

As Introduced

126th General Assembly
Regular Session
2005-2006

H. B. No. 66

Representative Calvert

A BILL

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5121.35, 5121.36, 5121.37, 5121.38, 5121.39, 5121.40, 5121.41, 267
5121.42, 5121.43, 5121.44, 5121.45, 5121.46, 5121.47, 5121.49, 268
5121.50, 5121.51, 5121.52, 5121.53, 5121.54, 5121.55, 5703.057, 269
5727.031, 5747.056, 5751.01, 5751.011, 5751.012, 5751.02, 5751.03, 270
5751.031, 5751.032, 5751.04, 5751.05, 5751.06, 5751.07, 5751.08, 271
5751.081, 5751.09, 5751.10, 5751.11, 5751.12, 5751.20, 5751.21, 272
5751.22, 5751.31, 5751.50, 5751.51, 5751.52, 5751.98, 5751.99, and 273
5919.341 of the Revised Code be enacted to read as follows: 274

Sec. 9.24. (A) Except as may be allowed under division (F) of 275
this section, no state agency and no political subdivision shall 276
award a contract as described in division (G)(1) of this section 277
for goods, services, or construction, paid for in whole or in part 278
with state funds, to a person against whom a finding for recovery 279
has been issued by the auditor of state on and after January 1, 280
2001, if the finding for recovery is unresolved. 281

A contract is considered to be awarded when it is entered 282
into or executed, irrespective of whether the parties to the 283
contract have exchanged any money. 284

(B) For purposes of this section, a finding for recovery is 285
unresolved unless one of the following criteria applies: 286

(1) The money identified in the finding for recovery is paid 287
in full to the state agency or political subdivision to whom the 288
money was owed; 289

(2) The debtor has entered into a repayment plan that is 290
approved by the attorney general and the state agency or political 291
subdivision to whom the money identified in the finding for 292
recovery is owed. A repayment plan may include a provision 293
permitting a state agency or political subdivision to withhold 294
payment to a debtor for goods, services, or construction provided 295
to or for the state agency or political subdivision pursuant to a 296
contract that is entered into with the debtor after the date the 297
finding for recovery was issued. 298

(3) The attorney general waives a repayment plan described in 299
division (B)(2) of this section for good cause; 300

(4) The debtor and state agency or political subdivision to 301
whom the money identified in the finding for recovery is owed have 302
agreed to a payment plan established through an enforceable 303
settlement agreement. 304

(5) The state agency or political subdivision desiring to 305
enter into a contract with a debtor certifies, and the attorney 306
general concurs, that all of the following are true: 307

(a) Essential services the state agency or political 308
subdivision is seeking to obtain from the debtor cannot be 309
provided by any other person besides the debtor; 310

(b) Awarding a contract to the debtor for the essential 311
services described in division (B)(5)(a) of this section is in the 312
best interest of the state; 313

(c) Good faith efforts have been made to collect the money 314

identified in the finding of recovery. 315

(6) The debtor has commenced an action to contest the finding 316
for recovery and a final determination on the action has not yet 317
been reached. 318

(C) The attorney general shall submit an initial report to 319
the auditor of state, not later than December 1, 2003, indicating 320
the status of collection for all findings for recovery issued by 321
the auditor of state for calendar years 2001, 2002, and 2003. 322
Beginning on January 1, 2004, the attorney general shall submit to 323
the auditor of state, on the first day of every January, April, 324
July, and October, a list of all findings for recovery that have 325
been resolved in accordance with division (B) of this section 326
during the calendar quarter preceding the submission of the list 327
and a description of the means of resolution. The attorney general 328
shall notify the auditor of state when a judgment is issued 329
against an entity described in division (F)(1) of this section. 330

(D) The auditor of state shall maintain a database, 331
accessible to the public, listing persons against whom an 332
unresolved finding for recovery has been issued, and the amount of 333
the money identified in the unresolved finding for recovery. The 334
auditor of state shall have this database operational on or before 335
January 1, 2004. The initial database shall contain the 336
information required under this division for calendar years 2001, 337
2002, and 2003. 338

Beginning January 15, 2004, the auditor of state shall update 339
the database by the fifteenth day of every January, April, July, 340
and October to reflect resolved findings for recovery that are 341
reported to the auditor of state by the attorney general on the 342
first day of the same month pursuant to division (C) of this 343
section. 344

(E) Before awarding a contract as described in division 345

(G)(1) of this section for goods, services, or construction, paid 346
for in whole or in part with state funds, a state agency or 347
political subdivision shall verify that the person to whom the 348
state agency or political subdivision plans to award the contract 349
has no unresolved finding for recovery issued against the person. 350
A state agency or political subdivision shall verify that the 351
person does not appear in the database described in division (D) 352
of this section or shall obtain other proof that the person has no 353
unresolved finding for recovery issued against the person. 354

(F) The prohibition of division (A) of this section and the 355
requirement of division (E) of this section do not apply with 356
respect to the companies or agreements described in divisions 357
(F)(1) and (2) of this section, or in the circumstance described 358
in division (F)(3) of this section. 359

(1) A bonding company or a company authorized to transact the 360
business of insurance in this state, a self-insurance pool, joint 361
self-insurance pool, risk management program, or joint risk 362
management program, unless a court has entered a final judgment 363
against the company and the company has not yet satisfied the 364
final judgment. 365

(2) To medicaid provider agreements under Chapter 5111. of 366
~~the Revised Code or payments or provider agreements under~~ 367
~~disability assistance medical assistance established under Chapter~~ 368
~~5115. of the Revised Code.~~ 369

(3) When federal law dictates that a specified entity provide 370
the goods, services, or construction for which a contract is being 371
awarded, regardless of whether that entity would otherwise be 372
prohibited from entering into the contract pursuant to this 373
section. 374

(G)(1) This section applies only to contracts for goods, 375
services, or construction that satisfy the criteria in either 376

division (G)(1)(a) or (b) of this ~~division~~ section. This section 377
may apply to contracts for goods, services, or construction that 378
satisfy the criteria in division (G)(1)(c) of this section, 379
provided that the contracts also satisfy the criteria in either 380
division (G)(1)(a) or (b) of this ~~division~~ section. 381

(a) The cost for the goods, services, or construction 382
provided under the contract is estimated to exceed twenty-five 383
thousand dollars. 384

(b) The aggregate cost for the goods, services, or 385
construction provided under multiple contracts entered into by the 386
particular state agency and a single person or the particular 387
political subdivision and a single person within the fiscal year 388
preceding the fiscal year within which a contract is being entered 389
into by that same state agency and the same single person or the 390
same political subdivision and the same single person, exceeded 391
fifty thousand dollars. 392

(c) The contract is a renewal of a contract previously 393
entered into and renewed pursuant to that preceding contract. 394

(2) This section does not apply to employment contracts. 395

(H) As used in this section: 396

(1) "State agency" has the same meaning as in section 9.66 of 397
the Revised Code. 398

(2) "Political subdivision" means a political subdivision as 399
defined in section 9.82 of the Revised Code that has received more 400
than fifty thousand dollars of state money in the current fiscal 401
year or the preceding fiscal year. 402

(3) "Finding for recovery" means a determination issued by 403
the auditor of state, contained in a report the auditor of state 404
gives to the attorney general pursuant to section 117.28 of the 405
Revised Code, that public money has been illegally expended, 406

public money has been collected but not been accounted for, public 407
money is due but has not been collected, or public property has 408
been converted or misappropriated. 409

(4) "Debtor" means a person against whom a finding for 410
recovery has been issued. 411

(5) "Person" means the person named in the finding for 412
recovery. 413

(6) "State money" does not include funds the state receives 414
from another source and passes through to a political subdivision. 415

Sec. 108.05. (A) The lieutenant governor shall be a member of 416
the governor's cabinet and shall preside at its meetings in the 417
absence of the governor. 418

(B) The governor may appoint the lieutenant governor as an 419
administrative department head listed in section 121.03 of the 420
Revised Code, ~~as director of the office of criminal justice~~ 421
~~services pursuant to section 181.52 of the Revised Code,~~ as the 422
governor's representative on any board, agency, committee, or 423
commission of which the governor is a member and has the authority 424
to appoint a representative, or in an advisory capacity to any 425
nonelective board, agency, committee, or commission in the 426
executive department or may give the lieutenant governor any 427
special assignment as the governor considers in the interest of 428
the state. 429

(C) When carrying out any of the functions described in 430
division (B) of this section, the lieutenant governor shall be 431
reimbursed from funds of the particular authority for necessary 432
expenses incurred in the conduct of authority business. 433

Sec. 109.57. (A)(1) The superintendent of the bureau of 434
criminal identification and investigation shall procure from 435

wherever procurable and file for record photographs, pictures, 436
descriptions, fingerprints, measurements, and other information 437
that may be pertinent of all persons who have been convicted of 438
committing within this state a felony, any crime constituting a 439
misdemeanor on the first offense and a felony on subsequent 440
offenses, or any misdemeanor described in division (A)(1)(a) of 441
section 109.572 of the Revised Code, of all children under 442
eighteen years of age who have been adjudicated delinquent 443
children for committing within this state an act that would be a 444
felony or an offense of violence if committed by an adult or who 445
have been convicted of or pleaded guilty to committing within this 446
state a felony or an offense of violence, and of all well-known 447
and habitual criminals. The person in charge of any county, 448
multicounty, municipal, municipal-county, or multicounty-municipal 449
jail or workhouse, community-based correctional facility, halfway 450
house, alternative residential facility, or state correctional 451
institution and the person in charge of any state institution 452
having custody of a person suspected of having committed a felony, 453
any crime constituting a misdemeanor on the first offense and a 454
felony on subsequent offenses, or any misdemeanor described in 455
division (A)(1)(a) of section 109.572 of the Revised Code or 456
having custody of a child under eighteen years of age with respect 457
to whom there is probable cause to believe that the child may have 458
committed an act that would be a felony or an offense of violence 459
if committed by an adult shall furnish such material to the 460
superintendent of the bureau. Fingerprints, photographs, or other 461
descriptive information of a child who is under eighteen years of 462
age, has not been arrested or otherwise taken into custody for 463
committing an act that would be a felony or an offense of violence 464
if committed by an adult, has not been adjudicated a delinquent 465
child for committing an act that would be a felony or an offense 466
of violence if committed by an adult, has not been convicted of or 467
pleaded guilty to committing a felony or an offense of violence, 468

and is not a child with respect to whom there is probable cause to 469
believe that the child may have committed an act that would be a 470
felony or an offense of violence if committed by an adult shall 471
not be procured by the superintendent or furnished by any person 472
in charge of any county, multicounty, municipal, municipal-county, 473
or multicounty-municipal jail or workhouse, community-based 474
correctional facility, halfway house, alternative residential 475
facility, or state correctional institution, except as authorized 476
in section 2151.313 of the Revised Code. 477

(2) Every clerk of a court of record in this state, other 478
than the supreme court or a court of appeals, shall send to the 479
superintendent of the bureau a weekly report containing a summary 480
of each case involving a felony, involving any crime constituting 481
a misdemeanor on the first offense and a felony on subsequent 482
offenses, involving a misdemeanor described in division (A)(1)(a) 483
of section 109.572 of the Revised Code, or involving an 484
adjudication in a case in which a child under eighteen years of 485
age was alleged to be a delinquent child for committing an act 486
that would be a felony or an offense of violence if committed by 487
an adult. The clerk of the court of common pleas shall include in 488
the report and summary the clerk sends under this division all 489
information described in divisions (A)(2)(a) to (f) of this 490
section regarding a case before the court of appeals that is 491
served by that clerk. The summary shall be written on the standard 492
forms furnished by the superintendent pursuant to division (B) of 493
this section and shall include the following information: 494

(a) The incident tracking number contained on the standard 495
forms furnished by the superintendent pursuant to division (B) of 496
this section; 497

(b) The style and number of the case; 498

(c) The date of arrest; 499

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

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

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

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

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code and of all

children under eighteen years of age arrested or otherwise taken
into custody for committing an act that would be a felony or an
offense of violence if committed by an adult. The superintendent
also shall file for record the fingerprint impressions of all
persons confined in a county, multicounty, municipal,
municipal-county, or multicounty-municipal jail or workhouse,
community-based correctional facility, halfway house, alternative
residential facility, or state correctional institution for the
violation of state laws and of all children under eighteen years
of age who are confined in a county, multicounty, municipal,
municipal-county, or multicounty-municipal jail or workhouse,
community-based correctional facility, halfway house, alternative
residential facility, or state correctional institution or in any
facility for delinquent children for committing an act that would
be a felony or an offense of violence if committed by an adult,
and any other information that the superintendent may receive from
law enforcement officials of the state and its political
subdivisions.

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

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

compact officer specified in that compact. 563

(B) The superintendent shall prepare and furnish to every 564
county, multicounty, municipal, municipal-county, or 565
multicounty-municipal jail or workhouse, community-based 566
correctional facility, halfway house, alternative residential 567
facility, or state correctional institution and to every clerk of 568
a court in this state specified in division (A)(2) of this section 569
standard forms for reporting the information required under 570
division (A) of this section. The standard forms that the 571
superintendent prepares pursuant to this division may be in a 572
tangible format, in an electronic format, or in both tangible 573
formats and electronic formats. 574

(C) The superintendent may operate a center for electronic, 575
automated, or other data processing for the storage and retrieval 576
of information, data, and statistics pertaining to criminals and 577
to children under eighteen years of age who are adjudicated 578
delinquent children for committing an act that would be a felony 579
or an offense of violence if committed by an adult, criminal 580
activity, crime prevention, law enforcement, and criminal justice, 581
and may establish and operate a statewide communications network 582
to gather and disseminate information, data, and statistics for 583
the use of law enforcement agencies. The superintendent may 584
gather, store, retrieve, and disseminate information, data, and 585
statistics that pertain to children who are under eighteen years 586
of age and that are gathered pursuant to sections 109.57 to 109.61 587
of the Revised Code together with information, data, and 588
statistics that pertain to adults and that are gathered pursuant 589
to those sections. In addition to any other authorized use of 590
information, data, and statistics of that nature, the 591
superintendent or the superintendent's designee may provide and 592
exchange the information, data, and statistics pursuant to the 593
national crime prevention and privacy compact as described in 594

division (A)(5) of this section.

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

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

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

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

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chartered nonpublic school; the chief administrator of any home 626
health agency; the chief administrator of or person operating any 627
child day-care center, type A family day-care home, or type B 628
family day-care home licensed or certified under Chapter 5104. of 629
the Revised Code; the administrator of any type C family day-care 630
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 631
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 632
general assembly; the chief administrator of any head start 633
agency; or the executive director of a public children services 634
agency may request that the superintendent of the bureau 635
investigate and determine, with respect to any individual who has 636
applied for employment in any position after October 2, 1989, or 637
any individual wishing to apply for employment with a board of 638
education may request, with regard to the individual, whether the 639
bureau has any information gathered under division (A) of this 640
section that pertains to that individual. On receipt of the 641
request, the superintendent shall determine whether that 642
information exists and, upon request of the person, board, or 643
entity requesting information, also shall request from the federal 644
bureau of investigation any criminal records it has pertaining to 645
that individual. The superintendent or the superintendent's 646
designee also may request criminal history records from other 647
states or the federal government pursuant to the national crime 648
prevention and privacy compact set forth in section 109.571 of the 649
Revised Code. Within thirty days of the date that the 650
superintendent receives a request, the superintendent shall send 651
to the board, entity, or person a report of any information that 652
the superintendent determines exists, including information 653
contained in records that have been sealed under section 2953.32 654
of the Revised Code, and, within thirty days of its receipt, shall 655
send the board, entity, or person a report of any information 656
received from the federal bureau of investigation, other than 657
information the dissemination of which is prohibited by federal 658

law.

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(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 employment application documents and shall return the certified copy to the individual. In a case of that nature, a district only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

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

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

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(5) When a recipient of ~~an OhioReads~~ a classroom ~~or community~~ reading improvement grant paid under section 3301.86 ~~or 3301.87~~ of the Revised Code ~~or an entity approved by the OhioReads council~~ requests, with respect to any individual who applies to

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participate in providing any program or service ~~through an entity~~ 690
~~approved by the OhioReads council or~~ funded in whole or in part by 691
the grant, the information that a school district board of 692
education is authorized to request under division (F)(2)(a) of 693
this section, the superintendent of the bureau shall proceed as if 694
the request has been received from a school district board of 695
education under division (F)(2)(a) of this section. 696

(G) In addition to or in conjunction with any request that is 697
required to be made under section 173.41, 3701.881, 3712.09, 698
3721.121, or 3722.151 of the Revised Code with respect to an 699
individual who has applied for employment in a position that 700
involves providing direct care to an older adult, the chief 701
administrator of a PASSPORT agency that provides services through 702
the PASSPORT program created under section 173.40 of the Revised 703
Code, home health agency, hospice care program, home licensed 704
under Chapter 3721. of the Revised Code, adult day-care program 705
operated pursuant to rules adopted under section 3721.04 of the 706
Revised Code, or adult care facility may request that the 707
superintendent of the bureau investigate and determine, with 708
respect to any individual who has applied after January 27, 1997, 709
for employment in a position that does not involve providing 710
direct care to an older adult, whether the bureau has any 711
information gathered under division (A) of this section that 712
pertains to that individual. On receipt of the request, the 713
superintendent shall determine whether that information exists 714
and, on request of the administrator requesting information, shall 715
also request from the federal bureau of investigation any criminal 716
records it has pertaining to that individual. The superintendent 717
or the superintendent's designee also may request criminal history 718
records from other states or the federal government pursuant to 719
the national crime prevention and privacy compact set forth in 720
section 109.571 of the Revised Code. Within thirty days of the 721
date a request is received, the superintendent shall send to the 722

administrator a report of any information determined to exist, 723
including information contained in records that have been sealed 724
under section 2953.32 of the Revised Code, and, within thirty days 725
of its receipt, shall send the administrator a report of any 726
information received from the federal bureau of investigation, 727
other than information the dissemination of which is prohibited by 728
federal law. 729

(H) Information obtained by a board, administrator, or other 730
person under this section is confidential and shall not be 731
released or disseminated. 732

(I) The superintendent may charge a reasonable fee for 733
providing information or criminal records under division (F)(2) or 734
(G) of this section. 735

Sec. 109.91. (A) There is hereby established within the 736
office of the attorney general the crime victims assistance 737
office. 738

(B) There is hereby established the state victims assistance 739
advisory committee. The committee shall consist of a chairperson, 740
to be appointed by the attorney general, four ex officio members, 741
and fifteen members to be appointed by the attorney general as 742
follows: one member who represents the Ohio victim-witness 743
association; three members who represent local victim assistance 744
programs, including one from a municipally operated program and 745
one from a county-operated program; one member who represents the 746
interests of elderly victims; one member who is a board member of 747
any statewide or local organization that exists primarily to aid 748
victims of domestic violence, or who is an employee of, or 749
counselor for, such an organization; one member who is an employee 750
or officer of a county probation department or a probation 751
department operated by the department of rehabilitation and 752
correction; one member who is a county prosecuting attorney; one 753

member who is a city law director; one member who is a county 754
sheriff; one member who is a member or officer of a township or 755
municipal police department; one member who is a court of common 756
pleas judge; one member who is a municipal court judge or county 757
court judge; and two members who are private citizens and are not 758
government employees. 759

The committee shall include the following ex officio, 760
nonvoting members: the chief justice of the supreme court, the 761
attorney general, one member of the senate to be designated by the 762
president of the senate, and one member of the house of 763
representatives to be designated by the speaker of the house. 764

Members of the committee shall serve without compensation, 765
but shall be reimbursed for travel and other necessary expenses 766
that are incurred in the conduct of their official duties as 767
members of the committee. The chairperson and members of the 768
committee appointed by the attorney general shall serve at the 769
pleasure of the attorney general. The chief justice of the supreme 770
court and the attorney general shall serve on the committee until 771
the end of the term of office that qualified them for membership 772
on the committee. The member of the senate and the member of the 773
house of representatives shall serve at the pleasure of the 774
president of the senate and the speaker of the house of 775
representatives, respectively. 776

(C) The victims assistance advisory committee shall perform 777
both of the following duties: 778

(1) Advise the crime victims assistance office in determining 779
crime and delinquency victim service needs, determining crime and 780
delinquency victim policies for the state, and improving and 781
exercising leadership in the quality of crime and delinquency 782
victim programs in the state; 783

(2) Review and recommend to the crime victims assistance 784

office the victim assistance programs that should be considered 785
for the receipt of state financial assistance pursuant to section 786
109.92 of the Revised Code. The financial assistance allocation 787
recommendations of the committee shall be based on the following 788
priorities: 789

(a) Programs in existence on July 1, 1985, shall be given 790
first priority; 791

(b) Programs offering or proposing to offer the broadest 792
range of services and referrals to the community served, including 793
medical, psychological, financial, educational, vocational, and 794
legal services that were not in existence on July 1, 1985, shall 795
be given second priority; 796

(c) Other qualified programs shall be given last priority. 797

(D) As used in this section and section 109.92 of the Revised 798
Code, "victim assistance program" includes, but is not limited to 799
a program that provides at least one of the following: 800

(1) Services to victims of any offense of violence or 801
delinquent act that would be an offense of violence if committed 802
by an adult; 803

(2) Financial assistance or property repair services to 804
victims of crime or delinquent acts; 805

(3) Assistance to victims of crime or delinquent acts in 806
judicial proceedings; 807

(4) Assistance to victims of crime or delinquent acts under 808
the operation of any political subdivision of the state or a 809
branch of the criminal justice system set forth in division 810
(B)(1)(a), ~~(2)(b)~~, or ~~(3)(c)~~ of section ~~181.51~~ 5502.61 of the 811
Revised Code; 812

(5) Technical assistance to persons or organizations that 813
provide services to victims of crime or delinquent acts under the 814

operation of a branch of the criminal justice system set forth in 815
~~divisions~~ division (B)(1)(a), ~~(2)(b)~~, and ~~(3)~~ or (c) of section 816
~~181.51~~ 5502.61 of the Revised Code. 817

A victim assistance program does not include the program for 818
the reparation of crime victims established pursuant to Chapter 819
2743. of the Revised Code. 820

Sec. 120.06. (A)(1) The state public defender, when 821
designated by the court or requested by a county public defender 822
or joint county public defender, may provide legal representation 823
in all courts throughout the state to indigent adults and 824
juveniles who are charged with the commission of an offense or act 825
for which the penalty or any possible adjudication includes the 826
potential loss of liberty. 827

(2) The state public defender may provide legal 828
representation to any indigent person who, while incarcerated in 829
any state correctional institution, is charged with a felony 830
offense, for which the penalty or any possible adjudication that 831
may be imposed by a court upon conviction includes the potential 832
loss of liberty. 833

(3) The state public defender may provide legal 834
representation to any person incarcerated in any correctional 835
institution of the state, in any matter in which the person 836
asserts the person is unlawfully imprisoned or detained. 837

(4) The state public defender, in any case in which the state 838
public defender has provided legal representation or is requested 839
to do so by a county public defender or joint county public 840
defender, may provide legal representation on appeal. 841

(5) The state public defender, when designated by the court 842
or requested by a county public defender, joint county public 843
defender, or the director of rehabilitation and correction, shall 844

provide legal representation in parole and probation revocation 845
matters or matters relating to the revocation of community control 846
or post-release control under a community control sanction or 847
post-release control sanction, unless the state public defender 848
finds that the alleged parole or probation violator or alleged 849
violator of a community control sanction or post-release control 850
sanction has the financial capacity to retain the alleged 851
violator's own counsel. 852

(6) If the state public defender contracts with a county 853
public defender commission, a joint county public defender 854
commission, or a board of county commissioners for the provision 855
of services, under authority of division (C)(7) of section 120.04 856
of the Revised Code, the state public defender shall provide legal 857
representation in accordance with the contract. 858

(B) The state public defender shall not be required to 859
prosecute any appeal, postconviction remedy, or other proceeding 860
pursuant to division (A)(3), (4), or (5) of this section, unless 861
the state public defender first is satisfied that there is 862
arguable merit to the proceeding. 863

(C) A court may appoint counsel or allow an indigent person 864
to select the indigent's own personal counsel to assist the state 865
public defender as co-counsel when the interests of justice so 866
require. When co-counsel is appointed to assist the state public 867
defender, the co-counsel shall receive any compensation that the 868
court may approve, not to exceed the amounts provided for in 869
section 2941.51 of the Revised Code. 870

(D)(1) When the state public defender is designated by the 871
court or requested by a county public defender or joint county 872
public defender to provide legal representation for an indigent 873
person in any case, other than pursuant to a contract entered into 874
under authority of division (C)(7) of section 120.04 of the 875

Revised Code, the state public defender shall send to the county 876
in which the case is filed ~~an itemized a bill for fifty per cent~~ 877
~~of detailing~~ the actual cost of the representation that separately 878
itemizes legal fees and expenses. The county, upon receipt of an 879
itemized bill from the state public defender pursuant to this 880
division, shall ~~pay fifty per cent of the actual cost of the legal~~ 881
~~representation as set forth in the itemized bill.~~ pay the state 882
public defender each of the following amounts: 883

(a) For the amount identified as legal fees in the itemized 884
bill, one hundred per cent of the amount identified as legal fees 885
less the state reimbursement rate as calculated by the state 886
public defender pursuant to section 120.34 of the Revised Code for 887
the month the case terminated, as set forth in the itemized bill; 888

(b) For the amount identified as expenses in the itemized 889
bill, one hundred per cent. 890

(2) Upon payment of the itemized bill under division (D)(1) 891
of this section, the county may submit the cost of the expenses, 892
excluding legal fees, to the state public defender for 893
reimbursement pursuant to section 120.33 of the Revised Code. 894

(3) When the state public defender provides investigation or 895
mitigation services to private appointed counsel or to a county or 896
joint county public defender as approved by the appointing court, 897
other than pursuant to a contract entered into under authority of 898
division (C)(7) of section 120.04 of the Revised Code, the state 899
public defender shall send to the county in which the case is 900
filed a bill itemizing the actual cost of the services provided. 901
The county, upon receipt of an itemized bill from the state public 902
defender pursuant to this division, shall pay one hundred per cent 903
of the amount as set forth in the itemized bill. Upon payment of 904
the itemized bill received pursuant to this division, the county 905
may submit the cost of the investigation and mitigation services 906
to the state public defender for reimbursement pursuant to section 907

120.33 of the Revised Code.

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(4) There is hereby created in the state treasury the county representation fund for the deposit of moneys received from counties under this division. All moneys credited to the fund shall be used by the state public defender to provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender or to provide investigation or mitigation services, including investigation or mitigation services to private appointed counsel or a county or joint county public defender, as approved by the court.

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(E)(1) Notwithstanding any contrary provision of sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code that pertains to representation by the attorney general, an assistant attorney general, or special counsel of an officer or employee, as defined in section 109.36 of the Revised Code, or of an entity of state government, the state public defender may elect to contract with, and to have the state pay pursuant to division (E)(2) of this section for the services of, private legal counsel to represent the Ohio public defender commission, the state public defender, assistant state public defenders, other employees of the commission or the state public defender, and attorneys described in division (C) of section 120.41 of the Revised Code in a malpractice or other civil action or proceeding that arises from alleged actions or omissions related to responsibilities derived pursuant to this chapter, or in a civil action that is based upon alleged violations of the constitution or statutes of the United States, including section 1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that arises from alleged actions or omissions related to responsibilities derived pursuant to this chapter, if the state public defender determines, in good faith, that the defendant in

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the civil action or proceeding did not act manifestly outside the 940
scope of the defendant's employment or official responsibilities, 941
with malicious purpose, in bad faith, or in a wanton or reckless 942
manner. If the state public defender elects not to contract 943
pursuant to this division for private legal counsel in a civil 944
action or proceeding, then, in accordance with sections 109.02, 945
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 946
attorney general shall represent or provide for the representation 947
of the Ohio public defender commission, the state public defender, 948
assistant state public defenders, other employees of the 949
commission or the state public defender, or attorneys described in 950
division (C) of section 120.41 of the Revised Code in the civil 951
action or proceeding. 952

(2)(a) Subject to division (E)(2)(b) of this section, payment 953
from the state treasury for the services of private legal counsel 954
with whom the state public defender has contracted pursuant to 955
division (E)(1) of this section shall be accomplished only through 956
the following procedure: 957

(i) The private legal counsel shall file with the attorney 958
general a copy of the contract; a request for an award of legal 959
fees, court costs, and expenses earned or incurred in connection 960
with the defense of the Ohio public defender commission, the state 961
public defender, an assistant state public defender, an employee, 962
or an attorney in a specified civil action or proceeding; a 963
written itemization of those fees, costs, and expenses, including 964
the signature of the state public defender and the state public 965
defender's attestation that the fees, costs, and expenses were 966
earned or incurred pursuant to division (E)(1) of this section to 967
the best of the state public defender's knowledge and information; 968
a written statement whether the fees, costs, and expenses are for 969
all legal services to be rendered in connection with that defense, 970
are only for legal services rendered to the date of the request 971

and additional legal services likely will have to be provided in 972
connection with that defense, or are for the final legal services 973
rendered in connection with that defense; a written statement 974
indicating whether the private legal counsel previously submitted 975
a request for an award under division (E)(2) of this section in 976
connection with that defense and, if so, the date and the amount 977
of each award granted; and, if the fees, costs, and expenses are 978
for all legal services to be rendered in connection with that 979
defense or are for the final legal services rendered in connection 980
with that defense, a certified copy of any judgment entry in the 981
civil action or proceeding or a signed copy of any settlement 982
agreement entered into between the parties to the civil action or 983
proceeding. 984

(ii) Upon receipt of a request for an award of legal fees, 985
court costs, and expenses and the requisite supportive 986
documentation described in division (E)(2)(a)(i) of this section, 987
the attorney general shall review the request and documentation; 988
determine whether any of the limitations specified in division 989
(E)(2)(b) of this section apply to the request; and, if an award 990
of legal fees, court costs, or expenses is permissible after 991
applying the limitations, prepare a document awarding legal fees, 992
court costs, or expenses to the private legal counsel. The 993
document shall name the private legal counsel as the recipient of 994
the award; specify the total amount of the award as determined by 995
the attorney general; itemize the portions of the award that 996
represent legal fees, court costs, and expenses; specify any 997
limitation applied pursuant to division (E)(2)(b) of this section 998
to reduce the amount of the award sought by the private legal 999
counsel; state that the award is payable from the state treasury 1000
pursuant to division (E)(2)(a)(iii) of this section; and be 1001
approved by the inclusion of the signatures of the attorney 1002
general, the state public defender, and the private legal counsel. 1003

(iii) The attorney general shall forward a copy of the document prepared pursuant to division (E)(2)(a)(ii) of this section to the director of budget and management. The award of legal fees, court costs, or expenses shall be paid out of the state public defender's appropriations, to the extent there is a sufficient available balance in those appropriations. If the state public defender does not have a sufficient available balance in the state public defender's appropriations to pay the entire award of legal fees, court costs, or expenses, the director shall make application for a transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies in an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations. A transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests, or requests for releases from the other appropriation. If a transfer of appropriations out of the emergency purposes account or other appropriation for emergencies or contingencies is made to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the director shall cause the payment to be made to the private legal counsel. If sufficient moneys do not exist in the emergency purposes account or other appropriation for emergencies or contingencies to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the private legal counsel shall request the general assembly to make an appropriation sufficient to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, and no payment in that amount shall be made until

the appropriation has been made. The private legal counsel shall 1037
make the request during the current biennium and during each 1038
succeeding biennium until a sufficient appropriation is made. 1039

(b) An award of legal fees, court costs, and expenses 1040
pursuant to division (E) of this section is subject to the 1041
following limitations: 1042

(i) The maximum award or maximum aggregate of a series of 1043
awards of legal fees, court costs, and expenses to the private 1044
legal counsel in connection with the defense of the Ohio public 1045
defender commission, the state public defender, an assistant state 1046
public defender, an employee, or an attorney in a specified civil 1047
action or proceeding shall not exceed fifty thousand dollars. 1048

(ii) The private legal counsel shall not be awarded legal 1049
fees, court costs, or expenses to the extent the fees, costs, or 1050
expenses are covered by a policy of malpractice or other 1051
insurance. 1052

(iii) The private legal counsel shall be awarded legal fees 1053
and expenses only to the extent that the fees and expenses are 1054
reasonable in light of the legal services rendered by the private 1055
legal counsel in connection with the defense of the Ohio public 1056
defender commission, the state public defender, an assistant state 1057
public defender, an employee, or an attorney in a specified civil 1058
action or proceeding. 1059

(c) If, pursuant to division (E)(2)(a) of this section, the 1060
attorney general denies a request for an award of legal fees, 1061
court costs, or expenses to private legal counsel because of the 1062
application of a limitation specified in division (E)(2)(b) of 1063
this section, the attorney general shall notify the private legal 1064
counsel in writing of the denial and of the limitation applied. 1065

(d) If, pursuant to division (E)(2)(c) of this section, a 1066
private legal counsel receives a denial of an award notification 1067

or if a private legal counsel refuses to approve a document under
division (E)(2)(a)(ii) of this section because of the proposed
application of a limitation specified in division (E)(2)(b) of
this section, the private legal counsel may commence a civil
action against the attorney general in the court of claims to
prove the private legal counsel's entitlement to the award sought,
to prove that division (E)(2)(b) of this section does not prohibit
or otherwise limit the award sought, and to recover a judgment for
the amount of the award sought. A civil action under division
(E)(2)(d) of this section shall be commenced no later than two
years after receipt of a denial of award notification or, if the
private legal counsel refused to approve a document under division
(E)(2)(a)(ii) of this section because of the proposed application
of a limitation specified in division (E)(2)(b) of this section,
no later than two years after the refusal. Any judgment of the
court of claims in favor of the private legal counsel shall be
paid from the state treasury in accordance with division (E)(2)(a)
of this section.

(F) If a court appoints the office of the state public
defender to represent a petitioner in a postconviction relief
proceeding under section 2953.21 of the Revised Code, the
petitioner has received a sentence of death, and the proceeding
relates to that sentence, all of the attorneys who represent the
petitioner in the proceeding pursuant to the appointment, whether
an assistant state public defender, the state public defender, or
another attorney, shall be certified under Rule 20 of the Rules of
Superintendence for the Courts of Ohio to represent indigent
defendants charged with or convicted of an offense for which the
death penalty can be or has been imposed.

(G) As used in this section:

(1) "Community control sanction" has the same meaning as in
section 2929.01 of the Revised Code.

(2) "Post-release control sanction" has the same meaning as 1100
in section 2967.01 of the Revised Code. 1101

Sec. 120.13. (A) The county commissioners in any county may 1102
establish a county public defender commission. The commission 1103
shall have five members, three of whom shall be appointed by the 1104
board of county commissioners, and two by the judge, or the 1105
presiding judge if there is one, of the court of common pleas of 1106
the county. At least one member appointed by each of these 1107
appointing bodies shall be an attorney admitted to the practice of 1108
law in this state. 1109

(B) The board of county commissioners shall select a specific 1110
day for the county public defender commission to be established 1111
and on which all members' appointments shall take effect, and 1112
shall notify the Ohio public defender commission of the date. 1113

(C) Of the initial appointments made to the county public 1114
defender commission, two appointments by the county commissioners 1115
and one appointment by the court shall be for a term of two years 1116
ending two years after the date the commission is established, and 1117
one appointment by each of the appointing bodies shall be for a 1118
term ending four years after the date the commission is 1119
established. Thereafter, terms of office shall be for four years, 1120
each term ending on the same day of the same month of the year as 1121
did the term which it succeeds. Each member shall hold office from 1122
the date of ~~his~~ appointment until the end of the term for which ~~he~~ 1123
the member was appointed. Any member appointed to fill a vacancy 1124
occurring prior to the expiration of the term for which ~~his~~ the 1125
member's predecessor was appointed shall hold office for the 1126
remainder of such term. Any member shall continue in office 1127
subsequent to the expiration date of ~~his~~ the member's term until 1128
~~his~~ a successor takes office, or until a period of sixty days has 1129
elapsed, whichever occurs first. 1130

(D) The members of the commission shall choose as ~~chairman~~ 1131
chairperson one of the commission members, who shall serve as 1132
~~chairman~~ chairperson for two years. Meetings shall be held at 1133
least quarterly and at such other times as called by the ~~chairman~~ 1134
chairperson or by request of the county public defender. Members 1135
of the commission may receive an amount fixed by the county 1136
commissioners, but not in excess of the amounts set for the 1137
members of the Ohio public defender commission pursuant to section 1138
124.14 of the Revised Code per diem for every meeting of the board 1139
they attend, and necessary expenses including mileage for each 1140
mile necessarily traveled. 1141

(E) The county commissioners may terminate the county public 1142
defender commission at any time if at least ninety days prior to 1143
termination, the commissioners notify the Ohio public defender 1144
commission in writing of the termination date. Upon the 1145
termination date all pending county public defender matters shall 1146
be transferred to the state public defender, a joint county public 1147
defender, or appointed counsel. 1148

(F) ~~Fifty per cent of the~~ The cost of representation in all 1149
matters assumed by the state public defender shall be charged to 1150
the counties in accordance with division (D) of section 120.06 of 1151
the Revised Code. 1152

Sec. 120.23. (A) The boards of county commissioners in two or 1153
more adjoining or neighboring counties may form themselves into a 1154
joint board and proceed to organize a district for the 1155
establishment of a joint county public defender commission. The 1156
commission shall have three members from each county, who shall be 1157
appointed by the board of county commissioners of the county. 1158

(B) The boards shall agree on a specific date for the joint 1159
county public defender commission to be established, on which date 1160
the appointments of all members shall take effect. The joint board 1161

shall notify the Ohio public defender commission of the date. 1162

(C) Of the initial appointments made by each county to the 1163
joint county public defender commission, one appointment shall be 1164
for a term of one year ending one year after the date the 1165
commission is established, one appointment shall be for a term of 1166
two years ending two years after the date the commission is 1167
established, and one appointment shall be for a period of three 1168
years, ending three years after the date the commission is 1169
established. Thereafter, terms of office shall be for three years, 1170
each term ending on the same day of the same month of the year as 1171
did the term which it succeeds. Each member shall hold office from 1172
the date of ~~his~~ appointment until the end of the term for which ~~he~~ 1173
the member was appointed. Any member appointed to fill a vacancy 1174
occurring prior to the expiration of the term for which ~~his~~ the 1175
member's predecessor was appointed shall hold office for the 1176
remainder of the term. Any member shall continue in office 1177
subsequent to the expiration date of ~~his~~ the member's term until 1178
~~his~~ a successor takes office, or until a period of sixty days has 1179
elapsed, whichever occurs first. 1180

(D) The members of the commission shall choose as ~~chairman~~ 1181
chairperson one of the commission members, who shall serve as 1182
~~chairman~~ chairperson for two years. Meetings shall be held at 1183
least quarterly and at such other times as called by the ~~chairman~~ 1184
chairperson or by request of the joint county public defender. 1185
Members of the commission may receive an amount fixed by the 1186
agreement of the boards of commissioners of the counties in the 1187
district, but not in excess of the amount set for the members of 1188
the Ohio public defender commission pursuant to section 124.14 of 1189
the Revised Code per diem for every meeting of the commission they 1190
attend, and necessary expenses including mileage for each mile 1191
necessarily traveled. 1192

(E) The agreement of the boards of county commissioners 1193

establishing the joint county public defender commission shall 1194
provide for the allocation of the proportion of expenses to be 1195
paid by each county, which may be based upon population, number of 1196
cases, or such other factors as the commissioners determine to be 1197
appropriate. The county commissioners may amend their agreement 1198
from time to time to provide for a different allocation of the 1199
proportion of expenses to be paid by each county. 1200

(F) The county auditor of the county, with the greatest 1201
population is hereby designated as the fiscal officer of a joint 1202
county public defender district organized under this section. The 1203
county auditors of the several counties composing the joint county 1204
public defender commission district shall meet at the commission 1205
office not less than once in each six months, to adjust accounts 1206
and to transact such other duties in connection with the 1207
commission as pertain to the business of their office. 1208

(G) Each member of the board of county commissioners who 1209
meets by appointment to consider the organization of a joint 1210
county public defender commission shall, upon presentation of 1211
properly certified accounts, be paid ~~his~~ the member's necessary 1212
expenses upon a warrant drawn by the county auditor of ~~his~~ the 1213
member's county. 1214

(H) The board of county commissioners of any county within a 1215
joint county public defender commission district may withdraw from 1216
the district. Such withdrawal shall not be effective until at 1217
least ninety days after the board has notified the Ohio public 1218
defender commission, the joint county public defender commission 1219
of the district, and each board of county commissioners in the 1220
district, in writing of the termination date. The failure of a 1221
board of county commissioners to approve an annual operating 1222
budget for the office of the joint county public defender as 1223
provided in division (C)(1) of section 120.24 of the Revised Code 1224
constitutes a notice of withdrawal by the county from the 1225

district, effective on the ninetieth day after commencement of the 1226
next fiscal year. Upon the termination date, all joint county 1227
public defender matters relating to the withdrawing county shall 1228
be transferred to the state public defender, a county public 1229
defender, or appointed counsel. 1230

(I) ~~Fifty per cent of the~~ The cost of representation in all 1231
matters assumed by the state public defender shall be charged to 1232
the counties in accordance with division (D) of section 120.06 of 1233
the Revised Code. 1234

Members of the joint county public defender commission who 1235
are residents of a county withdrawing from such district are 1236
deemed to have resigned their positions upon the completion of the 1237
withdrawal procedure provided by this section. Vacancies thus 1238
created shall not be filled. 1239

If two or more counties remain within the district after the 1240
withdrawal, the boards of county commissioners of the remaining 1241
adjoining or neighboring counties may agree to continue the 1242
operation of the joint county public defender commission and to 1243
reallocate the proportionate share of expenses to be paid by each 1244
participating county. 1245

Sec. 120.36. (A) If a person who is a defendant in a criminal 1246
case requests or is provided a state public defender, a county or 1247
joint county public defender, or any other counsel appointed by 1248
the court, the court in which the criminal case is filed shall 1249
assess, unless the application fee is waived or reduced, a 1250
non-refundable application fee of twenty-five dollars. 1251

The court shall direct the person to pay the application fee 1252
to the clerk of courts of the county. The person shall pay the 1253
application fee at the time the person files an affidavit of 1254
indigency or a financial disclosure form with the court or within 1255

seven days of that date. If the person does not pay the 1256
application fee within that seven-day period, the court shall 1257
assess the application fee at sentencing or at the final 1258
disposition of the case. 1259

The court shall assess an application fee pursuant to this 1260
section one time per case. It may waive or reduce the fee upon a 1261
finding that the person lacks financial resources that are 1262
sufficient to pay the fee. 1263

(B) No court, state public defender, or county or joint 1264
county public defender shall deny a person the assistance of 1265
counsel solely due to the person's failure to pay the application 1266
fee assessed pursuant to division (A) of this section. A person's 1267
present inability, failure, or refusal to pay the application fee 1268
shall not disqualify that person from legal representation. The 1269
court may consider a person's willful failure to pay the fee as an 1270
enhancement factor when imposing the person's sentence if the 1271
person is convicted of or pleads guilty to the commission of an 1272
offense for which the penalty or any possible adjudication 1273
includes the potential loss of liberty. 1274

(C) The application fee assessed pursuant to division (A) of 1275
this section is separate from and in addition to any other amount 1276
assessed against a person who is found to be able to contribute 1277
toward the cost of the person's legal representation pursuant to 1278
division (D) of section 2941.51 of the Revised Code. 1279

(D) The clerk of courts shall deposit all application fees 1280
collected pursuant to this section with the county treasurer. The 1281
county shall retain eighty per cent of the application fees so 1282
collected to offset the costs of providing legal representation to 1283
indigent persons. Each month, the county auditor shall remit 1284
twenty per cent of the application fees so collected to the state 1285
public defender. The state public defender shall deposit the 1286

remitted fees into the state treasury to the credit of the client 1287
payment fund created pursuant to division (B)(5) of section 120.04 1288
of the Revised Code. The state public defender may use that money 1289
in accordance with that section. 1290

(E) On or before the first day of March of each year, the 1291
clerk of courts of each county shall provide to the state public 1292
defender and the state auditor a report including all of the 1293
following: 1294

(1) The number of persons who requested or were provided a 1295
state public defender, county or joint county public defender, or 1296
other counsel appointed by the court; 1297

(2) The number of persons for whom the court waived the 1298
application fee pursuant to division (A) of this section; 1299

(3) The dollar value of the assessed application fees 1300
pursuant to division (A) of this section in the previous year; 1301

(4) The amount of assessed application fees collected in the 1302
previous year; 1303

(5) The balance of unpaid assessed application fees at the 1304
open and close of the previous year. 1305

Sec. 120.52. There is hereby established in the state 1306
treasury the legal aid fund, which shall be for the charitable 1307
public purpose of providing financial assistance to legal aid 1308
societies that provide civil legal services to indigents. The fund 1309
shall contain all funds credited to it by the treasurer of state 1310
pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09 1311
and 4705.10 of the Revised Code and income from investment 1312
credited to it by the treasurer of state in accordance with this 1313
section. 1314

The treasurer of state may invest moneys contained in the 1315
legal aid fund in any manner authorized by the Revised Code for 1316

the investment of state moneys. However, no such investment shall
interfere with any apportionment, allocation, or payment of moneys
in January and July of each calendar year, as required by section
120.53 of the Revised Code. All income earned as a result of any
such investment shall be credited to the fund.

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

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

(B) An application for financial assistance made under
division (A) of this section shall be submitted by the first day
of November of the calendar year preceding the calendar year for

which financial assistance is desired and shall include all of the 1348
following: 1349

(1) Evidence that the applicant is incorporated in this state 1350
as a nonprofit corporation; 1351

(2) A list of the trustees of the applicant; 1352

(3) The proposed budget of the applicant for these funds for 1353
the following calendar year; 1354

(4) A summary of the services to be offered by the applicant 1355
in the following calendar year; 1356

(5) A specific description of the territory or constituency 1357
served by the applicant; 1358

(6) An estimate of the number of persons to be served by the 1359
applicant during the following calendar year; 1360

(7) A general description of the additional sources of the 1361
applicant's funding; 1362

(8) The amount of the applicant's total budget for the 1363
calendar year in which the application is filed that it will 1364
expend in that calendar year for legal services in each of the 1365
counties it serves; 1366

(9) A specific description of any services, programs, 1367
training, and legal technical assistance to be delivered by the 1368
applicant or by another person pursuant to a contract with the 1369
applicant, including, but not limited to, by private attorneys or 1370
through reduced fee plans, judicare panels, organized pro bono 1371
programs, and mediation programs. 1372

(C) The Ohio legal assistance foundation shall determine 1373
whether each applicant that filed an application for financial 1374
assistance under division (A) of this section in a calendar year 1375
is eligible for financial assistance under this section. To be 1376
eligible for such financial assistance, an applicant shall satisfy 1377

the criteria for being a legal aid society and shall be in 1378
compliance with the provisions of sections 120.51 to 120.55 of the 1379
Revised Code and with the rules and requirements the foundation 1380
establishes pursuant to section 120.52 of the Revised Code. The 1381
Ohio legal assistance foundation then, on or before the fifteenth 1382
day of December of the calendar year in which the application is 1383
filed, shall notify each such applicant, in writing, whether it is 1384
eligible for financial assistance under this section, and if it is 1385
eligible, estimate the amount that will be available for that 1386
applicant for each six-month distribution period, as determined 1387
under division (D) of this section. 1388

(D) The Ohio legal assistance foundation shall allocate 1389
moneys contained in the legal aid fund twice each year for 1390
distribution to applicants that filed their applications in the 1391
previous calendar year and were determined to be eligible 1392
applicants. 1393

All moneys contained in the fund on the first day of January 1394
of a calendar year shall be allocated, after deduction of the 1395
costs of administering sections 120.51 to 120.55 and sections 1396
1901.26, 1907.24, 2303.201, 3953.231, 4705.09₁ and 4705.10 of the 1397
Revised Code that are authorized by section 120.52 of the Revised 1398
Code, according to this section and shall be distributed 1399
accordingly on the thirty-first day of January of that calendar 1400
year, and all moneys contained in the fund on the first day of 1401
July of that calendar year shall be allocated, after deduction of 1402
the costs of administering those sections that are authorized by 1403
section 120.52 of the Revised Code, according to this section and 1404
shall be distributed accordingly on the thirty-first day of July 1405
of that calendar year. In making the allocations under this 1406
section, the moneys in the fund that were generated pursuant to 1407
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09₁ and 1408
4705.10 of the Revised Code and all income generated from the 1409

investment of such moneys shall be apportioned as follows: 1410

(1) After deduction of the amount authorized and used for 1411
actual, reasonable administrative costs under section 120.52 of 1412
the Revised Code: 1413

(a) Five per cent of the moneys remaining in the fund, ~~plus~~ 1414
~~any moneys reserved for administrative costs under that section~~ 1415
~~that are not used for actual, reasonable administrative costs,~~ 1416
shall be reserved for use in the manner described in division (A) 1417
of section 120.521 of the Revised Code or for distribution to 1418
legal aid societies that provide assistance to special population 1419
groups of their eligible clients, engage in special projects that 1420
have a substantial impact on their local service area or on 1421
significant segments of the state's poverty population, or provide 1422
legal training or support to other legal aid societies in the 1423
state; 1424

(b) After deduction of the amount described in division 1425
(D)(1)(a) of this section, one and three-quarters per cent of the 1426
moneys remaining in the fund shall be apportioned among entities 1427
that received financial assistance from the legal aid fund prior 1428
to the effective date of this amendment but that, on and after the 1429
effective date of this amendment, no longer qualify as a legal aid 1430
society that is eligible for financial assistance under this 1431
section. 1432

(c) After deduction of the amounts described in divisions 1433
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 1434
remaining in the fund shall be placed in the legal assistance 1435
foundation fund for use in the manner described in division (A) of 1436
section 120.521 of the Revised Code. 1437

(2) After deduction of the actual, reasonable administrative 1438
costs under section 120.52 of the Revised Code and after deduction 1439
of the amounts identified in ~~division~~ divisions (D)(1)(a) ~~and,~~ 1440

(b), and (c) of this section, the remaining moneys shall be 1441
apportioned among the counties that are served by eligible legal 1442
aid societies that have applied for financial assistance under 1443
this section so that each such county is apportioned a portion of 1444
those moneys, based upon the ratio of the number of indigents who 1445
reside in that county to the total number of indigents who reside 1446
in all counties of this state that are served by eligible legal 1447
aid societies that have applied for financial assistance under 1448
this section. Subject to division (E) of this section, the moneys 1449
apportioned to a county under this division then shall be 1450
allocated to the eligible legal aid society that serves the county 1451
and that has applied for financial assistance under this section. 1452
For purposes of this division, the source of data identifying the 1453
number of indigent persons who reside in a county shall be the 1454
most recent decennial census figures from the United States 1455
department of commerce, division of census. 1456

(E) If the Ohio legal assistance foundation, in attempting to 1457
make an allocation of moneys under division (D)(2) of this 1458
section, determines that a county that has been apportioned money 1459
under that division is served by more than one eligible legal aid 1460
society that has applied for financial assistance under this 1461
section, the Ohio legal assistance foundation shall allocate the 1462
moneys that have been apportioned to that county under division 1463
(D)(2) of this section among all eligible legal aid societies that 1464
serve that county and that have applied for financial assistance 1465
under this section on a pro rata basis, so that each such eligible 1466
society is allocated a portion based upon the amount of its total 1467
budget expended in the prior calendar year for legal services in 1468
that county as compared to the total amount expended in the prior 1469
calendar year for legal services in that county by all eligible 1470
legal aid societies that serve that county and that have applied 1471
for financial assistance under this section. 1472

(F) Moneys allocated to eligible applicants under this 1473
section shall be paid twice annually, on the thirty-first day of 1474
January and on the thirty-first day of July of the calendar year 1475
following the calendar year in which the application is filed. 1476

(G)(1) A legal aid society that receives financial assistance 1477
in any calendar year under this section shall file an annual 1478
report with the Ohio legal assistance foundation detailing the 1479
number and types of cases handled, and the amount and types of 1480
legal training, legal technical assistance, and other service 1481
provided, by means of that financial assistance. No information 1482
contained in the report shall identify or enable the 1483
identification of any person served by the legal aid society or in 1484
any way breach client confidentiality. 1485

(2) The Ohio legal assistance foundation shall make an annual 1486
report to the governor, the general assembly, and the supreme 1487
court on the distribution and use of the legal aid fund. The 1488
foundation also shall include in the annual report an audited 1489
financial statement of all gifts, bequests, donations, 1490
contributions, and other moneys the foundation receives. No 1491
information contained in the report shall identify or enable the 1492
identification of any person served by a legal aid society, or in 1493
any way breach confidentiality. 1494

(H) A legal aid society may enter into agreements for the 1495
provision of services, programs, training, or legal technical 1496
assistance for the legal aid society or to indigent persons. 1497

Sec. 121.37. (A)(1) There is hereby created the Ohio family 1498
and children first cabinet council. The council shall be composed 1499
of the superintendent of public instruction and the directors of 1500
youth services, job and family services, mental health, health, 1501
alcohol and drug addiction services, mental retardation and 1502
developmental disabilities, and budget and management. The 1503

chairperson of the council shall be the governor or the governor's 1504
designee and shall establish procedures for the council's internal 1505
control and management. 1506

(2) The purpose of the cabinet council is to help families 1507
seeking government services. This section shall not be interpreted 1508
or applied to usurp the role of parents, but solely to streamline 1509
and coordinate existing government services for families seeking 1510
assistance for their children. 1511

In seeking to fulfill its purpose, the council may do any of 1512
the following: 1513

(a) Advise and make recommendations to the governor and 1514
general assembly regarding the provision of services to children; 1515

(b) Advise and assess local governments on the coordination 1516
of service delivery to children; 1517

(c) Hold meetings at such times and places as may be 1518
prescribed by the council's procedures and maintain records of the 1519
meetings, except that records identifying individual children are 1520
confidential and shall be disclosed only as provided by law; 1521

(d) Develop programs and projects, including pilot projects, 1522
to encourage coordinated efforts at the state and local level to 1523
improve the state's social service delivery system; 1524

(e) Enter into contracts with and administer grants to county 1525
family and children first councils, as well as other county or 1526
multicounty organizations to plan and coordinate service delivery 1527
between state agencies and local service providers for families 1528
and children; 1529

(f) Enter into contracts with and apply for grants from 1530
federal agencies or private organizations; 1531

(g) Enter into interagency agreements to encourage 1532
coordinated efforts at the state and local level to improve the 1533

state's social service delivery system. The agreements may include 1534
provisions regarding the receipt, transfer, and expenditure of 1535
funds; 1536

(h) Identify public and private funding sources for services 1537
provided to alleged or adjudicated unruly children and children 1538
who are at risk of being alleged or adjudicated unruly children, 1539
including regulations governing access to and use of the services; 1540

(i) Collect information provided by local communities 1541
regarding successful programs for prevention, intervention, and 1542
treatment of unruly behavior, including evaluations of the 1543
programs; 1544

(j) Identify and disseminate publications regarding alleged 1545
or adjudicated unruly children and children who are at risk of 1546
being alleged or adjudicated unruly children and regarding 1547
programs serving those types of children; 1548

(k) Maintain an inventory of strategic planning facilitators 1549
for use by government or nonprofit entities that serve alleged or 1550
adjudicated unruly children or children who are at risk of being 1551
alleged or adjudicated unruly children. 1552

(3) The cabinet council shall provide for the following: 1553

(a) Reviews of service and treatment plans for children for 1554
which such reviews are requested; 1555

(b) Assistance as the council determines to be necessary to 1556
meet the needs of children referred by county family and children 1557
first councils; 1558

(c) Monitoring and supervision of a statewide, comprehensive, 1559
coordinated, multi-disciplinary, interagency system for infants 1560
and toddlers with developmental disabilities or delays and their 1561
families, as established pursuant to federal grants received and 1562
administered by the department of health for early intervention 1563

services under the "Education of the Handicapped Act Amendments of 1564
1986," 100 Stat. 1145 (1986), 20 U.S.C.A. 1471, as amended. 1565

(B)(1) Each board of county commissioners shall establish a 1566
county family and children first council. The board may invite any 1567
local public or private agency or group that funds, advocates, or 1568
provides services to children and families to have a 1569
representative become a permanent or temporary member of its 1570
county council. Each county council must include the following 1571
individuals: 1572

(a) At least three individuals who do not have an immediate 1573
family member who is employed by an agency represented on the 1574
council and whose families are or have received services from an 1575
agency represented on the council or another county's council. 1576
Where possible, the number of members representing families shall 1577
be equal to twenty per cent of the council's membership. 1578

(b) The director of the board of alcohol, drug addiction, and 1579
mental health services that serves the county, or, in the case of 1580
a county that has a board of alcohol and drug addiction services 1581
and a community mental health board, the directors of both boards. 1582
If a board of alcohol, drug addiction, and mental health services 1583
covers more than one county, the director may designate a person 1584
to participate on the county's council. 1585

(c) The health commissioner, or the commissioner's designee, 1586
of the board of health of each city and general health district in 1587
the county. If the county has two or more health districts, the 1588
health commissioner membership may be limited to the commissioners 1589
of the two districts with the largest populations. 1590

(d) The director of the county department of job and family 1591
services; 1592

(e) The executive director of the county agency responsible 1593
for the administration of children services pursuant to section 1594

5153.15 of the Revised Code;	1595
(f) The superintendent of the county board of mental retardation and developmental disabilities;	1596 1597
(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;	1598 1599 1600 1601
(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;	1602 1603 1604 1605 1606
(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;	1607 1608 1609
(j) A representative of the municipal corporation with the largest population in the county;	1610 1611
(k) The president of the board of county commissioners, or an individual designated by the board;	1612 1613
(l) A representative of the regional office of the department of youth services;	1614 1615
(m) A representative of the county's head start agencies, as defined in section 3301.31 <u>3301.32</u> of the Revised Code;	1616 1617
(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";	1618 1619 1620 1621
(o) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	1622 1623

Notwithstanding any other provision of law, the public 1624
members of a county council are not prohibited from serving on the 1625
council and making decisions regarding the duties of the council, 1626
including those involving the funding of joint projects and those 1627
outlined in the county's service coordination mechanism 1628
implemented pursuant to division (C) of this section. 1629

The cabinet council shall establish a state appeals process 1630
to resolve disputes among the members of a county council 1631
concerning whether reasonable responsibilities as members are 1632
being shared. The appeals process may be accessed only by a 1633
majority vote of the council members who are required to serve on 1634
the council. Upon appeal, the cabinet council may order that state 1635
funds for services to children and families be redirected to a 1636
county's board of county commissioners. 1637

(2) A county council shall provide for the following: 1638

(a) Referrals to the cabinet council of those children for 1639
whom the county council cannot provide adequate services; 1640

(b) Development and implementation of a process that annually 1641
evaluates and prioritizes services, fills service gaps where 1642
possible, and invents new approaches to achieve better results for 1643
families and children; 1644

(c) Participation in the development of a countywide, 1645
comprehensive, coordinated, multi-disciplinary, interagency system 1646
for infants and toddlers with developmental disabilities or delays 1647
and their families, as established pursuant to federal grants 1648
received and administered by the department of health for early 1649
intervention services under the "Education of the Handicapped Act 1650
Amendments of 1986"; 1651

(d) Maintenance of an accountability system to monitor the 1652
county council's progress in achieving results for families and 1653
children; 1654

(e) Establishment of a mechanism to ensure ongoing input from 1655
a broad representation of families who are receiving services 1656
within the county system. 1657

(3)(a) Except as provided in division (B)(3)(b) of this 1658
section, a county council shall comply with the policies, 1659
procedures, and activities prescribed by the rules or interagency 1660
agreements of a state department participating on the cabinet 1661
council whenever the county council performs a function subject to 1662
those rules or agreements. 1663

(b) On application of a county council, the cabinet council 1664
may grant an exemption from any rules or interagency agreements of 1665
a state department participating on the council if an exemption is 1666
necessary for the council to implement an alternative program or 1667
approach for service delivery to families and children. The 1668
application shall describe the proposed program or approach and 1669
specify the rules or interagency agreements from which an 1670
exemption is necessary. The cabinet council shall approve or 1671
disapprove the application in accordance with standards and 1672
procedures it shall adopt. If an application is approved, the 1673
exemption is effective only while the program or approach is being 1674
implemented, including a reasonable period during which the 1675
program or approach is being evaluated for effectiveness. 1676

(4)(a) Each county council shall designate an administrative 1677
agent for the council from among the following public entities: 1678
the board of alcohol, drug addiction, and mental health services, 1679
including a board of alcohol and drug addiction or a community 1680
mental health board if the county is served by separate boards; 1681
the board of county commissioners; any board of health of the 1682
county's city and general health districts; the county department 1683
of job and family services; the county agency responsible for the 1684
administration of children services pursuant to section 5153.15 of 1685
the Revised Code; the county board of mental retardation and 1686

developmental disabilities; any of the county's boards of
education or governing boards of educational service centers; or
the county's juvenile court. Any of the foregoing public entities,
other than the board of county commissioners, may decline to serve
as the council's administrative agent.

