for or are essential 44513  
to implementation of a tax levy. Therefore, under Ohio 44514  
Constitution, Article II, Section 1d, the amendments are not 44515  
subject to the referendum and go into immediate effect when this 44516  
act becomes law. 44517

(B) The amendment of this act adding division (F)(2)(z) to 44518  
section 5751.01 of the Revised Code is subject to the referendum. 44519  
Therefore, under Ohio Constitution, Article II, Section 1c and 44520  
section 1.471 of the Revised Code, the amendment takes effect 44521  
January 1, 2007. If, however, a referendum petition is filed 44522  
against the amendment, the amendment, unless rejected at the 44523  
referendum, goes into effect at the earliest time permitted by law 44524  
that is on or after the effective date specified in this division. 44525

**Section 821.06.06.** (A) Except as otherwise provided in 44526  
division (B) of this section, the amendments by this act to 44527

Sections 206.09.39 and 206.09.42 of Am. Sub. H.B. 66 of the 126th 44528  
General Assembly are not subject to the referendum. Therefore, 44529  
under Ohio Constitution, Article II, Section 1d, and section 1.471 44530  
of the Revised Code, the amendments go into immediate effect when 44531  
this act becomes law. 44532

(B) The amendments by this act to division (B)(1)(e) of 44533  
Section 206.09.39 and division (B)(1)(e) of Section 206.09.42 of 44534  
Am. Sub. H.B. 66 of the 126th General Assembly are subject to the 44535  
referendum. Therefore, under Ohio Constitution, Article II, 44536  
Section 1c, and section 1.471 of the Revised Code, the amendments 44537  
take effect on the ninety-first day after this act is filed with 44538  
the Secretary of State. If, however, a referendum petition is 44539  
filed against either amendment, the amendment, unless rejected at 44540  
the referendum, takes effect at the earliest time permitted by 44541  
law. 44542

**Section 821.09.** (A) Except as otherwise provided in division 44543  
(B) of this section, the amendments by this act to Section 206.66 44544  
of Am. Sub. H.B. 66 of the 126th General Assembly are not subject 44545  
to the referendum. Therefore, under Ohio Constitution, Article II, 44546  
Section 1d, and section 1.471 of the Revised Code, the amendments 44547  
go into immediate effect when this act becomes law. 44548

(B) The amendments by this act to Section 206.66 of Am. Sub. 44549  
H.B. 66 of the 126th General Assembly that adjust appropriation 44550  
items 600-623, Health Care Federal, and 600-692, Prescription Drug 44551  
Rebate-State creates item 600-639, Medicaid Revenue Collections, 44552  
are not subject to the referendum. Therefore, under Ohio 44553  
Constitution, Article II, Section 1d, and section 1.471 of the 44554  
Revised Code, the amendments take effect July 1, 2006. 44555

**Section 827.03.** The amendment of Section 612.36.03 of Am. 44556  
Sub. H.B. 66 of the 126th General Assembly by sections 606.17 and 44557

606.18 of this act, intended to accelerate the effective date of 44558  
the amendments to divisions (A) and (I) of section 3301.0711 of 44559  
the Revised Code, by Am. Sub. H.B. 66 of the 126th General 44560  
Assembly, from July 1, 2006, to the effective date of this 44561  
section. 44562

**Section 831.03.** The General Assembly, applying the principle 44563  
stated in division (B) of section 1.52 of the Revised Code that 44564  
amendments are to be harmonized if reasonably capable of 44565  
simultaneous operation, finds that the following sections, 44566  
presented in this act as composites of the sections as amended by 44567  
the acts indicated, are the resulting versions of the sections in 44568  
effect prior to the effective date of the sections as presented in 44569  
this act: 44570

Section 109.572 of the Revised Code as amended by both Am. 44571  
Sub. H.B. 11 and Am. Sub. H.B. 117 of the 125th General Assembly 44572  
and Am. Sub. H.B. 68 of the 126th General Assembly. 44573

Section 133.04 of the Revised Code as amended by both Am. 44574  
H.B. 76 and Am. Sub. S.B. 3 of the 123rd General Assembly. 44575

Section 2913.01 of the Revised Code as amended by Am. Sub. 44576  
H.B. 361, Am. Sub. H.B. 369, Sub. H.B. 536, and Am. Sub. S.B. 146, 44577  
all of the 125th General Assembly. 44578

Section 4731.22 of the Revised Code as amended by both Sub. 44579  
H.B. 126 and Am. Sub. S.B. 80 of the 125th General Assembly. 44580

Section 5709.73 of the Revised Code as amended by both Am. 44581  
Sub. H.B. 66 and Sub. S.B.107 of the 126th General Assembly. 44582

Section 5735.27 of the Revised Code as amended by both Am. 44583  
Sub. H.B. 68 and Sub. S.B. 107 of the 126th General Assembly. 44584

Section 5743.081 of the Revised Code as amended by both Sub. 44585  
S.B. 200 and Am. Sub. S.B. 261 of the 124th General Assembly. 44586

The finding in this section takes effect at the same time as 44587

the section referenced in the finding takes effect. 44588

**Section 831.06.** The amendments by this act of the first 44589  
paragraph of division (F) of section 5751.01, of division 44590  
(F)(2)(w) of section 5751.01, of the first paragraph of section 44591  
5751.032, and of divisions (A)(7) and (A)(8)(c) of section 44592  
5751.032 of the Revised Code are nonsubstantive corrections of 44593  
errors in Chapter 5751. of the Revised Code. 44594