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

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

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

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

(iii) Receive by gift, grant, devise, or bequest any moneys, 1718
lands, or other property for the purposes for which the council is 1719
established. The agent shall hold, apply, and dispose of the 1720
moneys, lands, or other property according to the terms of the 1721
gift, grant, devise, or bequest. Any interest or earnings shall be 1722
treated in the same manner and are subject to the same terms as 1723
the gift, grant, devise, or bequest from which it accrues. 1724

(b)(i) If the county council designates the board of county 1725
commissioners as its administrative agent, the board may, by 1726
resolution, delegate any of its powers and duties as 1727
administrative agent to an executive committee the board 1728
establishes from the membership of the county council. The board 1729
shall name to the executive committee at least the individuals 1730
described in divisions (B)(1)~~(b) through (h)~~(a) to (i) of this 1731
section and may appoint the president of the board or another 1732
individual as the chair of the executive committee. 1733

(ii) The executive committee may, with the approval of the 1734
board, hire an executive director to assist the county council in 1735
administering its powers and duties. The executive director shall 1736
serve in the unclassified civil service at the pleasure of the 1737
executive committee. The executive director may, with the approval 1738
of the executive committee, hire other employees as necessary to 1739
properly conduct the county council's business. 1740

(iii) The board may require the executive committee to submit 1741
an annual budget to the board for approval and may amend or repeal 1742
the resolution that delegated to the executive committee its 1743
authority as the county council's administrative agent. 1744

(5) Two or more county councils may enter into an agreement 1745
to administer their county councils jointly by creating a regional 1746
family and children first council. A regional council possesses 1747
the same duties and authority possessed by a county council, 1748

except that the duties and authority apply regionally rather than 1749
to individual counties. Prior to entering into an agreement to 1750
create a regional council, the members of each county council to 1751
be part of the regional council shall meet to determine whether 1752
all or part of the members of each county council will serve as 1753
members of the regional council. 1754

(6) A board of county commissioners may approve a resolution 1755
by a majority vote of the board's members that requires the county 1756
council to submit a statement to the board each time the council 1757
proposes to enter into an agreement, adopt a plan, or make a 1758
decision, other than a decision pursuant to section 121.38 of the 1759
Revised Code, that requires the expenditure of funds for two or 1760
more families. The statement shall describe the proposed 1761
agreement, plan, or decision. 1762

Not later than fifteen days after the board receives the 1763
statement, it shall, by resolution approved by a majority of its 1764
members, approve or disapprove the agreement, plan, or decision. 1765
Failure of the board to pass a resolution during that time period 1766
shall be considered approval of the agreement, plan, or decision. 1767

An agreement, plan, or decision for which a statement is 1768
required to be submitted to the board shall be implemented only if 1769
it is approved by the board. 1770

(C) Each county shall develop a county service coordination 1771
mechanism. The mechanism shall be developed and approved with the 1772
participation of the county entities representing child welfare; 1773
mental retardation and developmental disabilities; alcohol, drug 1774
addiction, and mental health services; health; juvenile judges; 1775
education; the county family and children first council; and the 1776
county early intervention collaborative established pursuant to 1777
the federal early intervention program operated under the 1778
"Education of the Handicapped Act Amendments of 1986." The county 1779

shall establish an implementation schedule for the mechanism. The 1780
cabinet council may monitor the implementation and administration 1781
of each county's service coordination mechanism. 1782

Each mechanism shall include all of the following: 1783

(1) A procedure for ~~assessing the needs of any child,~~ 1784
~~including a child who is an abused, neglected, dependent, unruly,~~ 1785
~~or delinquent child and under the jurisdiction of the juvenile~~ 1786
~~court or a child whose parent or custodian is voluntarily seeking~~ 1787
services a family seeking service coordination for the family's 1788
child to refer itself to the county council for coordination in 1789
accordance with the county service coordination mechanism; 1790

(2) A procedure for an agency, including a juvenile court, to 1791
refer a child and family to the county council for coordination in 1792
accordance with the county service coordination mechanism; 1793

(3) A procedure that does one of the following: 1794

(a) Permits a family to be involved in the service 1795
coordination mechanism by being notified of and invited to all 1796
meetings involved in the mechanism; 1797

(b) Permits a family to initiate a meeting to develop or 1798
review the family's service coordination plan and allows the 1799
family to invite a family advocate, mentor, or support person of 1800
the family's choice to any such meeting. 1801

(4) A procedure for notifying and inviting to all meetings 1802
appropriate staff from involved agencies, including a 1803
representative from the appropriate school district; 1804

(5) A procedure for ensuring that a service coordination 1805
meeting is conducted before a non-emergency out-of-home placement 1806
or long-term placement is made and that, in situations involving 1807
an emergency out-of-home placement, a service coordination meeting 1808
is conducted within ten days of the placement. 1809

(6) A procedure for monitoring the progress and tracking the outcomes of each service coordination plan requested in the county including monitoring and tracking children in out-of-home placements to assure continued progress, appropriateness of placement, and continuity of care after discharge from placement with appropriate arrangements for housing, treatment, and education. 1810
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(7) A procedure for protecting the confidentiality of all personal family information disclosed during service coordination meetings or contained in the comprehensive family service coordination plan. 1817
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(8) A procedure for assessing the ~~service~~ needs and strengths of the family of any child or family that has been referred to the council for service coordination, including a child ~~who is an~~ abused, neglected, dependent, unruly, or delinquent child and under the jurisdiction of the juvenile court or a child whose parent or custodian is voluntarily seeking services, and for ensuring that parents and custodians are afforded the opportunity to participate; 1821
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~~(3)~~(9) A procedure for development of a comprehensive joint family service coordination plan described in division (D) of this section; 1829
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~~(4)~~(10) A local dispute resolution process to serve as the process that must be used first to resolve disputes among the agencies represented on the county council concerning the provision of services to children, including children who are abused, neglected, dependent, unruly, alleged unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services. The local dispute resolution process shall comply with section 121.38 of the Revised Code. The local dispute 1832
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resolution process may also be used for disputes between an agency 1841
and a child's parents or custodian. In that case it shall comply 1842
with sections 121.381 and 121.382 of the Revised Code, as well as 1843
section 121.38 of the Revised Code. The 1844

The cabinet council shall adopt rules in accordance with 1845
Chapter 119. of the Revised Code establishing an administrative 1846
review process to address problems that arise concerning the 1847
operation of a local dispute resolution process. 1848

Nothing in division (C)(5) of this section shall be 1849
interpreted as overriding or affecting decisions of a juvenile 1850
court regarding an out-of-home placement, long-term placement, or 1851
emergency out-of-home placement. 1852

(D) Each county shall develop a comprehensive ~~joint~~ family 1853
service coordination plan that does ~~both~~ all of the following: 1854

(1) Designates service responsibilities among the various 1855
state and local agencies that provide services to children and 1856
their families, including children who are abused, neglected, 1857
dependent, unruly, or delinquent children and under the 1858
jurisdiction of the juvenile court and children whose parents or 1859
custodians are voluntarily seeking services; 1860

(2) Designates the lead family plan coordinator, approved by 1861
the family, to ensure the coordination of and fidelity to the 1862
plan; 1863

(3) Ensures that assistance and services to be provided are 1864
responsive to the strengths and needs of the family, as well as 1865
the family's culture, race, and ethnic group, by allowing the 1866
family to offer information and suggestions and participate in 1867
decisions; 1868

(4) Ensures that assistance and services provided meet the 1869
needs of the child and family in the least restrictive 1870
environment; 1871

(5) Includes a service coordination process for dealing with a child who is alleged to be an unruly child. The service coordination process shall include methods to divert the child from the juvenile court system;

(6) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;

(7) Includes a plan for dealing with short-term crisis situations and safety concerns.

(E)(1) The service coordination process provided for under division (D)~~(2)~~(5) of this section may include, but is not limited to, the following:

~~(a) An assessment of the needs and strengths of the child and the child's family and the services the child and the child's family need;~~

~~(b)~~ Designation of the person or agency to conduct the assessment of the child and the child's family as described in division ~~(E)(1)(a)~~(C)(8) of this section and designation of the instrument or instruments to be used to conduct the assessment;

~~(c)~~ Designation of the agency to provide case management services to the child and to the child's family;

~~(d)~~(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;

~~(e)~~(c) Involvement of local law enforcement agencies and officials.

(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:

(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; 1902
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(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; 1907
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~~(c) A method for dealing with short term crisis situations
involving a confrontation between the child and the parents,
guardian, or custodian;~~ 1911
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~~(d)~~ 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; 1914
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~~(e)~~(d) A program to provide a mentor to the child or the
parents, guardian, or custodian; 1918
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~~(f)~~(e) A program to provide parenting education to the
parents, guardian, or custodian; 1920
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~~(g)~~(f) An alternative school program for children who are
truant from school, repeatedly disruptive in school, or suspended
or expelled from school; 1922
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~~(h)~~(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. 1925
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(F) Each county may review and revise the service
coordination process described in division (D)~~(2)~~ of this section
based on the availability of funds under Title IV-A of the "Social 1929
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Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 1932
or to the extent resources are available from any other federal, 1933
state, or local funds. 1934

Sec. 121.38. (A) An agency represented on a county family and 1935
children first council that disagrees with the council's decision 1936
concerning the services or funding for services a child is to 1937
receive from agencies represented on the council may initiate the 1938
local dispute resolution process established in the county service 1939
coordination mechanism applicable to the council. On completion of 1940
the process, the decision maker designated in the mechanism shall 1941
issue a written determination that directs one or more agencies 1942
represented on the council to provide services or funding for 1943
services to the child. The determination shall include a plan of 1944
care governing the manner in which the services or funding are to 1945
be provided. The decision maker shall base the plan of care on the 1946
comprehensive ~~joint~~ family service coordination plan developed as 1947
part of the county's service coordination mechanism and on 1948
evidence presented during the local dispute resolution process. 1949
The decision maker may require an agency to provide services or 1950
funding only if the child's condition or needs qualify the child 1951
for services under the laws governing the agency. 1952

(B) An agency subject to a determination issued pursuant to a 1954
local dispute resolution process shall immediately comply with the 1955
determination, unless the agency objects to the determination by 1956
doing one of the following not later than seven days after the 1957
date the written determination is issued: 1958

(1) If the child has been alleged or adjudicated to be an 1959
abused, neglected, dependent, unruly, or delinquent child or a 1960
juvenile traffic offender, filing in the juvenile court of the 1961
county having jurisdiction over the child's case a motion 1962

requesting that the court hold a hearing to determine which 1963
agencies are to provide services or funding for services to the 1964
child. 1965

(2) If the child is not a child described in division (B)(1) 1966
of this section, filing in the juvenile court of the county served 1967
by the county council a complaint objecting to the determination. 1968

The court shall hold a hearing as soon as possible, but not 1969
later than ninety days after the motion or complaint is filed. At 1970
least five days before the date on which the court hearing is to 1971
be held, the court shall send each agency subject to the 1972
determination written notice by first class mail of the date, 1973
time, place, and purpose of the court hearing. In the case of a 1974
motion filed under division (B)(1) of this section, the court may 1975
conduct the hearing as part of the adjudicatory or dispositional 1976
hearing concerning the child, if appropriate, and shall provide 1977
notice as required for those hearings. 1978

Except in cases in which the hearing is conducted as part of 1979
the adjudicatory or dispositional hearing, a hearing held pursuant 1980
to this division shall be limited to a determination of which 1981
agencies are to provide services or funding for services to the 1982
child. At the conclusion of the hearing, the court shall issue an 1983
order directing one or more agencies represented on the county 1984
council to provide services or funding for services to the child. 1985
The order shall include a plan of care governing the manner in 1986
which the services or funding are to be provided. The court shall 1987
base the plan of care on the comprehensive ~~joint~~ family service 1988
coordination plan developed as part of the county's service 1989
coordination plan and on evidence presented during the hearing. An 1990
agency required by the order to provide services or funding shall 1991
be a party to any juvenile court proceeding concerning the child. 1992
The court may require an agency to provide services or funding for 1993
a child only if the child's condition or needs qualify the child 1994

for services under the laws governing the agency. 1995

(C) While the local dispute resolution process or court 1996
proceedings pursuant to this section are pending, each agency 1997
shall provide services and funding as required by the decision 1998
made by the county council before dispute resolution was 1999
initiated. If an agency that provides services or funds during the 2000
local dispute resolution process or court proceedings is 2001
determined through the process or proceedings not to be 2002
responsible for providing them, it shall be reimbursed for the 2003
costs of providing the services or funding by the agencies 2004
determined to be responsible for providing them. 2005

Sec. 121.381. A parent or custodian who disagrees with a 2006
decision rendered by a county family and children first council 2007
regarding services for a child may initiate the dispute resolution 2008
process established in the county service coordination mechanism 2009
pursuant to division (C)(10) of section 121.37 of the Revised 2010
Code. 2011

Not later than sixty days after the parent or custodian 2012
initiates the dispute resolution process, the council shall make 2013
findings regarding the dispute and issue a written determination 2014
of its findings. 2015

Sec. 121.382. Each agency represented on a county family and 2016
children first council that is providing services or funding for 2017
services that are the subject of the dispute resolution process 2018
initiated by a parent or custodian under section 121.381 of the 2019
Revised Code shall continue to provide those services and the 2020
funding for those services during the dispute resolution process. 2021

Sec. 121.403. (A) The Ohio community service council may do 2022
any of the following: 2023

<u>(1) Accept monetary gifts or donations;</u>	2024
<u>(2) Sponsor conferences, meetings, or events in furtherance of the council's purpose described in section 121.40 of the Revised Code and charge fees for participation or involvement in the conferences, meetings, or events;</u>	2025 2026 2027 2028
<u>(3) Sell promotional items in furtherance of the council's purpose described in section 121.40 of the Revised Code.</u>	2029 2030
<u>(B) All monetary gifts and donations, funds from the sale of promotional items, and any fees paid to the council for conferences, meetings, or events sponsored by the council shall be deposited into the Ohio community service council gifts and donations fund, which is hereby created in the state treasury. Moneys in the fund may be used only as follows:</u>	2031 2032 2033 2034 2035 2036
<u>(1) To pay operating expenses of the council, including payroll, personal services, maintenance, equipment, and subsidy payments;</u>	2037 2038 2039
<u>(2) To support council programs promoting volunteerism and community service in the state;</u>	2040 2041
<u>(3) As matching funds for federal grants.</u>	2042
Sec. 122.011. (A) The department of development shall develop and promote plans and programs designed to assure that state resources are efficiently used, economic growth is properly balanced, community growth is developed in an orderly manner, and local governments are coordinated with each other and the state, and for such purposes may do all of the following:	2043 2044 2045 2046 2047 2048
(1) Serve as a clearinghouse for information, data, and other materials that may be helpful or necessary to persons or local governments, as provided in section 122.07 of the Revised Code;	2049 2050 2051
(2) Prepare and activate plans for the retention,	2052

development, expansion, and use of the resources and commerce of	2053
the state, as provided in section 122.04 of the Revised Code;	2054
(3) Assist and cooperate with federal, state, and local	2055
governments and agencies of federal, state, and local governments	2056
in the coordination of programs to carry out the functions and	2057
duties of the department;	2058
(4) Encourage and foster research and development activities,	2059
conduct studies related to the solution of community problems, and	2060
develop recommendations for administrative or legislative actions,	2061
as provided in section 122.03 of the Revised Code;	2062
(5) Serve as the economic and community development planning	2063
agency, which shall prepare and recommend plans and programs for	2064
the orderly growth and development of this state and which shall	2065
provide planning assistance, as provided in section 122.06 of the	2066
Revised Code;	2067
(6) Cooperate with and provide technical assistance to state	2068
departments, political subdivisions, regional and local planning	2069
commissions, tourist associations, councils of government,	2070
community development groups, community action agencies, and other	2071
appropriate organizations for carrying out the functions and	2072
duties of the department or for the solution of community	2073
problems;	2074
(7) Coordinate the activities of state agencies that have an	2075
impact on carrying out the functions and duties of the department;	2076
(8) Encourage and assist the efforts of and cooperate with	2077
local governments to develop mutual and cooperative solutions to	2078
their common problems that relate to carrying out the purposes of	2079
this section;	2080
(9) Study existing structure, operations, and financing of	2081
regional or local government and those state activities that	2082

involve significant relations with regional or local governmental units, recommend to the governor and to the general assembly such changes in these provisions and activities as will improve the operations of regional or local government, and conduct other studies of legal provisions that affect problems related to carrying out the purposes of this section;

(10) Create and operate a division of community development to develop and administer programs and activities that are authorized by federal statute or the Revised Code;

(11) Until October 15, ~~2005~~ 2007, establish fees and charges, in consultation with the director of agriculture, for purchasing loans from financial institutions and providing loan guarantees under the family farm loan program created under sections 901.80 to 901.83 of the Revised Code;

(12) Provide loan servicing for the loans purchased and loan guarantees provided under section 901.80 of the Revised Code as that section existed prior to October 15, ~~2005~~ 2007;

(13) Until October 15, ~~2005~~ 2007, and upon approval by the controlling board under division (A)(3) of section 901.82 of the Revised Code of the release of money to be used for purchasing a loan or providing a loan guarantee, request the release of that money in accordance with division (B) of section 166.03 of the Revised Code for use for the purposes of the fund created by section 166.031 of the Revised Code.

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

Sec. 122.17. (A) As used in this section: 2113

(1) "Full-time employee" means an individual who is employed 2114
for consideration for at least thirty-five hours a week, or who 2115
renders any other standard of service generally accepted by custom 2116
or specified by contract as full-time employment. 2117

(2) "New employee" means one of the following: 2118

(a) A full-time employee first employed by a taxpayer in the 2119
project that is the subject of the agreement after the taxpayer 2120
enters into a tax credit agreement with the tax credit authority 2121
under this section; 2122

(b) A full-time employee first employed by a taxpayer in the 2123
project that is the subject of the tax credit after the tax credit 2124
authority approves a project for a tax credit under this section 2125
in a public meeting, as long as the taxpayer enters into the tax 2126
credit agreement prepared by the department of development after 2127
such meeting within sixty days after receiving the agreement from 2128
the department. If the taxpayer fails to enter into the agreement 2129
within sixty days, "new employee" has the same meaning as under 2130
division (A)(2)(a) of this section. 2131

Under division (A)(2)(a) or (b) of this section, if the tax 2132
credit authority determines it appropriate, "new employee" also 2133
may include an employee re-hired or called back from lay-off to 2134
work in a new facility or on a new product or service established 2135
or produced by the taxpayer after entering into the agreement 2136
under this section or after the tax credit authority approves the 2137
tax credit in a public meeting. Except as otherwise provided in 2138
this paragraph, "new employee" does not include any employee of 2139
the taxpayer who was previously employed in this state by a 2140
related member of the taxpayer and whose employment was shifted to 2141
the taxpayer after the taxpayer entered into the tax credit 2142

agreement or after the tax credit authority approved the credit in 2143
a public meeting, or any employee of the taxpayer for which the 2144
taxpayer has been granted a certificate under division (B) of 2145
section 5709.66 of the Revised Code. However, if the taxpayer is 2146
engaged in the enrichment and commercialization of uranium or 2147
uranium products or is engaged in research and development 2148
activities related thereto and if the tax credit authority 2149
determines it appropriate, "new employee" may include an employee 2150
of the taxpayer who was previously employed in this state by a 2151
related member of the taxpayer and whose employment was shifted to 2152
the taxpayer after the taxpayer entered into the tax credit 2153
agreement or after the tax credit authority approved the credit in 2154
a public meeting. "New employee" does not include an employee of 2155
the taxpayer who is employed in an employment position that was 2156
relocated to a project from other operations of the taxpayer in 2157
this state or from operations of a related member of the taxpayer 2158
in this state. In addition, "new employee" does not include a 2159
child, grandchild, parent, or spouse, other than a spouse who is 2160
legally separated from the individual, of any individual who is an 2161
employee of the taxpayer and who has a direct or indirect 2162
ownership interest of at least five per cent in the profits, 2163
capital, or value of the taxpayer. Such ownership interest shall 2164
be determined in accordance with section 1563 of the Internal 2165
Revenue Code and regulations prescribed thereunder. 2166

(3) "New income tax revenue" means the total amount withheld 2167
under section 5747.06 of the Revised Code by the taxpayer during 2168
the taxable year, or during the calendar year that includes the 2169
tax period, from the compensation of new employees for the tax 2170
levied under Chapter 5747. of the Revised Code. 2171

(4) "Related member" has the same meaning as under division 2172
(A)(6) of section 5733.042 of the Revised Code without regard to 2173
division (B) of that section. 2174

(B) The tax credit authority may make grants under this 2175
section to foster job creation in this state. Such a grant shall 2176
take the form of a refundable credit allowed against the tax 2177
imposed by section 5733.06 or 5747.02 of the Revised Code for 2178
taxable years ending prior to 2008 and against the tax levied by 2179
Chapter 5751. of the Revised Code for tax periods beginning in 2180
2008 and thereafter. The credit shall be claimed for the taxable 2181
years or tax periods specified in the taxpayer's agreement with 2182
the tax credit authority under division (D) of this section. The 2183
credit shall be claimed ~~after the allowance of all other credits~~ 2184
~~provided by Chapter 5733. or 5747.~~ in the order required under 2185
section 5733.98, 5747.98, or 5751.98 of the Revised Code. The 2186
amount of the credit available for a taxable year or for a 2187
calendar year that includes a tax period equals the new income tax 2188
revenue for ~~the taxable~~ that year multiplied by the percentage 2189
specified in the agreement with the tax credit authority. 2190

(C) A taxpayer or potential taxpayer who proposes a project 2191
to create new jobs in this state may apply to the tax credit 2192
authority to enter into an agreement for a tax credit under this 2193
section. The director of development shall prescribe the form of 2194
the application. After receipt of an application, the authority 2195
may enter into an agreement with the taxpayer for a credit under 2196
this section if it determines all of the following: 2197

(1) The taxpayer's project will create new jobs in this 2198
state; 2199

(2) The taxpayer's project is economically sound and will 2200
benefit the people of this state by increasing opportunities for 2201
employment and strengthening the economy of this state; 2202

(3) Receiving the tax credit is a major factor in the 2203
taxpayer's decision to go forward with the project. 2204

(D) An agreement under this section shall include all of the 2205

following:	2206
(1) A detailed description of the project that is the subject of the agreement;	2207 2208
(2) The term of the tax credit, which shall not exceed fifteen years, and the first taxable year, <u>or first calendar year that includes a tax period</u> , for which the credit may be claimed;	2209 2210 2211
(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;	2212 2213 2214
(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 <u>or for each calendar year that includes a tax period</u> ;	2215 2216 2217 2218
(5) A specific method for determining how many new employees are employed during a taxable year <u>or during a calendar year that includes a tax period</u> ;	2219 2220 2221
(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;	2222 2223 2224 2225 2226
(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;	2227 2228 2229 2230
(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	2231 2232 2233 2234 2235

or the number of years the taxpayer is entitled to claim the tax credit. 2236
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(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: 2238
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(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; 2242
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(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. 2246
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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 the individual's employment position in the first political subdivision is refilled. 2249
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(E) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term shall take effect in the taxable year immediately following the taxable year in which the authority amends the agreement or in the first tax period beginning in the calendar year immediately following the calendar year in which the authority amends the agreement. If the taxpayer relocates employment positions in violation of the provision required under division (D)(8)(a) of this section, the 2257
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taxpayer shall not claim the tax credit under section 5733.0610 of 2267
the Revised Code for any tax years following the calendar year in 2268
which the relocation occurs, or shall not claim the tax credit 2269
under section 5747.058 of the Revised Code for the taxable year in 2270
which the relocation occurs and any subsequent taxable years, and 2271
shall not claim the tax credit under division (A) of section 2272
5751.50 of the Revised Code for any tax period in the calendar 2273
year in which the relocation occurs and any subsequent tax 2274
periods. 2275

(F) Projects that consist solely of point-of-final-purchase 2276
retail facilities are not eligible for a tax credit under this 2277
section. If a project consists of both point-of-final-purchase 2278
retail facilities and nonretail facilities, only the portion of 2279
the project consisting of the nonretail facilities is eligible for 2280
a tax credit and only the new income tax revenue from new 2281
employees of the nonretail facilities shall be considered when 2282
computing the amount of the tax credit. If a warehouse facility is 2283
part of a point-of-final-purchase retail facility and supplies 2284
only that facility, the warehouse facility is not eligible for a 2285
tax credit. Catalog distribution centers are not considered 2286
point-of-final-purchase retail facilities for the purposes of this 2287
division, and are eligible for tax credits under this section. 2288

(G) Financial statements and other information submitted to 2289
the department of development or the tax credit authority by an 2290
applicant or recipient of a tax credit under this section, and any 2291
information taken for any purpose from such statements or 2292
information, are not public records subject to section 149.43 of 2293
the Revised Code. However, the chairperson of the authority may 2294
make use of the statements and other information for purposes of 2295
issuing public reports or in connection with court proceedings 2296
concerning tax credit agreements under this section. Upon the 2297
request of the tax commissioner, the chairperson of the authority 2298

shall provide to the commissioner any statement or information 2299
submitted by an applicant or recipient of a tax credit in 2300
connection with the credit. The commissioner shall preserve the 2301
confidentiality of the statement or information. 2302

(H) A taxpayer claiming a credit under this section shall 2303
submit to the tax commissioner a copy of the director of 2304
development's certificate of verification under division (D)(7) of 2305
this section for the taxable year or for the calendar year that 2306
includes the tax period. However, failure to submit a copy of the 2307
certificate does not invalidate a claim for a credit. 2308

(I) The director of development, after consultation with the 2309
tax commissioner and in accordance with Chapter 119. of the 2310
Revised Code, shall adopt rules necessary to implement this 2311
section. The rules may provide for recipients of tax credits under 2312
this section to be charged fees to cover administrative costs of 2313
the tax credit program. At the time the director gives public 2314
notice under division (A) of section 119.03 of the Revised Code of 2315
the adoption of the rules, the director shall submit copies of the 2316
proposed rules to the chairpersons of the standing committees on 2317
economic development in the senate and the house of 2318
representatives. 2319

(J) For the purposes of this section, a taxpayer may include 2320
a partnership, a corporation that has made an election under 2321
subchapter S of chapter one of subtitle A of the Internal Revenue 2322
Code, or any other business entity through which income flows as a 2323
distributive share to its owners. A credit received under this 2324
section by a partnership, S-corporation, or other such business 2325
entity shall be apportioned among the persons to whom the income 2326
or profit of the partnership, S-corporation, or other entity is 2327
distributed, in the same proportions as those in which the income 2328
or profit is distributed. 2329

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

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

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

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

In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner. The commissioner shall make an assessment for that amount against the taxpayer under Chapter 5733. ~~or, 5747., or 5751.~~ of the Revised Code. The time limitations on assessments under ~~Chapter 5733. or 5747. of the Revised Code~~ those chapters do not apply to an assessment

under this division, but the commissioner shall make the 2361
assessment within one year after the date the authority certifies 2362
to the commissioner the amount to be refunded. 2363

(L) On or before the thirty-first day of March each year, the 2364
director of development shall submit a report to the governor, the 2365
president of the senate, and the speaker of the house of 2366
representatives on the tax credit program under this section. The 2367
report shall include information on the number of agreements that 2368
were entered into under this section during the preceding calendar 2369
year, a description of the project that is the subject of each 2370
such agreement, and an update on the status of projects under 2371
agreements entered into before the preceding calendar year. 2372

~~During the fifth year of the tax credit program, the director 2373
of development in conjunction with the director of budget and 2374
management shall conduct an evaluation of it. The evaluation shall 2375
include assessments of the effectiveness of the program in 2376
creating new jobs in this state and of the revenue impact of the 2377
program, and may include a review of the practices and experiences 2378
of other states with similar programs. The director of development 2379
shall submit a report on the evaluation to the governor, the 2380
president of the senate, and the speaker of the house of 2381
representatives on or before January 1, 1998. 2382~~

(M) There is hereby created the tax credit authority, which 2383
consists of the director of development and four other members 2384
appointed as follows: the governor, the president of the senate, 2385
and the speaker of the house of representatives each shall appoint 2386
one member who shall be a specialist in economic development; the 2387
governor also shall appoint a member who is a specialist in 2388
taxation. Of the initial appointees, the members appointed by the 2389
governor shall serve a term of two years; the members appointed by 2390
the president of the senate and the speaker of the house of 2391
representatives shall serve a term of four years. Thereafter, 2392

terms of office shall be for four years. Initial appointments to 2393
the authority shall be made within thirty days after January 13, 2394
1993. Each member shall serve on the authority until the end of 2395
the term for which the member was appointed. Vacancies shall be 2396
filled in the same manner provided for original appointments. Any 2397
member appointed to fill a vacancy occurring prior to the 2398
expiration of the term for which the member's predecessor was 2399
appointed shall hold office for the remainder of that term. 2400
Members may be reappointed to the authority. Members of the 2401
authority shall receive their necessary and actual expenses while 2402
engaged in the business of the authority. The director of 2403
development shall serve as chairperson of the authority, and the 2404
members annually shall elect a vice-chairperson from among 2405
themselves. Three members of the authority constitute a quorum to 2406
transact and vote on the business of the authority. The majority 2407
vote of the membership of the authority is necessary to approve 2408
any such business, including the election of the vice-chairperson. 2409

The director of development may appoint a professional 2410
employee of the department of development to serve as the 2411
director's substitute at a meeting of the authority. The director 2412
shall make the appointment in writing. In the absence of the 2413
director from a meeting of the authority, the appointed substitute 2414
shall serve as chairperson. In the absence of both the director 2415
and the director's substitute from a meeting, the vice-chairperson 2416
shall serve as chairperson. 2417

Sec. 122.171. (A) As used in this section: 2418

(1) "Capital investment project" means a plan of investment 2419
at a project site for the acquisition, construction, renovation, 2420
or repair of buildings, machinery, or equipment, or for 2421
capitalized costs of basic research and new product development 2422
determined in accordance with generally accepted accounting 2423

principles, but does not include any of the following:	2424
(a) Payments made for the acquisition of personal property through operating leases;	2425 2426
(b) Project costs paid before January 1, 2002, or after December 31, 2006;	2427 2428
(c) Payments made to a related member as defined in section 5733.042 of the Revised Code <u>or to an elected consolidated taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code.</u>	2429 2430 2431 2432
(2) "Eligible business" means a business with Ohio operations satisfying all of the following:	2433 2434
(a) Employed an average of at least one thousand employees in full-time employment positions at a project site during each of the twelve months preceding the application for a tax credit under this section; and	2435 2436 2437 2438
(b) On or after January 1, 2002, has made payments for the capital investment project of either of the following:	2439 2440
(i) At least two hundred million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year <u>or tax period</u> with respect to which the credit is granted;	2441 2442 2443 2444 2445
(ii) If the average wage of all full-time employment positions at the project site is greater than four hundred per cent of the federal minimum wage, at least one hundred million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year <u>or tax period</u> with respect to which the credit is granted.	2446 2447 2448 2449 2450 2451 2452
(c) Is engaged at the project site primarily as a	2453

manufacturer or is providing significant corporate administrative functions; 2454
2455

(d) Has had a capital investment project reviewed and approved by the tax credit authority as provided in divisions (C), (D), and (E) of this section. 2456
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(3) "Full-time employment position" means a position of employment for consideration for at least thirty-five hours a week that has been filled for at least one hundred eighty days immediately preceding the filing of an application under this section and for at least one hundred eighty days during each taxable year or each calendar year that includes a tax period with respect to which the credit is granted. 2459
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(4) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code. 2466
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(5) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business. 2468
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(6) "Applicable corporation" means a corporation satisfying all of the following: 2472
2473

(a)(i) For the entire taxable year immediately preceding the tax year, the corporation develops software applications primarily to provide telecommunication billing and information services through outsourcing or licensing to domestic or international customers. 2474
2475
2476
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(ii) Sales and licensing of software generated at least six hundred million dollars in revenue during the taxable year immediately preceding the tax year the corporation is first entitled to claim the credit provided under division (B) of this section. 2479
2480
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(b) For the entire taxable year immediately preceding the tax year, the corporation or one or more of its related members provides customer or employee care and technical support for clients through one or more contact centers within this state, and the corporation and its related members together have a daily average, based on a ~~three hundred sixty five day~~ three-hundred-sixty-five-day year, of at least five hundred thousand successful customer contacts through one or more of their contact centers, wherever located.

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

(7) "Related member" has the same meaning as in section 5733.042 of the Revised Code 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.

(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 2515
and one-half per cent, the tax calculated under division 2516
(A)(10)(a) of this section shall be computed by substituting a tax 2517
rate of eight and one-half per cent for the rate set forth in 2518
division (B) of section 5733.06 of the Revised Code for the tax 2519
year. 2520

(c) If the resulting difference is negative, the applicable 2521
tax difference for the tax year shall be zero. 2522

(B) The tax credit authority created under section 122.17 of 2523
the Revised Code may grant tax credits under this section for the 2524
purpose of fostering job retention in this state. Upon application 2525
by an eligible business and upon consideration of the 2526
recommendation of the director of budget and management, tax 2527
commissioner, and director of development under division (C) of 2528
this section, the tax credit authority may grant to an eligible 2529
business a nonrefundable credit against the tax imposed by section 2530
5733.06 or 5747.02 of the Revised Code for taxable years ending 2531
before 2008 for a period up to fifteen taxable years and against 2532
the tax levied by Chapter 5751. of the Revised Code for tax 2533
periods beginning in 2008 and thereafter for a period of up to 2534
fifteen calendar years. The credit shall be in an amount not 2535
exceeding seventy-five per cent of the Ohio income tax withheld 2536
from the employees of the eligible business occupying full-time 2537
employment positions at the project site during the calendar year 2538
that includes the last day of such business' taxable year or tax 2539
period with respect to which the credit is granted. The amount of 2540
the credit shall not be based on the Ohio income tax withheld from 2541
full-time employees for a calendar year prior to the calendar year 2542
in which the minimum investment requirement referred to in 2543
division (A)(2)(b) of this section is completed. The credit shall 2544
be claimed only for the taxable years or tax periods specified in 2545
the eligible business' agreement with the tax credit authority 2546

under division (E) of this section, but in no event shall the 2547
credit be claimed for a taxable year or tax period terminating 2548
before the date specified in the agreement. 2549

The credit computed under this division is in addition to any 2550
credit allowed under division (M) of this section which the tax 2551
credit authority may also include in the agreement. 2552

Any unused portion of a tax credit may be carried forward for 2553
not more than three additional years after the year for which the 2554
credit is granted. 2555

(C) A taxpayer that proposes a capital investment project to 2556
retain jobs in this state may apply to the tax credit authority to 2557
enter into an agreement for a tax credit under this section. The 2558
director of development shall prescribe the form of the 2559
application. After receipt of an application, the authority shall 2560
forward copies of the application to the director of budget and 2561
management, the tax commissioner, and the director of development, 2562
each of whom shall review the application to determine the 2563
economic impact the proposed project would have on the state and 2564
the affected political subdivisions and shall submit a summary of 2565
their determinations and recommendations to the authority. The 2566
authority shall make no agreements under this section after June 2567
30, 2007. 2568

(D) Upon review of the determinations and recommendations 2569
described in division (C) of this section, the tax credit 2570
authority may enter into an agreement with the taxpayer for a 2571
credit under this section if the authority determines all of the 2572
following: 2573

(1) The taxpayer's capital investment project will result in 2574
the retention of full-time employment positions in this state. 2575

(2) The taxpayer is economically sound and has the ability to 2576
complete the proposed capital investment project. 2577

(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least twice the term of the credit.	2578 2579 2580
(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.	2581 2582
(5) The political subdivisions in which the project is located have agreed to provide substantial financial support to the project.	2583 2584 2585
(E) An agreement under this section shall include all of the following:	2586 2587
(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, and the number of full-time employment positions at the project site.	2588 2589 2590 2591
(2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section.	2592 2593 2594
(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed.	2595 2596
(4) A requirement that the taxpayer maintain operations at the project site for at least twice the number of years as the term of the credit.	2597 2598 2599
(5) A requirement that the taxpayer retain a specified number of full-time employment positions at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least one thousand employees in full-time employment positions at the project site during the entire term of any agreement, subject to division (E)(7) of this section.	2600 2601 2602 2603 2604 2605 2606
(6) A requirement that the taxpayer annually report to the	2607

director of development the number of full-time employment 2608
positions subject to the credit, the amount of tax withheld from 2609
employees in those positions, the amount of the payments made for 2610
the capital investment project, and any other information the 2611
director needs to perform the director's duties under this 2612
section. 2613

(7) A requirement that the director of development annually 2614
review the annual reports of the taxpayer to verify the 2615
information reported under division (E)(6) of this section and 2616
compliance with the agreement. Upon verification, the director 2617
shall issue a certificate to the taxpayer stating that the 2618
information has been verified and identifying the amount of the 2619
credit for the taxable year. Unless otherwise specified by the tax 2620
credit authority in a resolution and included as part of the 2621
agreement, the director shall not issue a certificate for any year 2622
in which the total number of filled full-time employment positions 2623
for each day of the calendar year divided by three hundred 2624
sixty-five is less than ninety per cent of the full-time 2625
employment positions specified in division (E)(5) of this section. 2626
In determining the number of full-time employment positions, no 2627
position shall be counted that is filled by an employee who is 2628
included in the calculation of a tax credit under section 122.17 2629
of the Revised Code. 2630

(8)(a) A provision requiring that the taxpayer, except as 2631
otherwise provided in division (E)(8)(b) of this section, shall 2632
not relocate employment positions from elsewhere in this state to 2633
the project site that is the subject of the agreement for the 2634
lesser of five years from the date the agreement is entered into 2635
or the number of years the taxpayer is entitled to claim the 2636
credit. 2637

(b) The taxpayer may relocate employment positions from 2638
elsewhere in this state to the project site that is the subject of 2639

the agreement if the director of development determines both of 2640
the following: 2641

(i) That the site from which the employment positions would 2642
be relocated is inadequate to meet market and industry conditions, 2643
expansion plans, consolidation plans, or other business 2644
considerations affecting the taxpayer; 2645

(ii) That the legislative authority of the county, township, 2646
or municipal corporation from which the employment positions would 2647
be relocated has been notified of the relocation. 2648

For purposes of this section, the movement of an employment 2649
position from one political subdivision to another political 2650
subdivision shall be considered a relocation of an employment 2651
position unless the movement is confined to the project site. The 2652
transfer of an individual employee from one political subdivision 2653
to another political subdivision shall not be considered a 2654
relocation of an employment position as long as the individual's 2655
employment position in the first political subdivision is 2656
refilled. 2657

(9) A waiver by the taxpayer of any limitations periods 2658
relating to assessments or adjustments resulting from the 2659
taxpayer's failure to comply with the agreement. 2660

(F) If a taxpayer fails to meet or comply with any condition 2661
or requirement set forth in a tax credit agreement, the tax credit 2662
authority may amend the agreement to reduce the percentage or term 2663
of the credit. The reduction of the percentage or term shall take 2664
effect in the taxable year immediately following the taxable year 2665
in which the authority amends the agreement or in the first tax 2666
period beginning in the calendar year immediately following the 2667
calendar year in which the authority amends the agreement. If the 2668
taxpayer relocates employment positions in violation of the 2669
provision required under division (D)(8)(a) of this section, the 2670

taxpayer shall not claim the tax credit under section 5733.0610 of 2671
the Revised Code for any tax years following the calendar year in 2672
which the relocation occurs, ~~or~~ shall not claim the tax credit 2673
under section 5747.058 of the Revised Code for the taxable year in 2674
which the relocation occurs and any subsequent taxable years, and 2675
shall not claim the tax credit under division (A) of section 2676
5751.50 of the Revised Code for the tax period in which the 2677
relocation occurs and any subsequent tax periods. 2678

(G) Financial statements and other information submitted to 2679
the department of development or the tax credit authority by an 2680
applicant for or recipient of a tax credit under this section, and 2681
any information taken for any purpose from such statements or 2682
information, are not public records subject to section 149.43 of 2683
the Revised Code. However, the chairperson of the authority may 2684
make use of the statements and other information for purposes of 2685
issuing public reports or in connection with court proceedings 2686
concerning tax credit agreements under this section. Upon the 2687
request of the tax commissioner, the chairperson of the authority 2688
shall provide to the commissioner any statement or other 2689
information submitted by an applicant for or recipient of a tax 2690
credit in connection with the credit. The commissioner shall 2691
preserve the confidentiality of the statement or other 2692
information. 2693

(H) A taxpayer claiming a tax credit under this section shall 2694
submit to the tax commissioner a copy of the director of 2695
development's certificate of verification under division (E)(7) of 2696
this section for the taxable year or for the calendar year that 2697
includes the tax period. However, failure to submit a copy of the 2698
certificate does not invalidate a claim for a credit. 2699

(I) For the purposes of this section, a taxpayer may include 2700
a partnership, a corporation that has made an election under 2701
subchapter S of chapter one of subtitle A of the Internal Revenue 2702

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

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

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

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

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

In determining the portion of the credit to be refunded to

this state, the authority shall consider the effect of market 2734
conditions on the taxpayer's project and whether the taxpayer 2735
continues to maintain other operations in this state. After making 2736
the determination, the authority shall certify the amount to be 2737
refunded to the tax commissioner. The commissioner shall make an 2738
assessment for that amount against the taxpayer under Chapter 2739
5733. ~~or, 5747., or 5751.~~ of the Revised Code. The time 2740
limitations on assessments under ~~Chapter 5733. or 5747. of the~~ 2741
~~Revised Code~~ those chapters do not apply to an assessment under 2742
this division, but the commissioner shall make the assessment 2743
within one year after the date the authority certifies to the 2744
commissioner the amount to be refunded. 2745

If the director of development determines that a taxpayer 2746
that received a tax credit under this section has reduced the 2747
number of employees agreed to under division (E)(5) of this 2748
section by more than ten per cent, the director shall notify the 2749
tax credit authority of the noncompliance. After receiving such 2750
notice, and after providing the taxpayer an opportunity to explain 2751
the noncompliance, the authority may amend the agreement to reduce 2752
the percentage or term of the tax credit. The reduction in the 2753
percentage or term shall take effect in the taxable year, or in 2754
the calendar year that includes the tax period, in which the 2755
authority amends the agreement. 2756

(K) The director of development, after consultation with the 2757
tax commissioner and in accordance with Chapter 119. of the 2758
Revised Code, shall adopt rules necessary to implement this 2759
section. The rules may provide for recipients of tax credits under 2760
this section to be charged fees to cover administrative costs of 2761
the tax credit program. At the time the director gives public 2762
notice under division (A) of section 119.03 of the Revised Code of 2763
the adoption of the rules, the director shall submit copies of the 2764
proposed rules to the chairpersons of the standing committees on 2765

economic development in the senate and the house of 2766
representatives. 2767

(L) On or before the thirty-first day of March of each year, 2768
the director of development shall submit a report to the governor, 2769
the president of the senate, and the speaker of the house of 2770
representatives on the tax credit program under this section. The 2771
report shall include information on the number of agreements that 2772
were entered into under this section during the preceding calendar 2773
year, a description of the project that is the subject of each 2774
such agreement, and an update on the status of projects under 2775
agreements entered into before the preceding calendar year. 2776

(M)(1) A nonrefundable credit shall be allowed to an 2777
applicable corporation and its related members in an amount equal 2778
to the applicable difference. The credit is in addition to the 2779
credit granted to the corporation or related members under 2780
division (B) of this section. The credit is subject to divisions 2781
(B) to (E) and division (J) of this section. 2782

(2) A person qualifying as an applicable corporation under 2783
this section for a tax year does not necessarily qualify as an 2784
applicable corporation for any other tax year. No person is 2785
entitled to the credit allowed under division (M) of this section 2786
for the tax year immediately following the taxable year during 2787
which the person fails to meet the requirements in divisions 2788
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 2789
to the credit allowed under division (M) of this section for any 2790
tax year for which the person is not eligible for the credit 2791
provided under division (B) of this section. 2792

Sec. 122.603. (A)(1) Upon approval by the director of 2793
development and after entering into a participation agreement with 2794
the department of development, a participating financial 2795
institution making a capital access loan shall establish a program 2796

reserve account. The account shall be an interest-bearing account 2797
and shall contain only moneys deposited into it under the program 2798
and the interest payable on the moneys in the account. 2799

(2) All interest payable on the moneys in the program reserve 2800
account shall be added to the moneys and held as an additional 2801
loss reserve. The director may require that a portion or all of 2802
the accrued interest so held in the account be released to the 2803
department. If the director causes a release of accrued interest, 2804
the director shall deposit the released amount into the capital 2805
access loan program fund created in section 122.601 of the Revised 2806
Code. The director shall not require the release of that accrued 2807
interest more than twice in a fiscal year. 2808

(B) When a participating financial institution makes a 2809
capital access loan, it shall require the eligible business to pay 2810
to the participating financial institution a fee in an amount that 2811
is not less than one and one-half per cent, and not more than 2812
three per cent, of the principal amount of the loan. The 2813
participating financial institution shall deposit the fee into its 2814
program reserve account, and it also shall deposit into the 2815
account an amount of its own funds equal to the amount of the fee. 2816
The participating financial institution may recover from the 2817
eligible business all or part of the amount that the participating 2818
financial institution is required to deposit into the account 2819
under this division in any manner agreed to by the participating 2820
financial institution and the eligible business. 2821

(C) For each capital access loan made by a participating 2822
financial institution, the participating financial institution 2823
shall certify to the director, within a period specified by the 2824
director, that the participating financial institution has made 2825
the loan. The certification shall include the amount of the loan, 2826
the amount of the fee received from the eligible business, the 2827

amount of its own funds that the participating financial 2828
institution deposited into its program reserve account to reflect 2829
that fee, and any other information specified by the director. 2830

(D) ~~On~~ Upon receipt of each of the first three certifications 2831
from a participating financial institution made under division (C) 2832
of this section and subject to section 122.602 of the Revised 2833
Code, the director shall disburse to the participating financial 2834
institution from the capital access loan program fund an amount 2835
equal to fifty per cent of the principal amount of the particular 2836
capital access loan for deposit into the participating financial 2837
institution's program reserve account. Thereafter, upon receipt of 2838
a certification from that participating financial institution made 2839
under division (C) of this section and subject to section 122.602 2840
of the Revised Code, the director shall disburse to the 2841
participating financial institution from the capital access loan 2842
program fund an amount equal to ten per cent of the principal 2843
amount of the particular capital access loan for deposit into the 2844
participating financial institution's program reserve account. The 2845
disbursement of moneys from the fund to a participating financial 2846
institution does not require approval from the controlling board. 2847

(E) If the amount in a program reserve account exceeds an 2848
amount equal to thirty-three per cent of a participating financial 2849
institution's outstanding capital access loans, the department may 2850
cause the withdrawal of the excess amount and the deposit of the 2851
withdrawn amount into the capital access loan program fund. 2852

(F)(1) The department may cause the withdrawal of the total 2853
amount in a participating financial institution's program reserve 2854
account if any of the following applies: 2855

(a) The financial institution is no longer eligible to 2856
participate in the program. 2857

(b) The participation agreement expires without renewal by 2858

the department or the financial institution.	2859
(c) The financial institution has no outstanding capital access loans.	2860 2861
(d) The financial institution has not made a capital access loan within the preceding twenty-four months.	2862 2863
(2) If the department causes a withdrawal under division (F)(1) of this section, the department shall deposit the withdrawn amount into the <u>capital access loan program</u> fund.	2864 2865 2866
Sec. 122.71. As used in sections 122.71 to 122.83 of the Revised Code:	2867 2868
(A) "Financial institution" means any banking corporation, trust company, insurance company, savings and loan association, building and loan association, or corporation, partnership, federal lending agency, foundation, or other institution engaged in lending or investing funds for industrial or business purposes.	2869 2870 2871 2872 2873
(B) "Project" means any real or personal property connected with or being a part of an industrial, distribution, commercial, or research facility to be acquired, constructed, reconstructed, enlarged, improved, furnished, or equipped, or any combination thereof, with the aid provided under sections 122.71 to 122.83 of the Revised Code, for industrial, commercial, distribution, and research development of the state.	2874 2875 2876 2877 2878 2879 2880
(C) "Mortgage" means the lien imposed on a project by a mortgage on real property, or by financing statements on personal property, or a combination of a mortgage and financing statements when a project consists of both real and personal property.	2881 2882 2883 2884
(D) "Mortgagor" means the principal user of a project or the person, corporation, partnership, or association unconditionally guaranteeing performance by the principal user of its obligations under the mortgage.	2885 2886 2887 2888

(E)(1) "Minority business enterprise" means an individual who 2889
is a United States citizen and owns and controls a business, or a 2890
partnership, corporation, or joint venture of any kind that is 2891
owned and controlled by United States citizens, which citizen or 2892
citizens are residents of this state and are members of one of the 2893
following economically disadvantaged groups: Blacks or African 2894
Americans, American Indians, Hispanics or Latinos, and ~~Oriental~~ 2895
Asians. 2896

(2) "Owned and controlled" means that at least fifty-one per 2897
cent of the business, including corporate stock if a corporation, 2898
is owned by persons who belong to one or more of the groups set 2899
forth in division (E)(1) of this section, and that those owners 2900
have control over the management and day-to-day operations of the 2901
business and an interest in the capital, assets, and profits and 2902
losses of the business proportionate to their percentage of 2903
ownership. In order to qualify as a minority business enterprise, 2904
a business shall have been owned and controlled by those persons 2905
at least one year prior to being awarded a contract pursuant to 2906
this section. 2907

(F) "Community improvement corporation" means a corporation 2908
organized under Chapter 1724. of the Revised Code. 2909

(G) "Ohio development corporation" means a corporation 2910
organized under Chapter 1726. of the Revised Code. 2911

(H) "Minority contractors business assistance organization" 2912
means an entity engaged in the provision of management and 2913
technical business assistance to minority business enterprise 2914
entrepreneurs. 2915

(I) "Minority business supplier development council" means a 2916
nonprofit organization established as an affiliate of the national 2917
minority supplier development council. 2918

(J) "Regional economic development entity" means an entity 2919

that is under contract with the director of development to 2920
administer a loan program under this chapter in a particular area 2921
of the state. 2922

Sec. 122.72. (A) There is hereby created the minority 2923
development financing advisory board to assist in carrying out the 2924
programs created pursuant to sections 122.71 to ~~122.89~~ 122.90 of 2925
the Revised Code. 2926

(B) The board shall consist of ~~seven~~ ten members. The 2927
director of development or the director's designee shall be a 2928
voting member on the board. Seven members shall be appointed by 2929
the governor with the advice and consent of the senate and 2930
selected because of their knowledge of and experience in 2931
industrial, business, and commercial financing, suretyship, 2932
construction, and their understanding of the problems of minority 2933
business enterprises; one member also shall be a member of the 2934
senate and appointed by the president of the senate, and one 2935
member also shall be a member of the house of representatives and 2936
appointed by the speaker of the house of representatives. With 2937
respect to the board, all of the following apply: 2938

(1) Not more than four of the members of the board appointed 2939
by the governor shall be of the same political party. 2940

(2) Each member shall hold office from the date of the 2941
member's appointment until the end of the term for which the 2942
member was appointed. 2943

(3) The terms of office for the seven members appointed by 2944
the governor shall be for seven years, commencing on the first day 2945
of October and ending on the thirtieth day of September of the 2946
seventh year, except that of the original seven members, three 2947
shall be appointed for three years and two shall be appointed for 2948
five years. 2949

- (4) Any member of the board is eligible for reappointment. 2950
- (5) Any member appointed to fill a vacancy occurring prior to 2951
the expiration of the term for which ~~his~~ the member's predecessor 2952
was appointed shall hold office for the remainder of ~~his~~ the 2953
predecessor's term. 2954
- (6) Any member shall continue in office subsequent to the 2955
expiration date of ~~his~~ the member's term until ~~his~~ the member's 2956
successor takes office, or until a period of sixty days has 2957
elapsed, whichever occurs first. 2958
- (7) Before entering upon ~~his~~ official duties as a member of 2959
the board, each member shall take an oath as provided by Section 7 2960
of Article XV, Ohio Constitution. 2961
- (8) The governor may, at any time, remove any member 2962
appointed by ~~him~~ the governor pursuant to section 3.04 of the 2963
Revised Code. 2964
- (9) Notwithstanding section 101.26 of the Revised Code, 2965
members shall receive their necessary and actual expenses while 2966
engaged in the business of the board and shall be paid at the per 2967
diem rate of step 1 of pay range 31 of section 124.15 of the 2968
Revised Code. 2969
- (10) ~~Five~~ Four members of the board constitute a quorum and 2970
the affirmative vote of ~~five members~~ a majority of the quorum is 2971
necessary for any action taken by the board. 2972
- (11) In the event of the absence of a member appointed by the 2973
president of the senate or by the speaker of the house of 2974
representatives, either of the following persons may serve in the 2975
member's absence: 2976
- (a) The president of the senate or the speaker of the house 2977
of representatives, whoever appointed the absent member; 2978
- (b) A member of the senate or of the house of representatives 2979

of the same political party as the absent member, as designated by 2980
the president of the senate or the speaker of the house of 2981
representatives, whoever appointed the absent member. 2982

(12) The board shall annually elect one of its members as 2983
~~chairman~~ chairperson and another as ~~vice-chairman~~ 2984
vice-chairperson. 2985

Sec. 122.73. (A) The minority development financing advisory 2986
board and the director of development are invested with the powers 2987
and duties provided in sections 122.71 to ~~122.89~~ 122.90 of the 2988
Revised Code, in order to promote the welfare of the people of the 2989
state by encouraging the establishment and expansion of minority 2990
business enterprises~~;~~i to stabilize the economy~~;~~i to provide 2991
employment~~;~~i to assist in the development within the state of 2992
industrial, commercial, distribution, and research activities 2993
required for the people of the state, and for their gainful 2994
employment~~;~~i or otherwise to create or preserve jobs and 2995
employment opportunities, or improve the economic welfare of the 2996
people of the state. It is hereby determined that the 2997
accomplishment of those purposes is essential so that the people 2998
of the state may maintain their present high standards of living 2999
in comparison with the people of other states and so that 3000
opportunities for employment and for favorable markets for the 3001
products of the state's natural resources, agriculture, and 3002
manufacturing shall be improved ~~and~~. It further is determined that 3003
it is necessary for the state to establish the programs authorized 3004
under sections 122.71 to ~~122.89~~ 122.90 of the Revised Code to 3005
establish the minority development financing advisory board, and 3006
to invest it and the director of development with the powers and 3007
duties provided in sections 122.71 to ~~122.89~~ 122.90 of the Revised 3008
Code. 3009

(B) The minority development financing advisory board shall 3010

do all of the following: 3011

(1) Make recommendations to the director as to applications 3012
for assistance pursuant to sections 122.71 to ~~122.89~~ 122.90 of the 3013
Revised Code. The board may revise its recommendations to reflect 3014
any changes in the proposed assistance made by the director. 3015

(2) Advise the director in the administration of sections 3016
122.71 to ~~122.89~~ 122.90 of the Revised Code. 3017

(3) Adopt bylaws to govern the conduct of the business of the 3018
board. 3019

Sec. 122.74. (A)(1) The director of development shall do all 3020
of the following: 3021

~~(1)~~(a) Receive applications for assistance under sections 3022
122.71 to ~~122.89~~ 122.90 of the Revised Code, and, after processing 3023
but subject to division (A)(2) of this section, forward them to 3024
the minority development financing advisory board together with 3025
necessary supporting information; 3026

~~(2)~~(b) Receive the recommendations of the board and make a 3027
final determination whether to approve the application for 3028
assistance; 3029

~~(3)~~(c) Receive recommendations from a regional economic 3030
development entity for loans made under section 122.76 of the 3031
Revised Code and make a final determination, notwithstanding 3032
divisions (A)(1) and (2) of this section, whether to approve the 3033
proposed loan; 3034

(d) Transmit the director's determinations to approve 3035
assistance to the controlling board together with any information 3036
the controlling board requires for its review and decision as to 3037
whether to approve the assistance. 3038

(2) The director is not required to submit any determination, 3039

data, terms, or any other application materials or information to 3040
the minority development financing advisory board when provision 3041
of the assistance has been recommended to the director by a 3042
regional economic development entity. 3043

(B) The director may do all of the following: 3044

(1) Fix the rate of interest and charges to be made upon or 3045
with respect to moneys loaned or guaranteed by the director and 3046
the terms upon which mortgages and lease rentals may be guaranteed 3047
and the rates of charges to be made for them and make provisions 3048
for the operation of the funds established by the director in 3049
accordance with this section and sections 122.80 ~~and~~, 122.88, ~~and~~
122.90 of the Revised Code; 3050
3051

(2) Loan and guarantee moneys from the fund established in 3052
accordance with section 122.80 of the Revised Code pursuant to and 3053
in compliance with sections 122.71 to ~~122.89~~ 122.90 of the Revised 3054
Code. 3055

(3) Acquire in the name of the director any property of any 3056
kind or character in accordance with sections 122.71 to ~~122.89~~ 3057
122.90 of the Revised Code, by purchase, purchase at foreclosure, 3058
or exchange on such terms and in such manner as the director 3059
considers proper; 3060

(4) Make and enter into all contracts and agreements 3061
necessary or incidental to the performance of the director's 3062
duties and the exercise of the director's powers under sections 3063
122.71 to ~~122.89~~ 122.90 of the Revised Code; 3064

(5) Maintain, protect, repair, improve, and insure any 3065
property that the director has acquired and dispose of it by sale, 3066
exchange, or lease for the consideration and on the terms and in 3067
the manner as the director considers proper, but the director 3068
shall not operate any such property as a business except as the 3069
lessor of it; 3070

(6)(a) When the cost of any contract for the maintenance, 3071
protection, repair, or improvement of any property held by the 3072
director, other than compensation for personal services, involves 3073
an expenditure of more than fifty thousand dollars, the director 3074
shall make a written contract with the lowest responsive and 3075
responsible bidder in accordance with section 9.312 of the Revised 3076
Code after advertisement for not less than two consecutive weeks 3077
in a newspaper of general circulation in the county where such 3078
contract, or some substantial part of it, is to be performed, and 3079
in such other publications as the director determines, which 3080
notice shall state the general character of the work and the 3081
general character of the materials to be furnished, the place 3082
where plans and specifications therefor may be examined, and the 3083
time and place of receiving bids. 3084

(b) Each bid for a contract for the construction, demolition, 3085
alteration, repair, or reconstruction of an improvement shall 3086
contain the full name of every person interested in it and meet 3087
the requirements of section 153.54 of the Revised Code. 3088

(c) Each bid for a contract, except as provided in division 3089
(B)(6)(b) of this section, shall contain the full name of every 3090
person interested in it and shall be accompanied by bond or 3091
certified check on a solvent bank, in such amount as the director 3092
considers sufficient, that if the bid is accepted a contract will 3093
be entered into and the performance of the proposal secured. 3094

(d) The director may reject any and all bids. 3095

(e) A bond with good and sufficient surety, approved by the 3096
director, shall be required of every contractor awarded a contract 3097
except as provided in division (B)(6)(b) of this section, in an 3098
amount equal to at least fifty per cent of the contract price, 3099
conditioned upon faithful performance of the contract. 3100

(7) Employ or contract with financial consultants, 3101

appraisers, consulting engineers, superintendents, managers, 3102
construction and accounting experts, attorneys, and other 3103
employees and agents as are necessary in the director's judgment 3104
and fix their compensation; 3105

(8) Receive and accept grants, gifts, and contributions of 3106
money, property, labor, and other things of value to be held, 3107
used, and applied only for the purpose for which ~~such~~ the grants, 3108
gifts, and contributions are made, from individuals, private and 3109
public corporations, from the United States or any agency thereof, 3110
from the state or any agency thereof, and from any political 3111
subdivision of the state, and may agree to repay any contribution 3112
of money or to return any property contributed or the value 3113
thereof at such times, in ~~such~~ amounts, and on ~~such~~ terms and 3114
conditions, excluding the payment of interest, as the director 3115
determines at the time ~~such~~ the contribution is made, and may 3116
evidence ~~such~~ the obligations by notes, bonds, or other written 3117
instruments; 3118

(9) Establish with the treasurer of state the funds provided 3119
in sections 122.80 and 122.88 of the Revised Code in addition to 3120
such funds as the director determines are necessary or proper; 3121

(10) Adopt rules under Chapter 119. of the Revised Code 3122
necessary to implement sections 122.71 to ~~122.83~~ 122.90 of the 3123
Revised Code. 3124

(11) Do all acts and things necessary or proper to carry out 3125
the powers expressly granted and the duties imposed in sections 3126
122.71 to ~~122.89~~ 122.90 of the Revised Code. 3127

(C)(1) All expenses and obligations incurred by the director 3128
in carrying out the director's powers and in exercising the 3129
director's duties under sections 122.71 to ~~122.89~~ 122.90 of the 3130
Revised Code shall be payable solely from revenues or other 3131
receipts or income of the director, from grants, gifts, and 3132

contributions, or funds established in accordance with such 3133
sections. Such sections do not authorize the director to incur 3134
indebtedness or to impose liability on the state or any political 3135
subdivision of the state. 3136

(2) Financial statements and other data submitted to the 3137
director by any corporation, partnership, or person in connection 3138
with financial assistance provided under sections 122.71 to ~~122.89~~ 3139
122.90 of the Revised Code, or any information taken from such 3140
statements or data for any purpose, shall not be open to public 3141
inspection. 3142

Sec. 122.75. The director of development shall, for the 3143
minority business development loan program ~~and~~, the minority 3144
business bonding program, and the minority business bond guarantee 3145
program under sections 122.87 to ~~122.89~~ 122.90 of the Revised 3146
Code, do all of the following: 3147

(A) Hire employees, consultants, and agents and fix their 3148
compensation; 3149

(B) Adopt bylaws and rules for the regulation of the business 3150
of the minority development financing advisory board; 3151

(C) Receive and accept grants, gifts, and contributions of 3152
money, property, labor, and other things of value, to be held, 3153
used, and applied only for the purpose for which the grants, 3154
gifts, and contributions are made, from individuals, private and 3155
public corporations, the United States or any agency of the United 3156
States, the state or any agency of the state, and any political 3157
subdivision of the state. The director may agree to repay any 3158
contribution of money or to return any property contributed or its 3159
value at such times, in ~~such~~ amounts, and on ~~such~~ terms and 3160
conditions, excluding the payment of interest, as the director 3161
determines at the time the contribution is made. The director may 3162
evidence the obligations by written contracts, subject to section 3163

122.76 of the Revised Code; provided, that the director shall not 3164
thereby incur indebtedness of or impose liability upon the state 3165
or any political subdivision. 3166

(D) Establish funds with the treasurer of state in addition 3167
to the minority business bonding fund created under section 122.88 3168
of the Revised Code; 3169

(E) Invest money in the funds the director establishes 3170
pursuant to division (D) of this section that is in excess of 3171
current needs, in notes, bonds, or other obligations that are 3172
direct obligations of or are guaranteed by the United States, or 3173
in certificates of deposit or withdrawable accounts of banks, 3174
trust companies, ~~and~~ or savings and loan associations organized 3175
under the laws of this state or the United States, and may credit 3176
the income or sell the investments at the director's discretion; 3177

(F) Acquire any property of any kind or character in 3178
accordance with sections 122.71 to 122.83 of the Revised Code, by 3179
purchase, purchase at foreclosure, or exchange on terms and in a 3180
manner the director considers proper; 3181

(G)(1) Maintain, protect, repair, improve, and insure any 3182
property the director has acquired and dispose of it by sale, 3183
exchange, or lease for the consideration and on terms and in a 3184
manner the director considers proper. The director may not operate 3185
any property as a business except as a lessor of the property. 3186
When the cost of any contract for the maintenance, protection, 3187
repair, or improvement of any property of the advisory board 3188
connected with the minority business development loan program, 3189
other than compensation for personal services, involves an 3190
expenditure of more than one thousand dollars, the director shall 3191
enter into a written contract with the lowest and best bidder 3192
after advertisement for not less than four consecutive weeks in a 3193
newspaper of general circulation in the county where the contract, 3194
or some substantial part of it, is to be performed, and in other 3195

publications as the director determines. The notice shall state 3196
the general character of the work and the general character of the 3197
materials to be furnished, the place where plans and 3198
specifications for the work and materials may be examined, and the 3199
time and place of receiving bids. 3200

(2) Each bid for a contract for the construction, demolition, 3201
alteration, repair, or reconstruction of an improvement shall 3202
contain the full name of every person interested in it and meet 3203
the requirements of section 153.54 of the Revised Code. 3204

(3) Each bid for a contract, except as provided in division 3205
(G)(2) of this section, shall contain the full name of every 3206
person interested in it and shall be accompanied by a bond or 3207
certified check on a solvent bank, in the amount of ten per cent 3208
of the bid, that if the bid is accepted a contract will be entered 3209
into and the performance of its proposal secured. The director may 3210
reject any or all bids. A bond with good and sufficient surety, 3211
approved by the director, shall be required of all contractors in 3212
an amount equal to at least one hundred per cent of the contract 3213
price, conditioned upon faithful performance of the contract. 3214

(H) Expend money appropriated to the department of 3215
development by the general assembly for the purposes of sections 3216
122.71 to 122.83 and 122.87 to ~~122.89~~ 122.90 of the Revised Code; 3217

(I) Do all acts and things necessary or proper to carry out 3218
the powers expressly granted and the duties imposed in sections 3219
122.71 to 122.83 and 122.87 to ~~122.89~~ 122.90 of the Revised Code. 3220

Sec. 122.751. The minority development financing advisory 3221
board or a regional economic development entity shall only 3222
consider an application for a loan from any applicant after a 3223
certification by the equal employment opportunity coordinator of 3224
the department of administrative services under division (B)(1) of 3225

section 123.151 of the Revised Code that the applicant is a 3226
minority business enterprise, or after a certification by the 3227
minority business supplier development council that the applicant 3228
is a minority business, and that the applicant satisfies all 3229
criteria regarding eligibility for assistance pursuant to section 3230
122.76 of the Revised Code. 3231

Sec. 122.76. (A) The director of development, with 3232
controlling board approval, may lend funds to minority business 3233
enterprises and to community improvement corporations, Ohio 3234
development corporations, minority contractors business assistance 3235
organizations, and minority business supplier development councils 3236
for the purpose of loaning funds to minority business enterprises 3237
and for the purpose of procuring or improving real or personal 3238
property, or both, for the establishment, location, or expansion 3239
of industrial, distribution, commercial, or research facilities in 3240
the state, if the director determines, in the director's sole 3241
discretion, that all of the following apply: 3242

(1) The project is economically sound and will benefit the 3243
people of the state by increasing opportunities for employment, by 3244
strengthening the economy of the state, or expanding minority 3245
business enterprises. 3246

(2) The proposed minority business enterprise borrower is 3247
unable to finance the proposed project through ordinary financial 3248
channels at comparable terms. 3249

(3) The value of the project is or, upon completion, will be 3250
at least equal to the total amount of the money expended in the 3251
procurement or improvement of the project, and one or more 3252
financial institutions or other governmental entities have loaned 3253
not less than thirty per cent of that amount. 3254

(4) The amount to be loaned by the director will not exceed 3255
sixty per cent of the total amount expended in the procurement or 3256

improvement of the project. 3257

(5) The amount to be loaned by the director will be 3258
adequately secured by a first or second mortgage upon the project 3259
or by mortgages, leases, liens, assignments, or pledges on or of 3260
other property or contracts as the director requires, and such 3261
mortgage will not be subordinate to any other liens or mortgages 3262
except the liens securing loans or investments made by financial 3263
institutions referred to in division (A)(3) of this section, and 3264
the liens securing loans previously made by any financial 3265
institution in connection with the procurement or expansion of all 3266
or part of a project. 3267

(B) Any proposed minority business enterprise borrower 3268
submitting an application for assistance under this section shall 3269
not have defaulted on a previous loan from the director, and no 3270
full or limited partner, major shareholder, or holder of an equity 3271
interest of the proposed minority business enterprise borrower 3272
shall have defaulted on a loan from the director. 3273

(C) The proposed minority business enterprise borrower shall 3274
demonstrate to the satisfaction of the director that it is able to 3275
successfully compete in the private sector if it obtains the 3276
necessary financial, technical, or managerial support and that 3277
support is available through the director, the minority business 3278
development office of the department of development, or other 3279
identified and acceptable sources. In determining whether a 3280
minority business enterprise borrower will be able to successfully 3281
compete, the director may give consideration to such factors as 3282
the successful completion of or participation in courses of study, 3283
recognized by the board of regents as providing financial, 3284
technical, or managerial skills related to the operation of the 3285
business, by the economically disadvantaged individual, owner, or 3286
partner, and the prior success of the individual, owner, or 3287
partner in personal, career, or business activities, as well as to 3288

other factors identified by the director. 3289

(D) The director shall not lend funds for the purpose of 3290
procuring or improving motor vehicles, ~~power driven vehicles,~~ 3291
~~office equipment, raw materials, small tools, supplies,~~ 3292
~~inventories,~~ or accounts receivable. 3293

Sec. 122.77. (A) The director of development with controlling 3294
board approval may make loan guarantees to small businesses and 3295
corporations for the purpose of guaranteeing loans made to small 3296
businesses by financial institutions for the purpose of procuring 3297
or improving real or personal property, or both, for the 3298
establishment, location, or expansion of industrial, distribution, 3299
commercial, or research facilities in the state, if the director 3300
determines, in ~~his~~ the director's sole discretion, that all of the 3301
following apply: 3302

(1) The project is economically sound and will benefit the 3303
people of the state by increasing opportunities for employment, by 3304
strengthening the economy of the state, or expanding minority 3305
business enterprises~~;~~. 3306

(2) The proposed small business borrower is unable to finance 3307
the proposed project through ordinary financial channels at 3308
comparable terms~~;~~. 3309

(3) The value of the project is, or upon completion of it 3310
will be, at least equal to the total amount of the money expended 3311
in the procurement or improvement of the project and of which 3312
amount one or more financial institutions or other governmental 3313
entities have loaned not less than thirty per cent~~;~~. 3314

(4) The amount to be guaranteed by the director will not 3315
exceed ~~fifty~~ eighty per cent of the total amount expended in the 3316
procurement or improvement of the project~~;~~. 3317

(5) The amount to be guaranteed by the director will be 3318

adequately secured by a first or second mortgage upon the project, 3319
or by mortgages, leases, liens, assignments, or pledges on or of 3320
other property or contracts as the director shall require and that 3321
such mortgage will not be subordinate to any other liens or 3322
mortgages except the liens securing loans or investments made by 3323
financial institutions referred to in division (A)(3) of this 3324
section, and the liens securing loans previously made by any 3325
financial institution in connection with the procurement or 3326
expansion of all or part of a project. 3327

(B) The proposed small business borrower shall not have 3328
defaulted on a previous loan or guarantee from the director, and 3329
no full or limited partner, or major shareholder, or holder of any 3330
equity interest of the proposed minority business enterprise 3331
borrower shall have defaulted on a loan or guarantee from the 3332
director. 3333

(C) The proposed small business borrower shall demonstrate to 3334
the satisfaction of the director that it is able to successfully 3335
compete in the private sector if it obtains the necessary 3336
financial, technical, or managerial support and that support is 3337
available through the director, the minority business development 3338
office of the department of development, or other identified and 3339
acceptable sources. In determining whether a small business 3340
borrower will be able to successfully compete, the director may 3341
give consideration to such factors as the successful completion of 3342
or participation in courses of study, recognized by the board of 3343
regents as providing financial, technical, or managerial skills 3344
related to the operation of the business, by the economically 3345
disadvantaged individual, owner, or partner, and the prior success 3346
of the individual, owner, or partner in personal, career, or 3347
business activities, as well as to other factors identified by the 3348
director. 3349

(D) The director shall not guarantee funds for the purpose of 3350

procuring or improving motor vehicles, ~~power driven vehicles,~~ 3351
~~office equipment, raw materials, small tools, supplies,~~ 3352
~~inventories,~~ or accounts receivable. 3353

Sec. 122.78. Fees, charges, rates of interest, times of 3354
payment of interest and principal, and other terms, conditions, 3355
and provisions of the loans and guarantees made by the director of 3356
development pursuant to sections 122.71 to ~~122.89~~ 122.90 of the 3357
Revised Code shall be such as the director determines to be 3358
appropriate and in furtherance of the purpose for which the loans 3359
and guarantees are made, but the mortgage lien securing any money 3360
loaned or guaranteed by the director may be subordinate to the 3361
mortgage lien securing any money loaned or invested by a financial 3362
institution, but shall be superior to that securing any money 3363
loaned or expended by any other corporation or person. The funds 3364
used in making these loans or guarantees shall be disbursed upon 3365
order of the director. 3366

Sec. 122.79. The exercise of the powers granted by sections 3367
122.71 to ~~122.89~~ 122.90 of the Revised Code, will be in all 3368
respects for the benefit of the people of the state, for the 3369
increase of their commerce and prosperity, for the increase and 3370
expansion of minority business enterprises, and for the 3371
improvement of conditions of employment, and will constitute the 3372
performance of essential governmental functions; therefore, the 3373
director of development shall not be required to pay any taxes 3374
upon any property or assets held by ~~him~~ the director, or upon any 3375
property acquired or used by ~~him~~ the director under sections 3376
122.71 to ~~122.89~~ 122.90 of the Revised Code, or upon the income 3377
from it, provided that this exemption shall not apply to any 3378
property held by the director while it is in the possession of a 3379
private person, partnership, or corporation and used for private 3380
purposes for profit, in which case such tax liability shall accrue 3381

to ~~such~~ the private person, partnership, or corporation. 3382

Sec. 122.82. All moneys, funds, properties, and assets 3383
acquired by the director of development shall be held by ~~him~~ the 3384
director in trust to carry out ~~his~~ the director's powers and 3385
duties, shall be used as provided in sections 122.71 to ~~122.89~~ 3386
122.90 of the Revised Code, and shall at no time be part of other 3387
public funds. 3388

Sec. 122.83. Any person who intentionally misrepresents that 3389
person's self as owning, controlling, operating, or participating 3390
in a minority business enterprise for the purpose of obtaining 3391
funds, contracts, subcontracts, services, or any other benefits 3392
under sections 122.71 to 122.85 or 122.87 to ~~122.89~~ 122.90 of the 3393
Revised Code is guilty of theft by deception, pursuant to section 3394
2913.02 of the Revised Code. 3395

Sec. 123.152. (A) As used in this section, "EDGE business 3396
enterprise" means a sole proprietorship, association, partnership, 3397
corporation, limited liability corporation, or joint venture 3398
certified as a participant in the encouraging diversity, growth, 3399
and equity program by the director of administrative services 3400
under this section of the Revised Code. 3401

(B) The director of administrative services shall establish a 3402
business assistance program known as the encouraging diversity, 3403
growth, and equity program and shall adopt rules in accordance 3404
with Chapter 119. of the Revised Code to administer the program 3405
~~and~~ that do all of the following: 3406

(1) Establish procedures by which a sole proprietorship, 3407
association, partnership, corporation, limited liability 3408
corporation, or joint venture may apply for certification as an 3409
EDGE business enterprise; 3410

(2) ~~Establish~~ Except as provided in division (B)(14) of this section, establish agency procurement goals for contracting with EDGE business enterprises in the award of contracts under Chapters 123., 125., and 153. of the Revised Code based on the availability of eligible program participants by region or geographic area, as determined by the director, and by standard industrial code or equivalent code classification.

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

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

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

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

(b) Social disadvantage based on any of the following:

(i) A rebuttable presumption when the business owner or owners demonstrate membership in a racial minority group or show personal disadvantage due to color, ethnic origin, gender, physical disability, long-term residence in an environment isolated from the mainstream of American society, location in an area of high unemployment;

(ii) Some other demonstration of personal disadvantage not common to other small businesses;	3441 3442
(iii) By business location in a qualified census tract.	3443
(c) Economic disadvantage based on economic and business size thresholds and eligibility criteria designed to stimulate economic development through contract awards to businesses located in qualified census tracts.	3444 3445 3446 3447
(4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise certification;	3448 3449 3450
(5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director;	3451 3452 3453 3454
(6) Establish a point system <u>or comparable system</u> to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services;	3455 3456 3457 3458
(7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section;	3459 3460 3461
(8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;	3462 3463
(9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;	3464 3465 3466
(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;	3467 3468 3469
(11) Implement a system of self-reporting by EDGE business	3470

enterprises as well as an on-site inspection process to validate 3471
the qualifications of an EDGE business enterprise; 3472

(12) Establish a waiver mechanism to waive program goals or 3473
participation requirements for those companies that, despite their 3474
best-documented efforts, are unable to contract with certified 3475
EDGE business enterprises; 3476

(13) Establish a process for monitoring overall program 3477
compliance in which equal employment opportunity officers 3478
primarily are responsible for monitoring their respective 3479
agencies; 3480

(14) Establish guidelines for state universities as defined 3481
in section 3345.011 of the Revised Code and the Ohio school 3482
facilities commission created in section 3318.30 of the Revised 3483
Code for awarding contracts pursuant to Chapters 153., 3318., and 3484
3345. of the Revised Code to allow the universities and commission 3485
to establish agency procurement goals for contracting with EDGE 3486
business enterprises. 3487

~~(C) Not later than December 31, 2003, the director of 3488~~
~~administrative services shall prepare a detailed report to the 3489~~
~~governor outlining and evaluating the progress made in 3490~~
~~implementing the Business and personal financial information and 3491~~
~~trade secrets submitted by encouraging diversity, growth, and 3492~~
~~equity program applicants to the director pursuant to this section 3493~~
~~are not public records for purposes of section 149.43 of the 3494~~
~~Revised Code, unless the director presents the financial 3495~~
~~information or trade secrets at a public hearing or public 3496~~
~~proceeding regarding the applicant's eligibility to participate in 3497~~
~~the program. 3498~~

Sec. 123.17. (A) As used in this section, "institution of 3499
higher education" means a state university or college, as defined 3500

in section 3345.12 of the Revised Code, or a state community college. 3501
3502

(B) ~~The~~ Not later than December 30, 2005, the state architect shall establish a local administration competency certification program to certify institutions of higher education to administer capital facilities projects pursuant to section 3345.51 of the Revised Code without the supervision, control, or approval of the department of administrative services. The program shall offer instruction in the administration of capital facilities projects for employees of institutions of higher education who are responsible for such administration and who are selected by their employing institutions to participate in the program. 3503
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(C) The program shall provide instruction about the provisions of Chapters 9., 123., and 153. of the Revised Code and any rules or policies adopted by the department regarding the planning, design, and construction of capital facilities, including all of the following: 3513
3514
3515
3516
3517

- (1) The planning, design, and construction process; 3518
- (2) Contract requirements; 3519
- (3) Construction management; 3520
- (4) Project management. 3521

(D) The state architect shall award local administration competency certification to any institution of higher education if all of the following apply: 3522
3523
3524

(1) The institution applied for certification on a form and in a manner prescribed by the state architect. 3525
3526

(2) The state architect determines that a sufficient number of the institution's employees, representing a sufficient number of employee classifications, responsible for the administration of capital facilities projects ~~has~~ have successfully completed the 3527
3528
3529
3530

certification program to ensure that any capital facilities 3531
project undertaken by the institution will be administered 3532
successfully and in accordance with all provisions of the Revised 3533
Code, and the board of trustees of the institution provides 3534
written assurance to the state architect that the institution will 3535
select new employees to participate in the certification program 3536
as necessary to compensate for employee turnover. 3537

(3) The state architect determines that the employees of the 3538
institution enrolled in the program demonstrate successful 3539
completion of the competency certification training and a 3540
satisfactory level of knowledge of and competency in the 3541
requirements for administering capital facilities projects. 3542

(4) The institution pays the fee prescribed by division 3543
~~(E)~~(F) of this section. 3544

(5) The board of trustees of the institution provides written 3545
assurance to the state architect that the institution will conduct 3546
biennial audits of the institution's administration of capital 3547
facilities projects in accordance with division (C) of section 3548
3345.51 of the Revised Code. 3549

(6) The board of trustees of the institution agrees in 3550
writing to indemnify and hold harmless the state and the 3551
department for any claim of injury, loss, or damage that results 3552
from the institution's administration of a capital facilities 3553
project. 3554

(E) Local administration competency certification granted 3555
under this section shall remain in effect for as long as the state 3556
architect determines that both of the following apply: 3557

(1) The institution of higher education maintains a 3558
sufficient number of employees responsible for the administration 3559
of capital facilities projects who have successfully completed the 3560
certification program and have demonstrated a satisfactory level 3561

of knowledge of and competency in the requirements for 3562
administering capital facilities projects; 3563

(2) The institution is performing the biennial audits 3564
prescribed in division (C) of section 3345.51 of the Revised Code. 3565

If the state architect determines that an institution of 3566
higher education has failed to comply with the conditions of 3567
division (E)(1) or (2) of this section, the state architect shall 3568
revoke the institution's certification and shall notify the board 3569
of trustees of the institution in writing of the revocation. 3570

3571
(F) The state architect shall establish, subject to the 3572
approval of the director of budget and management, the amount of 3573
the fee required to be paid by any institution of higher education 3574
that seeks certification under this section. The amount of the 3575
fees shall be set to cover the costs to implement this section, 3576
including the costs for materials and the competency certification 3577
training sessions. Any fees received under this section shall be 3578
paid into the state treasury to the credit of the state 3579
architect's fund established under section 123.10 of the Revised 3580
Code. 3581

~~(F)~~(G) Nothing in this section shall prohibit an institution 3582
that administers a capital facilities project under section 3583
3345.51 of the Revised Code from requesting guidance or other 3584
services from the department of administrative services. 3585

Sec. 124.01. ~~As~~ Except as otherwise provided in this chapter, 3586
as used in Chapter 124. of the Revised Code this chapter: 3587

(A) "Civil service" includes all offices and positions of 3588
trust or employment in the service of the state and in the service 3589
of the counties, cities, city health districts, general health 3590
districts, and city school districts ~~thereof~~ of the state. 3591

(B) "State service" includes all ~~such~~ offices and positions 3592
in the service of the state, and the counties, and general health 3593
districts ~~thereof, except of the state.~~ "State service" does not 3594
include offices and positions in the service of the cities, city 3595
health districts, and city school districts of the state. 3596

(C) "Classified service" means the competitive classified 3597
civil service of the state, the several counties, cities, city 3598
health districts, general health districts, and city school 3599
districts ~~thereof~~ of the state, and civil service townships. 3600

(D) "Appointing authority" means the officer, commission, 3601
board, or body having the power of appointment to, or removal 3602
from, positions in any office, department, commission, board, or 3603
institution. 3604

(E) "Commission" means the municipal civil service commission 3605
of any city, except that, when in reference to the commission that 3606
serves a city school district, "commission" means the civil 3607
service commission determined under section 124.011 of the Revised 3608
Code. 3609

(F) "Employee" means any person holding a position subject to 3610
appointment, removal, promotion, or reduction by an appointing 3611
officer. 3612

(G) "Civil service township" means any township with a 3613
population of ten thousand or more persons residing within the 3614
township and outside any municipal corporation, which has a police 3615
or fire department of ten or more full-time paid employees, and 3616
which has a civil service commission established under division 3617
(B) of section 124.40 of the Revised Code. 3618

(H) "Flexible hours employee" means an employee who may work 3619
more or less than eight hours on any given day so long as ~~he~~ the 3620
employee works forty hours in the same week. 3621

(I) "Classification series" means any group of classification titles that have the identical name but different numerical designations, or identical titles except for designated levels of supervision, except for those classification series established by the director of administrative services in accordance with division (A) of section 124.14 of the Revised Code.

(J) "Classification change" means a change in an employee's classification in the job classification plan.

(K) "Service of the state" or "civil service of the state" includes all offices and positions of trust or employment with the government of the state. "Service of the state" and "civil service of the state" do not include offices and positions of trust or employment with state-supported colleges and universities, counties, cities, city health districts, city school districts, general health districts, and civil service townships of the state.

Sec. 124.02. The director of administrative services, with regard to offices and positions of trust or employment in the service of the state, and the state personnel board of review shall exercise all functions, powers, and duties that formerly were by law devolved upon, vested in, and imposed upon the state civil service commission ~~and,~~ the offices of commissioners and members of that commission, and ~~upon~~ their employees, agents, and representatives.

Whenever in any law or rule of this state or any political subdivision, "state civil service commission," "commission," "commissioner," or "member," meaning the state civil service commission or the offices of commissioners or members of ~~said that~~ commission, is used, ~~such terms~~ the term shall be construed as referring to the department of administrative services, the director of administrative services, the state personnel board of

review, or the members of the state personnel board of review, as 3653
this chapter may require. 3654

Sec. 124.04. In addition to those powers enumerated in 3655
Chapters 123. and 125. of the Revised Code and as provided 3656
elsewhere by law, the powers, duties, and functions of the 3657
department of administrative services not specifically vested in 3658
and assigned to, or to be performed by, the state personnel board 3659
of review are hereby vested in and assigned to, and shall be 3660
performed by, the director of administrative services. These 3661
powers, duties, and functions shall include, but shall not be 3662
limited to, the following powers, duties, and functions: 3663

(A) To prepare, conduct, and grade all competitive 3664
examinations for positions in the classified ~~state~~ civil service 3665
of the state; 3666

(B) To prepare, conduct, and grade all noncompetitive 3667
examinations for positions in the classified ~~state~~ civil service 3668
of the state; 3669

(C) To prepare eligible lists containing the names of persons 3670
qualified for appointment to positions in the classified ~~state~~ 3671
civil service of the state; 3672

(D) To prepare or amend, in accordance with section 124.14 of 3673
the Revised Code, specifications descriptive of duties, 3674
responsibilities, requirements, and desirable qualifications of 3675
the various classifications of positions in the ~~state~~ service of 3676
the state; 3677

(E) To allocate and reallocate, upon the motion of the 3678
director or upon request of an appointing authority and in 3679
accordance with section 124.14 of the Revised Code, any position, 3680
office, or employment in the ~~state~~ service of the state to the 3681
appropriate classification on the basis of the duties, 3682

responsibilities, requirements, and qualifications of that	3683
position, office, or employment;	3684
(F) To develop and conduct personnel recruitment services for	3685
positions in the state service <u>of the state</u> ;	3686
(G) To conduct research on specifications, classifications,	3687
and salaries of positions in the state service <u>of the state</u> ;	3688
(H) To develop and conduct personnel training programs in	3689
cooperation with appointing authorities <u>of positions in the</u>	3690
<u>service of the state</u> ;	3691
(I) To include periodically in communications sent to state	3692
employees both of the following:	3693
(1) Information developed under section 2108.15 of the	3694
Revised Code promoting the donation of anatomical gifts under	3695
Chapter 2108. of the Revised Code;	3696
(2) Information about the liver or kidney donor and bone	3697
marrow donor leave granted under section 124.139 of the Revised	3698
Code.	3699
(J) To enter into agreements with universities and colleges	3700
for in-service training of personnel in the civil service as	3701
<u>authorized by law</u> ;	3702
(K) To appoint examiners, inspectors, clerks, and other	3703
assistants necessary in the exercise of the powers and performance	3704
of the duties and functions which the director is by law	3705
authorized and required to exercise and perform, and to prescribe	3706
the duties of all of those employees;	3707
(L) To maintain a journal, which shall be open to public	3708
inspection, in which the director shall keep a record of the	3709
director's final decision pertaining to the classification or	3710
reclassification of positions in the state classified <u>civil</u>	3711
<u>service of the state</u> and assignment or reassignment of employees	3712

in the ~~state~~ classified civil service of the state to specific 3713
position classifications; 3714

(M) To delegate any of the powers, functions, or duties 3715
granted or assigned to the director under this chapter to any 3716
other state agency of this state as the director considers 3717
necessary; 3718

~~(N) To delegate any of the powers, functions, or duties 3719
granted or assigned to the director under this chapter to any 3720
political subdivision with the concurrence of the legislative 3721
authority of the political subdivision. 3722~~

Sec. 124.07. The director of administrative services shall 3723
appoint ~~such~~ examiners, inspectors, clerks, and other assistants 3724
as are necessary to carry out sections 124.01 to 124.64 of the 3725
Revised Code. The director may designate persons in or out of the 3726
~~official~~ service of the state to serve as examiners or assistants 3727
under the director's direction. An examiner or assistant shall 3728
receive ~~such~~ compensation for each day actually and necessarily 3729
spent in the discharge of duties as an examiner or assistant as is 3730
determined by the director; ~~provided, that, if any such the~~ 3731
examiner or assistant is in the ~~official~~ service of the state ~~or~~ 3732
~~any political subdivision of the state,~~ it shall be a part of the 3733
examiner's or assistant's official duties to render ~~such those~~ 3734
services in connection with ~~such the~~ examination without extra 3735
compensation. 3736

Each state agency and state-supported college and university 3737
shall pay the cost of the services and facilities furnished to it 3738
by the department of administrative services that are necessary to 3739
provide and maintain payroll services as prescribed in section 3740
125.21 of the Revised Code and state merit standards as prescribed 3741
in sections 124.01 to 124.64 of the Revised Code for the agency, 3742
or state-supported college, or university. If a municipal 3743

corporation chooses to use the services and facilities furnished 3744
by the department that are necessary to provide and maintain the 3745
standards so prescribed, the municipal corporation shall pay the 3746
cost of the services and facilities that the department furnishes 3747
to it. ~~Such~~ The charges against a state agency, ~~state~~ 3748
state-supported college or university, or municipal corporation 3749
shall be computed on a reasonable cost basis in accordance with 3750
procedures prescribed by the director of budget and management. 3751
Any moneys the department of administrative services receives from 3752
~~any such~~ the state agency, state-supported college, ~~or~~ university, 3753
or municipal corporation which are in excess of the amount 3754
necessary to pay the cost of furnishing ~~such~~ those services and 3755
facilities during any fiscal year shall be either refunded to or 3756
credited for the ensuing fiscal year to the state agency, 3757
state-supported college, ~~or~~ university, or municipal corporation 3758
that contributed the excess moneys. 3759

The director of administrative services may enter into an 3760
agreement with any municipal corporation ~~or other political~~ 3761
~~subdivision~~ to furnish services and facilities of the department 3762
of administrative services in the administration of its merit 3763
program. ~~Such~~ The agreement shall provide that the department 3764
shall be reimbursed for the reasonable costs of ~~such~~ those 3765
services and facilities as determined by the director. 3766

All moneys received by the department of administrative 3767
services as reimbursement for payroll and merit program services 3768
performed and facilities furnished shall be paid into the state 3769
treasury to the credit of the human resources services fund, which 3770
is hereby created. 3771

In counties of the state in which are located cities having 3772
municipal civil service commissions, the director may designate 3773
the municipal civil service commission of the largest city within 3774
~~such~~ the county as the director's agent for the purpose of 3775

carrying out ~~such~~ provisions of sections 124.01 to 124.64 of the Revised Code, within ~~such~~ those counties, as the director designates. Each municipal civil service commission designated as agent of the director shall, at the end of each month, render an itemized statement to the director of the cost incurred by ~~such~~ the commission for work done as agent of the director, and the director shall, after approving ~~such~~ the statement, pay the total amount of it to the treasurer of ~~such~~ the municipal corporation in the same manner as other expenses of the department of administrative services.

The director, examiners, inspectors, clerks, and assistants shall, in addition to their salaries, receive reimbursement for ~~such~~ necessary traveling and other expenses ~~as are~~ incurred in the actual discharge of their official duties. The director may also incur the necessary expenses for stationery, printing, and other supplies incident to the business of the department of administrative services.

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

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

(B) Keep records of the director's proceedings and records of all applications for examinations and all examinations conducted by the director. All ~~such~~ of those records, except examinations and recommendations of former employers, shall be open to public inspection under reasonable regulations; provided the governor, or

any person designated by the governor, may, for the purpose of 3807
investigation, have free access to all ~~such~~ of those records, 3808
whenever the governor has reason to believe that this chapter, or 3809
the administrative rules of the director prescribed under ~~such~~ 3810
~~sections~~ this chapter, are being violated. 3811

(C) Prepare, continue, and keep in the office of the 3812
department a complete roster of all persons in the classified 3813
civil service ~~who are paid directly by warrant of the auditor of~~ 3814
the state. This roster shall be open to public inspection at all 3815
reasonable hours. It shall show in reference to each of those 3816
persons, the person's name, address, date of appointment to or 3817
employment in the classified civil service of the state, and 3818
salary or compensation, the title of the place or office that the 3819
person holds, the nature of the duties of that place or office, 3820
and, in case of the person's removal or resignation, the date of 3821
the termination of that service. 3822

(D) Approve the establishment of all new positions in the 3823
civil service of the state and the reestablishment of abolished 3824
positions. 3825

(E) Require the abolishment of any position in the civil 3826
service of the state that is not filled after a period of twelve 3827
months unless it is determined that the position is seasonal in 3828
nature or that the vacancy is otherwise justified. 3829

(F) Make investigations concerning all matters touching the 3830
enforcement and effect of this chapter and the administrative 3831
rules of the director prescribed under this chapter. In the course 3832
of ~~such~~ those investigations, the director or the director's 3833
deputy may administer oaths and affirmations and take testimony 3834
relative to any matter which the director has authority to 3835
investigate. 3836

(G) Have the power to subpoena and require the attendance and 3837

testimony of witnesses and the production of books, papers, public 3838
records, and other documentary evidence pertinent to the 3839
investigations, inquiries, or hearings on any matter which the 3840
director has authority to investigate, inquire into, or hear, and 3841
to examine them in relation to any matter which the director has 3842
authority to investigate, inquire into, or hear. Fees shall be 3843
allowed to witnesses, and, on their certificate, duly audited, 3844
shall be paid by the treasurer of state, or, in the case of 3845
municipal or civil service township civil service commissions, by 3846
the county treasurer, for attendance and traveling, as is provided 3847
in section 2335.06 of the Revised Code for witnesses in courts of 3848
record. ~~All~~ 3849

All officers in the civil service of the state or in the 3850
civil service of any of the political subdivisions ~~thereof of the~~ 3851
state and their deputies, clerks, and employees shall attend and 3852
testify when summoned to do so by the director or the state 3853
personnel board of review. Depositions of witnesses may be taken 3854
by the director or the board, or any member ~~thereof of the board,~~ 3855
in the manner prescribed by law for like depositions in civil 3856
actions in the courts of common pleas. In case any person, in 3857
disobedience to any subpoena issued by the director ~~or,~~ the board, 3858
~~or~~ any member ~~thereof of the board,~~ or the chief examiner, fails 3859
or refuses to attend and testify to any matter regarding which the 3860
person may be lawfully interrogated, or produce any documentary 3861
evidence pertinent to any investigation, inquiry, or hearing, the 3862
court of common pleas of any county, or any judge ~~thereof of the~~ 3863
court of common pleas of any county, where ~~such the~~ disobedience, 3864
failure, or refusal occurs, upon application of the director ~~or,~~ 3865
the board, ~~or~~ any member ~~thereof of the board,~~ ~~or~~ a municipal or 3866
civil service township civil service commission, ~~or~~ any 3867
commissioner ~~thereof of such a commission,~~ or their chief 3868
examiner, shall compel obedience by attachment proceedings for 3869

contempt as in the case of disobedience of the requirements of a 3870
subpoena issued from ~~such courts~~ the court or a refusal to testify 3871
~~therein in the court.~~ 3872

(H) Make a report to the governor, on or before the first day 3873
of January of each year, showing the director's actions, the rules 3874
and all exceptions ~~thereto~~ to the rules in force, and any 3875
recommendations for the more effectual accomplishment of the 3876
purposes of this chapter. The director shall also furnish any 3877
special reports to the governor whenever the governor requests 3878
them. ~~Such~~ The reports shall be printed for public distribution 3879
under the same regulations as are the reports of other state 3880
officers, boards, or commissions. 3881

Sec. 124.11. The civil service of the state and the civil 3882
service of the several counties, cities, civil service townships, 3883
city health districts, general health districts, and city school 3884
districts ~~thereof~~ of the state shall be divided into the 3885
unclassified service and the classified service. 3886

(A) The unclassified service shall comprise the following 3887
positions, which shall not be included in the classified service, 3888
and which shall be exempt from all examinations required by this 3889
chapter: 3890

(1) All officers elected by popular vote or persons appointed 3891
to fill vacancies in ~~such~~ those offices; 3892

(2) All election officers as defined in section 3501.01 of 3893
the Revised Code; 3894

(3) The members of all boards and commissions, and heads of 3895
principal departments, boards, and commissions appointed by the 3896
governor or by and with the governor's consent; and the members of 3897
all boards and commissions and all heads of departments appointed 3898
by the mayor, or, if there is no mayor, such other similar chief 3899

appointing authority of any city or city school district; ~~except.~~ 3900
Except as otherwise provided in division (A)(17) or (C) of this 3901
section, this chapter does not exempt the chiefs of police 3902
departments and chiefs of fire departments of cities or civil 3903
service townships from the competitive classified service. 3904

(4) The members of county or district licensing boards or 3905
commissions and boards of revision, and deputy county auditors; 3906

(5) All officers and employees elected or appointed by either 3907
or both branches of the general assembly, and ~~such~~ employees of 3908
the city legislative authority ~~as are~~ engaged in legislative 3909
duties; 3910

(6) All commissioned, warrant, and noncommissioned officers 3911
and enlisted persons in the Ohio organized militia, including 3912
military appointees in the adjutant general's department; 3913

(7)(a) All presidents, business managers, administrative 3914
officers, superintendents, assistant superintendents, principals, 3915
deans, assistant deans, instructors, teachers, and such employees 3916
as are engaged in educational or research duties connected with 3917
the public school system, colleges, and universities, as 3918
determined by the governing body of the public school system, 3919
colleges, and universities; 3920

(b) The library staff of any library in the state supported 3921
wholly or in part at public expense. 3922

(8) Four clerical and administrative support employees for 3923
each of the elective state officers; and three clerical and 3924
administrative support employees for other elective officers and 3925
each of the principal appointive executive officers, boards, or 3926
commissions, except for civil service commissions, that are 3927
authorized to appoint such clerical and administrative support 3928
employees; 3929

(9) The deputies and assistants of state agencies authorized 3930
to act for and on behalf of the agency, or holding a fiduciary or 3931
administrative relation to that agency and those persons employed 3932
by and directly responsible to elected county officials or a 3933
county administrator and holding a fiduciary or administrative 3934
relationship to such elected county officials or county 3935
administrator, and the employees of such county officials whose 3936
fitness would be impracticable to determine by competitive 3937
examination, provided that division (A)(9) of this section shall 3938
not affect those persons in county employment in the classified 3939
service as of September 19, 1961. Nothing in division (A)(9) of 3940
this section applies to any position in a county department of job 3941
and family services created pursuant to Chapter 329. of the 3942
Revised Code. 3943

(10) Bailiffs, constables, official stenographers, and 3944
commissioners of courts of record, deputies of clerks of the 3945
courts of common pleas who supervise, or who handle public moneys 3946
or secured documents, and such officers and employees of courts of 3947
record and such deputies of clerks of the courts of common pleas 3948
as the director of administrative services finds it impracticable 3949
to determine their fitness by competitive examination; 3950

(11) Assistants to the attorney general, special counsel 3951
appointed or employed by the attorney general, assistants to 3952
county prosecuting attorneys, and assistants to city directors of 3953
law; 3954

(12) Such teachers and employees in the agricultural 3955
experiment stations; such students in normal schools, colleges, 3956
and universities of the state who are employed by the state or a 3957
political subdivision of the state in student or intern 3958
classifications; and such unskilled labor positions as the 3959
director of administrative services or any municipal civil service 3960
commission may find it impracticable to include in the competitive 3961

classified service; provided such exemptions shall be by order of 3962
the commission or the director, duly entered on the record of the 3963
commission or the director with the reasons for each such 3964
exemption; 3965

(13) Any physician or dentist who is a full-time employee of 3966
the department of mental health or the department of mental 3967
retardation and developmental disabilities or of an institution 3968
under the jurisdiction of either department; and physicians who 3969
are in residency programs at the institutions; 3970

(14) Up to twenty positions at each institution under the 3971
jurisdiction of the department of mental health or the department 3972
of mental retardation and developmental disabilities that the 3973
department director determines to be primarily administrative or 3974
managerial; and up to fifteen positions in any division of either 3975
department, excluding administrative assistants to the director 3976
and division chiefs, which are within the immediate staff of a 3977
division chief and which the director determines to be primarily 3978
and distinctively administrative and managerial; 3979

(15) Noncitizens of the United States employed by the state, 3980
or its counties or cities, as physicians or nurses who are duly 3981
licensed to practice their respective professions under the laws 3982
of ~~Ohio~~ this state, or medical assistants, in mental or chronic 3983
disease hospitals, or institutions; 3984

(16) Employees of the governor's office; 3985

(17) Fire chiefs and chiefs of police in civil service 3986
townships appointed by boards of township trustees under section 3987
505.38 or 505.49 of the Revised Code; 3988

(18) Executive directors, deputy directors, and program 3989
directors employed by boards of alcohol, drug addiction, and 3990
mental health services under Chapter 340. of the Revised Code, and 3991
secretaries of the executive directors, deputy directors, and 3992

program directors;	3993
(19) Superintendents, and management employees as defined in section 5126.20 of the Revised Code, of county boards of mental retardation and developmental disabilities;	3994 3995 3996
(20) Physicians, nurses, and other employees of a county hospital who are appointed pursuant to sections 339.03 and 339.06 of the Revised Code;	3997 3998 3999
(21) The executive director of the state medical board, who is appointed pursuant to division (B) of section 4731.05 of the Revised Code;	4000 4001 4002
(22) County directors of job and family services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code;	4003 4004 4005
(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;	4006 4007
(24) Chiefs of construction and compliance, of operations and maintenance, and of licensing and certification in the division of industrial compliance in the department of commerce;	4008 4009 4010
(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code;	4011 4012 4013
(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation, industrial commission, state lottery commission, and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set	4014 4015 4016 4017 4018 4019 4020 4021 4022

the compensation for employees in these positions at a rate that
is not less than the minimum compensation specified in pay range
41 but not more than the maximum compensation specified in pay
range 44 of salary schedule E-2 in section 124.152 of the Revised
Code. The authority to establish positions in the unclassified
service under division (A)(26) of this section is in addition to
and does not limit any other authority that an administrative
department or state agency has under the Revised Code to establish
positions, appoint employees, or set compensation.

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

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

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

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

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

(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 4054
in the employ of a civil service township police or fire 4055
~~departments~~ department having ten or more full-time paid 4056
employees. The classified service consists of two classes, which 4057
shall be designated as the competitive class and the unskilled 4058
labor class. 4059

(1) The competitive class shall include all positions and 4060
employments in the state and the counties, cities, city health 4061
districts, general health districts, and city school districts 4062
~~thereof of the state~~, and, upon the creation by the board of 4063
trustees of a civil service township of a township civil service 4064
commission, all positions in a civil service township police or 4065
fire ~~departments~~ department having ten or more full-time paid 4066
employees, for which it is practicable to determine the merit and 4067
fitness of applicants by competitive examinations. Appointments 4068
shall be made to, or employment shall be given in, all positions 4069
in the competitive class that are not filled by promotion, 4070
reinstatement, transfer, or reduction, as provided in this 4071
chapter, and the rules of the director of administrative services, 4072
by appointment from those certified to the appointing officer in 4073
accordance with this chapter. 4074

(2) The unskilled labor class shall include ordinary 4075
unskilled laborers. Vacancies in the labor class shall be filled 4076
by appointment from lists of applicants registered by the director 4077
or a commission, as applicable. The director or the commission, by 4078
rule, shall require an applicant for registration in the labor 4079
class to furnish ~~such~~ evidence or take ~~such~~ tests as the director 4080
or commission considers proper with respect to age, residence, 4081
physical condition, ability to labor, honesty, sobriety, industry, 4082
capacity, and experience in the work or employment for which 4083
application is made. Laborers who fulfill the requirements shall 4084
be placed on the eligible list for the kind of labor or employment 4085

sought, and preference shall be given in employment in accordance 4086
with the rating received from ~~such~~ that evidence or in ~~such~~ those 4087
tests. Upon the request of an appointing officer, stating the kind 4088
of labor needed, the pay and probable length of employment, and 4089
the number to be employed, the director or commission shall 4090
certify from the highest on the list double the number to be 4091
employed; from this number, the appointing officer shall appoint 4092
the number actually needed for the particular work. If more than 4093
one applicant receives the same rating, priority in time of 4094
application shall determine the order in which their names shall 4095
be certified for appointment. 4096

(C) A municipal or civil service township civil service 4097
commission may place volunteer firefighters who are paid on a 4098
fee-for-service basis in either the classified or the unclassified 4099
civil service. 4100

(D) This division does not apply to persons in the 4101
unclassified service who have the right to resume positions in the 4102
classified service under sections 4121.121, 5119.071, 5120.07, 4103
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the 4104
Revised Code. 4105

An appointing authority whose employees are paid directly by 4106
warrant of the auditor of state may appoint a person who holds a 4107
certified position in the classified service within the appointing 4108
authority's agency to a position in the unclassified service 4109
within that agency. A person appointed pursuant to this division 4110
to a position in the unclassified service shall retain the right 4111
to resume the position and status held by the person in the 4112
classified service immediately prior to the person's appointment 4113
to the position in the unclassified service, regardless of the 4114
number of positions the person held in the unclassified service. 4115
Reinstatement to a position in the classified service shall be to 4116
a position substantially equal to that position in the classified 4117

service held previously, ~~as certified by the director of~~ 4118
~~administrative services held~~. If the position the person 4119
previously held in the classified service has been placed in the 4120
unclassified service or is otherwise unavailable, the person shall 4121
be appointed to a position in the classified service within the 4122
appointing authority's agency that ~~the director of administrative~~ 4123
~~services certifies~~ is certified as comparable in compensation to 4124
the position the person previously held in the classified service. 4125
Service in the position in the unclassified service shall be 4126
counted as service in the position in the classified service held 4127
by the person immediately prior to the person's appointment to the 4128
position in the unclassified service. When a person is reinstated 4129
to a position in the classified service as provided in this 4130
division, the person is entitled to all rights, status, and 4131
benefits accruing to the position in the classified service during 4132
the person's time of service in the position in the unclassified 4133
service. 4134

Sec. 124.133. The director of administrative services may 4135
establish, by rule adopted under Chapter 119. of the Revised Code, 4136
an experimental program to be implemented on a limited basis only 4137
which grants to employees in the service of the state vacation 4138
leave, sick leave, disability leave, personal leave, life 4139
insurance, or medical insurance benefits that differ from these 4140
benefits as granted by sections 124.13, 124.134, 124.382, 124.385, 4141
124.386, 124.81, and 124.82 of the Revised Code. However, this 4142
program shall not reduce the number of hours of vacation leave, 4143
sick leave, or personal leave which an employee has accrued as of 4144
the effective date of the rule. 4145

Sec. 124.14. (A)(1) The director of administrative services 4146
shall establish, and may modify or repeal, by rule, a job 4147
classification plan for all ~~positions, offices, and employments~~ 4148

~~the salaries of which are paid in whole or in part by~~ positions in 4149
the civil service of the state. The director shall group jobs 4150
within a classification so that the positions are similar enough 4151
in duties and responsibilities to be described by the same title, 4152
to have the same pay assigned with equity, and to have the same 4153
qualifications for selection applied. The director shall, by rule, 4154
assign a classification title to each classification within the 4155
classification plan. However, the director shall consider in 4156
establishing classifications, including classifications with 4157
parenthetical titles, and assigning pay ranges such factors as 4158
duties performed only on one shift, special skills in short supply 4159
in the labor market, recruitment problems, separation rates, 4160
comparative salary rates, the amount of training required, and 4161
other conditions affecting employment. The director shall describe 4162
the duties and responsibilities of ~~the class and~~ positions in each 4163
classification, establish the qualifications for being employed in 4164
~~that~~ each position in the classification, and ~~shall~~ file with the 4165
secretary of state a copy of specifications for all of the 4166
classifications. The director shall file new, additional, or 4167
revised specifications with the secretary of state before ~~being~~ 4168
they are used. 4169

The director shall, by rule, assign each classification, 4170
either on a statewide basis or in particular counties or state 4171
institutions, to a pay range established under section 124.15 or 4172
section 124.152 of the Revised Code. The director may assign a 4173
classification to a pay range on a temporary basis for a period of 4174
time designated in the rule. The director may establish, by rule 4175
adopted under Chapter 119. of the Revised Code, experimental 4176
classification plans for some or all employees ~~paid directly by~~ 4177
~~warrant of the auditor~~ in the service of the state. The rule shall 4178
include specifications for each classification within ~~the~~ such a 4179
plan and shall specifically address compensation ranges, and 4180
methods for advancing within the ranges, for the classifications, 4181

which may be assigned to pay ranges other than the pay ranges 4182
established under section 124.15 or 124.152 of the Revised Code. 4183

(2) The director may reassign to a proper classification 4184
those positions that have been assigned to an improper 4185
classification. If the compensation of an employee in such a 4186
reassigned position exceeds the maximum rate of pay for the 4187
employee's new classification, the employee shall be placed in pay 4188
step X and shall not receive an increase in compensation until the 4189
maximum rate of pay for that classification exceeds the employee's 4190
compensation. 4191

(3) The director may reassign an exempt employee, as defined 4192
in section 124.152 of the Revised Code, to a bargaining unit 4193
classification if the director determines that the bargaining unit 4194
classification is the proper classification for that employee. 4195
Notwithstanding Chapter 4117. of the Revised Code or instruments 4196
and contracts negotiated under it, ~~such~~ these placements are ~~at~~ in 4197
the director's discretion. 4198

(4) The director shall, by rule, assign related 4199
classifications, which form a career progression, to a 4200
classification series. The director shall, by rule, assign each 4201
classification in the classification plan a five-digit number, the 4202
first four digits of which shall denote the classification series 4203
to which the classification is assigned. When a career progression 4204
encompasses more than ten classifications, the director shall, by 4205
rule, identify the additional classifications belonging to a 4206
classification series. ~~Such~~ The additional classifications shall 4207
be part of the classification series, notwithstanding the fact 4208
that the first four digits of the number assigned to the 4209
additional classifications do not correspond to the first four 4210
digits of the numbers assigned to other classifications in the 4211
classification series. 4212

~~(5) The director shall adopt rules in accordance with Chapter 4213~~

~~119. of the Revised Code for the establishment of a classification
plan for county agencies that elect not to use the services and
facilities of a county personnel department. The rules shall
include a methodology for the establishment of titles unique to
county agencies, the use of state classification titles and
classification specifications for common positions, the criteria
for a county to meet in establishing its own classification plan,
and the establishment of what constitutes a classification series
for county agencies.~~

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

(1) Elected officials;

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

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

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

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

(C) The director of administrative services may employ a
consulting agency to aid and assist the director in carrying out

this section. 4244

(D)(1) When the director of administrative services proposes 4245
to modify a classification or the assignment of classes to 4246
appropriate pay ranges, the director shall send written notice of 4247
the proposed rule to the appointing authorities of the affected 4248
employees thirty days before the hearing on the proposed rule. The 4249
appointing authorities shall notify the affected employees 4250
regarding the proposed rule. The director shall also send ~~such~~ 4251
those appointing authorities notice of any final rule ~~which~~ that 4252
is adopted within ten days after adoption. 4253

(2) When the director proposes to reclassify any employee so 4254
that the employee is adversely affected, the director shall give 4255
to the employee affected and to the employee's appointing 4256
authority a written notice setting forth the proposed new 4257
classification, pay range, and salary. Upon the request of any 4258
classified employee who is not serving in a probationary period, 4259
the director shall perform a job audit to review the 4260
classification of the employee's position to determine whether the 4261
position is properly classified. The director shall give to the 4262
employee affected and to the employee's appointing authority a 4263
written notice of the director's determination whether or not to 4264
reclassify the position or to reassign the employee to another 4265
classification. An employee or appointing authority desiring a 4266
hearing shall file a written request for the hearing with the 4267
state personnel board of review within thirty days after receiving 4268
the notice. The board shall set the matter for a hearing and 4269
notify the employee and appointing authority of the time and place 4270
of the hearing. The employee, the appointing authority, or any 4271
authorized representative of the employee who wishes to submit 4272
facts for the consideration of the board shall be afforded 4273
reasonable opportunity to do so. After the hearing, the board 4274
shall consider anew the reclassification and may order the 4275

reclassification of the employee and require the director to 4276
assign the employee to ~~such~~ the appropriate classification as the 4277
facts and evidence warrant. As provided in division (A) of section 4278
124.03 of the Revised Code, the board may determine the most 4279
appropriate classification for the position of any employee coming 4280
before the board, with or without a job audit. The board shall 4281
disallow any reclassification or reassignment classification of 4282
any employee when it finds that changes have been made in the 4283
duties and responsibilities of any particular employee for 4284
political, religious, or other unjust reasons. 4285

(E)(1) Employees of each county department of job and family 4286
services shall be paid a salary or wage established by the board 4287
of county commissioners. The provisions of section 124.18 of the 4288
Revised Code concerning the standard work week apply to employees 4289
of county departments of job and family services. A board of 4290
county commissioners may do either of the following: 4291

(a) Notwithstanding any other section of the Revised Code, 4292
supplement the sick leave, vacation leave, personal leave, and 4293
other benefits of any employee of the county department of job and 4294
family services of that county, if the employee is eligible for 4295
the supplement under a written policy providing for the 4296
supplement; 4297

(b) Notwithstanding any other section of the Revised Code, 4298
establish alternative schedules of sick leave, vacation leave, 4299
personal leave, or other benefits for employees not inconsistent 4300
with the provisions of a collective bargaining agreement covering 4301
the affected employees. 4302

(2) ~~The provisions of division~~ Division (E)(1) of this 4303
section ~~do~~ does not apply to employees for whom the state 4304
employment relations board establishes appropriate bargaining 4305
units pursuant to section 4117.06 of the Revised Code, except in 4306
either of the following situations: 4307

(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 department of administrative services and of the director of administrative services concerning offices and positions in the service of the state specified in this chapter are hereby vested in and assigned to the boards of trustees of those colleges and universities, or those officers to whom the boards ~~of trustees~~ have delegated ~~these~~ those powers, duties, and functions, subject to a periodic audit and review by the director. In exercising the powers, duties, and functions ~~of the director~~, the boards ~~of trustees~~ or the officers to whom ~~these~~ the powers, duties, and functions were delegated need not establish a job classification plan for unclassified employees and may proceed under section 111.15 of the Revised Code when exercising ~~the director's~~ rule-making authority. The adoption, amendment, rescission, and enforcement of rules under this division is not subject to approval, disapproval, or modification by the state personnel board of review. Nothing in this division shall be construed to limit the right of any classified employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal.

Upon the director's determination or finding of the misuse by the board ~~of trustees~~ ~~of~~ or a designated officer of a state-supported college or university of the authority granted

under this division, the director shall order and direct the 4340
personnel functions of that state-supported college or university 4341
until sections 124.01 to 124.64 of the Revised Code have been 4342
fully complied with. 4343

(G)(1) With respect to officers and employees of counties and 4344
except for the powers and duties of the state personnel board of 4345
review set forth in section 124.03 of the Revised Code, the 4346
powers, duties, and functions of the department of administrative 4347
services and of the director of administrative services concerning 4348
offices and positions in the service of the state specified in 4349
this chapter are hereby vested in and assigned to the boards of 4350
county commissioners or those officers to whom the boards have 4351
delegated those powers, duties, and functions. Nothing in division 4352
(G)(1) of this section shall be construed to limit the right of 4353
any classified employee who possesses the right to appeal to the 4354
state personnel board of review to continue to possess that right 4355
of appeal. 4356

(2) Each board of county commissioners may, by a resolution 4357
adopted by a majority of its members, establish a county personnel 4358
department to exercise the powers, duties, and functions specified 4359
in division (G) of this section. As used in division (G) of this 4360
section, "county personnel department" means a county personnel 4361
department established by a board of county commissioners under 4362
division (G)~~(1)~~(2) of this section. 4363

~~(2)~~(3) Each board of county commissioners may, by a 4364
resolution adopted by a majority of its members, designate the 4365
county personnel department of the county to exercise the powers, 4366
duties, and functions ~~of the department of administrative services~~ 4367
~~and the director of administrative services~~ specified in sections 4368
~~124.01 to 124.64~~ division (G)(1) of this section and Chapter 325. 4369
of the Revised Code, except for the powers and duties of the state 4370
personnel board of review, which powers and duties shall not be 4371

construed as having been modified or diminished in any manner by 4372
division (G)~~(2)(1) or (3)~~ of this section, with respect to the 4373
employees for whom the board of county commissioners is the 4374
appointing authority or co-appointing authority. ~~Upon~~ 4375
~~certification of a copy of the resolution by the board to the~~ 4376
~~director, these powers, duties, and functions are vested in and~~ 4377
~~assigned to the county personnel department with respect to the~~ 4378
~~employees for whom the board of county commissioners is the~~ 4379
~~appointing authority or co-appointing authority. The certification~~ 4380
~~to the director shall be provided not later than one hundred~~ 4381
~~twenty days before the first day of July of an odd numbered year,~~ 4382
~~and, following the certification, the powers, duties, and~~ 4383
~~functions specified in sections 124.01 to 124.64 and Chapter 325-~~ 4384
~~of the Revised Code shall be vested in and assigned to the county~~ 4385
~~personnel department on that first day of July. Nothing in~~ 4386
~~division (G)(2) of this section shall be construed to limit the~~ 4387
~~right of any employee who possesses the right of appeal to the~~ 4388
~~state personnel board of review to continue to possess that right~~ 4389
~~of appeal.~~ 4390

Any board of county commissioners that has established a 4391
county personnel department may contract with ~~the department of~~ 4392
~~administrative services,~~ another political subdivision, or an 4393
appropriate public or private entity to provide competitive 4394
testing services or other appropriate services. 4395

~~(3)(4)~~ After the county personnel department of a county has 4396
assumed the powers, duties, and functions ~~of the department of~~ 4397
~~administrative services and the director as described~~ referred to 4398
in division (G)~~(2)(3)~~ of this section, any elected official, 4399
board, agency, or other appointing authority of that county may, 4400
upon notification to the ~~director~~ department, elect to use the 4401
services and facilities of the ~~county personnel~~ department. Upon 4402
receipt of the acceptance by the director of such notification, 4403

~~the county personnel department shall exercise the powers, duties, and functions of the department of administrative services and the director as described referred to in division (G)(2)(3) 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)(5) 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 department shall return to the director on that first day of July.~~

~~(5)(6) Any elected official, board, agency, or appointing authority of a county may 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 elected~~

~~official, board, agency, or appointing authority shall, not later 4436
than one hundred twenty days before the first day of July of an 4437
odd numbered year, send the director a certified copy of the 4438
resolution that states its decision. All powers, duties, and 4439
functions previously vested in and assigned to the county 4440
personnel department with respect to the employees of that elected 4441
official, board, agency, or appointing authority shall return to 4442
the director on that first day of July cease using the services 4443
and facilities of the county personnel department upon 4444
notification to the department. 4445~~

~~(6) The director, by rule adopted in accordance with Chapter 4446
119. of the Revised Code, shall prescribe criteria and procedures 4447
for granting to each county personnel department the powers, 4448
duties, and functions of the department of administrative services 4449
and the director as described in division (G)(2) of this section 4450
with respect to the employees of an elected official, board, 4451
agency, or other appointing authority or co-appointing authority. 4452
The rules shall cover the following criteria and procedures: 4453~~

~~(a) The notification to the department of administrative 4454
services that an elected official, board, agency, or other 4455
appointing authority of a county has elected to use the services 4456
and facilities of the county personnel department; 4457~~

~~(b) A requirement that each county personnel department, in 4458
carrying out its duties, adhere to merit system principles with 4459
regard to employees of county departments of job and family 4460
services, child support enforcement agencies, and public child 4461
welfare agencies so that there is no threatened loss of federal 4462
funding for these agencies, and a requirement that the county be 4463
financially liable to the state for any loss of federal funds due 4464
to the action or inaction of the county personnel department. The 4465
costs associated with audits conducted to monitor compliance with 4466
division (G)(6)(b) of this section shall be borne equally by the 4467~~

~~department of administrative services and the county.~~ 4468

~~(c) The termination of services and facilities rendered by~~ 4469
~~the department of administrative services, to include rate~~ 4470
~~adjustments, time periods for termination, and other related~~ 4471
~~matters;~~ 4472

~~(d) Authorization for the director of administrative services~~ 4473
~~to conduct periodic audits and reviews of county personnel~~ 4474
~~departments to guarantee the uniform application of this granting~~ 4475
~~of the director's powers, duties, and functions. The costs of the~~ 4476
~~audits and reviews shall be borne equally by the department of~~ 4477
~~administrative services and the county for which the services were~~ 4478
~~performed.~~ 4479

~~(e) The dissemination of audit findings under division~~ 4480
~~(G)(5)(d) of this section, any appeals process relating to adverse~~ 4481
~~findings by the department, and the methods whereby the county~~ 4482
~~personnel program will revert to the authority of the director of~~ 4483
~~administrative services due to misuse or nonuniform application of~~ 4484
~~the authority granted to the county under division (G)(2) or (3)~~ 4485
~~of this section.~~ 4486

(H) With respect to officers and employees of general health 4487
districts, and except for the powers and duties of the state 4488
personnel board of review set forth in section 124.03 of the 4489
Revised Code, the powers, duties, and functions of the department 4490
of administrative services and of the director of administrative 4491
services concerning offices and positions in the service of the 4492
state specified in this chapter are hereby vested in and assigned 4493
to the boards of health of the general health districts or those 4494
officers to whom the boards have delegated those powers, duties, 4495
and functions. Nothing in this division shall be construed to 4496
limit the right of any classified employee who possesses the right 4497
to appeal to the state personnel board of review to continue to 4498

possess that right of appeal. 4499

(I) The director of administrative services shall establish 4500
the rate and method of compensation for all employees who are ~~paid~~ 4501
~~directly by warrant of the auditor~~ in the service of the state and 4502
who are serving in positions ~~which~~ that the director has 4503
determined impracticable to include in the state job 4504
classification plan. This division does not apply to elected 4505
officials, legislative employees, employees of the legislative 4506
service commission, employees who are in the unclassified civil 4507
service and exempt from collective bargaining coverage in the 4508
office of the secretary of state, auditor of state, treasurer of 4509
state, and attorney general, employees of the courts, employees of 4510
the bureau of workers' compensation whose compensation the 4511
administrator of workers' compensation establishes under division 4512
(B) of section 4121.121 of the Revised Code, or employees of an 4513
appointing authority authorized by law to fix the compensation of 4514
those employees. 4515

~~(I)~~(J) The director of administrative services shall set the 4516
rate of compensation for all intermittent, interim, seasonal, 4517
temporary, emergency, and casual employees who are in the service 4518
of the state and who are not considered public employees under 4519
section 4117.01 of the Revised Code. ~~Such~~ Those employees are not 4520
entitled to receive employee benefits. This rate of compensation 4521
shall be equitable in terms of the rate of employees serving in 4522
the same or similar classifications. This division does not apply 4523
to elected officials, legislative employees, employees of the 4524
legislative service commission, employees who are in the 4525
unclassified civil service and exempt from collective bargaining 4526
coverage in the office of the secretary of state, auditor of 4527
state, treasurer of state, and attorney general, employees of the 4528
courts, employees of the bureau of workers' compensation whose 4529
compensation the administrator establishes under division (B) of 4530

section 4121.121 of the Revised Code, or employees of an 4531
 appointing authority authorized by law to fix the compensation of 4532
 those employees. 4533

Sec. 124.15. (A) Board and commission members appointed prior 4534
 to July 1, 1991, shall be paid a salary or wage in accordance with 4535
 the following schedules of rates: 4536

Schedule B 4537

Pay Ranges and Step Values 4538

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	4540
Annually	11897.60	12292.80	12688.00	13124.80	4541
	Step 5	Step 6			4542
Hourly	6.52	6.75			4543
Annually	13561.60	14040.00			4544
	Step 1	Step 2	Step 3	Step 4	4545
24 Hourly	6.00	6.20	6.41	6.63	4546
Annually	12480.00	12896.00	13332.80	13790.40	4547
	Step 5	Step 6			4548
Hourly	6.87	7.10			4549
Annually	14289.60	14768.00			4550
	Step 1	Step 2	Step 3	Step 4	4551
25 Hourly	6.31	6.52	6.75	6.99	4552
Annually	13124.80	13561.60	14040.00	14539.20	4553
	Step 5	Step 6			4554
Hourly	7.23	7.41			4555
Annually	15038.40	15412.80			4556
	Step 1	Step 2	Step 3	Step 4	4557
26 Hourly	6.63	6.87	7.10	7.32	4558
Annually	13790.40	14289.60	14768.00	15225.60	4559
	Step 5	Step 6			4560
Hourly	7.53	7.77			4561
Annually	15662.40	16161.60			4562

		Step 1	Step 2	Step 3	Step 4	4563
27	Hourly	6.99	7.23	7.41	7.64	4564
	Annually	14534.20	15038.40	15412.80	15891.20	4565
		Step 5	Step 6	Step 7		4566
	Hourly	7.88	8.15	8.46		4567
	Annually	16390.40	16952.00	17596.80		4568
		Step 1	Step 2	Step 3	Step 4	4569
28	Hourly	7.41	7.64	7.88	8.15	4570
	Annually	15412.80	15891.20	16390.40	16952.00	4571
		Step 5	Step 6	Step 7		4572
	Hourly	8.46	8.79	9.15		4573
	Annually	17596.80	18283.20	19032.00		4574
		Step 1	Step 2	Step 3	Step 4	4575
29	Hourly	7.88	8.15	8.46	8.79	4576
	Annually	16390.40	16952.00	17596.80	18283.20	4577
		Step 5	Step 6	Step 7		4578
	Hourly	9.15	9.58	10.01		4579
	Annually	19032.00	19926.40	20820.80		4580
		Step 1	Step 2	Step 3	Step 4	4581
30	Hourly	8.46	8.79	9.15	9.58	4582
	Annually	17596.80	18283.20	19032.00	19926.40	4583
		Step 5	Step 6	Step 7		4584
	Hourly	10.01	10.46	10.99		4585
	Annually	20820.80	21756.80	22859.20		4586
		Step 1	Step 2	Step 3	Step 4	4587
31	Hourly	9.15	9.58	10.01	10.46	4588
	Annually	19032.00	19962.40	20820.80	21756.80	4589
		Step 5	Step 6	Step 7		4590
	Hourly	10.99	11.52	12.09		4591
	Annually	22859.20	23961.60	25147.20		4592
		Step 1	Step 2	Step 3	Step 4	4593
32	Hourly	10.01	10.46	10.99	11.52	4594
	Annually	20820.80	21756.80	22859.20	23961.60	4595

		Step 5	Step 6	Step 7	Step 8	4596
	Hourly	12.09	12.68	13.29	13.94	4597
	Annually	25147.20	26374.40	27643.20	28995.20	4598
		Step 1	Step 2	Step 3	Step 4	4599
33	Hourly	10.99	11.52	12.09	12.68	4600
	Annually	22859.20	23961.60	25147.20	26374.40	4601
		Step 5	Step 6	Step 7	Step 8	4602
	Hourly	13.29	13.94	14.63	15.35	4603
	Annually	27643.20	28995.20	30430.40	31928.00	4604
		Step 1	Step 2	Step 3	Step 4	4605
34	Hourly	12.09	12.68	13.29	13.94	4606
	Annually	25147.20	26374.40	27643.20	28995.20	4607
		Step 5	Step 6	Step 7	Step 8	4608
	Hourly	14.63	15.35	16.11	16.91	4609
	Annually	30430.40	31928.00	33508.80	35172.80	4610
		Step 1	Step 2	Step 3	Step 4	4611
35	Hourly	13.29	13.94	14.63	15.35	4612
	Annually	27643.20	28995.20	30430.40	31928.00	4613
		Step 5	Step 6	Step 7	Step 8	4614
	Hourly	16.11	16.91	17.73	18.62	4615
	Annually	33508.80	35172.80	36878.40	38729.60	4616
		Step 1	Step 2	Step 3	Step 4	4617
36	Hourly	14.63	15.35	16.11	16.91	4618
	Annually	30430.40	31928.00	33508.80	35172.80	4619
		Step 5	Step 6	Step 7	Step 8	4620
	Hourly	17.73	18.62	19.54	20.51	4621
	Annually	36878.40	38729.60	40643.20	42660.80	4622
	Schedule C					4623
		Pay Range and Values				4624
	Range	Minimum		Maximum		4625
41	Hourly	10.44		15.72		4626
	Annually	21715.20		32697.60		4627
42	Hourly	11.51		17.35		4628

	Annually	23940.80	36088.00	4629
43	Hourly	12.68	19.12	4630
	Annually	26374.40	39769.60	4631
44	Hourly	13.99	20.87	4632
	Annually	29099.20	43409.60	4633
45	Hourly	15.44	22.80	4634
	Annually	32115.20	47424.00	4635
46	Hourly	17.01	24.90	4636
	Annually	35380.80	51792.00	4637
47	Hourly	18.75	27.18	4638
	Annually	39000.00	56534.40	4639
48	Hourly	20.67	29.69	4640
	Annually	42993.60	61755.20	4641
49	Hourly	22.80	32.06	4642
	Annually	47424.00	66684.80	4643

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 4644
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(C) Part-time employees in the service of the state shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 4646
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints 4650
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employees in the service of the state, with the approval of the 4661
director of administrative services and the director of budget and 4662
management, may establish payments to employees for uniforms, 4663
tools, equipment, and other requirements of the department and 4664
payments for the maintenance of them. 4665

The director of administrative services may review collective 4666
bargaining agreements entered into under Chapter 4117. of the 4667
Revised Code that cover ~~state~~ employees in the service of the 4668
state and determine whether certain benefits or payments provided 4669
to ~~state~~ the employees covered by those agreements should also be 4670
provided to employees in the service of the state who are exempt 4671
from collective bargaining coverage and are paid in accordance 4672
with section 124.152 of the Revised Code or are listed in division 4673
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 4674
the review, the director of administrative services, with the 4675
approval of the director of budget and management, may provide to 4676
some or all of these employees any payment or benefit, except for 4677
salary, contained in such a collective bargaining agreement even 4678
if it is similar to a payment or benefit already provided by law 4679
to some or all of these employees. Any payment or benefit so 4680
provided shall not exceed the highest level for that payment or 4681
benefit specified in such a collective bargaining agreement. The 4682
director of administrative services shall not provide, and the 4683
director of budget and management shall not approve, any payment 4684
or benefit to such an employee under this division unless the 4685
payment or benefit is provided pursuant to a collective bargaining 4686
agreement to a state employee who is in a position with similar 4687
duties as, is supervised by, or is employed by the same appointing 4688
authority as, the employee to whom the benefit or payment is to be 4689
provided. 4690

As used in this division, "payment or benefit already 4691
provided by law" includes, but is not limited to, bereavement, 4692

personal, vacation, administrative, and sick leave, disability 4693
benefits, holiday pay, and pay supplements provided under the 4694
Revised Code, but does not include wages or salary. 4695

(E) New employees paid in accordance with schedule B of 4696
division (A) of this section or schedule E-1 of section 124.152 of 4697
the Revised Code shall be employed at the minimum rate established 4698
for the range unless otherwise provided. Employees with 4699
qualifications that are beyond the minimum normally required for 4700
the position and that are determined by the director to be 4701
exceptional may be employed in, or may be transferred or promoted 4702
to, a position at an advanced step of the range. Further, in time 4703
of a serious labor market condition when it is relatively 4704
impossible to recruit employees at the minimum rate for a 4705
particular classification, the entrance rate may be set at an 4706
advanced step in the range by the director of administrative 4707
services. This rate may be limited to geographical regions of the 4708
state. Appointments made to an advanced step under the provision 4709
regarding exceptional qualifications shall not affect the step 4710
assignment of employees already serving. However, anytime the 4711
hiring rate of an entire classification is advanced to a higher 4712
step, all incumbents of that classification being paid at a step 4713
lower than that being used for hiring, shall be advanced beginning 4714
at the start of the first pay period thereafter to the new hiring 4715
rate, and any time accrued at the lower step will be used to 4716
calculate advancement to a succeeding step. If the hiring rate of 4717
a classification is increased for only a geographical region of 4718
the state, only incumbents who work in that geographical region 4719
shall be advanced to a higher step. When an employee in the 4720
unclassified service changes from one state position to another or 4721
is appointed to a position in the classified service, or if an 4722
employee in the classified service is appointed to a position in 4723
the unclassified service, the employee's salary or wage in the new 4724

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

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

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

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

Each employee paid in accordance with schedule E-1 of section
124.152 of the Revised Code shall be eligible to advance to the
next higher step until the employee reaches the top step in the
range for the employee's class or grade, if the employee has
maintained satisfactory performance in accordance with criteria
established by the employee's appointing authority. Those step
advancements shall not occur more frequently than once in any
twelve-month period.

When an employee is promoted or reassigned to a higher pay
range, the employee's step indicator shall return to "0" or be
adjusted to account for a probationary period, as appropriate.
Step advancement shall not be affected by demotion. A promoted
employee shall advance to the next higher step of the pay range on
the first day of the pay period in which the required probationary
period is completed. Step advancement shall become effective at

the beginning of the pay period within which the employee attains 4789
the necessary length of service. Time spent on authorized leave of 4790
absence shall be counted for this purpose. 4791

If determined to be in the best interest of the state 4792
service, the director of administrative services may, either 4793
statewide or in selected agencies, adjust the dates on which 4794
annual step advancements are received by employees paid in 4795
accordance with schedule E-1 of section 124.152 of the Revised 4796
Code. 4797

(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of 4798
this section, there shall be a moratorium on step advancements 4799
under division (G)(1) of this section from the pay period 4800
beginning June 29, 2003, through the pay period ending June 25, 4801
2005. Step advancements shall resume with the pay period beginning 4802
June 26, 2005. Upon the resumption of step advancements, there 4803
shall be no retroactive step advancements for the period the 4804
moratorium was in effect. The moratorium shall not affect an 4805
employee's performance evaluation schedule. 4806

(ii) During the moratorium under division (G)(2)(a)(i) of 4807
this section, an employee who is hired or promoted and serves a 4808
probationary period in the employee's new position shall advance 4809
to the next step in the employee's pay range upon successful 4810
completion of the employee's probationary period. Thereafter, the 4811
employee is subject to the moratorium. 4812

(b) The moratorium under division (G)(2)(a)(i) of this 4813
section shall apply to the employees of the secretary of state, 4814
the auditor of state, the treasurer of state, and the attorney 4815
general, who are subject to this section unless the secretary of 4816
state, the auditor of state, the treasurer of state, or the 4817
attorney general decides to exempt the office's employees from the 4818
moratorium and so notifies the director of administrative services 4819

in writing on or before July 1, 2003.

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

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

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

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(K) Regular full-time employees in positions assigned to classes within the instruction and education administration series under the rules of the director of administrative services, except certificated employees on the instructional staff of the state school for the blind or the state school for the deaf, whose positions are scheduled to work on the basis of an academic year rather than a full calendar year, shall be paid according to the pay range assigned by such rules but only during those pay periods

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included in the academic year of the school where the employee is 4851
located. 4852

(1) Part-time or substitute teachers or those whose period of 4853
employment is other than the full academic year shall be 4854
compensated for the actual time worked at the rate established by 4855
this section. 4856

(2) Employees governed by this division are exempt from 4857
sections 124.13 and 124.19 of the Revised Code. 4858

(3) Length of service for the purpose of determining 4859
eligibility for step advancements as provided by division (G) of 4860
this section and for the purpose of determining eligibility for 4861
longevity pay supplements as provided by division (E) of section 4862
124.181 of the Revised Code shall be computed on the basis of one 4863
full year of service for the completion of each academic year. 4864

(L) The superintendent of the state school for the deaf and 4865
the superintendent of the state school for the blind shall, 4866
subject to the approval of the superintendent of public 4867
instruction, carry out both of the following: 4868

(1) Annually, between the first day of April and the last day 4869
of June, establish for the ensuing fiscal year a schedule of 4870
hourly rates for the compensation of each certificated employee on 4871
the instructional staff of that superintendent's respective school 4872
constructed as follows: 4873

(a) Determine for each level of training, experience, and 4874
other professional qualification for which an hourly rate is set 4875
forth in the current schedule, the per cent that rate is of the 4876
rate set forth in such schedule for a teacher with a bachelor's 4877
degree and no experience. If there is more than one such rate for 4878
such a teacher, the lowest rate shall be used to make the 4879
computation. 4880

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

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

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

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

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

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

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

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly 4911
installments. The amount of each installment shall be calculated 4912
by dividing the employee's annual salary by the number of biweekly 4913
installments to be paid during the year. 4914

Sections 124.13 and 124.19 of the Revised Code do not apply 4915
to an employee who is paid under this division. 4916

As used in this division, "academic year" means the number of 4917
days in each school year that the schools are required to be open 4918
for instruction with pupils in attendance. Upon completing an 4919
academic year, an employee paid under this division shall be 4920
deemed to have completed one year of service. An employee paid 4921
under this division is eligible to receive a pay supplement under 4922
division (L)(1), (2), or (3) of section 124.181 of the Revised 4923
Code for which the employee qualifies, but is not eligible to 4924
receive a pay supplement under division (L)(4) or (5) of that 4925
section. An employee paid under this division is eligible to 4926
receive a pay supplement under division (L)(6) of section 124.181 4927
of the Revised Code for which the employee qualifies, except that 4928
the supplement is not limited to a maximum of five per cent of the 4929
employee's regular base salary in a calendar year. 4930

(M) Division (A) of this section does not apply to "exempt 4931
employees," as defined in section 124.152 of the Revised Code, who 4932
are paid under that section. 4933

Notwithstanding any other provisions of this chapter, when an 4934
employee transfers between bargaining units or transfers out of or 4935
into a bargaining unit, the director of administrative services 4936
shall establish the employee's compensation and adjust the maximum 4937
leave accrual schedule as the director deems equitable. 4938

Sec. 124.20. The director of administrative services, with 4939
the approval of the state personnel board of review, shall adopt 4940

rules: 4941

(A) For the classification of ~~officers, offices and~~ 4942
~~positions, and employments,~~ in the civil service of the state ~~and~~ 4943
~~the several counties thereof;~~ 4944

(B) For appointment, promotions, transfers, layoffs, 4945
suspensions, reductions, reinstatements, and removals ~~therein in~~ 4946
and examinations and registrations for offices and positions in 4947
the civil service of the state. ~~Except as otherwise provided in~~ 4948
~~this division, appointing~~ Appointing authorities with officers or 4949
employees in the civil service of the state shall submit personnel 4950
action information to the department of administrative services as 4951
the director requires. ~~County boards of mental retardation and~~ 4952
~~developmental disabilities shall be required to submit personnel~~ 4953
~~action forms to the department of administrative services only~~ 4954
~~when an employee is hired by a board, when a disciplinary action~~ 4955
~~appealable pursuant to this chapter is taken by a board, or when~~ 4956
~~the board terminates the employment of an employee for any reason.~~ 4957
~~Any submittals required by this section shall be made to the~~ 4958
~~county personnel department with jurisdiction in the matter, if~~ 4959
~~one has been established.~~ 4960

(C) For maintaining and keeping records of the efficiency of 4961
officers and employees in the civil service of the state in 4962
accordance with sections 124.01 to 124.64 of the Revised Code. 4963

Due notice of the contents of ~~such~~ these rules and of all 4964
changes ~~therein in the rules~~ shall be given to appointing 4965
authorities affected by ~~such~~ the rules, and ~~such~~ the rules shall 4966
also be printed for public distribution. 4967

Sec. 124.23. (A) All applicants for positions and places in 4968
the classified service shall be subject to examination, except for 4969
applicants for positions as professional or certified service and 4970
paraprofessional employees of county boards of mental retardation 4971

and developmental disabilities, who shall be hired in the manner 4972
provided in section 124.241 of the Revised Code. 4973

(B) Any examination administered under this section shall be 4974
public, and be open to all citizens of the United States and those 4975
persons who have legally declared their intentions of becoming 4976
United States citizens, within certain limitations ~~to be~~ 4977
~~determined by the director of administrative services,~~ as to 4978
citizenship, age, experience, education, health, habit, and moral 4979
character; ~~provided any, which shall be determined by the director~~ 4980
of administrative services when the examination is for an office 4981
or position in the service of the state. Any soldier, sailor, 4982
marine, coast guarder, member of the auxiliary corps as 4983
established by congress, member of the army nurse corps or navy 4984
nurse corps, or red cross nurse who has served in the army, navy, 4985
or hospital service of the United States, and such other military 4986
service as is designated by congress, including World War I, World 4987
War II, or during the period beginning May 1, 1949, and lasting so 4988
long as the armed forces of the United States are engaged in armed 4989
conflict or occupation duty, or the selective service or similar 4990
conscriptive acts are in effect in the United States, whichever is 4991
the later date, who has been honorably discharged ~~therefrom~~ or 4992
transferred to the reserve with evidence of satisfactory service, 4993
and who is a resident of ~~Ohio,~~ this state may file ~~with the~~ 4994
~~director of administrative services~~ a certificate of service or 4995
honorable discharge, ~~whereupon~~ and, upon that filing, the person 4996
shall receive additional credit of twenty per cent of the person's 4997
total grade given in the regular examination in which the person 4998
receives a passing grade; that filing shall be with the director 4999
of administrative services in the case of offices or positions in 5000
the service of the state. Such 5001

An examination may include an evaluation of such factors as 5002
education, training, capacity, knowledge, manual dexterity, and 5003

physical or psychological fitness. ~~Examinations~~ An examination 5004
shall consist of one or more tests in any combination. Tests may 5005
be written, oral, physical, demonstration of skill, or an 5006
evaluation of training and experiences and shall be designed to 5007
fairly test the relative capacity of the persons examined to 5008
discharge the particular duties of the position for which 5009
appointment is sought. ~~Where~~ If minimum or maximum requirements 5010
are established for any examination, they shall be specified in 5011
the examination announcement. 5012

(C) The director of administrative services shall have 5013
control of all examinations for offices or positions in the 5014
service of the state, except as otherwise provided in sections 5015
124.01 to 124.64 of the Revised Code. ~~No~~ 5016

(D) No questions in any examination shall relate to political 5017
or religious opinions or affiliations. No credit for seniority, 5018
efficiency, or any other reason shall be added to an applicant's 5019
examination grade unless the applicant achieves at least the 5020
minimum passing grade on the examination without counting ~~such~~ 5021
that extra credit. 5022

(E) Except as otherwise provided in sections 124.01 to 124.64 5023
of the Revised Code, the director of administrative services shall 5024
give reasonable notice of the time, place, and general scope of 5025
every competitive examination for appointment to ~~a~~ an office or 5026
position in the classified civil service of the state. The 5027
director ~~of administrative services~~ shall send written, printed, 5028
or electronic notices of every examination ~~of~~ to be conducted in 5029
the ~~state~~ classified civil service of the state to each agency of 5030
the type the director of job and family services specifies and, in 5031
the case of a county in which no such agency is located, to the 5032
clerk of the court of common pleas of that county and to the clerk 5033
of each city ~~of~~ located within that county. ~~Such~~ Those notices, 5034
promptly upon receipt, shall be posted in conspicuous public 5035

places in the designated agencies and the courthouse, and city 5036
hall of the cities, of the counties in which no such agency is 5037
located. ~~Such~~ The notices shall be posted in a conspicuous place 5038
in the office of the director ~~of administrative services~~ for at 5039
least two weeks ~~before~~ preceding any examination involved. In case 5040
of examinations limited by the director ~~of administrative services~~ 5041
to a district, county, city, or department, the director ~~of~~ 5042
~~administrative services~~ shall provide by rule for adequate 5043
publicity of ~~such examinations~~ an examination in the district, 5044
county, city, or department within which competition is permitted. 5045

Sec. 124.231. (A)(1) As used in this section, "legally blind 5046
person" means any person who qualifies as being blind under any 5047
Ohio or federal statute, or any rule adopted ~~thereunder~~ under any 5048
Ohio or federal statute. As used in this section, "legally deaf 5049
person" means any person who qualifies as being deaf under any 5050
Ohio or federal statute, or any rule adopted ~~thereunder~~ under any 5051
Ohio or federal statute. 5052

~~(B)~~(2) The director of administrative services shall, 5053
whenever practicable, arrange for special examinations to be 5054
administered to legally blind or legally deaf persons applying for 5055
original appointments in the classified civil service of the state 5056
to ensure that the abilities of ~~such~~ the applicants are properly 5057
assessed and that ~~such~~ the applicants are not subject to 5058
discrimination because they are legally blind or legally deaf 5059
persons. 5060

~~(C)~~(3) The director may administer equitable programs for the 5061
employment of legally blind persons and legally deaf persons in 5062
the classified civil service of the state. 5063

(B) Nothing in this section shall be construed to prohibit 5064
the appointment of a legally blind or legally deaf person to a 5065
position in the classified service under the procedures otherwise 5066

provided in this chapter. 5067

Sec. 124.241. As used in this section, "professional 5068
employee" has the same meaning as in section 5126.20 of the 5069
Revised Code, and "registered service employee" means a service 5070
employee, as defined in section 5126.20 of the Revised Code, who 5071
is registered under section 5126.25 of the Revised Code. 5072

County boards of mental retardation and developmental 5073
disabilities may hire professional employees and registered 5074
service employees in the classified service on the basis of the 5075
candidates' qualifications rather than on the basis of the results 5076
of an examination ~~administered by the director of administrative~~ 5077
~~services pursuant to section 124.23 of the Revised Code.~~ 5078

Sec. 124.25. The director of administrative services shall 5079
require persons applying for an examination for original 5080
appointment to office or position in the service of the state to 5081
file with the director, within reasonable time prior to the 5082
examination, a formal application, in which the applicant shall 5083
state the applicant's name, address, and ~~such~~ any other 5084
information as may reasonably be required concerning the 5085
applicant's education and experience. No inquiry shall be made as 5086
to religious or political affiliations or as to racial or ethnic 5087
origin of the applicant, except as necessary to gather equal 5088
employment opportunity or other statistics that, when compiled, 5089
will not identify any specific individual. 5090

Blank forms for applications shall be furnished by the 5091
director without charge to any person requesting ~~the same~~ an 5092
application. The director may require in connection with ~~such~~ an 5093
application ~~such~~ a certificate of persons having knowledge of the 5094
applicant as the good of the service demands. The director may 5095
refuse to appoint or examine an applicant, or, after an 5096

examination, refuse to certify the applicant as eligible, who is 5097
found to lack any of the established preliminary requirements for 5098
the examination, who is addicted to the habitual use of 5099
intoxicating liquors or drugs to excess, who has a pattern of poor 5100
work habits and performance with previous employers, who has been 5101
convicted of a felony, who has been guilty of infamous or 5102
notoriously disgraceful conduct, who has been dismissed from 5103
either branch of the civil service for delinquency or misconduct, 5104
or who has made false statements of any material fact, or 5105
practiced, or attempted to practice, any deception or fraud in the 5106
application or examination, in establishing eligibility, or in 5107
securing an appointment. 5108

Sec. 124.26. (A) Except as provided in ~~divisions~~ division (B) 5109
~~and (C)~~ of this section, from the returns of the examinations for 5110
offices or positions in the service of the state, the director of 5111
administrative services shall prepare an eligible list of the 5112
persons whose general average standing upon examinations for ~~such~~ 5113
the grade or class is not less than the minimum fixed by the rules 5114
of the director, ~~and who are otherwise eligible; and such.~~ Those 5115
persons shall take rank upon the eligible list as candidates in 5116
the order of their relative excellence as determined by the 5117
examination without reference to priority of the time of 5118
examination. ~~In the event~~ If two or more applicants receive the 5119
same mark in an open competitive examination, priority in the time 5120
of filing the application with the director shall determine the 5121
order in which their names shall be placed on the eligible list; ~~+~~ 5122
~~provided,~~ except that applicants eligible for veteran's preference 5123
under section 124.23 of the Revised Code shall receive priority in 5124
rank on the eligible list over nonveterans on the list with a 5125
rating equal to that of the veteran. Ties among veterans shall be 5126
decided by priority of filing the application. ~~In the event of~~ If 5127
two or more applicants ~~receiving~~ receive the same mark on a 5128

promotional examination, seniority shall determine the order in 5129
which their names shall be placed on the eligible list. The term 5130
of eligibility of each list shall be fixed by the director at not 5131
less than one ~~nor~~ or more than two years. ~~When~~ 5132

When an eligible list is reduced to ten names or less, a new 5133
list may be prepared. The director may consolidate two or more 5134
eligible lists of the same kind by the rearranging of eligibles 5135
named ~~therein~~ in the lists, according to their grades. 5136

(B) A person serving as a provisional employee who passes an 5137
examination for an office or position in the service of the state, 5138
given for the department in which ~~he~~ the person is employed, for 5139
the class or grade in which the person holds the office or 5140
position shall be appointed as a certified employee in the office 5141
or position before the director of administrative services 5142
prepares an eligible list. 5143

Sec. 124.27. (A) The head of a department, office, or 5144
institution, in which a position in the classified civil service 5145
of the state is to be filled, shall notify the director of 5146
administrative services of the fact, and the director shall, 5147
except as otherwise provided in this section and sections 124.30 5148
and 124.31 of the Revised Code, certify to the appointing 5149
authority the names and addresses of the ten candidates standing 5150
highest on the eligible list for the class or grade to which the 5151
position belongs; ~~provided, except~~ that the director may certify 5152
less than ten names if ten names are not available. When less than 5153
ten names are certified to an appointing authority, appointment 5154
from that list shall not be mandatory. When a position in the 5155
classified service in the department of mental health or the 5156
department of mental retardation and developmental disabilities is 5157
to be filled, the director of administrative services shall make 5158
such certification to the appointing authority within seven 5159

working days of the date the eligible list is requested. 5160

(B) ~~The~~ An appointing authority shall notify the director of 5161
administrative services of ~~such a~~ position in the classified civil 5162
service of the state to be filled, and the appointing authority 5163
shall fill ~~such the~~ vacant position by appointment of one of the 5164
ten persons certified by the director. If more than one position 5165
is to be filled, the director ~~of administrative services~~ may 5166
certify a group of names from the eligible list and the appointing 5167
authority shall appoint in the following manner: ~~Beginning~~ 5168
beginning at the top of the list, each time a selection is made it 5169
must be from one of the first ten candidates remaining on the list 5170
who is willing to accept consideration for the position. If an 5171
eligible list becomes exhausted, and until a new list can be 5172
created, or when no eligible list for ~~such a~~ position exists, 5173
names may be certified from eligible lists most appropriate for 5174
the group or class in which the position to be filled is 5175
classified. A person who is certified from an eligible list more 5176
than three times to the same appointing authority for the same or 5177
similar positions, may be omitted from future certification to 5178
~~such that~~ appointing authority, provided that certification for a 5179
temporary appointment shall not be counted as one of ~~such those~~ 5180
certifications. Every soldier, sailor, marine, coast guarder, 5181
member of the auxiliary corps as established by congress, member 5182
of the army nurse corps, or navy nurse corps, or red cross nurse 5183
who has served in the army, navy, or hospital service of the 5184
United States, and such other military service as is designated by 5185
congress in the war with Spain, including the Philippine 5186
insurrection and the Chinese relief expedition, or from April 21, 5187
1898, to July 4, 1902, World War I, World War II, or during the 5188
period beginning May 1, 1949, and lasting so long as the armed 5189
forces of the United States are engaged in armed conflict or 5190
occupation duty, or the selective service or similar conscriptive 5191
acts are in effect in the United States, whichever is the later 5192

date, who has been honorably discharged or separated under 5193
honorably conditions ~~therefrom~~, who is a resident of this state, 5194
and whose name is on the eligible list for a position, shall be 5195
entitled to preference in an original appointment ~~appointments~~ appointment to 5196
~~any such a~~ competitive position in the civil service of the state 5197
~~and the civil divisions thereof~~, over all persons eligible for 5198
~~such appointments~~ the appointment and standing on the list 5199
~~therefor~~ for the appointment, with a rating equal to that of ~~each~~ 5200
~~such person~~ the veteran. Appointments to all positions in the 5201
classified civil service of the state, that are not filled by 5202
promotion, transfer, or reduction, as provided in sections 124.01 5203
to 124.64 of the Revised Code and the rules of the director 5204
prescribed under those sections, shall be made only from those 5205
persons whose names are certified to the appointing authority, and 5206
no employment, except as provided in those sections, shall be 5207
otherwise given in the classified civil service of ~~this~~ the state 5208
~~or any political subdivision of the state.~~ 5209

(C) All original and promotional appointments, including 5210
provisional appointments made pursuant to section 124.30 of the 5211
Revised Code, shall be for a probationary period, not less than 5212
sixty days ~~nor~~ or more than one year, to be fixed by the 5213
appropriate rules ~~of the director~~, except as provided in section 5214
124.231 of the Revised Code, or except original appointments to a 5215
police department as a police officer, or to a fire department as 5216
a firefighter which shall be for a probationary period of one 5217
year, ~~and no.~~ No appointment or promotion is final until the 5218
appointee has satisfactorily served the probationary period. 5219
Service as a provisional employee in the same or similar class 5220
shall be included in the probationary period. If the service of 5221
the probationary employee is unsatisfactory, the employee may be 5222
removed or reduced at any time during the probationary period. If 5223
the appointing authority's decision is to remove the appointee, 5224
the appointing authority's communication to the director or 5225

commission shall indicate the reason for that decision. A 5226
probationary employee duly removed or reduced in position for 5227
unsatisfactory service does not have the right to appeal the 5228
removal or reduction under section 124.34 of the Revised Code. 5229

Sec. 124.29. Any person who, at the time of holding an office 5230
or position in the public service, enters the uniformed services, 5231
as defined in section 5903.01 of the Revised Code, is entitled to 5232
reinstatement in accordance with the "Uniformed Services 5233
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 5234
38 U.S.C.A. 4301 to 4333. 5235

The director of administrative services shall adopt rules in 5236
accordance with Chapter 119. of the Revised Code for the 5237
implementation of this section with regard to the reinstatement of 5238
persons in the service of the state. 5239

Sec. 124.30. (A) Positions in the classified civil service of 5240
the state may be filled without competition as follows: 5241

(1) Whenever there are urgent reasons for filling a vacancy 5242
in any position in the classified civil service of the state and 5243
the director of administrative services is unable to certify to 5244
the appointing authority, upon ~~requisition by the latter~~ its 5245
request, a list of persons eligible for appointment to ~~such~~ the 5246
position after a competitive examination, the appointing authority 5247
may nominate a person to the director for noncompetitive 5248
examination, and if ~~such~~ the nominee is certified by the director 5249
as qualified after ~~such~~ the noncompetitive examination, the 5250
nominee may be appointed provisionally to fill ~~such~~ the vacancy 5251
until a selection and appointment can be made after competitive 5252
examination; ~~but such.~~ However, the provisional appointment shall 5253
continue in force only until a regular appointment can be made 5254
from eligible lists prepared by the director, and ~~such~~ the 5255

eligible lists shall be prepared within six months, provided that 5256
an examination for the position must be held within the six-month 5257
period from the date of ~~such~~ the provisional appointment. In the 5258
case of provisional appointees in ~~county departments of job and~~ 5259
~~family services and in~~ the department of job and family services 5260
and department of health, if the salary is paid in whole or in 5261
part from federal funds, ~~such~~ the eligible lists shall be prepared 5262
within six months, provided that an examination for the position 5263
must be held within the six-month period from the date of ~~such~~ the 5264
provisional appointment. In case of an emergency, an appointment 5265
may be made without regard to the rules of sections 124.01 to 5266
124.64 of the Revised Code, but in no case to continue longer than 5267
thirty days, and in no case shall successive appointments be made. 5268
Interim or temporary appointments, made necessary by reason of 5269
sickness, disability, or other approved leave of absence of 5270
regular officers or employees shall continue only during ~~such~~ the 5271
period of sickness, disability, or other approved leave of 5272
absence, subject to rules ~~to be provided for by~~ of the director. 5273

(2) In case of a vacancy in a position in the classified 5274
civil service of the state where peculiar and exceptional 5275
qualifications of a scientific, managerial, professional, or 5276
educational character are required, and upon satisfactory evidence 5277
that for specified reasons competition in ~~such~~ this special case 5278
is impracticable and that the position can best be filled by a 5279
selection of some designated person of high and recognized 5280
attainments in ~~such~~ those qualities, the director may suspend the 5281
provisions of sections 124.01 to 124.64 of the Revised Code, 5282
~~requiring that require~~ competition in ~~such~~ this special case, but 5283
no suspension shall be general in its application, ~~and all.~~ All 5284
such cases of suspension shall be reported in the annual report of 5285
the director with the reasons for ~~the~~ each suspension. The 5286
director shall suspend the provisions when the director of job and 5287
family services provides ~~the director~~ certification under section 5288

5101.051 of the Revised Code that a position with the department 5289
of job and family services can best be filled if the provisions 5290
are suspended. 5291

(3) ~~Where~~ If the services to be rendered by an appointee are 5292
for a temporary period, not to exceed six months, and the need of 5293
~~such~~ the service is important and urgent, the appointing authority 5294
may select for ~~such~~ temporary service any person on the proper 5295
list of those eligible for permanent appointment. Successive 5296
temporary appointments to the same position shall not be made 5297
under this division. The acceptance or refusal by an eligible 5298
person of a temporary appointment shall not affect the person's 5299
standing on the ~~register~~ eligible list for permanent ~~employment~~ 5300
appointment, nor shall the period of temporary service be counted 5301
as a part of the probationary service in case of subsequent 5302
appointment to a permanent position. 5303

(B) Persons who receive external interim, temporary, or 5304
intermittent appointments are in the unclassified civil service 5305
and serve at the pleasure of their appointing authority. Interim 5306
appointments shall be made only to fill a vacancy that results 5307
from an employee's temporary absence, but shall not be made to 5308
fill a vacancy that results because an employee receives an 5309
interim appointment. 5310

Sec. 124.31. (A) Vacancies in positions in the classified 5311
service shall be filled insofar as practicable by promotions. ~~The~~ 5312
In the case of a vacancy in a position in the classified civil 5313
service of the state, the director of administrative services 5314
shall provide in the director's rules for keeping a record of 5315
efficiency for each employee in the classified civil service of 5316
the state, and for making promotions in the classified civil 5317
service of the state on the basis of merit, to be ascertained ~~as~~ 5318
~~far~~ insofar as practicable by promotional examinations, by conduct 5319

and capacity in office, and by seniority in service, ~~and~~. The 5320
director shall provide that vacancies in positions in the 5321
classified civil service of the state shall be filled by promotion 5322
in all cases where, in the judgment of the director, it is for the 5323
best interest of the service. 5324

(B) All examinations for promotions shall be competitive and 5325
may be conducted in the same manner as examinations described in 5326
section 124.23 of the Revised Code. In promotional examinations, 5327
seniority in service shall be added to the examination grade, but 5328
no credit for seniority or any other reason shall be added to an 5329
examination grade unless the applicant achieves at least the 5330
minimum passing score on the examination without counting ~~such~~ 5331
that extra credit. Credit for seniority shall equal, for the first 5332
four years of service, one per cent of the total grade attainable 5333
in the promotion examination, and, for each of the fifth through 5334
fourteenth years of service, six-tenths per cent of the total 5335
grade attainable. 5336

In all cases of vacancies in positions in the classified 5337
civil service of the state, where vacancies are to be filled by 5338
promotion, the director of administrative services shall certify 5339
to the appointing authority only the names of the three persons 5340
having the highest rating on the eligible list. The method of 5341
examination for promotions, the manner of giving notice ~~thereof~~ of 5342
an examination, and the rules governing the same shall be in 5343
general the same as those provided for original examinations, 5344
except as otherwise provided in sections 124.01 to 124.64 of the 5345
Revised Code. 5346

Sec. 124.311. (A) Following any classification change within 5347
a classification series, a certified employee in the classified 5348
civil service of the state retains certification. When an employee 5349
receives a classification change to a classification outside the 5350

series in which ~~he~~ the employee is certified, unless exception is 5351
made by rules adopted under division (B) of this section, the 5352
employee does not retain certified status. 5353

If an employee is in a provisional status following a 5354
classification change due to the operation of this section and is 5355
displaced within two years of receiving the change for any reason 5356
other than those listed in section 124.32, 124.321, 124.322, 5357
124.323, 124.324, 124.325, 124.326, 124.327, 124.34, or 124.62 of 5358
the Revised Code, the employee shall be returned as a certified 5359
employee to the classification held immediately prior to the 5360
classification change, provided ~~he~~ the employee was certified in 5361
that classification. If the former classification is not or cannot 5362
be used by the appointing authority in the agency in which the 5363
employee received the classification change, the director of 5364
administrative services shall designate a classification with 5365
comparable duties and the same pay range as the classification 5366
~~which that~~ that was held immediately prior to the change and in which 5367
the employee was certified. If a similar classification cannot be 5368
designated, the employee retains certification in the 5369
classification in which ~~he~~ the employee was certified immediately 5370
prior to the classification change, and ~~he~~ the employee shall be 5371
treated as a laid-off employee under sections 124.321 to 124.327 5372
of the Revised Code. If an employee receives a classification 5373
change subsequent to being placed in a provisional status, the 5374
employee is not eligible to be returned to the classification in 5375
which ~~he~~ the employee was certified prior to any classification 5376
change. 5377

If an employee is in a provisional status due to the 5378
application of this section and is displaced under section 124.32, 5379
124.321, 124.322, 124.323, 124.324, 124.325, 124.326, 124.327, 5380
124.34, or 124.62 of the Revised Code, the employee has no right 5381
under this section to return to the classification held prior to 5382

the classification change, except that if an employee receives a
probationary reduction or voluntary demotion to a classification
in which ~~he~~ the employee was certified prior to the classification
change within two years after the change, the employee shall be
returned as a certified employee to the prior classification in
which ~~he~~ the employee was certified.

Whenever the director or the general assembly changes the
state classification plan, an employee shall retain certification
in the same or similar classification held immediately prior to
the change in the classification plan, provided ~~he~~ the employee
was certified under the former plan.

Whenever the position held by a classified employee is
reclassified as a result of a job audit outside the classification
series in which ~~he~~ the employee is certified, the employee shall
be treated as having received a classification change under this
section and be given credit for the time ~~he~~ the employee performed
the duties of the new classification for purposes of a
probationary period under section 124.27 of the Revised Code.

The employee may, however, choose not to accept the
reclassified position, in which case ~~he~~ the employee shall retain
~~his~~ the certification in the classification for which ~~he~~ the
employee was certified, and the appointing authority shall assign
the employee to a position with that classification or abolish the
former position.

(B) The director of administrative services shall make rules
in accordance with Chapter 119. of the Revised Code implementing
division (A) of this section with regard to the state
classification plan and employees in the service of the state. The
rules shall provide:

(1) Specific criteria for retention of certification
following a classification change from one classification to

another outside the classification series-; 5414

(2) For the publication of a list of classifications with the 5415
same or similar duties in which the employee will retain 5416
certification following certain classification changes and in 5417
which displacement rights apply-; 5418

(3) For an employee who is displaced within a two-year period 5419
following a classification change to return to the former position 5420
in which ~~he~~ the employee was certified, as specified in division 5421
(A) of this section. 5422

Sec. 124.32. (A) With the consent of the director of 5423
administrative services, a person holding an office or position in 5424
the classified civil service of the state may be transferred to a 5425
similar office or position in another office, department, or 5426
institution having the same pay and similar duties; but no 5427
transfer shall be made ~~from~~ as follows: 5428

(1) From an office or position in one class to an office or 5429
position in another class, ~~nor shall a person be transferred to;~~ 5430

(2) To an office or position for original entrance to which 5431
there is required by sections 124.01 to 124.64 of the Revised 5432
Code, or the rules adopted pursuant to ~~such~~ those sections, an 5433
examination involving essential tests or qualifications or 5434
carrying a salary different from or higher than those required for 5435
original entrance to an office or position held by ~~such~~ the 5436
person. 5437

(B) Any person holding an office or position ~~under~~ in the 5438
classified civil service of the state who has been separated from 5439
the service without delinquency or misconduct on the person's part 5440
may, with the consent of the director, be reinstated within one 5441
year from the date of ~~such~~ that separation to a vacancy in the 5442
same or similar office or position in the same department-; 5443

~~provided. But, if such that~~ separation is due to injury or 5444
physical disability, ~~such the~~ person shall be reinstated ~~to~~ in the 5445
same office held or in a similar position to that held at the time 5446
of separation, within thirty days after written application for 5447
reinstatement and after passing a physical examination made by a 5448
licensed physician, a physician assistant, a clinical nurse 5449
specialist, a certified nurse practitioner, or a certified 5450
nurse-midwife showing that the person has recovered from ~~such the~~ 5451
injury or physical disability, provided ~~further~~ that ~~such the~~ 5452
application for reinstatement ~~be~~ is filed within three years from 5453
the date of separation, ~~and further provided~~ that ~~such the~~ 5454
application ~~shall~~ is not ~~be~~ filed after the date of service 5455
eligibility retirement. The physician, physician assistant, 5456
clinical nurse specialist, certified nurse practitioner, or 5457
certified nurse-midwife shall be designated by the appointing 5458
authority and shall complete any written documentation of the 5459
physical examination. 5460

Sec. 124.321. (A) Whenever it becomes necessary for an 5461
appointing authority to reduce its work force, the appointing 5462
authority shall lay off employees or abolish their positions in 5463
accordance with sections 124.321 to 124.327 of the Revised Code 5464
and, in the case of employees in the service of the state, 5465
pursuant to the rules of the director of administrative services. 5466

(B)(1) Employees may be laid off as a result of a lack of 5467
funds within an appointing authority. For appointing authorities 5468
~~which that~~ employ persons whose salary or wage is paid by warrant 5469
of the auditor of state, the director of budget and management 5470
shall be responsible for determining whether a lack of funds 5471
exists. For ~~all other~~ appointing authorities ~~which that~~ employ 5472
persons whose salary or wage is paid other than by warrant of the 5473
auditor of state, the appointing authority ~~shall~~ itself shall 5474
determine whether a lack of funds exists ~~and shall file a~~ 5475

~~statement of rationale and supporting documentation with the 5476~~
~~director of administrative services prior to sending the layoff 5477~~
~~notice. 5478~~

A (2) As used in this division, a "lack of funds" means an 5479
appointing authority has a current or projected deficiency of 5480
funding to maintain current, or to sustain projected, levels of 5481
staffing and operations. This section does not require any 5482
transfer of money between funds in order to offset a deficiency or 5483
projected deficiency of federal funding for a program. 5484

(3) The director of budget and management shall ~~promulgate~~ 5485
~~adopt~~ rules, under Chapter 119. of the Revised Code, for agencies 5486
whose employees are paid by warrant of the auditor of state, for 5487
determining whether a lack of funds exists. 5488

(C)(1) Employees may be laid off as a result of lack of work 5489
within an appointing authority. For appointing authorities whose 5490
employees are paid by warrant of the auditor of state, the 5491
director of administrative services shall determine whether a lack 5492
of work exists. All other appointing authorities shall themselves 5493
determine whether a lack of work exists ~~and shall file a statement~~ 5494
~~of rationale and supporting documentation with the director of~~ 5495
~~administrative services prior to sending the notice of layoff.~~ 5496

A (2) As used in this division, a "lack of work, ~~for purposes~~ 5497
~~of layoff,~~" means an appointing authority has a current or 5498
projected temporary decrease in the workload, expected to last 5499
less than one year, ~~which~~ that requires a reduction of current or 5500
projected staffing levels. The determination of a lack of work 5501
shall indicate the current or projected temporary decrease in the 5502
workload of an appointing authority and whether the current or 5503
projected staffing levels of the appointing authority will be 5504
excessive. 5505

(D) Employees may be laid off as a result of abolishment of 5506

positions. ~~Abolishment~~ As used in this division, "abolishment" 5507
means the permanent deletion of a position or positions from the 5508
organization or structure of an appointing authority due to lack 5509
of continued need for the position or positions. ~~An appointing~~ 5510
~~authority~~ The lack of continued need may ~~abolish positions~~ be as a 5511
result of a reorganization for the efficient operation of the 5512
appointing authority, for reasons of economy, or for lack of work. 5513
The determination ~~of the need~~ to abolish positions shall indicate 5514
the basis of the lack of continued need for the positions within 5515
an appointing authority. ~~Appointing authorities~~ Each appointing 5516
authority shall ~~themselves~~ determine itself whether any position 5517
should be abolished and, if the appointing authority is abolishing 5518
any position in the service of the state, shall file a statement 5519
of rationale and supporting documentation with the director of 5520
administrative services prior to sending the notice of 5521
abolishment. ~~If~~ A reorganization for the efficient operation of an 5522
appointing authority that results in a determination of a lack of 5523
continued need for a position or positions shall be based on the 5524
appointing authority's decision to restructure delivery of 5525
services, change organizational emphasis or organizational goals, 5526
or maintain productivity or effective services with diminished 5527
resources. Reasons of economy that result in a determination of a 5528
lack of continued need for a position or positions shall be based 5529
on the appointing authority's estimated amount of savings with 5530
respect to salary, benefits, and other matters associated with the 5531
abolishment of the position or positions. But, when any aspect of 5532
an appointing authority's appropriation authority has been reduced 5533
by an executive or legislative action, reasons of economy that 5534
result in a determination of a lack of continued need for a 5535
position or positions may be based on savings with respect to 5536
salary and benefits only, as long as the abolishment of the 5537
position or positions occurs within one year of the reduction of 5538
the appropriation authority. 5539

If an abolishment results in a reduction of the work force, 5540
the appointing authority shall follow the procedures for laying 5541
off employees, subject to the following modifications: 5542

(1) The employee whose position has been abolished shall have 5543
the right to fill an available vacancy within the employee's 5544
classification. 5545

(2) If the employee whose position has been abolished has 5546
more retention points than any other employee serving in the same 5547
classification, ~~then~~ the employee with the fewest retention points 5548
shall be displaced. 5549

(3) If the employee whose position has been abolished has the 5550
fewest retention points in the classification, the employee shall 5551
have the right to fill an available vacancy in a lower 5552
classification in the classification series. 5553

(4) If the employee whose position has been abolished has the 5554
fewest retention points in the classification, the employee shall 5555
displace the employee with the fewest retention points in the next 5556
or successively lower classification in the classification series. 5557

(E) ~~The~~ With regard to reductions in the work force in the 5558
service of the state, the director of administrative services 5559
shall ~~promulgate~~ adopt rules, under Chapter 119. of the Revised 5560
Code, for the determination of lack of work within an appointing 5561
authority, for the abolishment of positions by an appointing 5562
authority, and for the implementation of this section. 5563

Sec. 124.322. Whenever a reduction in the work force is 5564
necessary, the appointing authority of an agency shall decide in 5565
which classification or classifications the layoff or layoffs will 5566
occur and the number of employees to be laid off within each 5567
affected classification. The director of administrative services 5568
shall ~~promulgate~~ adopt rules, under Chapter 119. of the Revised 5569

Code, establishing a method for determining layoff procedures and 5570
an order of layoff and the displacement and recall of laid-off 5571
~~state and county~~ employees in the service of the state. The order 5572
shall be based in part on length of service and, may include 5573
efficiency in service, appointment type, or ~~such~~ other factors the 5574
director considers appropriate. If the director establishes 5575
relative efficiency as a criterion to be used in determining order 5576
of layoff for ~~state and county~~ employees in the service of the 5577
state, credit for efficiency may be other than ten per cent of 5578
total retention points. 5579

Sec. 124.323. (A) Employees shall be laid off in the order 5580
set forth in this section within the primary appointment 5581
categories of part-time, seasonal, and full-time, and other 5582
appointment categories ~~as~~, which, in the case of employees in the 5583
service of the state, shall be established by the director of 5584
administrative services. 5585

(B) Whenever a reduction in force is necessary within each of 5586
the primary appointment categories, first seasonal, then part-time 5587
permanent, and then full-time permanent employees shall be laid 5588
off in the following order: 5589

(1) Employees serving provisionally who have not completed 5590
their probationary period after appointment; 5591

(2) Employees serving provisionally who have satisfactorily 5592
completed their probationary period after appointment; 5593

(3) Employees appointed from certified eligible lists or who 5594
are certified and who have not completed their probationary period 5595
after appointment; 5596

(4) Employees appointed from certified eligible lists or who 5597
are certified and who have successfully completed their 5598
probationary period after appointment. 5599

Sec. 124.324. (A) A laid-off employee has the right to 5600
displace the employee with the fewest retention points in the 5601
classification from which the employee was laid off or in a lower 5602
or equivalent classification, in the following order: 5603

(1) Within the classification from which the employee was 5604
laid off; 5605

(2) Within the classification series from which the employee 5606
was laid off; 5607

(3) Within a classification which has the same or similar 5608
duties as the classification from which the employee was laid 5609
off. In the case of employees in the service of the state, this 5610
shall be in accordance with the list published by the director of 5611
administrative services under division (B)(2) of section 124.311 5612
of the Revised Code. 5613

(4) Within the classification the employee held immediately 5614
prior to holding the classification from which the employee was 5615
laid off. 5616

Divisions (A)(3) and (4) of this section shall not apply to 5617
employees of cities, city health districts, and counties, except 5618
for employees of county departments of job and family services. 5619

A laid-off employee in the classified service has the right 5620
to displace an employee with the fewest retention points in the 5621
classification that the laid-off employee held immediately prior 5622
to holding the classification from which the employee was laid 5623
off, if the laid-off employee was certified in the former 5624
classification. If a position in that classification does not 5625
exist, then the employee may displace employees in the 5626
classification that the employee next previously held, and so on, 5627
subject to the same provisions. The employee may not displace 5628
employees in a classification if the employee does not meet the 5629

minimum qualifications of the classification, or if the employee
held the classification more than five years prior to the date on
which the employee was laid off, except that failure to meet
minimum qualifications shall not prevent the employee from
displacing employees in the classification that the employee next
previously held within that five-year period.

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

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

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

(1) Each laid-off employee possessing more retention points
shall displace the employee with the fewest retention points in
the next lower classification or successively lower classification
in the same classification series; except that a laid-off
provisional employee shall not have the right to displace a
certified employee.

(2) Any employee displaced by an employee possessing more
retention points shall displace the employee with the fewest
retention points in the next lower classification or successively
lower classification in the same classification series; except
that a displaced provisional employee shall not displace a
certified employee. This process shall continue, if necessary,
until the employee with the fewest retention points in the lowest

classification of the classification series of the same appointing 5661
authority or independent institution has been reached and, if 5662
necessary, laid off. 5663

(C) Employees shall notify the appointing authority of their 5664
intention to exercise their displacement rights, within five days 5665
after receiving notice of layoff. 5666

(D) No employee shall displace an employee for whose position 5667
or classification there exists special minimum qualifications, as 5668
established by a position description, by classification 5669
specifications, or by bona fide occupational qualification, unless 5670
the employee desiring to displace another employee possesses the 5671
requisite minimum qualifications for the position or 5672
classification. 5673

(E) If an employee exercising displacement rights must 5674
displace an employee in another county within the same layoff 5675
district, the displacement shall not be construed to be a 5676
transfer. 5677

(F) The director of administrative services shall ~~promulgate~~ 5678
adopt rules, under Chapter 119. of the Revised Code, for the 5679
implementation of this section with regard to employees in the 5680
service of the state. 5681

Sec. 124.325. (A) Retention points to reflect the length of 5682
continuous service and efficiency in service for all employees in 5683
the service of the state affected by a layoff shall be verified by 5684
the director of administrative services. 5685

(B) An employee's length of continuous service will be 5686
carried from one layoff jurisdiction to another so long as no 5687
break in service occurs between ~~such~~ transfers or appointments. 5688

(C) Retention points for efficiency in service shall be 5689
determined by averaging the employee's latest two annual 5690

performance evaluations. An employee with less than two years of
service will have the latest performance evaluation used. Any
employees with less than one year of service will have their final
probationary evaluation used.

(D) Should two or more employees have an identical number of
retention points, employees having the shortest period of
continuous service shall be laid off first.

(E)(1) As used in this division, "affected employee" means a
city employee who becomes a county employee, or a county employee
who becomes a city employee, as the result of any of the
following:

(a) The merger of a city and a county office;

(b) The merger of city and county functions or duties;

(c) The transfer of functions or duties between a city and
county.

(2) For purposes of this section, the new employer of any
affected employee shall treat the employee's prior service with
~~such a~~ former employer as if it had been served with the new
employer.

(F) The director of administrative services shall ~~promulgate~~
adopt rules, in accordance with Chapter 119. of the Revised Code,
to establish a system for the assignment of retention points for
each employee in the service of the state in a classification
affected by a layoff and for determining, in those instances where
employees have identical retention points, which employee shall be
laid off first.

Sec. 124.33. An employee holding a position in the classified
civil service of the state may be temporarily transferred from ~~his~~
the employee's original position to a similar position, for a
period not to exceed thirty days, or for a longer period not to

exceed ninety days if agreed to by the employee and employer. 5721

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No employee shall be temporarily transferred more than once 5723

during any six-month period without the approval of the director 5724

of administrative services, who, by rule, shall set guidelines ~~in~~ 5725

~~his rules and regulations~~ concerning procedures to be followed by 5726

all appointing authorities when making a temporary transfer and 5727

list those classifications where the nature of the employment is 5728

such that systematic changes in the location of an employee's work 5729

assignments are necessary for the efficient operation of an 5730

office, department, or institution. 5731

If the director approves a second temporary transfer within 5732

any six-month period and the employee objects to the transfer 5733

because ~~he~~ the employee does not hold a position listed in the 5734

director's rules ~~and regulations~~ as one requiring systematic 5735

changes in the employee's work assignment or because it is not 5736

necessary for the efficient operation of the office, department, 5737

or institution, the employee may appeal such transfer to the state 5738

personnel board of review. If the board finds that the position 5739

held by the employee is not by its nature subject to systematic 5740

changes or that a temporary transfer is not necessary for the 5741

efficient operation of the office, department, or institution, it 5742

shall not approve the transfer. If the board finds that the 5743

temporary transfer is necessary for the efficient operation of the 5744

office, department, or institution or that the position is by its 5745

nature subject to systematic changes, it shall approve the 5746

transfer. 5747

Any employee who is temporarily transferred from ~~his~~ the 5748

employee's original position to a similar position in excess of 5749

twenty miles from ~~his~~ the employee's place of residence shall be 5750

reimbursed, by the appointing authority requesting the transfer, 5751

for all actual and necessary expenses incurred during ~~such~~ the 5752

temporary transfer. 5753

An appointing authority may, with the approval of the 5754
director of administrative services, permanently transfer an 5755
employee in the classified civil service of the state from ~~his~~ the 5756
employee's original position to a similar position in another 5757
office, department, or institution. For purposes of this section, 5758
a permanent transfer is any transfer in excess of thirty days 5759
unless the employee and the employer agree to a longer period not 5760
to exceed ninety days. The appointing authority requesting the 5761
permanent transfer shall notify the employee and the director in 5762
writing of the request to transfer. If the director determines 5763
that the transfer is not necessary for the efficient operation of 5764
the office, department, or institution, ~~he~~ the director shall not 5765
approve the transfer and shall notify the appointing authority and 5766
the employee in writing that transfer is not approved. If ~~he~~ the 5767
director finds that the transfer is necessary for the efficient 5768
operation of the office, department, or institution, ~~he~~ the 5769
director shall notify the appointing authority and the employee 5770
involved in the request for transfer, in writing, that the 5771
transfer is approved, including in such notification a statement 5772
whether the transfer will require a permanent change of residence 5773
for the employee. 5774

If the employee consents to the transfer and is in agreement 5775
with the director's statement concerning a permanent change of 5776
residence, the appointing authority of the office, department, or 5777
institution receiving the employee shall reimburse ~~such~~ the 5778
employee for ~~his~~ actual and necessary travel and living expenses 5779
or, if the move requires a permanent change of residence, ~~his~~ 5780
actual and necessary expenses of moving to ~~his~~ the new location 5781
and a per diem allowance not to exceed thirty days for living 5782
expenses until ~~his~~ the employee's residence can be moved to the 5783
new location. 5784

If the employee does not wish to be transferred or ~~he~~ feels 5785
that the director's decision regarding the need for a permanent 5786
change of residence has been unfair, ~~he~~ the employee may, within 5787
ten days after receipt of ~~such~~ the notice, appeal the transfer to 5788
the state personnel board of review, but pending determination of 5789
~~such~~ the appeal shall not refuse ~~such~~ the transfer. 5790

In such an appeal, the appointing authority of the office, 5791
department, or institution receiving the employee shall be 5792
required to show that the permanent transfer is necessary for the 5793
efficient operation of the office, department, or institution. If 5794
the state personnel board of review finds that the transfer is 5795
necessary for the efficient operation of the office, department, 5796
or institution, and the employee is transferred, the appointing 5797
authority of the office, department, or institution receiving the 5798
employee shall reimburse ~~such~~ the employee for the actual and 5799
necessary expenses of moving to ~~his~~ the new location and shall pay 5800
the employee a per diem allowance not to exceed thirty days for 5801
living expenses until ~~his~~ the employee's residence can be moved to 5802
the new location. 5803

If the state personnel board of review finds that the 5804
transfer is not necessary for the efficient operation of the 5805
office, department, or institution, and if the employee has moved 5806
to the new location pending ~~his~~ the appeal, the appointing 5807
authority of the receiving office, department, or institution 5808
shall pay the actual and necessary expenses of the employee of 5809
moving to the new location and actual and necessary expenses for 5810
returning the employee to ~~his~~ the employee's previous location. 5811

Sec. 124.34. (A) The tenure of every officer or employee in 5812
the classified service of the state and the counties, civil 5813
service townships, cities, city health districts, general health 5814
districts, and city school districts of the state, holding a 5815

position under this chapter, shall be during good behavior and 5816
efficient service. No ~~such~~ officer or employee shall be reduced in 5817
pay or position, fined, suspended, or removed, except as provided 5818
in section 124.32 of the Revised Code, and for incompetency, 5819
inefficiency, dishonesty, drunkenness, immoral conduct, 5820
insubordination, discourteous treatment of the public, neglect of 5821
duty, violation of this chapter or the rules of the director of 5822
administrative services or the commission, any other failure of 5823
good behavior, any other acts of misfeasance, malfeasance, or 5824
nonfeasance in office, or conviction of a felony. ~~An~~ 5825

An appointing authority may require an employee who is 5826
suspended to report to work to serve the suspension. An employee 5827
serving a suspension in this manner shall continue to be 5828
compensated at the employee's regular rate of pay for hours 5829
worked. ~~Such~~ The disciplinary action shall be recorded in the 5830
employee's personnel file in the same manner as other disciplinary 5831
actions and has the same effect as a suspension without pay for 5832
the purpose of recording disciplinary actions. 5833

A finding by the appropriate ethics commission, based upon a 5834
preponderance of the evidence, that the facts alleged in a 5835
complaint under section 102.06 of the Revised Code constitute a 5836
violation of Chapter 102., section 2921.42, or section 2921.43 of 5837
the Revised Code may constitute grounds for dismissal. Failure to 5838
file a statement or falsely filing a statement required by section 5839
102.02 of the Revised Code may also constitute grounds for 5840
dismissal. The tenure of an employee in the career professional 5841
service of the department of transportation is subject to section 5842
5501.20 of the Revised Code. 5843

Conviction of a felony is a separate basis for reducing in 5844
pay or position, suspending, or removing an officer or employee, 5845
even if the officer or employee has already been reduced in pay or 5846
position, suspended, or removed for the same conduct that is the 5847

basis of the felony. An officer or employee may not appeal to the
state personnel board of review or the commission any disciplinary
action taken by an appointing authority as a result of the
officer's or employee's conviction of a felony. If an officer or
employee removed under this section is reinstated as a result of
an appeal of the removal, any conviction of a felony that occurs
during the pendency of the appeal is a basis for further
disciplinary action under this section upon the officer's or
employee's reinstatement.

A person convicted of a felony immediately forfeits the
person's status as a classified employee in any public employment
on and after the date of the conviction for the felony. If an
officer or employee is removed under this section as a result of
being convicted of a felony or is subsequently convicted of a
felony that involves the same conduct that was the basis for the
removal, the officer or employee is barred from receiving any
compensation after the removal notwithstanding any modification or
disaffirmance of the removal, unless the conviction for the felony
is subsequently reversed or annulled.

Any person removed for conviction of a felony is entitled to
a cash payment for any accrued but unused sick, personal, and
vacation leave as authorized by law. If subsequently reemployed in
the public sector, ~~such~~ the person shall qualify for and accrue
these forms of leave in the manner specified by law for a newly
appointed employee and shall not be credited with prior public
service for the purpose of receiving these forms of leave.

As used in this division, "felony" means any of the
following:

(1) A felony that is an offense of violence as defined in
section 2901.01 of the Revised Code;

(2) A felony that is a felony drug abuse offense as defined

in section 2925.01 of the Revised Code; 5879

(3) A felony under the laws of this or any other state or the 5880
United States that is a crime of moral turpitude; 5881

(4) A felony involving dishonesty, fraud, or theft; 5882

(5) A felony that is a violation of section 2921.05, 2921.32, 5883
or 2921.42 of the Revised Code. 5884

(B) In case of a reduction, suspension of more than three 5885
working days, fine in excess of three days' pay, or removal, 5886
except for the reduction or removal of a probationary employee, 5887
the appointing authority shall serve the employee with a copy of 5888
the order of reduction, fine, suspension, or removal, which order 5889
shall state the reasons for the action. The order shall be filed 5890
with the director of administrative services, in the case of an 5891
employee in the service of the state, and the state personnel 5892
board of review, or the commission, as may be appropriate. 5893

Within ten days following the date on which the order is 5894
served or, in the case of an employee in the career professional 5895
service of the department of transportation, within ten days 5896
following the filing of a removal order, the employee, except as 5897
otherwise provided in this section, may file an appeal of the 5898
order in writing with the state personnel board of review or the 5899
commission. For purposes of this section, the date on which an 5900
order is served is the date of hand delivery of the order or the 5901
date of delivery of the order by certified United States mail, 5902
whichever occurs first. If ~~such~~ an appeal is filed, the board or 5903
commission shall forthwith notify the appointing authority and 5904
shall hear, or appoint a trial board to hear, the appeal within 5905
thirty days from and after its filing with the board or 5906
commission, and it may affirm, disaffirm, or modify the judgment 5907
of the appointing authority. 5908

In cases of removal or reduction in pay for disciplinary 5909

reasons, either the appointing authority or the officer or 5910
employee may appeal from the decision of the state personnel board 5911
of review or the commission to the court of common pleas of the 5912
county in which the employee resides in accordance with the 5913
procedure provided by section 119.12 of the Revised Code. 5914

(C) In the case of the suspension for any period of time, or 5915
a fine, demotion, or removal, of a chief of police ~~or~~ a chief of 5916
a fire department, or any member of the police or fire department 5917
of a city or civil service township, the appointing authority 5918
shall furnish ~~such~~ the chief or member ~~of a department~~ with a copy 5919
of the order of suspension, fine, demotion, or removal, which 5920
order shall state the reasons for the action. The order shall be 5921
filed with the municipal or civil service township civil service 5922
commission. Within ten days following the filing of the order, 5923
~~such~~ the chief or member ~~of a department~~ may file an appeal, in 5924
writing, with the ~~municipal or civil service township civil~~ 5925
~~service~~ commission. If ~~such~~ an appeal is filed, the commission 5926
shall forthwith notify the appointing authority and shall hear, or 5927
appoint a trial board to hear, the appeal within thirty days from 5928
and after its filing with the commission, and it may affirm, 5929
disaffirm, or modify the judgment of the appointing authority. An 5930
appeal on questions of law and fact may be had from the decision 5931
of the ~~municipal or civil service township civil service~~ 5932
commission to the court of common pleas in the county in which 5933
~~such~~ the city or civil service township is situated. ~~Such~~ The 5934
appeal shall be taken within thirty days from the finding of the 5935
commission. 5936

(D) A violation of division (A)(7) of section 2907.03 of the 5937
Revised Code is grounds for termination of employment of a 5938
nonteaching employee under this section. 5939

Sec. 125.05. Except as provided in division (E) of this 5940

section, no state agency shall purchase any supplies or services 5941
except as provided in divisions (A) to (C) of this section. 5942

(A) Subject to division (D) of this section, a state agency 5943
may, without competitive selection, make any purchase of services 5944
that cost fifty thousand dollars or less or any purchase of 5945
supplies that cost twenty-five thousand dollars or less. The 5946
agency may make the purchase directly or may make the purchase 5947
from or through the department of administrative services, 5948
whichever the agency determines. The department shall establish 5949
written procedures to assist state agencies when they make direct 5950
purchases. If the agency makes the purchase directly, it shall 5951
make the purchase by a term contract whenever possible. 5952

(B) Subject to division (D) of this section, a state agency 5953
wanting to purchase services that cost more than fifty thousand 5954
dollars or supplies that cost more than twenty-five thousand 5955
dollars shall, unless otherwise authorized by law, make the 5956
purchase from or through the department. The department shall make 5957
the purchase by competitive selection under section 125.07 of the 5958
Revised Code. If the director of administrative services 5959
determines that it is not possible or not advantageous to the 5960
state for the department to make the purchase, the department 5961
shall grant the agency a release and permit under section 125.06 5962
of the Revised Code to make the purchase. Section 127.16 of the 5963
Revised Code does not apply to purchases the department makes 5964
under this section. 5965

(C) An agency that has been granted a release and permit to 5966
make a purchase may make the purchase without competitive 5967
selection if after making the purchase the cumulative purchase 5968
threshold as computed under division (F) of section 127.16 of the 5969
Revised Code would: 5970

(1) Be exceeded and the controlling board approves the 5971
purchase; 5972

(2) Not be exceeded and the department of administrative services approves the purchase. 5973
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(D) Not later than January 31, 1997, the amounts specified in divisions (A) and (B) of this section and, not later than the thirty-first day of January of each second year thereafter, any amounts computed by adjustments made under this division, shall be increased or decreased by the average percentage increase or decrease in the consumer price index prepared by the United States bureau of labor statistics (U.S. City Average for Urban Wage Earners and Clerical Workers: "All Items 1982-1984=100") for the twenty-four calendar month period prior to the immediately preceding first day of January over the immediately preceding twenty-four calendar month period, as reported by the bureau. The director of administrative services shall make this determination and adjust the appropriate amounts accordingly. 5975
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(E) If ~~the Ohio SchoolNet commission~~, the department of education, ~~or~~ the Ohio education computer network, or the agency designated by the governor to assume the functions of the Ohio SchoolNet commission determines that it can purchase software services or supplies for specified school districts at a price less than the price for which the districts could purchase the same software services or supplies for themselves, the ~~office~~, department, ~~or~~ network, or agency shall certify that fact to the department of administrative services and, acting as an agent for the specified school districts, shall make that purchase without following the provisions in divisions (A) to (D) of this section. 5988
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Sec. 125.18. (A) There is hereby established the office of information technology in the department of administrative services. The office shall be under the supervision of a chief information officer to be appointed by the governor and subject to removal at the pleasure of the governor. The chief information 5999
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officer shall serve as the director of the office. 6004

(B) The director of the office of information technology shall advise the governor regarding the superintendence and implementation of statewide information technology policy. 6005
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(C) The director of the office of information technology shall lead, oversee, and direct state agency activities related to information technology development and use. In that regard, the director shall do all of the following: 6008
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(1) Coordinate and superintend statewide efforts to promote common use and development of technology by multiple state agencies. The office of information technology relatedly shall establish policies and standards that govern and direct state agency participation in statewide programs and initiatives. 6012
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(2) Establish policies and standards for the acquisition and use of information technology by state agencies, including, but not limited to, hardware, software, technology services, and security, with which state agencies shall comply; 6017
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(3) Establish criteria and review processes to identify state agency information technology projects that require alignment or oversight. As appropriate, the office of information technology shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The director of the office of information technology may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the director's alignment and oversight role. 6021
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(D) The office of information technology may make contracts for, operate, and superintend technology services for state agencies in accordance with this chapter. 6031
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(E) The office of information technology may establish 6034
cooperative agreements with federal and local government agencies 6035
and state agencies that are not under the authority of the 6036
governor for the provision of technology services and the 6037
development of technology projects. 6038

(F) As used in this section, "state agency" means every 6039
organized body, office, or agency established by the laws of the 6040
state for the exercise of any function of state government, other 6041
than any state-supported institution of higher education, the 6042
general assembly or any legislative agency, or the courts or any 6043
judicial agency. 6044

Sec. 125.831. As used in sections 125.831 to 125.833 of the 6045
Revised Code: 6046

(A) "Law enforcement officer" means an officer, agent, or 6047
employee of a state agency upon whom, by statute, a duty to 6048
conserve the peace or to enforce all or certain laws is imposed 6049
and the authority to arrest violators is conferred, within the 6050
limits of that statutory duty and authority, but does not include 6051
such an officer, agent, or employee if that duty and authority is 6052
location specific. 6053

(B)(1) "Motor vehicle" means any automobile, car minivan, 6054
passenger van, sport utility vehicle, or pickup truck with a gross 6055
vehicle weight of under twelve thousand pounds. 6056

(2) "Motor vehicle" does not include, except for the purposes 6057
of division (C) of section 125.832 of the Revised Code, any 6058
vehicle described in division (B)(1) of this section that is used 6059
by a law enforcement officer and law enforcement agency or any 6060
vehicle that is so described and that is equipped with specialized 6061
equipment that is not normally found in such a vehicle and that is 6062
used to carry out a state agency's specific and specialized duties 6063

and responsibilities. 6064

(C) "Specialized equipment" does not include standard mobile 6065
radios with no capabilities other than voice communication, 6066
exterior and interior lights, or roof-mounted caution lights. 6067

(D) "State agency" means every organized body, office, board, 6068
authority, commission, or agency established by the laws of the 6069
state for the exercise of any governmental or quasi-governmental 6070
function of state government regardless of the funding source for 6071
that entity, other than any state-supported institution of higher 6072
education, the office of the governor, lieutenant governor, 6073
auditor of state, treasurer of state, secretary of state, or 6074
attorney general, the general assembly or any legislative agency, 6075
~~or~~ the courts or any judicial agency, or any state retirement 6076
system or retirement program established by or referenced in the 6077
Revised Code. 6078

Sec. 125.832. (A) The department of administrative services 6079
is granted exclusive authority over the acquisition and management 6080
of all motor vehicles used by state agencies. In carrying out this 6081
authority, the department shall do both of the following: 6082

(1) Approve the purchase or lease of each motor vehicle for 6083
use by a state agency. The department shall decide if a motor 6084
vehicle shall be leased or purchased for that use. 6085

(2) Direct and approve all funds that are expended for the 6086
purchase, lease, repair, maintenance, registration, insuring, and 6087
other costs related to the possession and operation of motor 6088
vehicles for the use of state agencies. 6089

(B) The director of administrative services shall establish 6090
and operate a fleet management program. The director shall operate 6091
the program for purposes including, but not limited to, 6092
cost-effective acquisition, maintenance, management, analysis, and 6093

disposal of all motor vehicles owned or leased by the state. All 6094
state agencies shall comply with statewide fleet management 6095
policies and procedures established by the director for the 6096
program, including, but not limited to, motor vehicle assignments, 6097
additions of motor vehicles to fleets or motor vehicle 6098
replacements, motor vehicle fueling, and motor vehicle repairs. 6099

(C) The director shall establish and maintain a fleet 6100
reporting system and shall require state agencies to submit to the 6101
department information relative to state motor vehicles, including 6102
motor vehicles described in division (B)(2) of section 125.831 of 6103
the Revised Code, to be used in operating the fleet management 6104
program. State agencies shall provide to the department fleet data 6105
and other information, including, but not limited to, mileage and 6106
costs. The data and other information shall be submitted in 6107
formats and in a manner determined by the department. 6108

(D) All state agency purchases or leases of motor vehicles 6109
are subject to the prior approval of the director under division 6110
(A)(1) of this section. 6111

(E) State agencies that utilize state motor vehicles or pay 6112
mileage reimbursements to employees shall provide a fleet plan to 6113
the department as directed by the department. 6114

(F)(1) The fleets of state agencies that consist of one 6115
hundred or less vehicles on July 1, 2004, shall be managed by the 6116
department's fleet management program on a time schedule 6117
determined by the department, unless the state agency has received 6118
delegated authority as described in division (G) of this section. 6119

(2) The fleets of state agencies that consist of greater than 6120
one hundred motor vehicles, but less than five hundred motor 6121
vehicles, on July 1, 2005, also shall be managed by the 6122
department's fleet management program on a time schedule 6123
determined by the department, unless the state agency has received 6124

delegated authority as described in division (G) of this section. 6125

(G)(1) The department may delegate any or all of its duties 6126
regarding fleet management to a state agency, if the state agency 6127
demonstrates to the satisfaction of the department both of the 6128
following: 6129

(a) Capabilities to institute and manage a fleet management 6130
program, including, but not limited to, the presence of a 6131
certified fleet manager; 6132

(b) Fleet management performance, as demonstrated by fleet 6133
data and other information submitted pursuant to annual reporting 6134
requirements and any other criteria the department considers 6135
necessary in evaluating the performance. 6136

(2) The department may determine that a state agency is not 6137
in compliance with this section and direct that the agency's fleet 6138
management duties be transferred to the department. 6139

(H) The proceeds derived from the disposition of any motor 6140
vehicles under this section shall be paid to whichever of the 6141
following applies: 6142

(1) The fund that originally provided moneys for the purchase 6143
or lease of the motor vehicles; 6144

(2) If the motor vehicles were originally purchased with 6145
moneys derived from the general revenue fund, the proceeds shall 6146
be deposited, in the director's discretion, into the state 6147
treasury ~~for~~ to the credit of either the fleet management fund 6148
created by section 125.83 of the Revised Code or the investment 6149
recovery fund created by section 125.14 of the Revised Code. 6150

(I)(1) The department shall create and maintain a certified 6151
fleet manager program. 6152

(2) State agencies that have received delegated authority as 6153
described in division (G) of this section shall have a certified 6154

fleet manager. 6155

(J) The department annually shall prepare and submit a 6156
statewide fleet report to the governor, the speaker of the house 6157
of representatives, and the president of the senate. The report 6158
shall be submitted not later than the thirty-first day of January 6159
following the end of each fiscal year. It may include, but is not 6160
limited to, the numbers and types of motor vehicles, their 6161
mileage, miles per gallon, and cost per mile, mileage 6162
reimbursements, accident and insurance data, and information 6163
regarding compliance by state agencies having delegated authority 6164
under division (G) of this section with applicable fleet 6165
management requirements. 6166

(K) The director shall adopt rules for implementing the fleet 6167
management program that are consistent with recognized best 6168
practices. The program shall be supported by reasonable fee 6169
charges for the services provided. The director shall collect 6170
these fees and deposit them into the state treasury to the credit 6171
for the fleet management fund created by section 125.83 of the 6172
Revised Code. The setting and collection of fees under this 6173
division is not subject to any restriction imposed by law upon the 6174
director's or the department's authority to set or collect fees. 6175

(L) The director also shall adopt rules that prohibit, except 6176
in very limited circumstances, the exclusive assignment of 6177
state-owned, leased, or pooled motor vehicles to state employees. 6178
Beginning on ~~the effective date of this section~~ September 26, 6179
2003, no such motor vehicle shall be personally assigned as any 6180
form of compensation or benefit of state employment, and no such 6181
motor vehicle shall be assigned to an employee solely for 6182
commuting to and from home and work. 6183

(M) The director shall do both of the following: 6184

(1) Implement to the greatest extent possible the 6185

recommendations from the 2002 report entitled "Administrative
Analysis of the Ohio Fleet Management Program" in connection with
the authority granted to the department by this section;

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

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

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

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

(2) Pursuant to the formula in division (O)(3) of this
section, annually establish the minimum number of business miles
per year an employee of a state agency must drive in order to
qualify for approval by the department to receive a motor vehicle
for business use;

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

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

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

(c) "Insurance cost" means the cost of insuring a motor

vehicle per year divided by the number of miles an average motor 6216
vehicle is driven per year. 6217

(d) "Operating cost" means the maintenance cost of a motor 6218
vehicle per year divided by the product resulting when the number 6219
of miles an average motor vehicle is driven per year is multiplied 6220
by the number of years an average motor vehicle is used. 6221

(e) "Reimbursement rate per mile" means the reimbursement per 6222
mile rate for travel expenses as provided by rule of the director 6223
of budget and management adopted under division (B) of section 6224
126.31 of the Revised Code. 6225

Sec. 126.25. The accounting and budgeting services provided 6226
by the director of budget and management shall be supported by 6227
user charges. The director shall determine a rate that is 6228
sufficient to defray the expense of those services and the manner 6229
by which those charges shall be collected. All money collected 6230
from user charges shall be deposited in the state treasury to the 6231
credit of the ~~state~~ accounting and budgeting fund, which is hereby 6232
created. Rebates or revenue shares received from any state payment 6233
card program established under division (B) of section 126.21 of 6234
the Revised Code and miscellaneous payments that reimburse 6235
expenses paid from the ~~state~~ accounting and budgeting fund may be 6236
deposited into the ~~state~~ accounting and budgeting fund and used to 6237
support accounting and budgeting services. 6238

Sec. 127.16. (A) Upon the request of either a state agency or 6239
the director of budget and management and after the controlling 6240
board determines that an emergency or a sufficient economic reason 6241
exists, the controlling board may approve the making of a purchase 6242
without competitive selection as provided in division (B) of this 6243
section. 6244

(B) Except as otherwise provided in this section, no state 6245

agency, using money that has been appropriated to it directly, 6246
shall: 6247

(1) Make any purchase from a particular supplier, that would 6248
amount to fifty thousand dollars or more when combined with both 6249
the amount of all disbursements to the supplier during the fiscal 6250
year for purchases made by the agency and the amount of all 6251
outstanding encumbrances for purchases made by the agency from the 6252
supplier, unless the purchase is made by competitive selection or 6253
with the approval of the controlling board; 6254

(2) Lease real estate from a particular supplier, if the 6255
lease would amount to seventy-five thousand dollars or more when 6256
combined with both the amount of all disbursements to the supplier 6257
during the fiscal year for real estate leases made by the agency 6258
and the amount of all outstanding encumbrances for real estate 6259
leases made by the agency from the supplier, unless the lease is 6260
made by competitive selection or with the approval of the 6261
controlling board. 6262

(C) Any person who authorizes a purchase in violation of 6263
division (B) of this section shall be liable to the state for any 6264
state funds spent on the purchase, and the attorney general shall 6265
collect the amount from the person. 6266

(D) Nothing in division (B) of this section shall be 6267
construed as: 6268

(1) A limitation upon the authority of the director of 6269
transportation as granted in sections 5501.17, 5517.02, and 6270
5525.14 of the Revised Code; 6271

(2) Applying to medicaid provider agreements under Chapter 6272
5111. of the Revised Code ~~or payments or provider agreements under~~ 6273
~~the disability medical assistance program established under~~ 6274
~~Chapter 5115. of the Revised Code;~~ 6275

(3) Applying to the purchase of examinations from a sole 6276
supplier by a state licensing board under Title XLVII of the 6277
Revised Code; 6278

(4) Applying to entertainment contracts for the Ohio state 6279
fair entered into by the Ohio expositions commission, provided 6280
that the controlling board has given its approval to the 6281
commission to enter into such contracts and has approved a total 6282
budget amount for such contracts as agreed upon by commission 6283
action, and that the commission causes to be kept itemized records 6284
of the amounts of money spent under each contract and annually 6285
files those records with the clerk of the house of representatives 6286
and the clerk of the senate following the close of the fair; 6287

(5) Limiting the authority of the chief of the division of 6288
mineral resources management to contract for reclamation work with 6289
an operator mining adjacent land as provided in section 1513.27 of 6290
the Revised Code; 6291

(6) Applying to investment transactions and procedures of any 6292
state agency, except that the agency shall file with the board the 6293
name of any person with whom the agency contracts to make, broker, 6294
service, or otherwise manage its investments, as well as the 6295
commission, rate, or schedule of charges of such person with 6296
respect to any investment transactions to be undertaken on behalf 6297
of the agency. The filing shall be in a form and at such times as 6298
the board considers appropriate. 6299

(7) Applying to purchases made with money for the per cent 6300
for arts program established by section 3379.10 of the Revised 6301
Code; 6302

(8) Applying to purchases made by the rehabilitation services 6303
commission of services, or supplies, that are provided to persons 6304
with disabilities, or to purchases made by the commission in 6305
connection with the eligibility determinations it makes for 6306

applicants of programs administered by the social security administration;	6307 6308
(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	6309 6310 6311 6312
(10) Applying to any agency of the legislative branch of the state government;	6313 6314
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	6315 6316 6317
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	6318 6319 6320 6321
(13) Applying to dues or fees paid for membership in an organization or association;	6322 6323
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	6324 6325
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	6326 6327 6328 6329
(16) Applying to purchases of tickets for passenger air transportation;	6330 6331
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	6332 6333 6334
(18) Applying to the judicial branch of state government;	6335

(19) Applying to purchases of liquor for resale by the division of liquor control;	6336 6337
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	6338 6339 6340
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	6341 6342 6343 6344
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	6345 6346 6347
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	6348 6349
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	6350 6351 6352 6353
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	6354 6355
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	6356 6357 6358 6359 6360
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5123.199 of the Revised Code;	6361 6362 6363
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section	6364 6365

5119.101 of the Revised Code;	6366
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	6367 6368 6369 6370 6371 6372
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	6373 6374 6375 6376 6377
(31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code or the children's health insurance program part II provided for under section 5101.51 of the Revised Code;	6378 6379 6380 6381 6382
(32) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;	6383 6384 6385 6386
(33) Applying to contracts with a contracting authority or administrative receiver under division (G)(2) (B) of section 5126.055 <u>5126.056</u> of the Revised Code;	6387 6388 6389
(34) Applying to reimbursements paid to the United States department of veterans affairs for pharmaceutical and patient supply purchases made on behalf of the Ohio veterans' home agency;	6390 6391 6392
(35) Applying to agreements the department of job and family services enters into with terminal distributors of dangerous drugs under section 5110.12 of the Revised Code.	6393 6394 6395

(E) Notwithstanding division (B)(1) of this section, the cumulative purchase threshold shall be seventy-five thousand dollars for the departments of mental retardation and developmental disabilities, mental health, rehabilitation and correction, and youth services.

(F) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1), (B)(2), and (E) of this section, all of the following purchases by such agency shall not be considered:

(1) Purchases made through competitive selection or with controlling board approval;

(2) Purchases listed in division (D) of this section;

(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.

(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.

Sec. 131.23. The various political subdivisions of this state may issue bonds, and any indebtedness created by such issuance shall not be subject to the limitations or included in the calculation of indebtedness prescribed by sections 133.05, 133.06, 133.07, and 133.09 of the Revised Code, but such bonds may be issued only under the following conditions:

(A) The subdivision desiring to issue such bonds shall obtain from the county auditor a certificate showing the total amount of delinquent taxes due and unpayable to such subdivision at the last semiannual tax settlement.

(B) The fiscal officer of that subdivision shall prepare a statement, from the books of the subdivision, verified by the fiscal officer under oath, which shall contain the following facts

of such subdivision:	6426
(1) The total bonded indebtedness;	6427
(2) The aggregate amount of notes payable or outstanding accounts of the subdivision, incurred prior to the commencement of the current fiscal year, which shall include all evidences of indebtedness issued by the subdivision except notes issued in anticipation of bond issues and the indebtedness of any nontax-supported public utility;	6428 6429 6430 6431 6432 6433
(3) Except in the case of school districts, the aggregate current year's requirement for disability financial assistance and disability medical assistance provided under Chapter 5115. of the Revised Code that the subdivision is unable to finance except by the issue of bonds;	6434 6435 6436 6437 6438
(4) The indebtedness outstanding through the issuance of any bonds or notes pledged or obligated to be paid by any delinquent taxes;	6439 6440 6441
(5) The total of any other indebtedness;	6442
(6) The net amount of delinquent taxes unpledged to pay any bonds, notes, or certificates, including delinquent assessments on improvements on which the bonds have been paid;	6443 6444 6445
(7) The budget requirements for the fiscal year for bond and note retirement;	6446 6447
(8) The estimated revenue for the fiscal year.	6448
(C) The certificate and statement provided for in divisions (A) and (B) of this section shall be forwarded to the tax commissioner together with a request for authority to issue bonds of such subdivision in an amount not to exceed seventy per cent of the net unobligated delinquent taxes and assessments due and owing to such subdivision, as set forth in division (B)(6) of this section.	6449 6450 6451 6452 6453 6454 6455

(D) No subdivision may issue bonds under this section in 6456
excess of a sufficient amount to pay the indebtedness of the 6457
subdivision as shown by division (B)(2) of this section and, 6458
except in the case of school districts, to provide funds for 6459
disability financial assistance ~~and disability medical assistance,~~ 6460
as shown by division (B)(3) of this section. 6461

(E) The tax commissioner shall grant to such subdivision 6462
authority requested by such subdivision as restricted by divisions 6463
(C) and (D) of this section and shall make a record of the 6464
certificate, statement, and grant in a record book devoted solely 6465
to such recording and which shall be open to inspection by the 6466
public. 6467

(F) The commissioner shall immediately upon issuing the 6468
authority provided in division (E) of this section notify the 6469
proper authority having charge of the retirement of bonds of such 6470
subdivision by forwarding a copy of such grant of authority and of 6471
the statement provided for in division (B) of this section. 6472

(G) Upon receipt of authority, the subdivision shall proceed 6473
according to law to issue the amount of bonds authorized by the 6474
commissioner, and authorized by the taxing authority, provided the 6475
taxing authority of that subdivision may by resolution submit to 6476
the electors of that subdivision the question of issuing such 6477
bonds. Such resolution shall make the declarations and statements 6478
required by section 133.18 of the Revised Code. The county auditor 6479
and taxing authority shall thereupon proceed as set forth in 6480
divisions (C) and (D) of such section. The election on the 6481
question of issuing such bonds shall be held under divisions (E), 6482
(F), and (G) of such section, except that publication of the 6483
notice of such election shall be made on four separate days prior 6484
to such election in one or more newspapers of general circulation 6485
in the subdivisions. Such bonds may be exchanged at their face 6486
value with creditors of the subdivision in liquidating the 6487

indebtedness described and enumerated in division (B)(2) of this 6488
section or may be sold as provided in Chapter 133. of the Revised 6489
Code, and in either event shall be uncontestable. 6490

(H) The per cent of delinquent taxes and assessments 6491
collected for and to the credit of the subdivision after the 6492
exchange or sale of bonds as certified by the commissioner shall 6493
be paid to the authority having charge of the sinking fund of the 6494
subdivision, which money shall be placed in a separate fund for 6495
the purpose of retiring the bonds so issued. The proper authority 6496
of the subdivisions shall provide for the levying of a tax 6497
sufficient in amount to pay the debt charges on all such bonds 6498
issued under this section. 6499

(I) This section is for the sole purpose of assisting the 6500
various subdivisions in paying their unsecured indebtedness, and 6501
providing funds for disability financial assistance ~~and disability~~ 6502
~~medical assistance~~. The bonds issued under authority of this 6503
section shall not be used for any other purpose and any exchange 6504
for other purposes, or the use of the money derived from the sale 6505
of such bonds by the subdivision for any other purpose, is 6506
misapplication of funds. 6507

(J) The bonds authorized by this section shall be redeemable 6508
or payable in not to exceed ten years from date of issue and shall 6509
not be subject to or considered in calculating the net 6510
indebtedness of the subdivision. The budget commission of the 6511
county in which the subdivision is located shall annually allocate 6512
such portion of the then delinquent levy due such subdivision 6513
which is unpledged for other purposes to the payment of debt 6514
charges on the bonds issued under authority of this section. 6515

(K) The issue of bonds under this section shall be governed 6516
by Chapter 133. of the Revised Code, respecting the terms used, 6517
forms, manner of sale, and redemption except as otherwise provided 6518

in this section. 6519

The board of county commissioners of any county may issue 6520
bonds authorized by this section and distribute the proceeds of 6521
such bond issues to any or all of the cities and townships of such 6522
counties, according to their relative needs for disability 6523
financial assistance ~~and disability medical assistance~~ as 6524
determined by such county. 6525

All sections of the Revised Code inconsistent with or 6526
prohibiting the exercise of the authority conferred by this 6527
section are inoperative respecting bonds issued under this 6528
section. 6529

Sec. 140.01. As used in this chapter: 6530

(A) "Hospital agency" means any public hospital agency or any 6531
nonprofit hospital agency. 6532

(B) "Public hospital agency" means any county, board of 6533
county hospital trustees established pursuant to section 339.02 of 6534
the Revised Code, county hospital commission established pursuant 6535
to section 339.14 of the Revised Code, municipal corporation, new 6536
community authority organized under Chapter 349. of the Revised 6537
Code, joint township hospital district, state or municipal 6538
university or college operating or authorized to operate a 6539
hospital facility, or the state. 6540

(C) "Nonprofit hospital agency" means a corporation or 6541
association not for profit, no part of the net earnings of which 6542
inures or may lawfully inure to the benefit of any private 6543
shareholder or individual, that has authority to own or operate a 6544
hospital facility or provides or is to provide services to one or 6545
more other hospital agencies. 6546

(D) "Governing body" means, in the case of a county, the 6547
board of county commissioners or other legislative body; in the 6548

case of a board of county hospital trustees, the board; in the 6549
case of a county hospital commission, the commission; in the case 6550
of a municipal corporation, the council or other legislative 6551
authority; in the case of a new community authority, its board of 6552
trustees; in the case of a joint township hospital district, the 6553
joint township district hospital board; in the case of a state or 6554
municipal university or college, its board of trustees or board of 6555
directors; in the case of a nonprofit hospital agency, the board 6556
of trustees or other body having general management of the agency; 6557
and, in the case of the state, the director of development or the 6558
Ohio higher educational facility commission. 6559

(E) "Hospital facilities" means buildings, structures and 6560
other improvements, additions thereto and extensions thereof, 6561
furnishings, equipment, and real estate and interests in real 6562
estate, used or to be used for or in connection with one or more 6563
hospitals, emergency, intensive, intermediate, extended, 6564
long-term, or self-care facilities, diagnostic and treatment and 6565
out-patient facilities, facilities related to programs for home 6566
health services, clinics, laboratories, public health centers, 6567
research facilities, and rehabilitation facilities, for or 6568
pertaining to diagnosis, treatment, care, or rehabilitation of 6569
sick, ill, injured, infirm, impaired, disabled, or handicapped 6570
persons, or the prevention, detection, and control of disease, and 6571
also includes education, training, and food service facilities for 6572
health professions personnel, housing facilities for such 6573
personnel and their families, and parking and service facilities 6574
in connection with any of the foregoing; and includes any one, 6575
part of, or any combination of the foregoing; and further includes 6576
site improvements, utilities, machinery, facilities, furnishings, 6577
and any separate or connected buildings, structures, improvements, 6578
sites, utilities, facilities, or equipment to be used in, or in 6579
connection with the operation or maintenance of, or supplementing 6580

or otherwise related to the services or facilities to be provided 6581
by, any one or more of such hospital facilities. 6582

(F) "Costs of hospital facilities" means the costs of 6583
acquiring hospital facilities or interests in hospital facilities, 6584
including membership interests in nonprofit hospital agencies, 6585
costs of constructing hospital facilities, costs of improving one 6586
or more hospital facilities, including reconstructing, 6587
rehabilitating, remodeling, renovating, and enlarging, costs of 6588
equipping and furnishing such facilities, and all financing costs 6589
pertaining thereto, including, without limitation thereto, costs 6590
of engineering, architectural, and other professional services, 6591
designs, plans, specifications and surveys, and estimates of cost, 6592
costs of tests and inspections, the costs of any indemnity or 6593
surety bonds and premiums on insurance, all related direct or 6594
allocable administrative expenses pertaining thereto, fees and 6595
expenses of trustees, depositories, and paying agents for the 6596
obligations, cost of issuance of the obligations and financing 6597
charges and fees and expenses of financial advisors, attorneys, 6598
accountants, consultants and rating services in connection 6599
therewith, capitalized interest on the obligations, amounts 6600
necessary to establish reserves as required by the bond 6601
proceedings, the reimbursement of all moneys advanced or applied 6602
by the hospital agency or others or borrowed from others for the 6603
payment of any item or items of costs of such facilities, and all 6604
other expenses necessary or incident to planning or determining 6605
feasibility or practicability with respect to such facilities, and 6606
such other expenses as may be necessary or incident to the 6607
acquisition, construction, reconstruction, rehabilitation, 6608
remodeling, renovation, enlargement, improvement, equipment, and 6609
furnishing of such facilities, the financing thereof, and the 6610
placing of the same in use and operation, including any one, part 6611
of, or combination of such classes of costs and expenses, and 6612

means the costs of refinancing obligations issued by, or 6613
reimbursement of money advanced by, nonprofit hospital agencies or 6614
others the proceeds of which were used for the payment of costs of 6615
hospital facilities, if the governing body of the public hospital 6616
agency determines that the refinancing or reimbursement advances 6617
the purposes of this chapter, whether or not the refinancing or 6618
reimbursement is in conjunction with the acquisition or 6619
construction of additional hospital facilities. 6620

(G) "Hospital receipts" means all moneys received by or on 6621
behalf of a hospital agency from or in connection with the 6622
ownership, operation, acquisition, construction, improvement, 6623
equipping, or financing of any hospital facilities, including, 6624
without limitation thereto, any rentals and other moneys received 6625
from the lease, sale, or other disposition of hospital facilities, 6626
and any gifts, grants, interest subsidies, or other moneys 6627
received under any federal program for assistance in financing the 6628
costs of hospital facilities, and any other gifts, grants, and 6629
donations, and receipts therefrom, available for financing the 6630
costs of hospital facilities. 6631

(H) "Obligations" means bonds, notes, or other evidences of 6632
indebtedness or obligation, including interest coupons pertaining 6633
thereto, issued or issuable by a public hospital agency to pay 6634
costs of hospital facilities. 6635

(I) "Bond service charges" means principal, interest, and 6636
call premium, if any, required to be paid on obligations. 6637

(J) "Bond proceedings" means one or more ordinances, 6638
resolutions, trust agreements, indentures, and other agreements or 6639
documents, and amendments and supplements to the foregoing, or any 6640
combination thereof, authorizing or providing for the terms, 6641
including any variable interest rates, and conditions applicable 6642
to, or providing for the security of, obligations and the 6643

provisions contained in such obligations. 6644

(K) "Nursing home" has the same meaning as in division (A)(1) 6645
of section 5701.13 of the Revised Code. 6646

(L) "Residential care facility" has the same meaning as in 6647
division (A)(2) of section 5701.13 of the Revised Code. 6648

(M) "Adult care facility" has the same meaning as in division 6649
(A)(3) of section 5701.13 of the Revised Code. 6650

(N) "Independent living facility" means any self-care 6651
facility or other housing facility designed or used as a residence 6652
for elderly persons. An "independent living facility" does not 6653
include a residential facility, or that part of a residential 6654
facility, that is any of the following: 6655

(1) A hospital required to be certified by section 3727.02 of 6656
the Revised Code; 6657

(2) A nursing home or residential care facility; 6658

(3) An adult care facility; 6659

(4) A hospice licensed under section 3712.04 of the Revised 6660
Code; 6661

(5) ~~A habilitation center as defined in section 5123.041 of~~ 6662
~~the Revised Code;~~ 6663

~~(6)~~ A residential facility for the mentally ill licensed by 6664
the department of mental health under section 5119.22 of the 6665
Revised Code; 6666

~~(7)~~(6) A facility licensed to provide methadone treatment 6667
under section 3793.11 of the Revised Code; 6668

~~(8)~~(7) A facility certified as an alcohol and drug addiction 6669
program under section 3793.06 of the Revised Code; 6670

~~(9)~~(8) A residential facility licensed under section 5123.19 6671
of the Revised Code or a facility providing services under a 6672

contract with the department of mental retardation and 6673
developmental disabilities under section 5123.18 of the Revised 6674
Code; 6675

~~(10)~~(9) A residential facility used as part of a hospital to 6676
provide housing for staff of the hospital or students pursuing a 6677
course of study at the hospital. 6678

Sec. 140.08. (A) Except as otherwise provided in ~~divisions~~ 6679
division (B)~~(1) and (2)~~ of this section, all hospital facilities 6680
purchased, acquired, constructed, or owned by a public hospital 6681
agency, or financed in whole or in part by obligations issued by a 6682
public hospital agency, and used, or to be used when completed, as 6683
hospital facilities, and the income therefrom, are exempt from all 6684
taxation within this state, including ad valorem and excise taxes, 6685
notwithstanding any other provisions of law, and hospital agencies 6686
are exempt from taxes levied under Chapters 5739. and 5741. of the 6687
Revised Code. The obligations issued hereafter under section 6688
133.08, 140.06, or 339.15 of the Revised Code or Section 3 of 6689
Article XVIII, Ohio Constitution, to pay costs of hospital 6690
facilities or to refund such obligations, and the transfer 6691
thereof, and the interest and other income from such obligations, 6692
including any profit made on the sale thereof, is free from 6693
taxation within the state. 6694

(B)(1) Division (A) of this section does not exempt 6695
independent living facilities from taxes levied on property or 6696
taxes levied under Chapters 5739. and 5741. of the Revised Code. 6697
If an independent living facility or part of such facility becomes 6698
an adult care facility, nursing home, or residential care facility 6699
on or after January 10, 1991, that part of the independent living 6700
facility that is an adult care facility, nursing home, or 6701
residential care facility is exempt from taxation subject to 6702
division (B)(2) of this section on and after the date it becomes 6703

an adult care facility, nursing home, or residential care facility. 6704
6705

(2) Division (A) of this section exempts nursing homes, 6706
residential care facilities, and adult care facilities from taxes 6707
levied on property and taxes levied under Chapters 5739. and 5741. 6708
of the Revised Code only until all obligations issued to finance 6709
such homes or facilities, or all refunding or series of refundings 6710
of those obligations, are redeemed or otherwise retired. 6711

(3) Nothing in division (A) of this section exempts any 6712
person subject to this section from the tax levied by Chapter 6713
5751. of the Revised Code, but the tax shall be based solely on 6714
those gross receipts that contribute to such person's unrelated 6715
business income under the Internal Revenue Code of 1986, 100 Stat. 6716
2085, 26 U.S.C. 1, as amended. 6717

Sec. 141.011. Beginning in calendar year 2001, the annual 6718
salaries of the elective officers of the state shall be as follows 6719
rather than as prescribed by divisions (A) to (F) of section 6720
141.01 of the Revised Code: 6721

(A)(1) In calendar year 2001 the annual salary of the 6722
governor shall be one hundred twenty-six thousand four hundred 6723
ninety-seven dollars. 6724

(2) In calendar years 2002 through 2006 the annual salary of 6725
the governor shall be one hundred thirty thousand two hundred 6726
ninety-two dollars. 6727

(3) In calendar year 2007 the annual salary of the governor 6728
shall be the annual salary in 2006 increased by each of the 6729
following percentages in succession: 6730

(a) The lesser of three per cent or the percentage increase, 6731
if any, in the consumer price index from October 1, 2001, to 6732
September 30, 2002, rounded to the nearest one-tenth of one per 6733

cent; 6734

(b) The lesser of three per cent or the percentage increase, 6735
if any, in the consumer price index from October 1, 2002, to 6736
September 30, 2003, rounded to the nearest one-tenth of one per 6737
cent; 6738

(c) The lesser of three per cent or the percentage increase, 6739
if any, in the consumer price index from October 1, 2003, to 6740
September 30, 2004, rounded to the nearest one-tenth of one per 6741
cent; 6742

(d) The lesser of three per cent or the percentage increase, 6743
if any, in the consumer price index from October 1, 2004, to 6744
September 30, 2005, rounded to the nearest one-tenth of one per 6745
cent; 6746

(e) The lesser of three per cent or the percentage increase, 6747
if any, in the consumer price index from October 1, 2005, to 6748
September 30, 2006, rounded to the nearest one-tenth of one per 6749
cent. 6750

(4) In calendar year 2008 and thereafter, the annual salary 6751
of the governor shall be the annual salary in 2007 increased by 6752
the lesser of the following: 6753

(a) Three per cent; 6754

(b) The percentage increase, if any, in the consumer price 6755
index from October 1, 2006, to September 30, 2007, rounded to the 6756
nearest one-tenth of one per cent. 6757

(B)(1) In calendar year 2001 the annual salary of the 6758
lieutenant governor shall be sixty-six thousand three hundred six 6759
dollars. 6760

(2) In calendar years 2002 through 2006 the annual salary of 6761
the lieutenant governor shall be sixty-eight thousand two hundred 6762
ninety-five dollars. 6763

(3) In calendar year 2007 the annual salary of the lieutenant governor shall be the annual salary in 2006 increased by each of the following percentages in succession:

(a) The lesser of three per cent or the percentage increase, if any, in the consumer price index from October 1, 2001, to September 30, 2002, rounded to the nearest one-tenth of one per cent;

(b) The lesser of three per cent or the percentage increase, if any, in the consumer price index from October 1, 2002, to September 30, 2003, rounded to the nearest one-tenth of one per cent;

(c) The lesser of three per cent or the percentage increase, if any, in the consumer price index from October 1, 2003, to September 30, 2004, rounded to the nearest one-tenth of one per cent;

(d) The lesser of three per cent or the percentage increase, if any, in the consumer price index from October 1, 2004, to September 30, 2005, rounded to the nearest one-tenth of one per cent;

(e) The lesser of three per cent or the percentage increase, if any, in the consumer price index from October 1, 2005, to September 30, 2006, rounded to the nearest one-tenth of one per cent.

(4) In calendar year 2008 and thereafter, the annual salary of the lieutenant governor shall be the annual salary in 2007 increased by the lesser of the following:

(a) Three per cent;

(b) The percentage increase, if any, in the consumer price index from October 1, 2006 to September 30, 2007, rounded to the nearest one-tenth of one per cent.

If the governor appoints the lieutenant governor as an administrative department head ~~or as the director of the office of criminal justice services under section 108.05 of the Revised Code~~, the lieutenant governor may accept the salary for that office while serving as its head in lieu of the salary for the office of lieutenant governor.

(C)(1) In calendar year 2001 the annual salary of the secretary of state, auditor of state, treasurer of state, and attorney general shall be ninety-three thousand four hundred forty-seven dollars.

(2) In calendar year 2002 the annual salary of the secretary of state, auditor of state, treasurer of state, and attorney general shall be ninety-six thousand two hundred fifty dollars.

(3) In each calendar year from 2003 through 2008, the annual salary of the secretary of state, auditor of state, treasurer of state, and attorney general shall be increased by the lesser of the following:

(a) Three per cent;

(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent.

(D) Upon the death of an elected executive officer of the state listed in divisions (A) to (F) of section 141.01 of the Revised Code during that person's term of office, an amount shall be paid in accordance with section 2113.04 of the Revised Code, or to that person's estate. The amount shall equal the amount of the salary that the officer would have received during the remainder of the officer's unexpired term or an amount equal to the salary of that person's office for two years, whichever is less.

(E) As used in this section, "consumer price index" has the same meaning as in section 101.27 of the Revised Code.

Sec. 141.04. (A) The annual salaries of the chief justice of the supreme court and of the justices and judges named in this section payable from the state treasury are as follows, rounded to the nearest fifty dollars:

(1) For the chief justice of the supreme court, the following amounts effective in the following years:

(a) Beginning January 1, 2000, one hundred twenty-four thousand nine hundred dollars;

(b) Beginning January 1, 2001, one hundred twenty-eight thousand six hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(1) of this section.

(2) For the justices of the supreme court, the following amounts effective in the following years:

(a) Beginning January 1, 2000, one hundred seventeen thousand two hundred fifty dollars;

(b) Beginning January 1, 2001, one hundred twenty thousand seven hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(1) of this section.

(3) For the judges of the courts of appeals, the following amounts effective in the following years:

(a) Beginning January 1, 2000, one hundred nine thousand two hundred fifty dollars;

(b) Beginning January 1, 2001, one hundred twelve thousand five hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(1) 6852
of this section. 6853

(4) For the judges of the courts of common pleas, the 6854
following amounts effective in the following years: 6855

(a) Beginning January 1, 2000, one hundred thousand five 6856
hundred dollars, reduced by an amount equal to the annual 6857
compensation paid to that judge from the county treasury pursuant 6858
to section 141.05 of the Revised Code; 6859

(b) Beginning January 1, 2001, one hundred three thousand 6860
five hundred dollars, reduced by an amount equal to the annual 6861
compensation paid to that judge from the county treasury pursuant 6862
to section 141.05 of the Revised Code; 6863

(c) After 2001, the aggregate annual salary amount determined 6864
under division (E)(2) of this section reduced by an amount equal 6865
to the annual compensation paid to that judge from the county 6866
treasury pursuant to section 141.05 of the Revised Code. 6867

(5) For the full-time judges of a municipal court or the 6868
part-time judges of a municipal court of a territory having a 6869
population of more than fifty thousand, the following amounts 6870
effective in the following years, which amounts shall be in 6871
addition to all amounts received pursuant to divisions (B)(1)(a) 6872
and (2) of section 1901.11 of the Revised Code from municipal 6873
corporations and counties: 6874

(a) Beginning January 1, 2000, thirty-two thousand six 6875
hundred fifty dollars; 6876

(b) Beginning January 1, 2001, thirty-five thousand five 6877
hundred dollars; 6878

(c) After 2001, the amount determined under division (E)(3) 6879
of this section. 6880

(6) For judges of a municipal court designated as part-time 6881

judges by section 1901.08 of the Revised Code, other than 6882
part-time judges to whom division (A)(5) of this section applies, 6883
and for judges of a county court, the following amounts effective 6884
in the following years, which amounts shall be in addition to any 6885
amounts received pursuant to division (A) of section 1901.11 of 6886
the Revised Code from municipal corporations and counties or 6887
pursuant to division (A) of section 1907.16 of the Revised Code 6888
from counties: 6889

(a) Beginning January 1, 2000, eighteen thousand eight 6890
hundred dollars; 6891

(b) Beginning January 1, 2001, twenty thousand four hundred 6892
fifty dollars; 6893

(c) After 2001, the amount determined under division (E)(4) 6894
of this section. 6895

(B) Except as provided in section 1901.121 of the Revised 6896
Code, except as otherwise provided in this division, and except 6897
for the compensation to which the judges described in division 6898
(A)(5) of this section are entitled pursuant to divisions 6899
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 6900
annual salary of the chief justice of the supreme court and of 6901
each justice or judge listed in division (A) of this section shall 6902
be paid in equal monthly installments from the state treasury. If 6903
the chief justice of the supreme court or any justice or judge 6904
listed in division (A)(2), (3), or (4) of this section delivers a 6905
written request to be paid biweekly to the administrative director 6906
of the supreme court prior to the first day of January of any 6907
year, the annual salary of the chief justice or the justice or 6908
judge that is listed in division (A)(2), (3), or (4) of this 6909
section shall be paid, during the year immediately following the 6910
year in which the request is delivered to the administrative 6911
director of the supreme court, biweekly from the state treasury. 6912

(C) Upon the death of the chief justice or a justice of the
supreme court during that person's term of office, an amount shall
be paid in accordance with section 2113.04 of the Revised Code, or
to that person's estate. The amount shall equal the amount of the
salary that the chief justice or justice would have received
during the remainder of the unexpired term or an amount equal to
the salary of office for two years, whichever is less.

(D) Neither the chief justice of the supreme court nor any
justice or judge of the supreme court, the court of appeals, the
court of common pleas, or the probate court shall hold any other
office of trust or profit under the authority of this state or the
United States.

(E)(1) Each calendar year from 2002 through 2008, the annual
salaries of the chief justice of the supreme court and of the
justices and judges named in divisions (A)(2) and (3) of this
section shall be increased by an amount equal to the adjustment
percentage for that year multiplied by the compensation paid the
preceding year pursuant to division (A)(1), (2), or (3) of this
section.

(2) Each calendar year from 2002 through 2008, the aggregate
annual salary payable under division (A)(4) of this section to the
judges named in that division shall be increased by an amount
equal to the adjustment percentage for that year multiplied by the
aggregate compensation paid the preceding year pursuant to
division (A)(4) of this section and section 141.05 of the Revised
Code.

(3) Each calendar year from 2002 through 2008, the salary
payable from the state treasury under division (A)(5) of this
section to the judges named in that division shall be increased by
an amount equal to the adjustment percentage for that year
multiplied by the aggregate compensation paid the preceding year

pursuant to division (A)(5) of this section and division (B)(1)(a) 6944
of section 1901.11 of the Revised Code. 6945

(4) Each calendar year from 2002 through 2008, the salary 6946
payable from the state treasury under division (A)(6) of this 6947
section to the judges named in that division shall be increased by 6948
an amount equal to the adjustment percentage for that year 6949
multiplied by the aggregate compensation paid the preceding year 6950
pursuant to division (A)(6) of this section and division (A) of 6951
section 1901.11 of the Revised Code from municipal corporations 6952
and counties or division (A) of section 1907.16 of the Revised 6953
Code from counties. 6954

(F) In addition to the salaries payable pursuant to this 6955
section, the chief justice of the supreme court and the justices 6956
of the supreme court shall be entitled to a vehicle allowance of 6957
five hundred dollars per month, payable from the state treasury. 6958
The allowance shall be increased on the first day of January of 6959
each odd numbered year by an amount equal to the percentage 6960
increase, if any, in the consumer price index for the immediately 6961
preceding twenty-four month period for which information is 6962
available. 6963

(G) As used in this section: 6964

(1) The "adjustment percentage" for a year is the lesser of 6965
the following: 6966

(a) Three per cent; 6967

(b) The percentage increase, if any, in the consumer price 6968
index over the twelve-month period that ends on the thirtieth day 6969
of September of the immediately preceding year, rounded to the 6970
nearest one-tenth of one per cent. 6971

(2) "Consumer price index" has the same meaning as in section 6972
101.27 of the Revised Code. 6973

(3) "Salary" does not include any portion of the cost, 6974
premium, or charge for health, medical, hospital, dental, or 6975
surgical benefits, or any combination of those benefits, covering 6976
the chief justice of the supreme court or a justice or judge named 6977
in this section and paid on the chief justice's or the justice's 6978
or judge's behalf by a governmental entity. 6979

Sec. 147.05. (A) Before entering upon the duties of the 6980
office of notary public, a notary public shall leave the notary 6981
public's commission with the oath endorsed on the commission with 6982
the clerk of the court of common pleas of the county in which the 6983
notary public resides. The clerk shall record the commission in a 6984
book kept for that purpose. The clerk shall endorse on the margin 6985
of the record and on the back of the commission the time that the 6986
clerk received the commission for record and make a proper index 6987
to all commissions so recorded. For recording and indexing a 6988
commission, the fee of the clerk shall be as provided in division 6989
(R) of section 2303.20 of the Revised Code. 6990

(B) The secretary of state shall maintain a record of the 6991
commissions of each notary public appointed and commissioned by 6992
the secretary of state under this chapter and make a proper index 6993
to that record. 6994

The governor's office shall transfer to the secretary of 6995
state's office, on or after ~~the effective date of this amendment~~ 6996
June 6, 2001, the record of notaries public formerly kept by the 6997
governor's office under section 107.10 of the Revised Code. The 6998
secretary of state's office shall maintain that record together 6999
with the record and index of commissions of notaries public 7000
required by this division. 7001

(C) If a notary public legally changes the notary public's 7002
name or address after having been commissioned as a notary public, 7003
the notary public shall notify the secretary of state and the 7004

appropriate clerk of courts within thirty days after the name or 7005
address change. Notification to the secretary of state shall be on 7006
a form prescribed by the secretary of state. 7007

(D) A notary, other than an attorney, who resigns the 7008
person's commission shall deliver to the secretary of state, on a 7009
form prescribed by the secretary of state, a written notice 7010
indicating the effective date of resignation. 7011

Sec. 147.10. No notary public shall do or perform any act as 7012
a notary public knowing that ~~his~~ the notary public's term of 7013
office has expired or that the notary public has resigned the 7014
notary public's commission. 7015

Sec. 147.11. A person appointed notary public who performs 7016
any act as such after the expiration of ~~his~~ the person's term of 7017
office or after the person resigns the person's commission, 7018
knowing that ~~his~~ the person's term has expired or that the person 7019
has resigned, shall forfeit not more than five hundred dollars, to 7020
be recovered by an action in the name of the state. Such act shall 7021
render ~~such~~ the person ineligible for reappointment. 7022

Sec. 147.12. An official act done by a notary public after 7023
the expiration of ~~his~~ the notary public's term of office or after 7024
the notary public resigns the notary public's commission is as 7025
valid as if done during ~~his~~ the notary public's term of office. 7026

Sec. 147.371. (A) Upon receipt of a fee of two dollars and an 7027
affidavit that the original commission of a notary public has been 7028
lost or destroyed, a duplicate commission as notary public shall 7029
be issued by the secretary of state. 7030

(B) Upon receipt of a fee of two dollars and the properly 7031
completed, prescribed form for a name and address change under 7032

division (C) of section 147.05 of the Revised Code, the secretary 7033
of state shall issue a duplicate commission as a notary public. 7034

Sec. 149.43. (A) As used in this section: 7035

(1) "Public record" means records kept by any public office, 7036
including, but not limited to, state, county, city, village, 7037
township, and school district units, and records pertaining to the 7038
delivery of educational services by an alternative school in Ohio 7039
kept by a nonprofit or for profit entity operating such 7040
alternative school pursuant to section 3313.533 of the Revised 7041
Code. "Public record" does not mean any of the following: 7042

(a) Medical records; 7043

(b) Records pertaining to probation and parole proceedings or 7044
to proceedings related to the imposition of community control 7045
sanctions and post-release control sanctions; 7046

(c) Records pertaining to actions under section 2151.85 and 7047
division (C) of section 2919.121 of the Revised Code and to 7048
appeals of actions arising under those sections; 7049

(d) Records pertaining to adoption proceedings, including the 7050
contents of an adoption file maintained by the department of 7051
health under section 3705.12 of the Revised Code; 7052

(e) Information in a record contained in the putative father 7053
registry established by section 3107.062 of the Revised Code, 7054
regardless of whether the information is held by the department of 7055
job and family services or, pursuant to section 3111.69 of the 7056
Revised Code, the office of child support in the department or a 7057
child support enforcement agency; 7058

(f) Records listed in division (A) of section 3107.42 of the 7059
Revised Code or specified in division (A) of section 3107.52 of 7060
the Revised Code; 7061

(g) Trial preparation records;	7062
(h) Confidential law enforcement investigatory records;	7063
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	7064 7065
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	7066 7067
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	7068 7069 7070 7071
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	7072 7073 7074 7075
(m) Intellectual property records;	7076
(n) Donor profile records;	7077
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	7078 7079
(p) Peace officer, firefighter, or EMT residential and familial information;	7080 7081
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	7082 7083 7084
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	7085 7086
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to	7087 7088 7089 7090

section 307.626 of the Revised Code;	7091
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	7092 7093 7094 7095
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	7096 7097 7098 7099 7100
(v) Records the release of which is prohibited by state or federal law;	7101 7102
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	7103 7104 7105
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code.	7106 7107
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	7108 7109 7110 7111 7112
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	7113 7114 7115 7116
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	7117 7118 7119 7120

(c) Specific confidential investigatory techniques or 7121
procedures or specific investigatory work product; 7122

(d) Information that would endanger the life or physical 7123
safety of law enforcement personnel, a crime victim, a witness, or 7124
a confidential information source. 7125

(3) "Medical record" means any document or combination of 7126
documents, except births, deaths, and the fact of admission to or 7127
discharge from a hospital, that pertains to the medical history, 7128
diagnosis, prognosis, or medical condition of a patient and that 7129
is generated and maintained in the process of medical treatment. 7130

(4) "Trial preparation record" means any record that contains 7131
information that is specifically compiled in reasonable 7132
anticipation of, or in defense of, a civil or criminal action or 7133
proceeding, including the independent thought processes and 7134
personal trial preparation of an attorney. 7135

(5) "Intellectual property record" means a record, other than 7136
a financial or administrative record, that is produced or 7137
collected by or for faculty or staff of a state institution of 7138
higher learning in the conduct of or as a result of study or 7139
research on an educational, commercial, scientific, artistic, 7140
technical, or scholarly issue, regardless of whether the study or 7141
research was sponsored by the institution alone or in conjunction 7142
with a governmental body or private concern, and that has not been 7143
publicly released, published, or patented. 7144

(6) "Donor profile record" means all records about donors or 7145
potential donors to a public institution of higher education 7146
except the names and reported addresses of the actual donors and 7147
the date, amount, and conditions of the actual donation. 7148

(7) "Peace officer, firefighter, or EMT residential and 7149
familial information" means either of the following: 7150

(a) Any information maintained in a personnel record of a peace officer, firefighter, or EMT that discloses any of the following:

(i) The address of the actual personal residence of a peace officer, firefighter, or EMT, except for the state or political subdivision in which the peace officer, firefighter, or EMT resides;

(ii) Information compiled from referral to or participation in an employee assistance program;

(iii) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, firefighter, or EMT;

(iv) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, firefighter, or EMT by the peace officer's, firefighter's, or EMT's employer;

(v) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, firefighter's, or EMT's employer from the peace officer's, firefighter's, or EMT's compensation unless the amount of the deduction is required by state or federal law;

(vi) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, firefighter, or EMT.

(b) Any record that identifies a person's occupation as a peace officer, firefighter, or EMT other than statements required

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to include the disclosure of that fact under the campaign finance law. 7181
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As used in divisions (A)(7) and (B)(5) of this section, 7183
"peace officer" has the same meaning as in section 109.71 of the 7184
Revised Code and also includes the superintendent and troopers of 7185
the state highway patrol; it does not include the sheriff of a 7186
county or a supervisory employee who, in the absence of the 7187
sheriff, is authorized to stand in for, exercise the authority of, 7188
and perform the duties of the sheriff. 7189

As used in divisions (A)(7) and (B)(5) of this section, 7190
"firefighter" means any regular, paid or volunteer, member of a 7191
lawfully constituted fire department of a municipal corporation, 7192
township, fire district, or village. 7193

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 7194
means EMTs-basic, EMTs-I, and paramedics that provide emergency 7195
medical services for a public emergency medical service 7196
organization. "Emergency medical service organization," 7197
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 7198
section 4765.01 of the Revised Code. 7199

(8) "Information pertaining to the recreational activities of 7200
a person under the age of eighteen" means information that is kept 7201
in the ordinary course of business by a public office, that 7202
pertains to the recreational activities of a person under the age 7203
of eighteen years, and that discloses any of the following: 7204

(a) The address or telephone number of a person under the age 7205
of eighteen or the address or telephone number of that person's 7206
parent, guardian, custodian, or emergency contact person; 7207

(b) The social security number, birth date, or photographic 7208
image of a person under the age of eighteen; 7209

(c) Any medical record, history, or information pertaining to 7210

a person under the age of eighteen; 7211

(d) Any additional information sought or required about a 7212
person under the age of eighteen for the purpose of allowing that 7213
person to participate in any recreational activity conducted or 7214
sponsored by a public office or to use or obtain admission 7215
privileges to any recreational facility owned or operated by a 7216
public office. 7217

(9) "Community control sanction" has the same meaning as in 7218
section 2929.01 of the Revised Code. 7219

(10) "Post-release control sanction" has the same meaning as 7220
in section 2967.01 of the Revised Code. 7221

(B)(1) Subject to ~~division~~ divisions (B)(4) and (6) of this 7222
section, all public records shall be promptly prepared and made 7223
available for inspection to any person at all reasonable times 7224
during regular business hours. Subject to ~~division~~ divisions 7225
(B)(4) and (6) of this section, upon request, a public office or 7226
person responsible for public records shall make copies available 7227
at cost, within a reasonable period of time. In order to 7228
facilitate broader access to public records, public offices shall 7229
maintain public records in a manner that they can be made 7230
available for inspection in accordance with this division. 7231

(2) ~~If~~ Except as otherwise provided in division (B)(6) of 7232
this section, if any person chooses to obtain a copy of a public 7233
record in accordance with division (B)(1) of this section, the 7234
public office or person responsible for the public record shall 7235
permit that person to choose to have the public record duplicated 7236
upon paper, upon the same medium upon which the public office or 7237
person responsible for the public record keeps it, or upon any 7238
other medium upon which the public office or person responsible 7239
for the public record determines that it reasonably can be 7240
duplicated as an integral part of the normal operations of the 7241

public office or person responsible for the public record. When 7242
the person seeking the copy makes a choice under this division, 7243
the public office or person responsible for the public record 7244
shall provide a copy of it in accordance with the choice made by 7245
the person seeking the copy. 7246

(3) ~~Upon~~ Except as otherwise provided in division (B)(6) of 7247
this section, upon a request made in accordance with division 7248
(B)(1) of this section, a public office or person responsible for 7249
public records shall transmit a copy of a public record to any 7250
person by United States mail within a reasonable period of time 7251
after receiving the request for the copy. The public office or 7252
person responsible for the public record may require the person 7253
making the request to pay in advance the cost of postage and other 7254
supplies used in the mailing. 7255

Any public office may adopt a policy and procedures that it 7256
will follow in transmitting, within a reasonable period of time 7257
after receiving a request, copies of public records by United 7258
States mail pursuant to this division. A public office that adopts 7259
a policy and procedures under this division shall comply with them 7260
in performing its duties under this division. 7261

In any policy and procedures adopted under this division, a 7262
public office may limit the number of records requested by a 7263
person that the office will transmit by United States mail to ten 7264
per month, unless the person certifies to the office in writing 7265
that the person does not intend to use or forward the requested 7266
records, or the information contained in them, for commercial 7267
purposes. For purposes of this division, "commercial" shall be 7268
narrowly construed and does not include reporting or gathering 7269
news, reporting or gathering information to assist citizen 7270
oversight or understanding of the operation or activities of 7271
government, or nonprofit educational research. 7272

(4) A public office or person responsible for public records 7273

is not required to permit a person who is incarcerated pursuant to 7274
a criminal conviction or a juvenile adjudication to inspect or to 7275
obtain a copy of any public record concerning a criminal 7276
investigation or prosecution or concerning what would be a 7277
criminal investigation or prosecution if the subject of the 7278
investigation or prosecution were an adult, unless the request to 7279
inspect or to obtain a copy of the record is for the purpose of 7280
acquiring information that is subject to release as a public 7281
record under this section and the judge who imposed the sentence 7282
or made the adjudication with respect to the person, or the 7283
judge's successor in office, finds that the information sought in 7284
the public record is necessary to support what appears to be a 7285
justiciable claim of the person. 7286

(5) Upon written request made and signed by a journalist on 7287
or after December 16, 1999, a public office, or person responsible 7288
for public records, having custody of the records of the agency 7289
employing a specified peace officer, firefighter, or EMT shall 7290
disclose to the journalist the address of the actual personal 7291
residence of the peace officer, firefighter or EMT and, if the 7292
peace officer's, firefighter's or EMT's spouse, former spouse, or 7293
child is employed by a public office, the name and address of the 7294
employer of the peace officer's, firefighter's, or EMT's spouse, 7295
former spouse, or child. The request shall include the 7296
journalist's name and title and the name and address of the 7297
journalist's employer and shall state that disclosure of the 7298
information sought would be in the public interest. 7299

As used in division (B)(5) of this section, "journalist" 7300
means a person engaged in, connected with, or employed by any news 7301
medium, including a newspaper, magazine, press association, news 7302
agency, or wire service, a radio or television station, or a 7303
similar medium, for the purpose of gathering, processing, 7304
transmitting, compiling, editing, or disseminating information for 7305

the general public. 7306

(6) Section 1521.151 of the Revised Code governs the 7307
dissemination of public records contained in any computer database 7308
that consists of geographic information and that is maintained by 7309
the division of water in the department of natural resources. 7310

(C) If a person allegedly is aggrieved by the failure of a 7311
public office to promptly prepare a public record and to make it 7312
available to the person for inspection in accordance with division 7313
(B) of this section, or if a person who has requested a copy of a 7314
public record allegedly is aggrieved by the failure of a public 7315
office or the person responsible for the public record to make a 7316
copy available to the person allegedly aggrieved in accordance 7317
with division (B) of this section, the person allegedly aggrieved 7318
may commence a mandamus action to obtain a judgment that orders 7319
the public office or the person responsible for the public record 7320
to comply with division (B) of this section and that awards 7321
reasonable attorney's fees to the person that instituted the 7322
mandamus action. The mandamus action may be commenced in the court 7323
of common pleas of the county in which division (B) of this 7324
section allegedly was not complied with, in the supreme court 7325
pursuant to its original jurisdiction under Section 2 of Article 7326
IV, Ohio Constitution, or in the court of appeals for the 7327
appellate district in which division (B) of this section allegedly 7328
was not complied with pursuant to its original jurisdiction under 7329
Section 3 of Article IV, Ohio Constitution. 7330

(D) Chapter 1347. of the Revised Code does not limit the 7331
provisions of this section. 7332

(E)(1) The bureau of motor vehicles may adopt rules pursuant 7333
to Chapter 119. of the Revised Code to reasonably limit the number 7334
of bulk commercial special extraction requests made by a person 7335
for the same records or for updated records during a calendar 7336

year. The rules may include provisions for charges to be made for
bulk commercial special extraction requests for the actual cost of
the bureau, plus special extraction costs, plus ten per cent. The
bureau may charge for expenses for redacting information, the
release of which is prohibited by law.

(2) As used in divisions (B)(3) and (E)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies,
records storage media costs, actual mailing and alternative
delivery costs, or other transmitting costs, and any direct
equipment operating and maintenance costs, including actual costs
paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a
request for copies of a record for information in a format other
than the format already available, or information that cannot be
extracted without examination of all items in a records series,
class of records, or data base by a person who intends to use or
forward the copies for surveys, marketing, solicitation, or resale
for commercial purposes. "Bulk commercial special extraction
request" does not include a request by a person who gives
assurance to the bureau that the person making the request does
not intend to use or forward the requested copies for surveys,
marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or
selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time
spent by the lowest paid employee competent to perform the task,
the actual amount paid to outside private contractors employed by
the bureau, or the actual cost incurred to create computer
programs to make the special extraction. "Special extraction
costs" include any charges paid to a public agency for computer or
records services.

(3) For purposes of divisions (E)(1) and (2) of this section, 7368
"commercial surveys, marketing, solicitation, or resale" shall be 7369
narrowly construed and does not include reporting or gathering 7370
news, reporting or gathering information to assist citizen 7371
oversight or understanding of the operation or activities of 7372
government, or nonprofit educational research. 7373

Sec. 153.50. ~~(A)~~ An officer, board, or other authority of the 7374
state, a county, township, municipal corporation, or school 7375
district, or of any public institution belonging thereto, 7376
authorized to contract for the erection, repair, alteration, or 7377
rebuilding of a public building, institution, bridge, culvert, or 7378
improvement and required by law to advertise and receive bids for 7379
furnishing of materials and doing the work necessary for the 7380
erection thereof, shall ~~require~~ do one of the following: 7381

(A) Require separate and distinct bids to be made for 7382
furnishing such materials or doing such work, or both, in their 7383
discretion, for each of the following branches or classes of work 7384
to be performed, and all work kindred thereto, entering into the 7385
improvement: 7386

(1) Plumbing and gas fitting; 7387

(2) Steam and hot-water heating, ventilating apparatus, and 7388
steam-power plant; 7389

(3) Electrical equipment. 7390

~~(B) A public authority is not required to solicit separate~~ 7391
~~bids for a branch or class of work specified in division (A) of~~ 7392
~~this section for an improvement if the estimated cost for that~~ 7393
~~branch or class of work is less than five thousand dollars~~ 7394
Require 7395
that bids be submitted for a single, aggregate contract to cover 7396
all the branches or classes of work to be performed and material 7397
to be furnished for the construction of the improvement at the

discretion of the public authority. 7398

Sec. 153.51. (A) When more than one branch or class of work 7399
specified in division (A) of section 153.50 of the Revised Code is 7400
~~required~~ utilized for an improvement and the public authority 7401
solicits separate and distinct bids for those branches or classes 7402
of work in accordance with division (A) of section 153.50 of the 7403
Revised Code, no contract for the entire job, or for a greater 7404
portion thereof than is embraced in one such branch or class of 7405
work shall be awarded, unless ~~the~~ one of the following applies 7406
with respect to the improvement: 7407

(1) The separate bids do not cover all the work and materials 7408
required ~~or the~~. 7409

(2) The bids for the whole or for two or more kinds of work 7410
or materials are lower than the separate bids in the aggregate. 7411

(B)~~(1) The~~ If the public authority referred to in section 7412
153.50 of the Revised Code ~~also may award~~ solicits bids for a 7413
single, aggregate contract for the entire project pursuant to 7414
division ~~(A)~~(B) of ~~this~~ that section, the public authority shall 7415
award a single, aggregate contract for the entire project. ~~This~~ 7416
~~award shall be made~~ 7417

(C) A public authority shall award a contract described in 7418
division (A) or (B) of this section to the ~~bidder who is the~~ 7419
lowest responsive and responsible bidder ~~or~~, the lowest and best 7420
bidder, or the lowest responsible bidder, as applicable, as 7421
specified in section 153.52 of the Revised Code. 7422

~~(2)~~ The public authority referred to in section 153.50 of the 7423
Revised Code may assign all or any portion of its interest in the 7424
contract of the lowest responsive and responsible bidder or the 7425
lowest and best bidder, as applicable, to another successful 7426
bidder as an agreed condition for an award of the contract for the 7427

amount of its respective bid. Such assignment may include, but is 7428
not limited to, the duty to schedule, coordinate, and administer 7429
the contracts. 7430

~~(C) A public authority referred to in division (A) of section 7431
153.50 of the Revised Code is not required to award separate 7432
contracts for a branch or class of work specified in division (A) 7433
of section 153.50 of the Revised Code entering into an improvement 7434
if the estimated cost for that branch or class of work is less 7435
than five thousand dollars. 7436~~

Sec. 153.52. The contract for doing the work belonging to 7437
each separate branch or class of work specified in division (A) of 7438
section 153.50 of the Revised Code, or for the furnishing of 7439
materials therefor, or both, shall be awarded by the public 7440
authority referred to in section 153.50 of the Revised Code, in 7441
its discretion, to the lowest responsive and responsible separate 7442
bidder therefor, in accordance with section 9.312 of the Revised 7443
Code in the case of any public authority of the state or any 7444
public institution belonging thereto, ~~and;~~ to the lowest and best 7445
separate bidder in the case of a county, township, municipal 7446
corporation, ~~or school district,~~ or any public institution 7447
belonging thereto; and to the lowest responsible bidder as 7448
described in section 9.312 of the Revised Code in the case of a 7449
school district or any public institution belonging thereto; and 7450
shall be made directly with the bidder in the manner and upon the 7451
terms, conditions, and limitations as to giving bond or bid 7452
guaranties as prescribed by law, unless it is let as a whole, or 7453
to bidders for more than one kind of work or materials. 7454

The single, aggregate contract to cover all the branches or 7455
classes of work to be performed and material to be furnished 7456
specified in division (B) of section 153.51 of the Revised Code 7457
shall be awarded by the public authority referred to in section 7458

153.50 of the Revised Code, in its discretion, to the lowest 7459
responsive and responsible bidder in accordance with section 9.312 7460
of the Revised Code in the case of any public authority of the 7461
state or any public institution belonging thereto; to the lowest 7462
and best separate bidder in the case of a county, township, 7463
municipal corporation, or any public institution belonging 7464
thereto; and to the lowest responsible bidder as described in 7465
section 9.312 of the Revised Code in the case of a school district 7466
or any public institution belonging thereto; and shall be made 7467
directly with the bidder in the manner and upon the terms, 7468
conditions, and limitations as to giving bond or bid guaranties as 7469
prescribed by law. 7470

Sections 153.50 to 153.52 of the Revised Code do not apply to 7471
the erection of buildings and other structures which cost less 7472
than fifty thousand dollars. 7473

Sec. 173.20. (A) If consent is given and unless otherwise 7474
prohibited by law, a representative of the office of the state 7475
long-term care ~~ombudsman~~ ombudsperson program shall have access to 7476
any records, including medical records, of a resident or a 7477
recipient that are reasonably necessary for investigation of a 7478
complaint. Consent may be given in any of the following ways: 7479

(1) In writing by the resident or recipient; 7480

(2) Orally by the resident or recipient, witnessed in writing 7481
at the time it is given by one other person, and, if the records 7482
involved are being maintained by a long-term care provider, also 7483
by an employee of the long-term care provider designated under 7484
division (E)(1) of this section; 7485

(3) In writing by the guardian of the resident or recipient; 7486

(4) In writing by the attorney in fact of the resident or 7487
recipient, if the resident or recipient has authorized the 7488

attorney in fact to give such consent; 7489

(5) In writing by the executor or administrator of the estate 7490
of a deceased resident or recipient. 7491

(B) If consent to access to records is not refused by a 7492
resident or recipient or ~~his~~ the resident's or recipient's legal 7493
representative but cannot be obtained and any of the following 7494
circumstances exist, a representative of the office of the state 7495
long-term care ~~ombudsman~~ ombudsperson program, on approval of the 7496
state long-term care ~~ombudsman~~ ombudsperson, may inspect the 7497
records of a resident or a recipient, including medical records, 7498
that are reasonably necessary for investigation of a complaint: 7499

(1) The resident or recipient is unable to express written or 7500
oral consent and there is no guardian or attorney in fact; 7501

(2) There is a guardian or attorney in fact, but ~~he~~ the 7502
guardian or attorney in fact cannot be contacted within three 7503
working days; 7504

(3) There is a guardianship or durable power of attorney, but 7505
its existence is unknown by the long-term care provider and the 7506
representative of the office at the time of the investigation; 7507

(4) There is no executor or administrator of the estate of a 7508
deceased resident or recipient. 7509

(C) If a representative of the office of the state long-term 7510
care ~~ombudsman~~ ombudsperson program has been refused access to 7511
records by a guardian or attorney in fact, but has reasonable 7512
cause to believe that the guardian or attorney in fact is not 7513
acting in the best interests of the resident or recipient, the 7514
representative may, on approval of the state long-term care 7515
~~ombudsman~~ ombudsperson, inspect the records of the resident or 7516
recipient, including medical records, that are reasonably 7517
necessary for investigation of a complaint. 7518

(D) A representative of the office of the state long-term care ~~ombudsman~~ ombudsperson program shall have access to any records of a long-term care provider reasonably necessary to an investigation conducted under this section, including but not limited to: incident reports, dietary records, policies and procedures of a facility required to be maintained under section 5111.21 of the Revised Code, admission agreements, staffing schedules, any document depicting the actual staffing pattern of the provider, any financial records that are matters of public record, resident council and grievance committee minutes, and any waiting list maintained by a facility in accordance with section ~~5111.31~~ 5111.222 of the Revised Code, or any similar records or lists maintained by a provider of community-based long-term care services. Pursuant to division (E)(2) of this section, a representative shall be permitted to make or obtain copies of any of these records after giving the long-term care provider twenty-four hours' notice. A long-term care provider may impose a charge for providing copies of records under this division that does not exceed the actual and necessary expense of making the copies.

The state ~~ombudsman~~ ombudsperson shall take whatever action is necessary to ensure that any copy of a record made or obtained under this division is returned to the long-term care provider no later than three years after the date the investigation for which the copy was made or obtained is completed.

(E)(1) Each long-term care provider shall designate one or more of its employees to be responsible for witnessing the giving of oral consent under division (A) of this section. In the event that a designated employee is not available when a resident or recipient attempts to give oral consent, the provider shall designate another employee to witness the consent.

(2) Each long-term care provider shall designate one or more

of its employees to be responsible for releasing records for 7551
copying to representatives of the office of the long-term care 7552
~~ombudsman~~ ombudsperson program who request permission to make or 7553
obtain copies of records specified in division (D) of this 7554
section. In the event that a designated employee is not available 7555
when a representative of the office makes the request, the 7556
long-term care provider shall designate another employee to 7557
release the records for copying. 7558

(F) A long-term care provider or any employee of such a 7559
provider is immune from civil or criminal liability or action 7560
taken pursuant to a professional disciplinary procedure for the 7561
release or disclosure of records to a representative of the office 7562
pursuant to this section. 7563

(G) A state or local government agency or entity with records 7564
relevant to a complaint or investigation being conducted by a 7565
representative of the office shall provide the representative 7566
access to the records. 7567

(H) The state ~~ombudsman~~ ombudsperson, with the approval of 7568
the director of aging, may issue a subpoena to compel any person 7569
~~he~~ the ombudsperson reasonably believes may be able to provide 7570
information to appear before ~~him~~ the ombudsperson or ~~his~~ the 7571
ombudsperson's designee and give sworn testimony and to produce 7572
documents, books, records, papers, or other evidence the state 7573
~~ombudsman~~ ombudsperson believes is relevant to the investigation. 7574
On the refusal of a witness to be sworn or to answer any question 7575
put to ~~him~~ the witness, or if a person disobeys a subpoena, the 7576
~~ombudsman~~ ombudsperson shall apply to the Franklin county court of 7577
common pleas for a contempt order, as in the case of disobedience 7578
of the requirements of a subpoena issued from the court, or a 7579
refusal to testify in the court. 7580

(I) The state ~~ombudsman~~ ombudsperson may petition the court 7581

of common pleas in the county in which a long-term care facility 7582
is located to issue an injunction against any long-term care 7583
facility in violation of sections 3721.10 to 3721.17 of the 7584
Revised Code. 7585

(J) Any suspected violation of Chapter 3721. of the Revised 7586
Code discovered during the course of an investigation may be 7587
reported to the department of health. Any suspected criminal 7588
violation discovered during the course of an investigation shall 7589
be reported to the attorney general or other appropriate law 7590
enforcement authorities. 7591

(K) The department of aging shall adopt rules in accordance 7592
with Chapter 119. of the Revised Code for referral by the state 7593
~~ombudsman~~ ombudsperson and regional long-term care ~~ombudsman~~ 7594
ombudsperson programs of complaints to other public agencies or 7595
entities. A public agency or entity to which a complaint is 7596
referred shall keep the state ~~ombudsman~~ ombudsperson or regional 7597
program handling the complaint advised and notified in writing in 7598
a timely manner of the disposition of the complaint to the extent 7599
permitted by law. 7600

Sec. 173.21. (A) The office of the state long-term care 7601
~~ombudsman~~ ombudsperson program, through the state long-term care 7602
~~ombudsman~~ ombudsperson and the regional long-term care ~~ombudsman~~ 7603
ombudsperson programs, shall require each representative of the 7604
office to complete a training and certification program in 7605
accordance with this section and to meet the continuing education 7606
requirements established under this section. 7607

(B) The department of aging shall adopt rules under Chapter 7608
119. of the Revised Code specifying the content of training 7609
programs for representatives of the office of the state long-term 7610
care ~~ombudsman~~ ombudsperson program. Training for representatives 7611
other than those who are volunteers providing services through 7612

regional long-term care ~~ombudsman~~ ombudsperson programs shall 7613
include instruction regarding federal, state, and local laws, 7614
rules, and policies on long-term care facilities and 7615
community-based long-term care services; investigative techniques; 7616
and other topics considered relevant by the department and shall 7617
consist of the following: 7618

(1) A minimum of forty clock hours of basic instruction, 7619
which shall be completed before the trainee is permitted to handle 7620
complaints without the supervision of a representative of the 7621
office certified under this section; 7622

(2) An additional sixty clock hours of instruction, which 7623
shall be completed within the first fifteen months of employment; 7624

(3) An internship of twenty clock hours, which shall be 7625
completed within the first twenty-four months of employment, 7626
including instruction in, and observation of, basic nursing care 7627
and long-term care provider operations and procedures. The 7628
internship shall be performed at a site that has been approved as 7629
an internship site by the state long-term care ~~ombudsman~~ 7630
ombudsperson. 7631

(4) One of the following, which shall be completed within the 7632
first twenty-four months of employment: 7633

(a) Observation of a survey conducted by the director of 7634
health to certify a facility to receive funds under ~~sections~~ 7635
~~5111.20 to 5111.32 of the Revised Code~~ the medicaid program; 7636

(b) Observation of an inspection conducted by the director of 7637
health to license an adult care facility under section 3722.04 of 7638
the Revised Code. 7639

(5) Any other training considered appropriate by the 7640
department. 7641

(C) Persons who for a period of at least six months prior to 7642

June 11, 1990, served as ombudsmen through the long-term care
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~~ombudsman~~ ombudsperson program established by the department of
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aging under division (M) of section 173.01 of the Revised Code
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shall not be required to complete a training program. These
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persons and persons who complete a training program shall take an
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examination administered by the department of aging. On attainment
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of a passing score, the person shall be certified by the
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department as a representative of the office. The department shall
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issue the person an identification card, which the representative
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shall show at the request of any person with whom ~~he~~ the
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representative deals while performing ~~his~~ the representative's
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duties and which ~~he~~ shall ~~surrender~~ be surrendered at the time ~~he~~
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the representative separates from the office. 7655

(D) The state ~~ombudsman~~ ombudsperson and each regional 7656
program shall conduct training programs for volunteers on their 7657
respective staffs in accordance with the rules of the department 7658
of aging adopted under division (B) of this section. Training 7659
programs may be conducted that train volunteers to complete some, 7660
but not all, of the duties of a representative of the office. Each 7661
regional office shall bear the cost of training its 7662
representatives who are volunteers. On completion of a training 7663
program, the representative shall take an examination administered 7664
by the department of aging. On attainment of a passing score, ~~he~~ a
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volunteer shall be certified by the department as a representative 7666
authorized to perform services specified in the certification. The 7667
department shall issue an identification card, which the 7668
representative shall show at the request of any person with whom 7669
~~he~~ the representative deals while performing ~~his~~ the
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representative's duties and which ~~he~~ shall ~~surrender~~ be
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surrendered at the time ~~he~~ the representative separates from the 7672
office. Except as a supervised part of a training program, no 7673
volunteer shall perform any duty unless he is certified as a 7674

representative having received appropriate training for that duty. 7675

(E) The state ~~ombudsman~~ ombudsperson shall provide technical 7676
assistance to regional programs conducting training programs for 7677
volunteers and shall monitor the training programs. 7678

(F) Prior to scheduling an observation of a certification 7679
survey or licensing inspection for purposes of division (B)(4) of 7680
this section, the state ~~ombudsman~~ ombudsperson shall obtain 7681
permission to have the survey or inspection observed from both the 7682
director of health and the long-term care facility at which the 7683
survey or inspection is to take place. 7684

(G) The department of aging shall establish continuing 7685
education requirements for representatives of the office. 7686

Sec. 173.26. (A) Each of the following facilities shall 7687
annually pay to the department of aging six dollars for each bed 7688
maintained by the facility for use by a resident during any part 7689
of the previous year: 7690

(1) Nursing homes, residential care facilities, and homes for 7691
the aging as defined in section 3721.01 of the Revised Code; 7692

(2) Facilities authorized to provide extended care services 7693
under Title XVIII of the "Social Security Act," 49 Stat. 620 7694
(1935), 42 U.S.C. 301, as amended; 7695

(3) County homes and district homes operated pursuant to 7696
Chapter 5155. of the Revised Code; 7697

(4) Adult care facilities as defined in section 3722.01 of 7698
the Revised Code; 7699

(5) Facilities approved by the Veterans Administration under 7700
Section 104(a) of the "Veterans Health Care Amendments of 1983," 7701
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 7702
the placement and care of veterans. 7703

The department shall, by rule adopted in accordance with Chapter 119. of the Revised Code, establish deadlines for payments required by this section. A facility that fails to pay a payment required by this section not later than ninety days after the established deadline shall be assessed at two times the original invoiced payment.

(B) All money collected under this section shall be deposited in the state treasury to the credit of the office of the state long-term care ombudsperson program fund, which is hereby created. Money credited to the fund shall be used solely to pay the costs of operating the regional long-term care ombudsperson programs.

(C) The state long-term care ombudsperson and the regional programs may solicit and receive contributions to support the operation of the office or a regional program, except that no contribution shall be solicited or accepted that would interfere with the independence or objectivity of the office or program.

Sec. 173.39. As used in sections 173.39 to 173.393 of the Revised Code, "community-based long-term care services" has the same meaning as in section 173.14 of the Revised Code.

Except as provided in section 173.392 of the Revised Code, the department of aging may not pay a person or government entity for providing community-based long-term care services under a program the department administers unless the person or government entity is certified under section 173.391 of the Revised Code and provides the services.

Sec. 173.391. (A) The department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a person or government entity to provide community-based long-term care services under a program the

<u>department administers if the person or government entity</u>	7734
<u>satisfies the requirements for certification established by rules</u>	7735
<u>adopted under division (B) of this section;</u>	7736
<u>(2) When required to do so by rules adopted under division</u>	7737
<u>(B) of this section, take one or more of the following</u>	7738
<u>disciplinary actions against a person or government entity issued</u>	7739
<u>a certificate under division (A)(1) of this section:</u>	7740
<u>(a) Issue a written warning;</u>	7741
<u>(b) Require the submission of a plan of correction;</u>	7742
<u>(c) Suspend referrals;</u>	7743
<u>(d) Remove clients;</u>	7744
<u>(e) Impose a fiscal sanction such as a civil monetary penalty</u>	7745
<u>or an order that unearned funds be repaid;</u>	7746
<u>(f) Revoke the certificate;</u>	7747
<u>(g) Impose another sanction.</u>	7748
<u>(3) Hold hearings when there is a dispute between the</u>	7749
<u>department or its designee and a person or government entity</u>	7750
<u>concerning actions the department or its designee takes or does</u>	7751
<u>not take under division (A)(1) or (2) of this section.</u>	7752
<u>(B) The director of aging shall adopt rules in accordance</u>	7753
<u>with Chapter 119. of the Revised Code establishing certification</u>	7754
<u>requirements and standards for determining which type of</u>	7755
<u>disciplinary action to take under division (A)(2) of this section</u>	7756
<u>in individual situations. The rules shall establish procedures for</u>	7757
<u>all of the following:</u>	7758
<u>(1) Ensuring that PASSPORT agencies, as defined in section</u>	7759
<u>173.41 of the Revised Code, comply with that section;</u>	7760
<u>(2) Evaluating the services provided to ensure that they are</u>	7761
<u>provided in a quality manner advantageous to the individual</u>	7762

<u>receiving the services;</u>	7763
<u>(3) Determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take.</u>	7764
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<u>(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation:</u>	7767
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	7769
<u>(1) The service provider's experience and financial responsibility;</u>	7770
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<u>(2) The service provider's ability to comply with standards for the community-based long-term care services that the provider provides under a program the department administers;</u>	7772
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	7774
<u>(3) The service provider's ability to meet the needs of the individuals served;</u>	7775
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<u>(4) Any other factor the director considers relevant.</u>	7777
<u>(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious to the health or safety of individuals being served.</u>	7778
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<u>Sec. 173.392.</u> <u>(A) The department of aging may pay a person or government entity for providing community-based long-term care services under a program the department administers, even though the person or government entity is not certified under section 173.391 of the Revised Code if all of the following are the case:</u>	7785
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<u>(1) The person or government entity has a contract with the department of aging or the department's designee to provide the</u>	7790
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<u>services;</u>	7792
<u>(2) The contract includes detailed conditions of</u>	7793
<u>participation for providers of services under a program the</u>	7794
<u>department administers and service standards that the person or</u>	7795
<u>government entity is required to satisfy;</u>	7796
<u>(3) The person or government entity complies with the</u>	7797
<u>contract.</u>	7798
<u>(B) The director of aging shall adopt rules in accordance</u>	7799
<u>with Chapter 119. of the Revised Code governing both of the</u>	7800
<u>following:</u>	7801
<u>(1) Contracts between the department of aging and persons and</u>	7802
<u>government entities regarding community-based long-term care</u>	7803
<u>services provided under a program the department administers;</u>	7804
<u>(2) The department's payment for community-based long-term</u>	7805
<u>care services provided under such a contract.</u>	7806
Sec. 173.393. <u>The records of an evaluation conducted in</u>	7807
<u>accordance with rules adopted under division (B)(2) of section</u>	7808
<u>173.391 of the Revised Code are public records for purposes of</u>	7809
<u>section 149.43 of the Revised Code and shall be made available on</u>	7810
<u>request of any person, including individuals receiving or seeking</u>	7811
<u>community-based long-term care services under a program the</u>	7812
<u>department of aging administers.</u>	7813
Sec. 173.40. <u>There is hereby created a <u>medicaid waiver</u></u>	7814
<u>component of the medicaid program established under Chapter 5111.</u>	7815
<u>as defined in section 5111.85 of the Revised Code, to be known as</u>	7816
<u>the preadmission screening system providing options and resources</u>	7817
<u>today program, or PASSPORT. The PASSPORT program shall provide</u>	7818
<u>home and community-based services as an alternative to nursing</u>	7819
<u>facility placement for aged and disabled medicaid recipients. The</u>	7820

program shall be operated pursuant to a home and community-based 7821
waiver granted by the United States secretary of health and human 7822
services under section 1915 of the "Social Security Act," 49 Stat. 7823
620 (1935), 42 U.S.C. 1396n, as amended. The department of aging 7824
shall administer the program through a contract entered into with 7825
the department of job and family services under section 5111.91 of 7826
the Revised Code. The ~~directors~~ director of ~~aging and~~ job and 7827
family services shall adopt rules under section 5111.85 of the 7828
Revised Code and the director of aging shall adopt rules in 7829
accordance with Chapter 119. of the Revised Code to implement the 7830
program. 7831

Sec. ~~5101.75~~ 173.42. (A) As used in ~~sections 5101.75,~~ 7832
~~5101.751, 5101.752, 5101.753, and 5101.754 of the Revised Code~~ 7833
this section: 7834

(1) "~~Alternative source of long term care~~" ~~includes a~~ 7835
~~residential care facility licensed under Chapter 3721. of the~~ 7836
~~Revised Code, an adult care facility licensed under Chapter 3722.~~ 7837
~~of the Revised Code, home and community based services, and a~~ 7838
~~nursing home licensed under Chapter 3721. of the Revised Code that~~ 7839
~~is not a nursing facility~~ Area agency on aging" means a public or 7840
private nonprofit entity designated under section 173.011 of the 7841
Revised Code to administer programs on behalf of the department of 7842
aging. 7843

(2) "Medicaid" means the medical assistance program 7844
established under Chapter 5111. of the Revised Code. 7845

(3) "Nursing facility" has the same meaning as in section 7846
5111.20 of the Revised Code. 7847

(4) "Representative" means a person acting on behalf of an 7848
~~applicant~~ individual seeking information on long-term care 7849
services, applying for admission to a nursing facility, or 7850
residing in a nursing facility. A representative may be a family 7851

member, attorney, hospital social worker, or any other person 7852
chosen to act on behalf of ~~an applicant~~ the individual. 7853

(5) "Third-party payment source" means a third-party payer as 7854
defined in section 3901.38 of the Revised Code or medicaid. 7855

~~(B) Effective July 1, 1994, the department of job and family 7856
services may assess a person applying or intending to apply for 7857
admission to a nursing facility who is not an applicant for or 7858
recipient of medicaid to determine whether the person is in need 7859
of nursing facility services and whether an alternative source of 7860
long-term care is more appropriate for the person in meeting the 7861
person's physical, mental, and psychosocial needs than admission 7862
to the facility to which the person has applied. 7863~~

~~Each assessment shall be performed by the department or an 7864
agency designated by the department under section 5101.751 of the 7865
Revised Code and shall be based on information provided by the 7866
person or the person's representative. It shall consider the 7867
person's physical, mental, and psychosocial needs and the 7868
availability and effectiveness of informal support and care. The 7869
department or designated agency shall determine the person's 7870
physical, mental, and psychosocial needs by using, to the maximum 7871
extent appropriate, information from the resident assessment 7872
instrument specified in rules adopted by the department under 7873
division (A) of section 5111.231 of the Revised Code. The 7874
department or designated agency shall also use the criteria and 7875
procedures established in rules adopted by the department under 7876
division (I) of this section. Assessments may 7877~~

(1) The department of aging shall develop a long-term care 7878
consultation program whereby individuals or their representatives 7879
are provided with information through professional consultations 7880
about options available to meet long-term care needs and about 7881
factors to consider in making long-term care decisions. Except as 7882
provided in division (B)(2) of this section, the program shall be 7883

administered by the department.

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(2) The department may enter into a contract with an area agency on aging or other entity selected by the department under which the long-term care consultation program for a particular area is administered by the area agency on aging or other entity pursuant to the contract.

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(C) The long-term care consultations performed for purposes of this section shall be performed only by persons certified by the department under section 5101.752 173.43 of the Revised Code. The department or designated agency shall make a recommendation on the basis of the assessment and, not later than the time the assessment is required to be performed under division (D) of this section, give the person assessed written notice of the recommendation, which shall explain the basis for the recommendation. If the department or designated agency determines pursuant to an assessment that an alternative source of long term care is more appropriate for the person than admission to the facility to which the person has applied, the department or designated agency shall include in the notice possible sources of financial assistance for the alternative source of long term care. If the department or designated agency has been informed that the person has a representative, it shall give the notice to the representative.

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(D) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following:

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(1) The availability of any long-term care options open to the individual;

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(2) Sources and methods of both public and private payment for long-term care services;

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(3) Factors to consider when choosing among the available

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programs, services, and benefits; 7915

(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community. 7916
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(E) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5111.202, 5119.061, and 5123.021 of the Revised Code and may be performed concurrently with the assessment required under section 5111.204 of the Revised Code. 7919
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(F)(1) Unless an individual is exempt pursuant to division (H) of this section from receiving a long-term care consultation, a long-term care consultation shall be performed for both of the following: 7925
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(a) Each individual who applies or indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for the individual's care in the nursing facility; 7929
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(b) Each resident of a nursing facility who applies or indicates an intention to apply for medicaid. 7933
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(2) Long-term care consultations may be performed for nursing facility residents who have not applied and have not indicated an intention to apply for medicaid. The purpose of consultations for these individuals shall be to determine continued need for nursing facility services, to provide information on alternative services, and to make referrals to alternative services. 7935
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(G)(1) When a long-term care consultation is required to be performed pursuant to division (F)(1) of this section, the consultation shall be performed as follows or pursuant to division (G)(2) or (3) of this section: 7941
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(a) If the individual for whom the consultation is being performed has applied for medicaid and the consultation is being performed concurrently with the assessment required under section 5111.204 of the Revised Code, the consultation shall be completed in accordance with the applicable time frames specified in that section for providing a level of care determination based on the assessment. 7945
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(b) In all other cases, the consultation shall be performed not later than five calendar days after the department or the program administrator under contract with the department receives notice of the reason for which the consultation is required to be performed pursuant to division (F)(1) of this section. 7952
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(2) An individual or the individual's representative may request that a long-term care consultation be performed on a date that is later than the date required under division (G)(1)(a) or (b) of this section. 7957
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(3) If a long-term care consultation cannot be completed within the number of days required by division (G)(1) or (2) of this section, the department or the program administrator under contract with the department may do any of the following: 7961
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(a) Exempt the individual from the consultation pursuant to rules that may be adopted under division (K) of this section; 7965
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(b) In the case of an applicant for admission to a nursing facility, perform the consultation after the individual is admitted to the nursing facility; 7967
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(c) In the case of a resident of a nursing facility, perform the consultation as soon as practicable. 7970
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(H) An individual is not required to be assessed given a long-term care consultation under ~~division (B)~~ of this section if any of the following apply: 7972
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- (1) The ~~circumstances~~ individual or the individual's 7975
representative chooses to forego participation in the consultation 7976
pursuant to criteria specified by in rules adopted under division 7977
~~(I)(K)~~ of this section exist. 7978
- (2) The ~~person~~ individual is to receive care in a nursing 7979
facility under a contract for continuing care as defined in 7980
section 173.13 of the Revised Code. 7981
- (3) The ~~person~~ individual has a contractual right to 7982
admission to a nursing facility operated as part of a system of 7983
continuing care in conjunction with one or more facilities that 7984
provide a less intensive level of services, including a 7985
residential care facility licensed under Chapter 3721. of the 7986
Revised Code, an ~~adult-care~~ adult care facility licensed under 7987
Chapter 3722. of the Revised Code, or an independent living 7988
arrangement; 7989
- (4) The ~~person~~ individual is to receive continual care in a 7990
home for the aged exempt from taxation under section 5701.13 of 7991
the Revised Code; 7992
- (5) The ~~person is to receive care in the nursing facility for~~ 7993
~~not more than fourteen days in order to provide temporary relief~~ 7994
~~to the person's primary caregiver and the nursing facility~~ 7995
~~notifies the department of the person's admittance not later than~~ 7996
~~twenty four hours after admitting the person~~ individual is seeking 7997
admission to a facility that is not a nursing facility with a 7998
provider agreement under section 5111.22 of the Revised Code; 7999
- (6) The ~~person~~ individual is to be transferred from another 8000
nursing facility, ~~unless the nursing facility from which or to~~ 8001
~~which the person is to be transferred determines that the person's~~ 8002
~~medical condition has changed substantially since the person's~~ 8003
~~admission to the nursing facility from which the person is to be~~ 8004
~~transferred or a review is required by a third party payment~~ 8005

source; 8006

(7) The ~~person~~ individual is to be readmitted to a nursing 8007
facility following a period of hospitalization, ~~unless the~~ 8008
~~hospital or nursing facility determines that the person's medical~~ 8009
~~condition has changed substantially since the person's admission~~ 8010
~~to the hospital, or a review is required by a third party payment~~ 8011
~~source;~~ 8012

(8) The ~~department or designated agency fails to complete an~~ 8013
~~assessment within the time required by division (D) or (E) of this~~ 8014
~~section or determines after a partial assessment that the person~~ 8015
~~should be exempt from the assessment~~ individual is exempted from 8016
the long-term care consultation requirement by the department or 8017
the program administrator pursuant to rules that may be adopted 8018
under division (K) of this section. 8019

~~(D) The department or designated agency shall perform a~~ 8020
~~complete assessment, or, if circumstances provided by rules~~ 8021
~~adopted under division (I) of this section exist, a partial~~ 8022
~~assessment, as follows:~~ 8023

~~(1) In the case of a hospitalized person applying or~~ 8024
~~intending to apply to a nursing facility, not later than two~~ 8025
~~working days after the person or the person's representative is~~ 8026
~~notified that a bed is available in a nursing facility;~~ 8027

~~(2) In the case of an emergency as determined in accordance~~ 8028
~~with rules adopted under division (I) of this section, not later~~ 8029
~~than one working day after the person or the person's~~ 8030
~~representative is notified that a bed is available in a nursing~~ 8031
~~facility;~~ 8032

~~(3) In all other cases, not later than five calendar days~~ 8033
~~after the person or the person's representative who submits the~~ 8034
~~application is notified that a bed is available in a nursing~~ 8035
~~facility.~~ 8036

~~(E) If the department or designated agency conducts a partial assessment under division (D) of this section, it shall complete the rest of the assessment not later than one hundred eighty days after the date the person is admitted to the nursing facility unless the assessment entity determines the person should be exempt from the assessment.~~

~~(F) A person assessed under this section or the person's representative may file a complaint with the department about the assessment process. The department shall work to resolve the complaint in accordance with rules adopted under division (I) of this section.~~

~~(G) A person (I) At the conclusion of an individual's long-term care consultation, the department or the program administrator under contract with the department shall provide the individual or individual's representative with a written summary of options and resources available to meet the individual's needs. Even though the summary may specify that a source of long-term care other than care in a nursing facility is appropriate and available, the individual is not required to seek an alternative source of long-term care and may be admitted to or continue to reside in a nursing facility ~~even though an alternative source of long term care is available or the person is determined pursuant to an assessment under this section not to need nursing facility services.~~~~

~~(H)(J) No nursing facility for which an operator has a provider agreement with the department under section 5111.22 of the Revised Code shall admit or retain any person, other than a person exempt from the assessment requirement as provided by division (C) of this section, individual as a resident, unless the nursing facility has received evidence that a ~~complete or partial assessment~~ long-term care consultation has been completed for the individual or division (H) of this section is applicable to the~~

individual. 8069

~~(I)(K)~~ The director of job and family services shall aging 8070
may adopt any rules in accordance with Chapter 119. of the Revised 8071
Code to implement and administer the director considers necessary 8072
for the implementation and administration of this section. The 8073
rules shall ~~include~~ be adopted in accordance with Chapter 119. of 8074
the Revised Code and may specify all of the following: 8075

(1) ~~The information a person being assessed or the person's~~ 8076
~~representative must provide to enable the department or designated~~ 8077
~~agency to do the assessment;~~ 8078

~~(2) Criteria to be used to determine whether a person is in~~ 8079
~~need of nursing facility services;~~ 8080

~~(3) Criteria to be used to determine whether an alternative~~ 8081
~~source of long term care is appropriate for the person being~~ 8082
~~assessed;~~ 8083

~~(4) Criteria and procedures to be used to determine a~~ 8084
~~person's physical, mental, and psychosocial needs;~~ 8085

~~(5) Criteria to be used to determine the effectiveness and~~ 8086
~~continued availability of a person's current source of informal~~ 8087
~~support and care;~~ 8088

~~(6) Circumstances, in addition to those specified in division~~ 8089
~~(C) of this section, under which a person is not required to be~~ 8090
~~assessed;~~ 8091

~~(7) Circumstances under which the department or designated~~ 8092
~~agency may perform a partial assessment under division (D) of this~~ 8093
~~section;~~ 8094

~~(8) The method by which a situation will be determined to be~~ 8095
~~an emergency for the purpose of division (D)(2) of this section;~~ 8096

~~(9) The method by which the department will attempt to~~ 8097
~~resolve complaints filed under division (F) of this section~~ 8098

<u>Procedures for performing long-term care consultations pursuant to this section;</u>	8099
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<u>(2) Information to be provided through long-term care consultations regarding long-term care services that are available;</u>	8101
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<u>(3) Criteria for identifying nursing facility residents who would benefit from long-term care consultations;</u>	8104
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<u>(4) Criteria under which an individual or the individual's representative may chose to forego participation in a long-term care consultation;</u>	8106
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<u>(5) Criteria for exempting individuals from the long-term care consultation requirement.</u>	8109
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(J)(L) The director of job and family services aging may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code in either of the following circumstances:	8111
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(1) The nursing facility fails to notify the department within the required time about an admission described in division (C)(5) of this section;	8115
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(2) The if the nursing facility admits or retains an individual, without evidence that a complete or partial assessment long-term care consultation has been conducted performed, a person other than a person exempt from the assessment requirement as provided required by division (C) of this section.	8118
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The director shall deposit In accordance with section 5111.62 of the Revised Code, all fines collected under this division shall be deposited into the state treasury to the credit of the residents protection fund established by section 5111.62 of the Revised Code.	8123
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Sec. 5101.752 173.43. The department of job and family	8128

~~services aging shall certify registered nurses licensed under Chapter 4723. of the Revised Code and social workers and independent social workers licensed under Chapter 4757. of the Revised Code individuals who meet certification requirements established by rule to perform assessments under long-term care consultations for purposes of section 5101.75 or 5101.754 173.42 of the Revised Code. The director of job and family services aging shall adopt rules in accordance with Chapter 119. of the Revised Code governing the certification process and requirements. The rules shall specify the education, experience, or training in geriatric long-term care a person must have to qualify for certification.~~

Sec. 173.44. (A) As used in this section, "nursing home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code.

(B) The department of aging may conduct an annual survey of nursing homes and residential care facilities. The survey shall include questions about capacity, occupancy, and private pay charges. The department may contract with an outside entity to conduct the survey and analyze the results. The results of the survey and any analysis completed by the department or its designee shall be made available to the general assembly, other state agencies, nursing home and residential care facility providers, and the general public.

(C) No nursing home or residential care facility shall recklessly fail to complete the survey.

Sec. 173.45. As used in this section and in sections 173.46 to 173.49 of the Revised Code:

(A) "Long-term care facility" means any of the following:

(1) A nursing home;

<u>(2) A residential care facility;</u>	8159
<u>(3) A county home or district home that has never been licensed as a residential care facility under Chapter 3721. of the Revised Code.</u>	8160 8161 8162
<u>(B) "County home," "district home," "nursing home," and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code.</u>	8163 8164 8165
<u>(C) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.</u>	8166 8167
<u>Sec. 173.46.</u> <u>(A) The department of aging shall develop and publish a guide to long-term care facilities for use by individuals considering long-term care facility admission and their families, friends, and advisors. The guide, which shall be titled the Ohio long-term care consumer guide, may be published in printed form or in electronic form for distribution over the internet. The guide may be developed as a continuation or modification of the guide published by the department prior to the effective date of this section under rules adopted under section 173.02 of the Revised Code.</u>	8168 8169 8170 8171 8172 8173 8174 8175 8176 8177
<u>(B) The Ohio long-term care consumer guide shall include information on each long-term care facility in this state. For each facility, the guide shall include the following information, as applicable to the facility:</u>	8178 8179 8180 8181
<u>(1) Information regarding the facility's compliance with state statutes and rules and federal statutes and regulations;</u>	8182 8183
<u>(2) Information generated by the centers for medicare and medicaid services of the United States department of health and human services from the quality measures developed as part of its nursing home quality initiative;</u>	8184 8185 8186 8187
<u>(3) Results of the customer satisfaction surveys conducted</u>	8188

under section 173.47 of the Revised Code; 8189

(4) Any other information the department specifies in rules 8190
adopted under section 173.49 of the Revised Code. 8191

Sec. 173.47. (A) For purposes of publishing the Ohio 8192
long-term care consumer guide, the department of aging shall 8193
conduct or provide for the conduct of an annual customer 8194
satisfaction survey of each long-term care facility. The results 8195
of the surveys may include information obtained from long-term 8196
care facility residents, their families, or both. 8197

(B)(1) The department may charge fees for the conduct of 8198
annual customer satisfaction surveys. The department may contract 8199
with any person or government entity to collect the fees on its 8200
behalf. All fees collected under this section shall be deposited 8201
in accordance with section 173.48 of the Revised Code. 8202

(2) The fees charged under this section shall not exceed the 8203
following amounts: 8204

(a) Four hundred dollars for the customer satisfaction survey 8205
of a long-term care facility that is a nursing home or county home 8206
or district home operated in the same manner as a nursing home; 8207

(b) Three hundred dollars for the customer satisfaction 8208
survey pertaining to a long-term care facility that is a 8209
residential care facility or county home or district home not 8210
licensed as a residential care facility but operated in the same 8211
manner as a residential care facility. 8212

(3) Fees paid by a long-term care facility that is a nursing 8213
facility shall be reimbursed through the medicaid program operated 8214
under Chapter 5111. of the Revised Code. 8215

(C) Each long-term care facility shall cooperate in the 8216
conduct of its annual customer satisfaction survey. The director 8217
of aging may ask the attorney general to apply to the court of 8218

common pleas of the county in which a long-term care facility is 8219
located for a temporary or permanent injunction restraining the 8220
facility from failing to cooperate in the conduct of its customer 8221
satisfaction survey. 8222

Sec. 173.48. There is hereby created in the state treasury 8223
the long-term care consumer guide fund. Money collected from the 8224
fees charged for the conduct of customer satisfaction surveys 8225
under section 173.47 of the Revised Code shall be credited to the 8226
fund. The department of aging shall use money in the fund for 8227
costs associated with publishing the Ohio long-term care consumer 8228
guide, including costs incurred in conducting or providing for the 8229
conduct of customer satisfaction surveys. 8230

Sec. 173.49. The department of aging shall adopt rules as the 8231
department considers necessary to implement and administer 8232
sections 173.45 to 173.48 of the Revised Code. The rules shall be 8233
adopted under Chapter 119. of the Revised Code. 8234

Sec. 173.50. Pursuant to a contract entered into with the 8235
department of job and family services as an interagency agreement 8236
under section 5111.91 of the Revised Code, the department of aging 8237
shall carry out the day-to-day administration of the component of 8238
the medicaid program established under Chapter 5111. of the 8239
Revised Code known as the program of all-inclusive care for the 8240
elderly or PACE. The department shall carry out its PACE 8241
administrative duties in accordance with the provisions of the 8242
interagency agreement and all applicable federal laws, including 8243
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-4, 8244
as amended. 8245

Sec. 173.99. (A) A long-term care provider, person employed 8246
by a long-term care provider, other entity, or employee of such 8247

other entity that violates division (C) of section 173.24 of the Revised Code is subject to a fine not to exceed one thousand dollars for each violation.

(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

(C) A long-term care provider, other entity, or person employed by a long-term care provider or other entity that violates division (E) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ombudsperson program the access required by that division is subject to a fine not to exceed five hundred dollars for each violation.

(D) Whoever violates division (C) of section 173.44 of the Revised Code is subject to a fine of one hundred dollars.

Sec. 183.28. The education technology trust fund is hereby created in the state treasury. Money credited to the fund shall be used to pay costs of the agency designated by the governor to assume the functions of the Ohio SchoolNet commission ~~under section 3301.80 of the Revised Code~~. All investment earnings of the fund shall be credited to the fund.

Sec. 307.88. (A) Bids submitted pursuant to sections 307.86 to 307.92 of the Revised Code shall be in a form prescribed by the contracting authority and filed in a sealed envelope at the time and place mentioned in the ~~advertisement~~ notice. The bids received shall be opened and tabulated at the time stated in the notice. Each bid shall contain the full name of each person submitting the bid. ~~Except as otherwise provided in division (B) of this section,~~ if ~~if~~ the bid is in excess of ~~ten~~ twenty-five thousand dollars and for a contract for the construction, demolition, alteration,

repair, or reconstruction of an improvement, it shall meet the 8278
requirements of section 153.54 of the Revised Code. If the bid is 8279
in excess of ~~ten~~ twenty-five thousand dollars and for any other 8280
contract authorized by sections 307.86 to 307.92 of the Revised 8281
Code, it shall be accompanied by a bond or certified check, 8282
cashier's check, or money order on a solvent bank or savings and 8283
loan association in a reasonable amount stated in the 8284
~~advertisement~~ notice but not to exceed five per cent of the bid, 8285
conditioned that ~~he shall~~ the bidder, if ~~his~~ the bidder's bid is 8286
accepted, shall execute a contract in conformity to the invitation 8287
and ~~his~~ the bid. 8288

(B) The board of county commissioners ~~may~~, by a unanimous 8289
vote of the entire board, may permit a contracting authority to 8290
exempt a bid from any or all of the requirements of section 153.54 8291
of the Revised Code if the estimated cost is ~~less than~~ twenty-five 8292
thousand dollars or less. If the board exempts a bid from any but 8293
not all of ~~these~~ those requirements, the bid notice published in 8294
the newspaper pursuant to section 307.87 of the Revised Code shall 8295
state the specific bid guaranty requirements that apply. If the 8296
board exempts a bid from all requirements of section 153.54 of the 8297
Revised Code, the notice shall state that none of the requirements 8298
of that section apply. 8299

Sec. 317.08. (A) Except as provided in divisions (C) and (D) 8300
of this section, the county recorder shall keep six separate sets 8301
of records as follows: 8302

(1) A record of deeds, in which shall be recorded all deeds 8303
and other instruments of writing for the absolute and 8304
unconditional sale or conveyance of lands, tenements, and 8305
hereditaments; all notices as provided in sections 5301.47 to 8306
5301.56 of the Revised Code; all judgments or decrees in actions 8307
brought under section 5303.01 of the Revised Code; all 8308

declarations and bylaws, and all amendments to declarations and 8309
bylaws, as provided in Chapter 5311. of the Revised Code; 8310
affidavits as provided in section 5301.252 of the Revised Code; 8311
all certificates as provided in section 5311.17 of the Revised 8312
Code; all articles dedicating archaeological preserves accepted by 8313
the director of the Ohio historical society under section 149.52 8314
of the Revised Code; all articles dedicating nature preserves 8315
accepted by the director of natural resources under section 8316
1517.05 of the Revised Code; all agreements for the registration 8317
of lands as archaeological or historic landmarks under section 8318
149.51 or 149.55 of the Revised Code; all conveyances of 8319
conservation easements and agricultural easements under section 8320
5301.68 of the Revised Code; all instruments extinguishing 8321
agricultural easements under section 901.21 or 5301.691 of the 8322
Revised Code or pursuant to terms of such an easement granted to a 8323
charitable organization under section 5301.68 of the Revised Code; 8324
all instruments or orders described in division (B)(1)(c)(ii) of 8325
section 5301.56 of the Revised Code; all no further action letters 8326
issued under section 122.654 or 3746.11 of the Revised Code; all 8327
covenants not to sue issued under section 3746.12 of the Revised 8328
Code, including all covenants not to sue issued pursuant to 8329
section 122.654 of the Revised Code; any restrictions on the use 8330
of property contained in a no further action letter issued under 8331
section 122.654 of the Revised Code, any restrictions on the use 8332
of property identified pursuant to division (C)(3)(a) of section 8333
3746.10 of the Revised Code, and any restrictions on the use of 8334
property contained in a deed or other instrument as provided in 8335
division (E) or (F) of section 3737.882 of the Revised Code; any 8336
easement executed or granted under section 3734.22, 3734.24, 8337
3734.25, or 3734.26 of the Revised Code; any environmental 8338
covenant entered into in accordance with sections 5301.80 to 8339
5301.92 of the Revised Code; all memoranda of trust, as described 8340
in division (A) of section 5301.255 of the Revised Code, that 8341

describe specific real property; and all agreements entered into 8342
under division (A) of section 1521.26 of the Revised Code; 8343

(2) A record of mortgages, in which shall be recorded all of 8344
the following: 8345

(a) All mortgages, including amendments, supplements, 8346
modifications, and extensions of mortgages, or other instruments 8347
of writing by which lands, tenements, or hereditaments are or may 8348
be mortgaged or otherwise conditionally sold, conveyed, affected, 8349
or encumbered; 8350

(b) All executory installment contracts for the sale of land 8351
executed after September 29, 1961, that by their terms are not 8352
required to be fully performed by one or more of the parties to 8353
them within one year of the date of the contracts; 8354

(c) All options to purchase real estate, including 8355
supplements, modifications, and amendments of the options, but no 8356
option of that nature shall be recorded if it does not state a 8357
specific day and year of expiration of its validity; 8358

(d) Any tax certificate sold under section 5721.33 of the 8359
Revised Code, or memorandum of it, that is presented for filing of 8360
record. 8361

(3) A record of powers of attorney, including all memoranda 8362
of trust, as described in division (A) of section 5301.255 of the 8363
Revised Code, that do not describe specific real property; 8364

(4) A record of plats, in which shall be recorded all plats 8365
and maps of town lots, of the subdivision of town lots, and of 8366
other divisions or surveys of lands, any center line survey of a 8367
highway located within the county, the plat of which shall be 8368
furnished by the director of transportation or county engineer, 8369
and all drawings and amendments to drawings, as provided in 8370
Chapter 5311. of the Revised Code; 8371

(5) A record of leases, in which shall be recorded all 8372
leases, memoranda of leases, and supplements, modifications, and 8373
amendments of leases and memoranda of leases; 8374

(6) A record of declarations executed pursuant to section 8375
2133.02 of the Revised Code and durable powers of attorney for 8376
health care executed pursuant to section 1337.12 of the Revised 8377
Code. 8378

(B) All instruments or memoranda of instruments entitled to 8379
record shall be recorded in the proper record in the order in 8380
which they are presented for record. The recorder may index, keep, 8381
and record in one volume unemployment compensation liens, internal 8382
revenue tax liens and other liens in favor of the United States as 8383
described in division (A) of section 317.09 of the Revised Code, 8384
personal tax liens, mechanic's liens, agricultural product liens, 8385
notices of liens, certificates of satisfaction or partial release 8386
of estate tax liens, discharges of recognizances, excise and 8387
franchise tax liens on corporations, broker's liens, and liens 8388
provided for in sections 1513.33, 1513.37, 3752.13, ~~5111.021~~ 8389
5111.022, and 5311.18 of the Revised Code. 8390

The recording of an option to purchase real estate, including 8391
any supplement, modification, and amendment of the option, under 8392
this section shall serve as notice to any purchaser of an interest 8393
in the real estate covered by the option only during the period of 8394
the validity of the option as stated in the option. 8395

(C) In lieu of keeping the six separate sets of records 8396
required in divisions (A)(1) to (6) of this section and the 8397
records required in division (D) of this section, a county 8398
recorder may record all the instruments required to be recorded by 8399
this section in two separate sets of record books. One set shall 8400
be called the "official records" and shall contain the instruments 8401
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 8402

section. The second set of records shall contain the instruments 8403
listed in division (A)(4) of this section. 8404

(D) Except as provided in division (C) of this section, the 8405
county recorder shall keep a separate set of records containing 8406
all corrupt activity lien notices filed with the recorder pursuant 8407
to section 2923.36 of the Revised Code and a separate set of 8408
records containing all medicaid fraud lien notices filed with the 8409
recorder pursuant to section 2933.75 of the Revised Code. 8410

Sec. 317.36. (A) The county recorder shall collect the low- 8411
and moderate-income housing trust fund fee as specified in 8412
sections 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 4509.60, 8413
~~5111.021~~ 5111.022, 5310.15, 5719.07, 5727.56, 5733.18, 5733.22, 8414
6101.09, and 6115.09 of the Revised Code. The amount of any 8415
housing trust fund fee the recorder is authorized to collect is 8416
equal to the amount of any base fee the recorder is authorized to 8417
collect for services. The housing trust fund fee shall be 8418
collected in addition to the base fee. 8419

(B) The recorder shall certify the amounts collected as 8420
housing trust fund fees pursuant to division (A) of this section 8421
into the county treasury as housing trust fund fees to be paid to 8422
the treasurer of state pursuant to section 319.63 of the Revised 8423
Code. 8424

Sec. 319.20. After complying with sections 319.202, 315.251, 8425
and 319.203 of the Revised Code, and on application and 8426
presentation of title, with the affidavits required by law, or the 8427
proper order of a court, bearing the last known address of the 8428
grantee, or of any one of the grantees named in the title, and a 8429
reference to the volume and page of the recording of the next 8430
preceding recorded instrument by or through which the grantor 8431
claims title, the county auditor shall transfer any land or town 8432

lot or part thereof, minerals therein, or mineral rights thereto, 8433
charged with taxes on the tax list, from the name in which it 8434
stands into the name of the owner, when rendered necessary by a 8435
conveyance, partition, devise, descent, or otherwise. If by reason 8436
of the conveyance or otherwise, a part only of a tract or lot, 8437
minerals therein, or mineral rights thereto, as charged in the tax 8438
list, is to be transferred, the auditor shall determine the tax 8439
value of the part of a tract or lot of real estate, minerals 8440
therein, or mineral rights thereto, so transferred, and the value 8441
of the remaining part compared with the value of the whole. 8442

Whenever a part only of a tract or lot of real estate has 8443
been transferred by the auditor and ~~such~~ the tract or lot bears 8444
unpaid taxes, penalties, interest, or special assessments, the 8445
unpaid taxes, penalties, interest, or special assessments shall 8446
immediately be apportioned, upon demand or request by the 8447
transferee or remaining owner, in the following manner: 8448

(A) The auditor shall allocate to the part so transferred, 8449
and to the remaining part, amounts of any current or delinquent 8450
taxes, interest, or penalties that have accrued against the parcel 8451
as a whole, proportionate to their respective values. 8452

(B) The lien of taxes, penalties, interest, and special 8453
assessments, as levied against the original tract, shall extend to 8454
the part so transferred and the part remaining only to the extent 8455
of the amounts so allocated to the respective parts. 8456

This section does not change the total amount of taxes, 8457
special assessments, or other charges as originally levied, or the 8458
total amount of the balance due. The auditor shall certify such 8459
apportionments to the county treasurer. 8460

Whenever the state acquires an entire parcel or a part only 8461
of a parcel of real property in fee simple, the county auditor, 8462
upon application of the grantor or property owner or the state, 8463

which application shall contain a description of the property as 8464
it appears on the tax list and the date of transfer of ownership, 8465
shall prepare an estimate of the taxes that are a lien on ~~said~~ the 8466
property, but have not been determined, assessed, and levied for 8467
the year in which the property was acquired. The county auditor 8468
shall thereupon apportion ~~such~~ the estimated taxes proportionately 8469
between the grantor and the state for the period of the lien year 8470
that each had or shall have had ownership or possession of the 8471
property, whichever is earlier. The county auditor shall accept 8472
payment from the state for estimated taxes at the time that the 8473
real property is acquired. 8474

Section 319.42 of the Revised Code applies to the 8475
apportionment of special assessments. 8476

Complaint against such values as determined by the auditor or 8477
the allocation of assessments by the certifying authority may be 8478
filed by the transferee or the remaining owner, and if filed, 8479
proceedings including appeals shall be had in the manner and 8480
within the time provided by sections 5717.01 to 5717.06 and 8481
5715.19 to 5715.22 of the Revised Code, for complaints against 8482
valuation or assessment of real property. 8483

The auditor shall endorse on the deed or other evidences of 8484
title presented to the auditor that the proper transfer of the 8485
real estate described in ~~such~~ the deed has been made in the 8486
auditor's office or that it is not entered for taxation, and sign 8487
the auditor's name to ~~such~~ the deed. The address of the grantee, 8488
or any one of the grantees, set forth in the deed or other 8489
evidences of title shall be entered by the auditor on the transfer 8490
sheets and on the general tax list of real property prepared 8491
pursuant to section 319.28 of the Revised Code. 8492

Sec. 319.302. (A)(1) The county auditor shall classify each 8493
parcel of real property as qualifying property or nonqualifying 8494

property, according to its principal, current use. Vacant lots and 8495
tracts of land upon which there are no structures or improvements 8496
shall be classified in accordance with their location and their 8497
highest and best probable legal use. For purposes of this section, 8498
lands and improvements thereon used for residential or 8499
agricultural purposes shall be classified as qualifying property, 8500
and all other lands and improvements thereon and minerals or 8501
rights to minerals shall be classified as nonqualifying property. 8502

(2) Each year, the county auditor shall reclassify each 8503
parcel of real property whose principal, current use has changed 8504
from the preceding year to reflect the use of the property as of 8505
the first day of January of the current tax year. 8506

(B) After complying with section 319.301 of the Revised Code, 8507
the county auditor shall reduce the remaining sums to be levied 8508
against each parcel of real property listed on the general tax 8509
list and duplicate of real and public utility property for the 8510
current tax year and classified for that tax year as qualifying 8511
property under division (A) of this section, and against each 8512
manufactured and mobile home that is taxed pursuant to division 8513
(D)(2) of section 4503.06 of the Revised Code and that is on the 8514
manufactured home tax list for the current tax year, by ten per 8515
cent, to provide a partial exemption for that property or such 8516
home. Except as otherwise provided in sections 323.152, 323.158, 8517
505.06, and 715.263 of the Revised Code, the amount of the taxes 8518
remaining after such reduction, if any, shall be the real and 8519
public utility property taxes charged and payable on each parcel 8520
of real property, including nonqualifying property, and the 8521
manufactured home tax charged and payable, ~~on each property~~ 8522
manufactured or mobile home, and shall be the amounts certified to 8523
the county treasurer for collection. Upon receipt of the tax 8524
duplicate, the treasurer shall certify to the tax commissioner the 8525
total amount by which taxes were reduced under this section, as 8526

shown on the duplicate. Such reduction shall not directly or 8527
indirectly affect the determination of the principal amount of 8528
notes that may be issued in anticipation of any tax levies or the 8529
amount of bonds or notes for any planned improvements. If after 8530
application of sections 5705.31 and 5705.32 of the Revised Code 8531
and other applicable provisions of law, including divisions (F) 8532
and (I) of section 321.24 of the Revised Code, there would be 8533
insufficient funds for payment of debt charges on bonds or notes 8534
payable from taxes reduced by this section, the reduction of taxes 8535
provided for in this section shall be adjusted to the extent 8536
necessary to provide funds from such taxes. 8537

(C) The tax commissioner shall adopt rules governing the 8538
classification of property under this section, and no property 8539
shall be classified under this section except in accordance with 8540
those rules. 8541

(D) The classification required by division (A) of this 8542
section is solely for the purpose of allowing the partial 8543
exemption for qualifying property under division (B) of this 8544
section. This section does not apply to classifying real property 8545
for any other purpose authorized or required by law, or by rule of 8546
the tax commissioner. 8547

Sec. 319.54. (A) On all moneys collected by the county 8548
treasurer on any tax duplicate of the county, other than estate 8549
tax duplicates, and on all moneys received as advance payments of 8550
personal property and classified property taxes, the county 8551
auditor, on settlement with the treasurer and tax commissioner, on 8552
or before the date prescribed by law for such settlement or any 8553
lawful extension of such date, shall be allowed as compensation 8554
for the county auditor's services the following percentages: 8555

(1) On the first one hundred thousand dollars, two and 8556
one-half per cent; 8557

(2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent;

(3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent;

(4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent.

If any settlement is not made on or before the date prescribed by law for such settlement or any lawful extension of such date, the aggregate compensation allowed to the auditor shall be reduced one per cent for each day such settlement is delayed after the prescribed date. No penalty shall apply if the auditor and treasurer grant all requests for advances up to ninety per cent of the settlement pursuant to section 321.34 of the Revised Code. The compensation allowed in accordance with this section on settlements made before the dates prescribed by law, or the reduced compensation allowed in accordance with this section on settlements made after the date prescribed by law or any lawful extension of such date, shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(B) From all moneys collected by the county treasurer on any tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments of personal property and classified property taxes, there shall be paid into the county treasury to the credit of the real estate assessment fund created by section 325.31 of the Revised Code, an amount to be determined by the county auditor, which shall not exceed the following percentages:

(1) On the first one hundred thousand dollars, three and one-half per cent;

(2) On the next three million dollars, one and three-eighths	8589
per cent;	8590
(3) On the next three million dollars, one per cent;	8591
(4) On all further sums not exceeding one hundred fifty	8592
million dollars, three-quarters of one per cent;	8593
(5) On amounts exceeding one hundred fifty million dollars,	8594
six-tenths of one per cent.	8595
Such compensation shall be apportioned ratably by the auditor	8596
and deducted from the shares or portions of the revenue payable to	8597
the state as well as to the county, townships, municipal	8598
corporations, and school districts.	8599
(C) Each county auditor shall receive four per cent of the	8600
amount of tax collected and paid into the county treasury, on	8601
property omitted and placed by the county auditor on the tax	8602
duplicate.	8603
(D) On all estate tax moneys collected by the county	8604
treasurer, the county auditor, on settlement semiannually with the	8605
tax commissioner, shall be allowed, as compensation for the	8606
auditor's services under Chapter 5731. of the Revised Code, the	8607
following percentages:	8608
(1) Four per cent on the first one hundred thousand dollars;	8609
(2) One-half of one per cent on all additional sums.	8610
Such percentages shall be computed upon the amount collected	8611
and reported at each semiannual settlement, and shall be for the	8612
use of the general fund of the county.	8613
(E) On all cigarette license moneys collected by the county	8614
treasurer, the county auditor, on settlement semiannually with the	8615
treasurer, shall be allowed as compensation for the auditor's	8616
services in the issuing of such licenses one-half of one per cent	8617
of such moneys, to be apportioned ratably and deducted from the	8618

shares of the revenue payable to the county and subdivisions, for 8619
the use of the general fund of the county. 8620

(F) The county auditor shall charge and receive fees as 8621
follows: 8622

(1) For deeds of land sold for taxes to be paid by the 8623
purchaser, five dollars; 8624

(2) For the transfer or entry of land, lot, or part of lot, 8625
or the transfer or entry on or after January 1, 2000, of a used 8626
manufactured home or mobile home as defined in section 5739.0210 8627
of the Revised Code, fifty cents for each transfer or entry, to be 8628
paid by the person requiring it; 8629

(3) For receiving statements of value and administering 8630
section 319.202 of the Revised Code, one dollar, or ~~ten~~ twenty 8631
cents for each one hundred dollars or fraction of one hundred 8632
dollars, whichever is greater, of the value of the real property 8633
transferred or, ~~for sales occurring on or after January 1, 2000,~~ 8634
the value of the used manufactured home or used mobile home, as 8635
defined in section 5739.0210 of the Revised Code, transferred, 8636
except no fee shall be charged when the transfer is made: 8637

(a) To or from the United States, this state, or any 8638
instrumentality, agency, or political subdivision of the United 8639
States or this state; 8640

(b) Solely in order to provide or release security for a debt 8641
or obligation; 8642

(c) To confirm or correct a deed previously executed and 8643
recorded; 8644

(d) To evidence a gift, in trust or otherwise and whether 8645
revocable or irrevocable, between husband and wife, or parent and 8646
child or the spouse of either; 8647

(e) On sale for delinquent taxes or assessments; 8648

(f) Pursuant to court order, to the extent that such transfer 8649
is not the result of a sale effected or completed pursuant to such 8650
order; 8651

(g) Pursuant to a reorganization of corporations or 8652
unincorporated associations or pursuant to the dissolution of a 8653
corporation, to the extent that the corporation conveys the 8654
property to a stockholder as a distribution in kind of the 8655
corporation's assets in exchange for the stockholder's shares in 8656
the dissolved corporation; 8657

(h) By a subsidiary corporation to its parent corporation for 8658
no consideration, nominal consideration, or in sole consideration 8659
of the cancellation or surrender of the subsidiary's stock; 8660

(i) By lease, whether or not it extends to mineral or mineral 8661
rights, unless the lease is for a term of years renewable forever; 8662

(j) When the value of the real property or the manufactured 8663
or mobile home or the value of the interest that is conveyed does 8664
not exceed one hundred dollars; 8665

(k) Of an occupied residential property, including a 8666
manufactured or mobile home, being transferred to the builder of a 8667
new residence or to the dealer of a new manufactured or mobile 8668
home when the former residence is traded as part of the 8669
consideration for the new residence or new manufactured or mobile 8670
home; 8671

(l) To a grantee, other than a dealer in real property or in 8672
manufactured or mobile homes, solely for the purpose of, and as a 8673
step in, the prompt sale of the real property or manufactured or 8674
mobile home to others; 8675

(m) To or from a person when no money or other valuable and 8676
tangible consideration readily convertible into money is paid or 8677
to be paid for the real estate or manufactured or mobile home and 8678

the transaction is not a gift; 8679

(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 8680
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(o) To a trustee acting on behalf of minor children of the deceased; 8688
8689

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars; 8690
8691

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code; 8692
8693

(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization; 8694
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(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home; 8699
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(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust; 8703
8704

(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets; 8705
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8708

(v) To the beneficiaries of a trust, if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions ~~which~~ that became irrevocable at the death of the grantor;

(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;

(x) Between persons pursuant to section 5302.18 of the Revised Code.

The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except as provided in division (G) of this section.

~~The real property transfer fee provided for in division (F)(3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery.~~

The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.

(G) For each fee charged under division (F)(3) of this section, the county auditor shall deposit the greater of one dollar or one-half of the fee in the county treasury to the credit of the general fund of the county, and shall deposit the balance in the state treasury to the credit of the general revenue fund. The deposit in the state treasury to the credit of the general revenue fund shall be made by the fifteenth day of the month following the date the fee was received by the county auditor. If

the county auditor fails to make the deposit by that time, the tax 8740
commissioner may withhold local government fund money allocated to 8741
the county until such time the deposit is made. 8742

Sec. 321.24. (A) On or before the fifteenth day of February, 8743
in each year, the county treasurer shall settle with the county 8744
auditor for all taxes and assessments that the treasurer has 8745
collected on the general duplicate of real and public utility 8746
property at the time of making the settlement. 8747

(B) On or before the thirtieth day of June, in each year, the 8748
treasurer shall settle with the auditor for all advance payments 8749
of general personal and classified property taxes that the 8750
treasurer has received at the time of making the settlement. 8751

(C) On or before the tenth day of August, in each year, the 8752
treasurer shall settle with the auditor for all taxes and 8753
assessments that the treasurer has collected on the general 8754
duplicates of real and public utility property at the time of 8755
making such settlement, not included in the preceding February 8756
settlement. 8757

(D) On or before the thirty-first day of October, in each 8758
year, the treasurer shall settle with the auditor for all taxes 8759
that the treasurer has collected on the general personal and 8760
classified property duplicates, and for all advance payments of 8761
general personal and classified property taxes, not included in 8762
the preceding June settlement, that the treasurer has received at 8763
the time of making such settlement. 8764

(E) In the event the time for the payment of taxes is 8765
extended, pursuant to section 323.17 of the Revised Code, the date 8766
on or before which settlement for the taxes so extended must be 8767
made, as herein prescribed, shall be deemed to be extended for a 8768
like period of time. At each such settlement, the auditor shall 8769

allow to the treasurer, on the moneys received or collected and 8770
accounted for by the treasurer, the treasurer's fees, at the rate 8771
or percentage allowed by law, at a full settlement of the 8772
treasurer. 8773

(F) Within thirty days after the day of each settlement of 8774
taxes required under divisions (A) and (C) of this section, the 8775
treasurer shall certify to the tax commissioner any adjustments 8776
~~which~~ that have been made to the amount certified previously 8777
pursuant to section 319.302 of the Revised Code and that the 8778
settlement has been completed. Upon receipt of such certification, 8779
the commissioner shall provide for payment to the county treasurer 8780
from the general revenue fund of an amount equal to one-half of 8781
the amount certified by the treasurer in the preceding tax year 8782
under section 319.302 of the Revised Code, less one-half of the 8783
amount computed for all taxing districts in that county for the 8784
current fiscal year under section 5703.80 of the Revised Code for 8785
crediting to the property tax administration fund. Such payment 8786
shall be credited upon receipt to the county's undivided income 8787
tax fund, and the county auditor shall transfer to the county 8788
general fund from the amount thereof the total amount of all fees 8789
and charges which the auditor and treasurer would have been 8790
authorized to receive had such section not been in effect and that 8791
amount had been levied and collected as taxes. The county auditor 8792
shall distribute the amount remaining among the various taxing 8793
districts in the county as if it had been levied, collected, and 8794
settled as real property taxes. The amount distributed to each 8795
taxing district shall be reduced by the total of the amounts 8796
computed for the district under ~~divisions (A), (B), and (C) of~~ 8797
section 5703.80 of the Revised Code, but the reduction shall not 8798
exceed the amount that otherwise would be distributed to the 8799
taxing district under this division. The tax commissioner shall 8800
make available to taxing districts such information as is 8801

sufficient for a taxing district to be able to determine the 8802
amount of the reduction in its distribution under this section. 8803

(G)(1) Within thirty days after the day of the settlement 8804
required in division (D) of this section, the county treasurer 8805
shall notify the tax commissioner that the settlement has been 8806
completed. Upon receipt of that notification, the commissioner 8807
shall provide for payment to the county treasurer from the general 8808
revenue fund of an amount equal to the amount certified under 8809
former section 319.311 of the Revised Code and paid in the state's 8810
fiscal year 2003 multiplied by the percentage specified in 8811
division (G)(2) of this section. The payment shall be credited 8812
upon receipt to the county's undivided income tax fund, and the 8813
county auditor shall distribute the amount thereof among the 8814
various taxing districts of the county as if it had been levied, 8815
collected, and settled as personal property taxes. The amount 8816
received by a taxing district under this division shall be 8817
apportioned among its funds in the same proportion as the current 8818
year's personal property taxes are apportioned. 8819

(2) Payments required under division (G)(1) of this section 8820
shall be made at the following percentages of the amount certified 8821
under former section 319.311 of the Revised Code and paid under 8822
division (G)(1) of this section in the state's fiscal year 2003: 8823

(a) In fiscal year 2004, ninety per cent; 8824

(b) In fiscal year 2005, eighty per cent; 8825

(c) In fiscal year 2006, ~~seventy~~ sixty-four per cent; 8826

(d) In fiscal year 2007, ~~sixty~~ forty per cent; 8827

(e) In fiscal year 2008, ~~fifty~~ thirty-two per cent; 8828

(f) In fiscal year 2009, ~~forty~~ sixteen per cent; 8829

~~(g) In fiscal year 2010, thirty per cent;~~ 8830

~~(h) In fiscal year 2011, twenty per cent;~~ 8831

~~(i) In fiscal year 2012, ten per cent.~~ 8832

After fiscal year ~~2012~~ 2009, no payments shall be made under 8833
division (G)(1) of this section. 8834

(H)(1) On or before the fifteenth day of April each year, the 8835
county treasurer shall settle with the county auditor for all 8836
manufactured home taxes that the county treasurer has collected on 8837
the manufactured home tax duplicate at the time of making the 8838
settlement. 8839

(2) On or before the fifteenth day of September each year, 8840
the county treasurer shall settle with the county auditor for all 8841
remaining manufactured home taxes that the county treasurer has 8842
collected on the manufactured home tax duplicate at the time of 8843
making the settlement. 8844

(3) If the time for payment of such taxes is extended under 8845
section 4503.06 of the Revised Code, the time for making the 8846
settlement as prescribed by divisions (H)(1) and (2) of this 8847
section is extended for a like period of time. 8848

(I) Within thirty days after the day of each settlement of 8849
taxes required under division (H) of this section, the county 8850
treasurer shall certify to the tax commissioner any adjustments 8851
that have been made to the amount certified previously pursuant to 8852
section 319.302 of the Revised Code and that the settlement has 8853
been completed. Upon receipt of such certification, the 8854
commissioner shall provide for payment to the county treasurer 8855
from the general revenue fund of an amount equal to one-half of 8856
the amount certified by the treasurer in the current tax year 8857
under section 319.302 of the Revised Code. Such payment shall be 8858
credited upon receipt to the county's undivided income tax fund, 8859
and the county auditor shall transfer to the county general fund 8860
from the amount thereof the total amount of all fees and charges 8861
that the auditor and treasurer would have been authorized to 8862

receive had such section not been in effect and that amount had 8863
been levied and collected as taxes. The county auditor shall 8864
distribute the amount remaining among the various taxing districts 8865
in the county as if it had been levied, collected, and settled as 8866
manufactured home taxes. 8867

Sec. 323.01. Except as otherwise provided, as used in Chapter 8868
323. of the Revised Code: 8869

(A) "Subdivision" means any county, township, school 8870
district, or municipal corporation. 8871

(B) "Municipal corporation" includes charter municipalities. 8872

(C) "Taxes" means the total amount of all charges against an 8873
entry appearing on a tax list and the duplicate thereof that was 8874
prepared and certified in accordance with section 319.28 of the 8875
Revised Code, including taxes levied against real estate; taxes on 8876
property whose value is certified pursuant to section 5727.23 of 8877
the Revised Code; recoupment charges applied pursuant to section 8878
5713.35 of the Revised Code; all assessments; penalties and 8879
interest charged pursuant to section 323.121 of the Revised Code; 8880
charges added pursuant to section 319.35 of the Revised Code; and 8881
all of such charges which remain unpaid from any previous tax 8882
year. 8883

(D) "Current taxes" means all taxes charged against an entry 8884
on the general tax list and duplicate of real and public utility 8885
property that have not appeared on such list and duplicate for any 8886
prior tax year and any penalty thereon charged by division (A) of 8887
section 323.121 of the Revised Code. Current taxes, whether or not 8888
they have been certified delinquent, become delinquent taxes if 8889
they remain unpaid after the last day prescribed for payment of 8890
the second installment of current taxes without penalty. 8891

(E) "Delinquent taxes" means: 8892

(1) Any taxes charged against an entry on the general tax list and duplicate of real and public utility property that were charged against an entry on such list and duplicate for a prior tax year and any penalties and interest charged against such taxes.

(2) Any current taxes charged on the general tax list and duplicate of real and public utility property that remain unpaid after the last day prescribed for payment of the second installment of such taxes without penalty, whether or not they have been certified delinquent, and any penalties and interest charged against such taxes.

(F) "Current tax year" means, with respect to particular taxes, the calendar year in which the first installment of taxes is due prior to any extension granted under section 323.17 of the Revised Code.

(G) "Liquidated claim" means:

(1) Any sum of money due and payable, upon a written contractual obligation executed between the subdivision and the taxpayer, but excluding any amount due on general and special assessment bonds and notes;

(2) Any sum of money due and payable, for disability financial assistance ~~or disability medical assistance~~ provided under Chapter 5115. of the Revised Code that is furnished to or in behalf of a subdivision, provided that such claim is recognized by a resolution or ordinance of the legislative body of such subdivision;

(3) Any sum of money advanced and paid to or received and used by a subdivision, pursuant to a resolution or ordinance of such subdivision or its predecessor in interest, and the moral obligation to repay which sum, when in funds, shall be recognized by resolution or ordinance by the subdivision.

Sec. 323.152. In addition to the reduction in taxes required 8924
under section 319.302 of the Revised Code, taxes shall be reduced 8925
as provided in divisions (A) and (B) of this section. 8926

(A)(1) Division (A) of this section applies to any of the 8927
following: 8928

(a) A person who is permanently and totally disabled; 8929

(b) A person who is sixty-five years of age or older; 8930

(c) A person who is the surviving spouse of a deceased person 8931
who was permanently and totally disabled or sixty-five years of 8932
age or older and who applied and qualified for a reduction in 8933
taxes under this division in the year of death, provided the 8934
surviving spouse is at least fifty-nine but not sixty-five or more 8935
years of age on the date the deceased spouse dies. 8936

(2) Real property taxes on a homestead owned and occupied, or 8937
a homestead in a housing cooperative occupied, by a person to whom 8938
division (A) of this section applies shall be reduced for each 8939
year for which the owner obtains a certificate of reduction from 8940
the county auditor under section 323.154 of the Revised Code or 8941
for which the occupant obtains a certificate of reduction in 8942
accordance with section 323.159 of the Revised Code. The reduction 8943
shall equal the amount obtained by multiplying the tax rate for 8944
the tax year for which the certificate is issued by the reduction 8945
in taxable value shown in the following schedule: 8946

Reduce Taxable Value		8947
Total Income	by the Lesser of:	8948
\$11,900 or less	\$5,000 or seventy-five per cent	8949
More than \$11,900 but not more than \$17,500	\$3,000 or sixty per cent	8950
More than \$17,500 but not more than \$23,000	\$1,000 or twenty-five per cent	8951

More than \$23,000 -0- 8952

(3) Each calendar year, the tax commissioner shall adjust the 8953
foregoing schedule by completing the following calculations in 8954
September of each year: 8955

(a) Determine the percentage increase in the gross domestic 8956
product deflator determined by the bureau of economic analysis of 8957
the United States department of commerce from the first day of 8958
January of the preceding calendar year to the last day of December 8959
of the preceding calendar year; 8960

(b) Multiply that percentage increase by each of the total 8961
income amounts, and by each dollar amount by which taxable value 8962
is reduced, for the current tax year; 8963

(c) Add the resulting product to each of the total income 8964
amounts, and to each of the dollar amounts by which taxable value 8965
is reduced, for the current tax year; 8966

(d)(i) Except as provided in division (A)(3)(d)(ii) of this 8967
section, round the resulting sum to the nearest multiple of one 8968
hundred dollars; 8969

(ii) If rounding the resulting sum to the nearest multiple of 8970
one hundred dollars under division (A)(3)(d)(i) of this section 8971
does not increase the dollar amounts by which taxable value is 8972
reduced, the resulting sum instead shall be rounded to the nearest 8973
multiple of ten dollars. 8974

The commissioner shall certify the amounts resulting from the 8975
adjustment to each county auditor not later than the first day of 8976
December each year. The certified amounts apply to the following 8977
tax year. The commissioner shall not make the adjustment in any 8978
calendar year in which the amounts resulting from the adjustment 8979
would be less than the total income amounts, or less than the 8980
dollar amounts by which taxable value is reduced, for the current 8981
tax year. 8982

(B) ~~Real~~ To provide a partial exemption, real property taxes 8983
on any homestead, and manufactured home taxes on any manufactured 8984
or mobile home on which a manufactured home tax is assessed 8985
pursuant to division (D)(2) of section 4503.06 of the Revised 8986
Code, shall be reduced for each year for which the owner obtains a 8987
certificate of reduction from the county auditor under section 8988
323.154 of the Revised Code. The amount of the reduction shall 8989
equal ~~one-fourth~~ two and one-half per cent of the amount ~~by which~~ 8990
~~the~~ of taxes ~~charged and payable to be levied~~ on the homestead or 8991
the manufactured or mobile home ~~are reduced for such year under~~ 8992
after applying section ~~319.302~~ 319.301 of the Revised Code. 8993

(C) The reductions granted by this section do not apply to 8994
special assessments or respread of assessments levied against the 8995
homestead, and if there is a transfer of ownership subsequent to 8996
the filing of an application for a reduction in taxes, such 8997
reductions are not forfeited for such year by virtue of such 8998
transfer. 8999

(D) The reductions in taxable value referred to in this 9000
section shall be applied solely as a factor for the purpose of 9001
computing the reduction of taxes under this section and shall not 9002
affect the total value of property in any subdivision or taxing 9003
district as listed and assessed for taxation on the tax lists and 9004
duplicates, or any direct or indirect limitations on indebtedness 9005
of a subdivision or taxing district. If after application of 9006
sections 5705.31 and 5705.32 of the Revised Code, including the 9007
allocation of all levies within the ten-mill limitation to debt 9008
charges to the extent therein provided, there would be 9009
insufficient funds for payment of debt charges not provided for by 9010
levies in excess of the ten-mill limitation, the reduction of 9011
taxes provided for in sections 323.151 to 323.159 of the Revised 9012
Code shall be proportionately adjusted to the extent necessary to 9013
provide such funds from levies within the ten-mill limitation. 9014

(E) No reduction shall be made on the taxes due on the homestead of any person convicted of violating division (C) or (D) of section 323.153 of the Revised Code for a period of three years following the conviction.

Sec. 329.04. (A) The county department of job and family services shall have, exercise, and perform the following powers and duties:

(1) Perform any duties assigned by the state department of job and family services regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:

(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

(d) Duties assigned under section 5111.98 of the Revised Code.

(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;

~~(3) Administer disability medical assistance, as required by~~ 9045
~~the state department of job and family services under section~~ 9046
~~5115.13 of the Revised Code;~~ 9047

~~(4)~~ Administer burials insofar as the administration of 9048
burials was, prior to September 12, 1947, imposed upon the board 9049
of county commissioners and if otherwise required by state law; 9050

~~(5)~~(4) Cooperate with state and federal authorities in any 9051
matter relating to family services and to act as the agent of such 9052
authorities; 9053

~~(6)~~(5) Submit an annual account of its work and expenses to 9054
the board of county commissioners and to the state department of 9055
job and family services at the close of each fiscal year; 9056

~~(7)~~(6) Exercise any powers and duties relating to family 9057
services duties or workforce development activities imposed upon 9058
the county department of job and family services by law, by 9059
resolution of the board of county commissioners, or by order of 9060
the governor, when authorized by law, to meet emergencies during 9061
war or peace; 9062

~~(8)~~(7) Determine the eligibility for medical assistance of 9063
recipients of aid under Title XVI of the "Social Security Act"; 9064

~~(9)~~(8) If assigned by the state director of job and family 9065
services under section 5101.515 of the Revised Code, determine 9066
applicants' eligibility for health assistance under the children's 9067
health insurance program part II; 9068

~~(10)~~(9) Enter into a plan of cooperation with the board of 9069
county commissioners under section 307.983, consult with the board 9070
in the development of the transportation work plan developed under 9071
section 307.985, establish with the board procedures under section 9072
307.986 for providing services to children whose families relocate 9073
frequently, and comply with the contracts the board enters into 9074

under sections 307.981 and 307.982 of the Revised Code that affect 9075
the county department; 9076

~~(11)~~(10) For the purpose of complying with a fiscal agreement 9077
the board of county commissioners enters into under section 307.98 9078
of the Revised Code, exercise the powers and perform the duties 9079
the fiscal agreement assigns to the county department; 9080

~~(12)~~(11) If the county department is designated as the 9081
workforce development agency, provide the workforce development 9082
activities specified in the contract required by section 330.05 of 9083
the Revised Code. 9084

(B) The powers and duties of a county department of job and 9085
family services are, and shall be exercised and performed, under 9086
the control and direction of the board of county commissioners. 9087
The board may assign to the county department any power or duty of 9088
the board regarding family services duties and workforce 9089
development activities. If the new power or duty necessitates the 9090
state department of job and family services changing its federal 9091
cost allocation plan, the county department may not implement the 9092
power or duty unless the United States department of health and 9093
human services approves the changes. 9094

Sec. 329.051. The county department of job and family 9095
services shall make voter registration applications as prescribed 9096
by the secretary of state under section 3503.10 of the Revised 9097
Code available to persons who are applying for, receiving 9098
assistance from, or participating in any of the following: 9099

(A) The disability financial assistance program established 9100
under Chapter 5115. of the Revised Code; 9101

~~(B) The disability medical assistance program established 9102
under Chapter 5115. of the Revised Code; 9103~~

~~(C) The medical assistance program established under Chapter 9104~~

5111. of the Revised Code;	9105
(D) (C) The Ohio works first program established under Chapter	9106
5107. of the Revised Code;	9107
(E) (D) The prevention, retention, and contingency program	9108
established under Chapter 5108. of the Revised Code.	9109
Sec. 339.72. (A) Each board of county commissioners shall	9110
provide for the county to be served by a tuberculosis control unit	9111
by designating a county tuberculosis control unit or by entering	9112
into an agreement with one or more boards of county commissioners	9113
of other counties under which the boards jointly designate a	9114
district tuberculosis control unit. The entity designated as the	9115
county or district tuberculosis control unit may be any of the	9116
following:	9117
(1) A communicable disease control program operated by a	9118
board of health of a city or general health district pursuant to	9119
section 3709.22 of the Revised Code;	9120
(2) A tuberculosis program operated by a county that receives	9121
funds pursuant to section 339.77 of the Revised Code;	9122
(3) A tuberculosis clinic established by a board of county	9123
commissioners pursuant to section 339.76 of the Revised Code;	9124
(4) (3) A hospital that provides tuberculosis clinic services	9125
under a contract with a board of county commissioners pursuant to	9126
section 339.75 of the Revised Code.	9127
(B) The entity designated under division (A) of this section	9128
as the tuberculosis control unit shall accept that designation and	9129
fulfill its duties as the tuberculosis control unit specified	9130
under sections 339.71 to 339.89 of the Revised Code.	9131
Sec. 339.88. The expenses incurred for detention under	9132
section 339.86 or 339.87 of the Revised Code shall be paid by the	9133

individual detained or if the individual is indigent, by the board 9134
of county commissioners of the county from which the individual 9135
was removed. ~~The board of county commissioners may apply to the 9136~~
~~director of health for reimbursement under section 339.77 of the 9137~~
~~Revised Code for expenses of detaining indigent individuals with 9138~~
~~tuberculosis. 9139~~

Sec. 340.03. (A) Subject to rules issued by the director of 9140
mental health after consultation with relevant constituencies as 9141
required by division (A)(11) of section 5119.06 of the Revised 9142
Code, with regard to mental health services, the board of alcohol, 9143
drug addiction, and mental health services shall: 9144

(1) Serve as the community mental health planning agency for 9145
the county or counties under its jurisdiction, and in so doing it 9146
shall: 9147

(a) Evaluate the need for facilities and community mental 9148
health services; 9149

(b) In cooperation with other local and regional planning and 9150
funding bodies and with relevant ethnic organizations, assess the 9151
community mental health needs, set priorities, and develop plans 9152
for the operation of facilities and community mental health 9153
services; 9154

(c) In accordance with guidelines issued by the director of 9155
mental health after consultation with board representatives, 9156
develop and submit to the department of mental health, no later 9157
than six months prior to the conclusion of the fiscal year in 9158
which the board's current plan is scheduled to expire, a community 9159
mental health plan listing community mental health needs, 9160
including the needs of all residents of the district now residing 9161
in state mental institutions and severely mentally disabled 9162
adults, children, and adolescents; all children subject to a 9163
determination made pursuant to section 121.38 of the Revised Code; 9164

and all the facilities and community mental health services that 9165
are or will be in operation or provided during the period for 9166
which the plan will be in operation in the service district to 9167
meet such needs. 9168

The plan shall include, but not be limited to, a statement of 9169
which of the services listed in section 340.09 of the Revised Code 9170
the board intends to provide or purchase, an explanation of how 9171
the board intends to make any payments that it may be required to 9172
pay under section 5119.62 of the Revised Code, a statement of the 9173
inpatient and community-based services the board proposes that the 9174
department operate, an assessment of the number and types of 9175
residential facilities needed, and such other information as the 9176
department requests, and a budget for moneys the board expects to 9177
receive. The board shall also submit an allocation request for 9178
state and federal funds. Within sixty days after the department's 9179
determination that the plan and allocation request are complete, 9180
the department shall approve or disapprove the plan and request, 9181
in whole or in part, according to the criteria developed pursuant 9182
to section 5119.61 of the Revised Code. The department's statement 9183
of approval or disapproval shall specify the inpatient and the 9184
community-based services that the department will operate for the 9185
board. Eligibility for financial support shall be contingent upon 9186
an approved plan or relevant part of a plan. 9187

If the director disapproves all or part of any plan, the 9188
director shall inform the board of the reasons for the disapproval 9189
and of the criteria that must be met before the plan may be 9190
approved. The director shall provide the board an opportunity to 9191
present its case on behalf of the plan. The director shall give 9192
the board a reasonable time in which to meet the criteria, and 9193
shall offer the board technical assistance to help it meet the 9194
criteria. 9195

If the approval of a plan remains in dispute thirty days 9196

prior to the conclusion of the fiscal year in which the board's
current plan is scheduled to expire, the board or the director may
request that the dispute be submitted to a mutually agreed upon
third-party mediator with the cost to be shared by the board and
the department. The mediator shall issue to the board and the
department recommendations for resolution of the dispute. Prior to
the conclusion of the fiscal year in which the current plan is
scheduled to expire, the director, taking into consideration the
recommendations of the mediator, shall make a final determination
and approve or disapprove the plan, in whole or in part.

If a board determines that it is necessary to amend a plan or
an allocation request that has been approved under division
(A)(1)(c) of this section, the board shall submit a proposed
amendment to the director. The director may approve or disapprove
all or part of the amendment. If the director does not approve all
or part of the amendment within thirty days after it is submitted,
the amendment or part of it shall be considered to have been
approved. The director shall inform the board of the reasons for
disapproval of all or part of an amendment and of the criteria
that must be met before the amendment may be approved. The
director shall provide the board an opportunity to present its
case on behalf of the amendment. The director shall give the board
a reasonable time in which to meet the criteria, and shall offer
the board technical assistance to help it meet the criteria.

The board shall implement the plan approved by the
department.

(d) Receive, compile, and transmit to the department of
mental health applications for state reimbursement;

(e) Promote, arrange, and implement working agreements with
social agencies, both public and private, and with judicial
agencies.

(2) Investigate, or request another agency to investigate, 9228
any complaint alleging abuse or neglect of any person receiving 9229
services from a community mental health agency as defined in 9230
section 5122.01 of the Revised Code, or from a residential 9231
facility licensed under section 5119.22 of the Revised Code. If 9232
the investigation substantiates the charge of abuse or neglect, 9233
the board shall take whatever action it determines is necessary to 9234
correct the situation, including notification of the appropriate 9235
authorities. Upon request, the board shall provide information 9236
about such investigations to the department. 9237

(3) For the purpose of section 5119.611 of the Revised Code, 9238
cooperate with the director of mental health in visiting and 9239
evaluating whether the services of a community mental health 9240
agency satisfy the certification standards established by rules 9241
adopted under that section; 9242

(4) In accordance with criteria established under division 9243
(G) of section 5119.61 of the Revised Code, review and evaluate 9244
the quality, effectiveness, and efficiency of services provided 9245
through its community mental health plan and submit its findings 9246
and recommendations to the department of mental health; 9247

(5) In accordance with section 5119.22 of the Revised Code, 9248
review applications for residential facility licenses and 9249
recommend to the department of mental health approval or 9250
disapproval of applications; 9251

(6) Audit, in accordance with rules adopted by the auditor of 9252
state pursuant to section 117.20 of the Revised Code, at least 9253
annually all programs and services provided under contract with 9254
the board. In so doing, the board may contract for or employ the 9255
services of private auditors. A copy of the fiscal audit report 9256
shall be provided to the director of mental health, the auditor of 9257
state, and the county auditor of each county in the board's 9258

district. 9259

(7) Recruit and promote local financial support for mental health programs from private and public sources; 9260
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(8)(a) Enter into contracts with public and private facilities for the operation of facility services included in the board's community mental health plan and enter into contracts with public and private community mental health agencies for the provision of community mental health services listed in section 340.09 of the Revised Code and included in the board's community mental health plan. Contracts with community mental health agencies are subject to section 5119.611 of the Revised Code. Section 307.86 of the Revised Code does not apply to contracts entered into under this division. In contracting with a community mental health agency, a board shall consider the cost effectiveness of services provided by that agency and the quality and continuity of care, and may review cost elements, including salary costs, of the services to be provided. A utilization review process shall be established as part of the contract for services entered into between a board and a community mental health agency. The board may establish this process in a way that is most effective and efficient in meeting local needs. In the case of a contract with a community mental health facility, as defined in section ~~5111.022~~ 5111.023 of the Revised Code, to provide services listed in division (B) of that section, the contract shall provide for the facility to be paid in accordance with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and any rules adopted under division (A) of section 5119.61 of the Revised Code. 9262
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If either the board or a facility or community mental health agency with which the board contracts under division (A)(8)(a) of this section proposes not to renew the contract or proposes 9288
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substantial changes in contract terms, the other party shall be
given written notice at least one hundred twenty days before the
expiration date of the contract. During the first sixty days of
this one hundred twenty-day period, both parties shall attempt to
resolve any dispute through good faith collaboration and
negotiation in order to continue to provide services to persons in
need. If the dispute has not been resolved sixty days before the
expiration date of the contract, either party may notify the
department of mental health of the unresolved dispute. The
director may require both parties to submit the dispute to a third
party with the cost to be shared by the board and the facility or
community mental health agency. The third party shall issue to the
board, the facility or agency, and the department recommendations
on how the dispute may be resolved twenty days prior to the
expiration date of the contract, unless both parties agree to a
time extension. The director shall adopt rules establishing the
procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health,
a board may operate a facility or provide a community mental
health service as follows, if there is no other qualified private
or public facility or community mental health agency that is
immediately available and willing to operate such a facility or
provide the service:

(i) In an emergency situation, any board may operate a
facility or provide a community mental health service in order to
provide essential services for the duration of the emergency;

(ii) In a service district with a population of at least one
hundred thousand but less than five hundred thousand, a board may
operate a facility or provide a community mental health service
for no longer than one year;

(iii) In a service district with a population of less than

one hundred thousand, a board may operate a facility or provide a
community mental health service for no longer than one year,
except that such a board may operate a facility or provide a
community mental health service for more than one year with the
prior approval of the director and the prior approval of the board
of county commissioners, or of a majority of the boards of county
commissioners if the district is a joint-county district.

The director shall not give a board approval to operate a
facility or provide a community mental health service under
division (A)(8)(b)(ii) or (iii) of this section unless the
director determines that it is not feasible to have the department
operate the facility or provide the service.

The director shall not give a board approval to operate a
facility or provide a community mental health service under
division (A)(8)(b)(iii) of this section unless the director
determines that the board will provide greater administrative
efficiency and more or better services than would be available if
the board contracted with a private or public facility or
community mental health agency.

The director shall not give a board approval to operate a
facility previously operated by a person or other government
entity unless the board has established to the director's
satisfaction that the person or other government entity cannot
effectively operate the facility or that the person or other
government entity has requested the board to take over operation
of the facility. The director shall not give a board approval to
provide a community mental health service previously provided by a
community mental health agency unless the board has established to
the director's satisfaction that the agency cannot effectively
provide the service or that the agency has requested the board
take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of community mental health service under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community mental health agency, but a facility or agency may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or agency.

(9) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community mental health agencies in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;

(10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the programs under the jurisdiction of the board, including a fiscal accounting;

(11) Establish, to the extent resources are available, a community support system, which provides for treatment, support, and rehabilitation services and opportunities. The essential elements of the system include, but are not limited to, the following components in accordance with section 5119.06 of the Revised Code:

(a) To locate persons in need of mental health services to inform them of available services and benefits mechanisms;

(b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Mental health care, including, but not limited to,

outpatient, partial hospitalization, and, where appropriate,	9383
inpatient care;	9384
(d) Emergency services and crisis intervention;	9385
(e) Assistance for clients to obtain vocational services and opportunities for jobs;	9386 9387
(f) The provision of services designed to develop social, community, and personal living skills;	9388 9389
(g) Access to a wide range of housing and the provision of residential treatment and support;	9390 9391
(h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others;	9392 9393 9394
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health services;	9395 9396 9397 9398 9399
(j) Grievance procedures and protection of the rights of consumers of mental health services;	9400 9401
(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.	9402 9403 9404
(12) Designate the treatment program, agency, or facility for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code and authorize payment for such treatment. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the services listed in section 340.09 of the Revised Code are available to severely mentally disabled persons residing within its service	9405 9406 9407 9408 9409 9410 9411 9412

district. The board shall establish the procedure for authorizing 9413
payment for services, which may include prior authorization in 9414
appropriate circumstances. The board may provide for services 9415
directly to a severely mentally disabled person when life or 9416
safety is endangered and when no community mental health agency is 9417
available to provide the service. 9418

(13) Establish a method for evaluating referrals for 9419
involuntary commitment and affidavits filed pursuant to section 9420
5122.11 of the Revised Code in order to assist the probate 9421
division of the court of common pleas in determining whether there 9422
is probable cause that a respondent is subject to involuntary 9423
hospitalization and what alternative treatment is available and 9424
appropriate, if any; 9425

(14) Ensure that apartments or rooms built, subsidized, 9426
renovated, rented, owned, or leased by the board or a community 9427
mental health agency have been approved as meeting minimum fire 9428
safety standards and that persons residing in the rooms or 9429
apartments are receiving appropriate and necessary services, 9430
including culturally relevant services, from a community mental 9431
health agency. This division does not apply to residential 9432
facilities licensed pursuant to section 5119.22 of the Revised 9433
Code. 9434

(15) Establish a mechanism for involvement of consumer 9435
recommendation and advice on matters pertaining to mental health 9436
services in the alcohol, drug addiction, and mental health service 9437
district; 9438

(16) Perform the duties under section 3722.18 of the Revised 9439
Code required by rules adopted under section 5119.61 of the 9440
Revised Code regarding referrals by the board or mental health 9441
agencies under contract with the board of individuals with mental 9442
illness or severe mental disability to adult care facilities and 9443

effective arrangements for ongoing mental health services for the 9444
individuals. The board is accountable in the manner specified in 9445
the rules for ensuring that the ongoing mental health services are 9446
effectively arranged for the individuals. 9447

(B) The board shall establish such rules, operating 9448
procedures, standards, and bylaws, and perform such other duties 9449
as may be necessary or proper to carry out the purposes of this 9450
chapter. 9451

(C) A board of alcohol, drug addiction, and mental health 9452
services may receive by gift, grant, devise, or bequest any 9453
moneys, lands, or property for the benefit of the purposes for 9454
which the board is established, and may hold and apply it 9455
according to the terms of the gift, grant, or bequest. All money 9456
received, including accrued interest, by gift, grant, or bequest 9457
shall be deposited in the treasury of the county, the treasurer of 9458
which is custodian of the alcohol, drug addiction, and mental 9459
health services funds to the credit of the board and shall be 9460
available for use by the board for purposes stated by the donor or 9461
grantor. 9462

(D) No board member or employee of a board of alcohol, drug 9463
addiction, and mental health services shall be liable for injury 9464
or damages caused by any action or inaction taken within the scope 9465
of the board member's official duties or the employee's 9466
employment, whether or not such action or inaction is expressly 9467
authorized by this section, section 340.033, or any other section 9468
of the Revised Code, unless such action or inaction constitutes 9469
willful or wanton misconduct. Chapter 2744. of the Revised Code 9470
applies to any action or inaction by a board member or employee of 9471
a board taken within the scope of the board member's official 9472
duties or employee's employment. For the purposes of this 9473
division, the conduct of a board member or employee shall not be 9474
considered willful or wanton misconduct if the board member or 9475

employee acted in good faith and in a manner that the board member 9476
or employee reasonably believed was in or was not opposed to the 9477
best interests of the board and, with respect to any criminal 9478
action or proceeding, had no reasonable cause to believe the 9479
conduct was unlawful. 9480

(E) The meetings held by any committee established by a board 9481
of alcohol, drug addiction, and mental health services shall be 9482
considered to be meetings of a public body subject to section 9483
121.22 of the Revised Code. 9484

Sec. 340.16. Not later than ninety days after ~~the effective~~ 9485
~~date of this section~~ September 5, 2001, the department of mental 9486
health and the department of job and family services shall adopt 9487
rules that establish requirements and procedures for prior 9488
notification and service coordination between public children 9489
services agencies and boards of alcohol, drug addiction, and 9490
mental health services when a public children services agency 9491
refers a child in its custody to a board for services funded by 9492
the board. The rules shall be adopted in accordance with Chapter 9493
119. of the Revised Code. 9494

The department of mental health and department of job and 9495
family services shall collaborate in formulating a plan that 9496
delineates the funding responsibilities of public children 9497
services agencies and boards of alcohol, drug addiction, and 9498
mental health services for services provided under section 9499
~~5111.022~~ 5111.023 of the Revised Code to children in the custody 9500
of public children services agencies. The departments shall 9501
complete the plan not later than ninety days after ~~the effective~~ 9502
~~date of this section~~ September 5, 2001. 9503

Sec. 341.192. (A) As used in this section: 9504

(1) "Medical assistance program" has the same meaning as in 9505

section 2913.40 of the Revised Code. 9506

(2) "Medical provider" means a physician, hospital, laboratory, pharmacy, or other health care provider that is not employed by or under contract to a county to provide medical services to persons confined in the county jail and that is a medicaid provider under the medical assistance program. 9507
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(3) "Necessary care" means medical care of a nonelective nature that cannot be postponed until after the period of confinement of a person who is confined in a county jail or in the custody of a law enforcement officer without endangering the life or health of the person. 9512
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(B) If a physician employed by or under contract to a county to provide medical services to persons confined in the county jail determines that a person who is confined in the county jail or who is in the custody of a law enforcement officer prior to the person's confinement in the county jail requires necessary care that the physician cannot provide, the necessary care shall be provided by a medical provider. The county shall pay a medical provider for necessary care an amount not exceeding the authorized reimbursement rate for the same service established by the department of job and family services under the medical assistance program. 9517
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Sec. 742.59. The board of trustees of the Ohio police and fire pension fund shall be the trustee of the funds created as follows: 9528
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(A) The "police officers' contribution fund" is the fund in which shall be credited the contributions deducted from the salaries of members of police departments and paid into the Ohio police and fire pension fund, as provided by section 742.31 of the Revised Code, and that percentage of the employers' accrued 9531
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liability that is attributable to deductions previously made from 9536
the salaries of members of the police department who are still in 9537
the active service at the time that portion of the employers' 9538
accrued liability is paid. The accumulated contributions of a 9539
member of a police department shall be transferred at the member's 9540
retirement from the police officers' contribution fund to the 9541
police officers' pension reserve fund. 9542

(B) The "firefighters' contribution fund" is the fund in 9543
which shall be credited contributions deducted from the salaries 9544
of members of fire departments and paid into the Ohio police and 9545
fire pension fund, as provided by section 742.31 of the Revised 9546
Code, and that percentage of the employers' accrued liability that 9547
is attributable to deductions previously made from the salaries of 9548
members of the fire department who are still in the active service 9549
at the time that portion of the employers' accrued liability is 9550
paid. The accumulated contributions of a member of a fire 9551
department shall be transferred at the member's retirement from 9552
the firefighters' contribution fund to the firefighters' pension 9553
reserve fund. 9554

(C) The "police officer employers' contribution fund" is the 9555
fund to which the following shall be credited: 9556

(1) The police officer employers' contribution, as provided 9557
by section 742.33 of the Revised Code, ~~and that;~~ 9558

(2) The percentage of the employers' accrued liability that 9559
is attributable to the employers' liability for prior service of 9560
members of the police department who are still in the active 9561
service at the time that portion of the employers' accrued 9562
liability is paid, ~~and that portion of the state contribution~~ 9563
~~allocated to such fund, as provided by section 742.36 of the~~ 9564
~~Revised Code, shall be credited, and in which shall be~~ 9565
~~accumulated.~~ 9566

In the police officer employers' contribution fund shall 9567
accumulate the reserves held in trust for the payment of all 9568
pensions or other benefits provided by sections 742.01 to 742.61 9569
of the Revised Code to members of a police department retiring in 9570
the future or their qualified beneficiaries and from which the 9571
reserves for such pensions and other benefits shall be transferred 9572
to the police officers' pension reserve fund. 9573

(D) The "firefighter employers' contribution fund" is the 9574
fund to which the following shall be credited: 9575

(1) The firefighter employers' contribution, as provided in 9576
section 742.34 of the Revised Code, ~~and that;~~ 9577

(2) The percentage of the employers' accrued liability that 9578
is attributable to the employers' liability for prior service for 9579
members of the fire department who are still in the active service 9580
at the time that portion of the employers' accrued liability is 9581
paid, ~~and that portion of the state contribution allocated to such~~ 9582
~~fund, as provided by section 742.36 of the Revised Code, shall be~~ 9583
~~credited, and in which shall be accumulated.~~ 9584

In the firefighter employers' contribution fund shall 9585
accumulate the reserves held in trust for the payment of all 9586
pensions and other benefits provided by sections 742.01 to 742.61 9587
of the Revised Code to members of a fire department retiring in 9588
the future or their qualified beneficiaries and from which the 9589
reserves for such pensions and other benefits shall be transferred 9590
to the firefighters' pension reserve fund. 9591

(E) The "police officers' pension reserve fund" is the fund 9592
from which shall be paid all pensions and other benefits for which 9593
reserves have been transferred from the police officers' 9594
contribution fund and the police officer employers' contribution 9595
fund, and to which shall be credited that percentage of the 9596
employers' accrued liability that is attributable to the total of 9597

deductions previously made from the salaries of members of the 9598
police department who are retired and are receiving pensions or 9599
other benefits, or whose beneficiaries are receiving benefits, at 9600
the time that portion of the employers' accrued liability is paid, 9601
and that percentage of the employers' accrued liability that is 9602
attributable to prior service of members of the police department 9603
who are retired and are receiving pensions or other benefits, or 9604
whose beneficiaries are receiving benefits, at the time that 9605
portion of the employers' accrued liability is paid. 9606

(F) The "firefighters' pension reserve fund" is the fund from 9607
which shall be paid all pensions and other benefits for which 9608
reserves have been transferred from the firefighters' contribution 9609
fund and the firefighter employers' contribution fund, and to 9610
which shall be credited that percentage of the employers' accrued 9611
liability that is attributable to the total of deductions 9612
previously made from the salaries of members of the fire 9613
department who are retired and are receiving pensions or other 9614
benefits, or whose beneficiaries are receiving benefits, at the 9615
time that portion of the employers' accrued liability is paid, and 9616
that percentage of the employers' accrued liability that is 9617
attributable to prior service of members of the fire department 9618
who are retired and are receiving pensions or other benefits, or 9619
whose beneficiaries are receiving benefits, at the time that 9620
portion of the employers' accrued liability is paid. 9621

(G) The "guarantee fund" is the fund from which interest is 9622
transferred and credited on the amounts in the funds described in 9623
divisions (C), (D), (E), and (F) of this section, and is a 9624
contingent fund from which the special requirements of said funds 9625
may be paid by transfer from this fund. All income derived from 9626
the investment of funds by the board of trustees of the Ohio 9627
police and fire pension fund as trustee under section 742.11 of 9628
the Revised Code, together with all gifts and bequests or the 9629

income therefrom, shall be paid into this fund. 9630

Any deficit occurring in any other fund that will not be 9631
covered by payments to that fund, as otherwise provided by 9632
sections 742.01 to 742.61 of the Revised Code, shall be paid by 9633
transfers of amounts from the guarantee fund to such fund or 9634
funds. Should the amount in the guarantee fund be insufficient at 9635
any time to meet the amounts payable therefrom, the amount of such 9636
deficiency, with regular interest, shall be paid by an additional 9637
employer rate of current contribution as determined by the actuary 9638
and shall be approved by the board of trustees of the Ohio police 9639
and fire pension fund, and the amount of such additional employer 9640
contribution shall be credited to the guarantee fund. 9641

The board may accept gifts and bequests. Any funds that may 9642
come into the possession of the board in this manner, or any other 9643
funds whose disposition is not otherwise provided for, shall be 9644
credited to the guarantee fund. 9645

(H) The "expense fund" is the fund from which shall be paid 9646
the expenses for the administration and management of the Ohio 9647
police and fire pension fund, as provided by sections 742.01 to 9648
742.61 of the Revised Code, and to which shall be credited from 9649
the guarantee fund an amount sufficient to pay the expenses of 9650
operation. 9651

Sec. 901.43. (A) The director of agriculture may authorize 9652
any department of agriculture laboratory to perform a laboratory 9653
service for any person, organization, political subdivision, state 9654
agency, federal agency, or other entity, whether public or 9655
private. The director shall adopt and enforce rules to provide for 9656
the rendering of a laboratory service. 9657

(B) The director may charge a reasonable fee for the 9658
performance of a laboratory service, except when the service is 9659

performed on an official sample taken by the director acting 9660
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 9661
Revised Code; by a board of health acting as the licensor of 9662
retail food establishments or food service operations under 9663
Chapter 3717. of the Revised Code; or by the director of health 9664
acting as the licensor of food service operations under Chapter 9665
3717. of the Revised Code. The director of agriculture shall adopt 9666
rules specifying what constitutes an official sample. 9667

The director shall publish a list of laboratory services 9668
offered, together with the fee for each service. 9669

(C) The director may enter into a contract with any person, 9670
organization, political subdivision, state agency, federal agency, 9671
or other entity for the provision of a laboratory service. 9672

(D)(1) The director may adopt rules establishing standards 9673
for accreditation of laboratories and laboratory services and in 9674
doing so may adopt by reference existing or recognized standards 9675
or practices. 9676

(2) The director may inspect and accredit laboratories and 9677
laboratory services, and may charge a reasonable fee for the 9678
inspections and accreditation. 9679

(E)(1) ~~All~~ There is hereby created in the state treasury the 9680
animal and consumer analytical laboratory service fund. Moneys 9681
from the following sources shall be deposited into the state 9682
treasury to the credit of the fund: all moneys collected by the 9683
director under this section that are from fees generated by a 9684
laboratory service performed by the department and related to the 9685
diseases of animals, ~~and~~ all moneys so collected that are from 9686
fees generated for the inspection and accreditation of 9687
laboratories and laboratory services related to the diseases of 9688
animals, ~~shall be deposited in the animal industry laboratory~~ 9689
~~fund, which is hereby created in the state treasury. The director~~ 9690

~~shall use the moneys in the animal industry laboratory fund to pay~~ 9691
~~the expenses necessary to operate the animal industry laboratory,~~ 9692
~~including the purchase of supplies and equipment.~~ 9693

~~(2) All~~ all moneys collected by the director under this 9694
section that are from fees generated by a laboratory service 9695
performed by the consumer analytical laboratory, and all moneys so 9696
collected that are from fees generated for the inspection and 9697
accreditation of laboratories and laboratory services not related 9698
to weights and measures ~~or the diseases of animals, shall be~~ 9699
~~deposited in the laboratory services fund, which is hereby created~~ 9700
~~in the state treasury.~~ The director may use the moneys held in the 9701
fund ~~may be used~~ to pay the expenses necessary to operate the 9702
animal industry laboratory and the consumer analytical laboratory, 9703
including the purchase of supplies and equipment. 9704

~~(3)~~(2) All moneys collected by the director under this 9705
section that are from fees generated by a laboratory service 9706
performed by the weights and measures laboratory, and all moneys 9707
so collected that are from fees generated for the inspection and 9708
accreditation of laboratories and laboratory services related to 9709
weights and measures, shall be deposited in the state treasury to 9710
the credit of the weights and measures laboratory fund, which is 9711
hereby created in the state treasury. The moneys held in the fund 9712
may be used to pay the expenses necessary to operate the division 9713
of weights and measures, including the purchase of supplies and 9714
equipment. 9715

Sec. 901.44. There is hereby created in the state treasury 9716
the laboratory and administrative support fund. The department of 9717
agriculture shall deposit the following moneys received by the 9718
department to the credit of the fund: payment for the rental of 9719
the department's auditoriums by outside parties and reimbursement 9720
for related utility expenses, laboratory fees that are not 9721

designated for deposit into another fund, and other miscellaneous 9722
moneys that are not designated for deposit into another fund. The 9723
department may use moneys in the fund to pay costs associated with 9724
any program of the department as the director of agriculture sees 9725
fit. 9726

Sec. 905.32. (A) No person shall manufacture or distribute in 9727
this state any type of fertilizer until a license to manufacture 9728
or distribute has been obtained by the manufacturer or distributor 9729
from the department of agriculture upon payment of a five dollar 9730
fee: 9731

(1) For each fixed (permanent) location at which fertilizer 9732
is manufactured in this state; 9733

(2) For each mobile unit used to manufacture fertilizer in 9734
this state; 9735

(3) For each location out of the state from which fertilizer 9736
is distributed in this state to nonlicensees. 9737

All licenses ~~expire on the thirtieth day of June of each~~ 9738
shall be valid for one year beginning on the first day of December 9739
of a calendar year through the thirtieth day of November of the 9740
following calendar year. A renewal application for a license shall 9741
be submitted ~~no earlier than the first day of June each year and~~ 9742
no later than the thirtieth day of ~~June~~ November each year. A 9743
person who submits a renewal application for a license after the 9744
thirtieth day of ~~June~~ November shall include with the application 9745
a late filing fee of ten dollars. 9746

(B) An application for license shall include: 9747

(1) The name and address of the licensee; 9748

(2) The name and address of each bulk distribution point in 9749
the state, not licensed for fertilizer manufacture and 9750

distribution. 9751

The name and address shown on the license shall be shown on 9752
all labels, pertinent invoices, and bulk storage for fertilizers 9753
distributed by the licensee in this state. 9754

(C) The licensee shall inform the director of agriculture in 9755
writing of additional distribution points established during the 9756
period of the license. 9757

Sec. 905.33. (A) Except as provided in division (C) of this 9758
section, no person shall distribute in this state a specialty 9759
fertilizer until it is registered by the manufacturer or 9760
distributor with the department of agriculture. An application, in 9761
duplicate, for each brand and product name of each grade of 9762
specialty fertilizer shall be made on a form furnished by the 9763
director of agriculture and shall be accompanied with a fee of 9764
fifty dollars for each brand and product name of each grade. 9765
Labels for each brand and product name of each grade shall 9766
accompany the application. Upon the approval of an application by 9767
the director, a copy of the registration shall be furnished the 9768
applicant. All registrations ~~expire on the thirtieth day of June~~ 9769
of each shall be valid for one year beginning on the first day of 9770
December of a calendar year through the thirtieth day of November 9771
of the following calendar year. 9772

(B) An application for registration shall include the 9773
following: 9774

- (1) Name and address of the manufacturer or distributor; 9775
- (2) The brand and product name; 9776
- (3) The grade; 9777
- (4) The guaranteed analysis; 9778
- (5) The package sizes for persons that package fertilizers 9779

only in containers of ten pounds or less. 9780

(C)(1) No person who engages in the business of applying 9781
custom mixed fertilizer to lawns, golf courses, recreation areas, 9782
or other real property that is not used for agricultural 9783
production shall be required to register the custom mixed 9784
fertilizer as a specialty fertilizer in accordance with division 9785
(A) of this section if the fertilizer ingredients of the custom 9786
mixed fertilizer are registered as specialty fertilizers and the 9787
inspection fee described in division (A) of section 905.36 of the 9788
Revised Code is paid. 9789

(2) No person who engages in the business of blending custom 9790
mixed fertilizer for use on lawns, golf courses, recreation areas, 9791
or other real property that is not used for agricultural 9792
production shall be required to register the custom mixed 9793
fertilizer as a specialty fertilizer in accordance with division 9794
(A) of this section if the facility holds a nonagricultural 9795
production custom mixed fertilizer blender license issued under 9796
section 905.331 of the Revised Code. 9797

(D) A person who engages in the business of applying or 9798
blending custom mixed fertilizer as described in division (C) of 9799
this section shall maintain an original or a copy of an invoice or 9800
document of sale for all fertilizer the person applies or 9801
distributes for one year following the date of the application or 9802
distribution, and, upon the director's request, shall furnish the 9803
director with the invoice or document of sale for the director's 9804
review. 9805

Sec. 905.331. No person who engages in the business of 9806
blending a custom mixed fertilizer for use on lawns, golf courses, 9807
recreation areas, or other real property that is not used for 9808
agricultural production shall fail to register a specialty 9809
fertilizer in accordance with division (A) of section 905.33 of 9810

the Revised Code unless the person has obtained a an annual 9811
nonagricultural production custom mixed fertilizer blender license 9812
from the director of agriculture. 9813

A license issued under this section shall be valid from the 9814
first day of December of a calendar year through the thirtieth day 9815
of November of the following calendar year. A renewal application 9816
for a nonagricultural production custom mixed fertilizer blender 9817
license shall be submitted to the director ~~no earlier than the~~ 9818
~~first day of June each year and~~ no later than the thirtieth day of 9819
~~June~~ November each year and shall include the name and address of 9820
the applicant and of the premises where the blending occurs and a 9821
one-hundred-dollar fee. A person who submits a renewal application 9822
for a license after the thirtieth day of ~~June~~ November shall 9823
include with the application a late filing fee of ten dollars. All 9824
nonagricultural production custom mixed fertilizer blender 9825
licenses expire on the thirtieth day of ~~June~~ of November each 9826
year. 9827

A person holding a nonagricultural production custom mixed 9828
fertilizer blender license shall pay the inspection fees described 9829
in division (A) of section 905.36 of the Revised Code for each 9830
product being blended. 9831

Sec. 905.36. (A) A licensee or registrant, except registrants 9832
who package specialty fertilizers only in containers of ten pounds 9833
or less, shall pay the director of agriculture for all fertilizers 9834
distributed in this state an inspection fee at the rate of ~~twelve~~ 9835
twenty-five cents per ton or ~~thirteen~~ twenty-eight cents per 9836
metric ton. Licensees and registrants shall specify on an invoice 9837
whether the per ton inspection fee has been paid or whether 9838
payment of the fee is the responsibility of the purchaser of the 9839
fertilizer. The payment of this inspection fee by a licensee or 9840
registrant shall exempt all other persons from the payment of this 9841

fee. 9842

(B) Every licensee or registrant shall file a ~~semiannual~~ 9843
~~statement with the director an annual tonnage report~~ that includes 9844
the number of net tons or metric tons of fertilizer distributed to 9845
nonlicensees or nonregistrants in this state by grade; packaged; 9846
bulk, dry or liquid; ~~within thirty days after the thirtieth day of~~ 9847
~~June, and within thirty days after the thirty-first day of~~ 9848
~~December, respectively, of.~~ The report shall be filed on or before 9849
the thirtieth day of November of each calendar year and shall 9850
include data from the period beginning on the first day of 9851
November of the year preceding the year in which the report is due 9852
through the thirty-first day of October of the year in which the 9853
report is due. The licensee or registrant, except registrants who 9854
package specialty fertilizers only in containers of ten pounds or 9855
less, shall include with this statement the inspection fee at the 9856
rate stated in division (A) of this section. For a tonnage report 9857
that is not filed or payment of inspection fees that is not made 9858
~~within ten days after due date~~ on or before the thirtieth day of 9859
November of the applicable calendar year, a penalty of fifty 9860
dollars or ten per cent of the amount due, whichever is greater, 9861
shall be assessed against the licensee or registrant. The amount 9862
of fees due, plus penalty, shall constitute a debt and become the 9863
basis of a judgment against the licensee or registrant. For 9864
tonnage reports found to be incorrect, a penalty of fifteen per 9865
cent of the amount due shall be assessed against the licensee or 9866
registrant and shall constitute a debt and become the basis of a 9867
judgment against the licensee or registrant. 9868

(C) No information furnished under this section shall be 9869
disclosed by any employee of the department of agriculture in such 9870
a way as to divulge the operation of any person required to make 9871
such a report. The filing by a licensee or registrant of a sales 9872
volume tonnage statement required by division (B) of this section 9873

thereby grants permission to the director to verify the same with 9874
the records of the licensee or registrant. 9875

Sec. 905.37. (A) The director of agriculture ~~shall~~ may 9876
distribute annual statements of fertilizer sales by grades of 9877
materials and mixed fertilizer by counties, in a manner prescribed 9878
by the director. 9879

(B) The director ~~shall~~ may publish ~~at least~~ annually a report 9880
of the analysis of fertilizers inspected. 9881

(C) The director may distribute a state fertilizer usage 9882
report by grade of materials and mixed fertilizers for each month. 9883

Sec. 905.38. The commercial feed, fertilizer, seed, and lime 9884
inspection and laboratory fund is hereby created in the state 9885
treasury. All moneys collected by the director of agriculture 9886
under sections 905.31 to 905.50 of the Revised Code, shall be 9887
deposited into the fund. Moneys credited to the fund under this 9888
section and sections 905.66, 907.16, and 923.46 of the Revised 9889
Code shall be used for administering and enforcing this chapter 9890
and ~~Chapter~~ Chapters 907. and 923. of the Revised Code and rules 9891
adopted under them. 9892

Sec. 905.381. The director of agriculture shall keep accurate 9893
accounts of all receipts and disbursements from the commercial 9894
feed, fertilizer, seed, and lime inspection and laboratory fund, 9895
and shall prepare, and provide upon request, an annual report 9896
classifying the receipts and disbursements as pertaining to either 9897
feed, fertilizer, seed, or lime. 9898

Sec. 905.50. If the director of agriculture has taken an 9899
official sample of a fertilizer or mixed fertilizer and determined 9900
that it constitutes mislabeled fertilizer pursuant to rules 9901

adopted under section 905.40 of the Revised Code, the person who 9902
labeled the fertilizer or mixed fertilizer shall pay a penalty to 9903
the consumer of the mislabeled fertilizer or, if the consumer 9904
cannot be determined with reasonable diligence or is not 9905
available, to the director for deposit into the commercial feed, 9906
fertilizer, seed, and lime inspection and laboratory fund created 9907
under section 905.38 of the Revised Code. The amount of the 9908
penalty shall be calculated in accordance with either division (A) 9909
or (B) of this section, whichever method of calculation yields the 9910
largest amount. 9911

(A)(1) A penalty required to be paid under this section may 9912
be calculated as follows: 9913

(a) Five dollars for each percentage point of total nitrogen 9914
or phosphorus in the fertilizer that is below the percentage of 9915
nitrogen or phosphorus guaranteed on the label, multiplied by the 9916
number of tons of mislabeled fertilizer that have been sold to the 9917
consumer; 9918

(b) Three dollars for each percentage point of potash in the 9919
fertilizer that is below the percentage of potash guaranteed on 9920
the label, multiplied by the number of tons of mislabeled 9921
fertilizer that have been sold to the consumer. 9922

(2) In the case of a fertilizer that contains a quantity of 9923
nitrogen, phosphorus, or potash that is more than five percentage 9924
points below the percentages guaranteed on the label, the 9925
penalties calculated under division (A)(1) of this section shall 9926
be tripled. 9927

(3) No penalty calculated under division (A) of this section 9928
shall be less than twenty-five dollars. 9929

(B) A penalty required to be paid under this section may be 9930
calculated by multiplying the market value of one unit of the 9931
mislabeled fertilizer by the number of units of the mislabeled 9932

fertilizer that have been sold to the consumer. 9933

(C) Upon making a determination under this section that a 9934
person has mislabeled fertilizer or mixed fertilizer, the director 9935
shall determine the parties to whom the penalty imposed by this 9936
section is required to be paid and, in accordance with division 9937
(A) or (B) of this section, as applicable, shall calculate the 9938
amount of the penalty required to be paid to each such party. 9939
After completing those determinations and calculations, the 9940
director shall issue to the person who allegedly mislabeled the 9941
fertilizer or mixed fertilizer a notice of violation. The notice 9942
shall be accompanied by an order requiring, and specifying the 9943
manner of, payment of the penalty imposed by this section to the 9944
parties in the amounts set forth in the determinations and 9945
calculations required by this division. The order shall be issued 9946
in accordance with Chapter 119. of the Revised Code. 9947

No person shall violate a term or condition of an order 9948
issued under this division. 9949

Sec. 905.66. All moneys collected by the director of 9950
agriculture under sections 905.51 to 905.65 of the Revised Code 9951
shall be deposited into the commercial feed, fertilizer, seed, and 9952
lime inspection and laboratory fund created under section 905.38 9953
of the Revised Code. 9954

The director shall prepare and provide a report concerning 9955
the fund in accordance with section 905.381 of the Revised Code. 9956

Sec. 907.16. All money collected by the director of 9957
agriculture under sections 907.01 to 907.17 of the Revised Code 9958
shall be deposited into the treasury of the state to the credit of 9959
the commercial feed, fertilizer, seed, and lime inspection and 9960
laboratory fund, ~~which is hereby created in the state treasury.~~ 9961
~~Money credited to the fund shall be used to administer and enforce~~ 9962

~~those sections and rules adopted under them~~ section 905.38 of the 9963
Revised Code. 9964

Sec. 911.02. Each person, firm, partnership, or corporation 9965
that owns or operates a bakery shall register each bakery that it 9966
owns or operates with the director of agriculture. For the 9967
registration, the owner or operator of each bakery shall pay an 9968
annual fee of ~~thirty~~ sixty dollars for a production capacity of 9969
one thousand pounds of bakery product per hour or less and an 9970
annual fee of ~~thirty~~ sixty dollars for each one thousand pounds of 9971
bakery product per hour capacity, or part thereof, in excess of 9972
one thousand pounds of bakery product per hour. 9973

Any person who owns or operates a home bakery with only one 9974
oven, in a stove of ordinary home kitchen design and located in a 9975
home, used for the baking of baked goods to be sold, shall pay a 9976
sum of ~~ten~~ twenty dollars annually for registration regardless of 9977
the capacity of the home bakery oven. The registration shall be 9978
renewed annually by the thirtieth day of September and shall be 9979
renewed according to the standard renewal procedure of Chapter 9980
4745. of the Revised Code. The registration of the bakery shall 9981
show the location, including municipal corporation, street, and 9982
number, the name of the owner, and the name of the operator. The 9983
application for registration shall be made on a form prescribed 9984
and provided by the director. All moneys received from 9985
registration fees and fines collected under sections 911.01 to 9986
911.20 of the Revised Code shall be deposited with the treasurer 9987
of state to the credit of the food safety fund created in section 9988
915.24 of the Revised Code. All annual renewal registration fees 9989
required by this section shall be paid by the applicant for the 9990
renewal to the treasurer of state for deposit into the food safety 9991
fund. 9992

No bakery product that is manufactured in an out-of-state 9993

bakery shall be sold or offered for sale within this state unless 9994
the bakery is in compliance with sections 911.01 to 911.20 of the 9995
Revised Code, and is registered, having paid the annual 9996
registration fee. 9997

Registration of out-of-state bakeries is not required if a 9998
reciprocal agreement is in effect whereby a bakery located in this 9999
state is not subject to a license or registration fee by the 10000
receiving state or a political subdivision thereof. 10001

Sec. 913.02. No person, firm, or corporation shall engage in 10002
the business of operating a cannery without obtaining a license 10003
for the operation of each cannery from the director of 10004
agriculture. 10005

In order to obtain a license, an application shall be made on 10006
a form prescribed by the director and shall be accompanied by a 10007
fee of ~~one~~ two hundred dollars. The director shall thereupon cause 10008
an investigation to be made. If the applicant is supplied with the 10009
facilities necessary for complying with sections 913.01 to 913.05 10010
of the Revised Code and rules adopted under them, a license shall 10011
be issued and shall be effective until the thirtieth day of June, 10012
and shall become invalid on that date unless renewed. The fee for 10013
each renewal is ~~one~~ two hundred dollars. License fees and renewal 10014
fees shall be deposited to the credit of the food safety fund 10015
created in section 915.24 of the Revised Code. 10016

The director may suspend or revoke any license for failure to 10017
comply with sections 913.01 to 913.05 of the Revised Code, or any 10018
rule or order adopted under those sections. In such event, the 10019
cannery immediately shall cease operation. 10020

Sec. 913.23. (A) The director of agriculture may issue 10021
licenses as required by sections 913.22 to 913.28 of the Revised 10022
Code, may make the inspections and registrations required by those 10023

sections, and may prescribe the form of application to be filed 10024
under this section. 10025

(B) No person shall manufacture or bottle for sale within 10026
this state any soft drink in closed containers unless the person 10027
has a license issued by the director. Upon receipt of an 10028
application for such a license, the director shall examine the 10029
products and the place of manufacture where the business is to be 10030
conducted, to determine whether the products and place comply with 10031
sections 913.22 to 913.28 of the Revised Code. Upon finding there 10032
is compliance, and upon payment of a license fee of ~~one~~ two 10033
hundred dollars, the director shall issue a license authorizing 10034
the applicant to manufacture or bottle for sale such soft drinks, 10035
subject to sections 913.22 to 913.28 of the Revised Code. The 10036
license shall expire on the last day of March of each year unless 10037
renewed. 10038

(C) No soft drink that is manufactured or bottled out of the 10039
state shall be sold or offered for sale within this state unless 10040
the soft drink and the plant in which the soft drink is 10041
manufactured or bottled are found by the director to comply with 10042
sections 913.22 to 913.28 of the Revised Code, and ~~is~~ are 10043
registered by the director, which shall be upon a like application 10044
as provided in division (B) of this section. 10045

An annual registration fee of ~~one~~ two hundred dollars shall 10046
be paid to the director by each applicant under this division. The 10047
registration shall be renewed annually, and the registration fee 10048
paid with the application for annual renewal. 10049

Registration of out-of-state soft drink manufacturers or 10050
bottlers or syrup and extract manufacturers is not required if a 10051
reciprocal agreement is in effect whereby a soft drink 10052
manufacturer or bottler or syrup and extract manufacturer located 10053
in this state is not subject to a license or registration fee by 10054
another state or a political subdivision thereof. 10055

(D) No person, other than a manufacturer or bottler holding a 10056
soft drink plant license under this section, shall sell, offer for 10057
sale, use, or have in the person's possession with intent to sell, 10058
any soda water syrup or extract or soft drink syrup, to be used in 10059
making, drawing, or dispensing soda water or other soft drinks, 10060
without first registering the person's name and address, the name 10061
and address of the manufacturer of the syrup or extract, the 10062
number and variety of such syrups or extracts intended to be sold, 10063
and the trade name or brand of those products, with the director, 10064
together with such samples of the syrups or extracts as the 10065
director requests for analysis. The person also shall pay to the 10066
department of agriculture at the time of making registration a 10067
license fee of ~~fifty~~ one hundred dollars. No license shall be 10068
granted by the director unless the director determines that the 10069
syrup or extract is free from all harmful drugs and other 10070
ingredients that, as used, may be injurious to health. The 10071
registration shall be renewed annually upon like terms. If any 10072
manufacturer, bottler, agent, or seller is licensed or has 10073
registered the manufacturer's, bottler's, agent's, or seller's 10074
name and product as required by this section and has paid the 10075
manufacturer's, bottler's, agent's, or seller's fee, the 10076
manufacturer's, bottler's, agent's, or seller's distributor, 10077
retail agent, or retail seller using the products shall not be 10078
required to pay that fee. This section does not apply to local 10079
sellers of soft drinks as to syrups and extracts made by 10080
themselves for their own use exclusively. 10081

(E) All moneys received under sections 913.22 to 913.28 of 10082
the Revised Code shall be deposited with the treasurer of state to 10083
the credit of the food safety fund created in section 915.24 of 10084
the Revised Code. 10085

(F) The director may revoke any license or registration 10086
issued under sections 913.22 to 913.28 of the Revised Code, 10087

whenever the director determines that those sections have been 10088
violated. When a license has been revoked, the licensee shall 10089
discontinue the manufacture and sale of soft drinks or other 10090
products for which the license was issued. When a registration has 10091
been revoked, the registrant shall discontinue the sale within 10092
this state of the registrant's products until those sections have 10093
been complied with and a new license or registration has been 10094
issued. The director may suspend any such license or registration 10095
temporarily, pending compliance with such conditions required by 10096
those sections as the director prescribes. 10097

Sec. 915.02. No person, firm, or corporation shall operate a 10098
cold-storage warehouse, for hire, without a license issued by the 10099
director of agriculture. ~~Such~~ A license shall be issued only on 10100
written application stating the location of ~~such~~ the warehouse. 10101
Upon receipt of the application the director shall cause an 10102
examination to be made into the sanitary conditions of ~~such~~ the 10103
warehouse. If it is found to be in a sanitary condition and 10104
properly equipped for the purpose of cold storage, the director 10105
shall cause a license to be issued authorizing the applicant to 10106
operate a warehouse. No license shall be issued until the 10107
applicant has paid to the director the sum of ~~one~~ two hundred 10108
dollars. ~~Such~~ A license shall be valid until the last day of March 10109
of each year and becomes invalid on that date unless renewed. A 10110
license shall be required for each separate warehouse building. 10111

Sec. 915.16. The license fee for an establishment is 10112
~~twenty-five~~ fifty dollars. Any operator operating in connection 10113
with a cold-storage warehouse holding a license under section 10114
915.02 of the Revised Code is not required to secure an additional 10115
license under section 915.15 of the Revised Code so long as ~~he~~ the 10116
operator continues to be licensed as a cold-storage warehouse; but 10117
~~he~~ the operator shall comply with sections 915.14 to 915.24, 10118

~~inclusive~~, of the Revised Code, and all rules and regulations 10119
promulgated thereunder. The license issued shall be in such form 10120
as the department of agriculture prescribes. Licenses shall be 10121
valid until the last day of November following initial issuance or 10122
renewal and shall become invalid on that date unless renewed. The 10123
original license or a certified copy thereof shall be 10124
conspicuously displayed by the operator in the establishment. 10125

Sec. 915.24. (A) There is hereby created in the state 10126
treasury the food safety fund. All of the following moneys shall 10127
be credited to the fund: 10128

(1) Bakery registration fees and fines received under 10129
sections 911.02 to 911.20 of the Revised Code; 10130

(2) Cannery license fees and renewal fees received under 10131
sections 913.01 to 913.05 of the Revised Code; 10132

(3) Moneys received under sections 913.22 to 913.28 of the 10133
Revised Code; 10134

(4) License fees, fines, and penalties recovered for the 10135
violation of sections 915.01 to 915.12 of the Revised Code; 10136

(5) License fees collected under sections 915.14 to 915.23 of 10137
the Revised Code; 10138

(6) License fees, other fees, and fines collected by or for 10139
the director of agriculture under Chapter 3717. of the Revised 10140
Code; 10141

(7) Fees collected under section 3715.04 of the Revised Code 10142
for the issuance of certificates of health and freesale. 10143

(B) The director of agriculture shall use the moneys 10144
deposited into the food safety fund to administer and enforce the 10145
laws pursuant to which the moneys were collected. 10146

Sec. 921.02. (A) No person shall distribute a pesticide 10147

within this state unless the pesticide is registered with the 10148
director of agriculture under this chapter. Registrations shall be 10149
issued for a period of time established by rule and shall be 10150
renewed in accordance with deadlines established by rule. 10151
Registration is not required if a pesticide is shipped from one 10152
plant or warehouse to another plant or warehouse operated by the 10153
same person and used solely at that plant or warehouse as a 10154
constituent part to make a pesticide that is registered under this 10155
chapter, or if the pesticide is distributed under the provisions 10156
of an experimental use permit issued under section 921.03 of the 10157
Revised Code or an experimental use permit issued by the United 10158
States environmental protection agency. 10159

(B) The applicant for registration of a pesticide shall file 10160
a statement with the director on a form provided by the director, 10161
which shall include all of the following: 10162

(1) The name and address of the applicant and the name and 10163
address of the person whose name will appear on the label, if 10164
other than the applicant's name; 10165

(2) The brand and product name of the pesticide; 10166

(3) Any necessary information required for completion of the 10167
department of agriculture's application for registration, 10168
including the agency registration number; 10169

(4) A complete copy of the labeling accompanying the 10170
pesticide and a statement of all claims to be made for it, 10171
including the directions for use and the use classification as 10172
provided for in the federal act. 10173

(C) The director, when the director considers it necessary in 10174
the administration of this chapter, may require the submission of 10175
the complete formula of any pesticide including the active and 10176
inert ingredients. 10177

(D) The director may require a full description of the tests 10178
made and the results thereof upon which the claims are based for 10179
any pesticide. The director shall not consider any data submitted 10180
in support of an application, without permission of the applicant, 10181
in support of any other application for registration unless the 10182
other applicant first has offered to pay reasonable compensation 10183
for producing the test data to be relied upon and the data are not 10184
protected from disclosure by section 921.04 of the Revised Code. 10185
In the case of a renewal of registration, a statement shall be 10186
required only with respect to information that is different from 10187
that furnished when the pesticide was registered or last 10188
registered. 10189

(E) The director may require any other information to be 10190
submitted with an application. 10191

Any applicant may designate any portion of the required 10192
registration information as a trade secret or confidential 10193
business information. Upon receipt of any required registration 10194
information designated as a trade secret or confidential business 10195
information, the director shall consider the designated 10196
information as confidential and shall not reveal or cause to be 10197
revealed any such designated information without the consent of 10198
the applicants, except to persons directly involved in the 10199
registration process described in this section or as required by 10200
law. 10201

(F) ~~Each~~ Beginning January 1, 2007, each applicant shall pay 10202
a registration and inspection fee ~~established by rule of one~~ 10203
hundred fifty dollars for each product name and brand registered 10204
for the company whose name appears on the label. If an applicant 10205
files for a renewal of registration after the deadline established 10206
by rule, the applicant shall pay a penalty fee ~~established by rule~~ 10207
of seventy-five dollars for each product name and brand registered 10208
for the applicant. The penalty fee shall be added to the original 10209

fee and paid before the renewal registration is issued. In 10210
addition to any other remedy available under this chapter, if a 10211
pesticide that is not registered pursuant to this section is 10212
distributed within this state, the person required to register the 10213
pesticide shall do so and shall pay a penalty fee ~~established by~~ 10214
~~rule of seventy-five dollars~~ for each product name and brand 10215
registered for the applicant. The penalty fee shall be added to 10216
the original fee of one hundred fifty dollars and paid before the 10217
registration is issued. 10218

(G) Provided that the state is authorized by the 10219
administrator of the United States environmental protection agency 10220
to register pesticides to meet special local needs, the director 10221
shall require the information set forth under divisions (B), (C), 10222
(D), and (E) of this section and shall register any such pesticide 10223
after determining that all of the following conditions are met: 10224

(1) Its composition is such as to warrant the proposed claims 10225
for it. 10226

(2) Its labeling and other material required to be submitted 10227
comply with the requirements of the federal act and of this 10228
chapter, and rules adopted thereunder. 10229

(3) It will perform its intended function without 10230
unreasonable adverse effects on the environment. 10231

(4) When used in accordance with widespread and commonly 10232
recognized practice, it will not generally cause unreasonable 10233
adverse effects on the environment. 10234

(5) The classification for general or restricted use is in 10235
conformity with the federal act. 10236

The director shall not make any lack of essentiality a 10237
criterion for denying the registration of any pesticide. When two 10238
pesticides meet the requirements of division (G) of this section, 10239
the director shall not register one in preference to the other. 10240

(H)(1) The director may refuse to register a pesticide if the application for registration fails to comply with this section.

(2) The director may suspend or revoke a pesticide registration after a hearing in accordance with Chapter 119. of the Revised Code for a pesticide that fails to meet the claims made for it on its label.

(3) The director may immediately suspend a pesticide registration, prior to a hearing, when the director believes that the pesticide poses an immediate hazard to human or animal health or a hazard to the environment. Not later than fifteen days after suspending the registration, the director shall determine whether the pesticide poses such a hazard. If the director determines that no hazard exists, the director shall lift the suspension of the registration. If the director determines that a hazard exists, the director shall revoke the registration in accordance with Chapter 119. of the Revised Code.

Sec. 921.16. (A) The director of agriculture shall adopt rules the director determines necessary for the effective enforcement and administration of this chapter. The rules may relate to, but are not limited to, the time, place, manner, and methods of application, materials, and amounts and concentrations of application of pesticides, may restrict or prohibit the use of pesticides in designated areas during specified periods of time, and shall encompass all reasonable factors that the director determines necessary to minimize or prevent damage to the environment. In addition, the rules shall establish the ~~fees~~, ~~deadlines~~, and time periods for registration, registration renewal, late registration renewal, and failure to register under section 921.02 of the Revised Code; the fees for registration, registration renewal, late registration renewal, and failure to register under section 921.02 of the Revised Code that shall apply

~~until the fees that are established under that section take effect 10272
on January 1, 2007; and the fees, deadlines, and time periods for 10273
licensure and license renewal under sections 921.06, 921.09, 10274
921.11, and 921.13 of the Revised Code. The aggregate amount of 10275
the fees that initially are established by rule after the 10276
effective date of this amendment shall be designed to cover, but 10277
not exceed, the costs incurred by the department of agriculture in 10278
administering this chapter. Thereafter, the fees shall not be 10279
increased without the approval of the general assembly. 10280~~

(B) The director shall adopt rules that establish a schedule 10281
of civil penalties for violations of this chapter, or any rule or 10282
order adopted or issued under it, provided that the civil penalty 10283
for a first violation shall not exceed five thousand dollars and 10284
the civil penalty for each subsequent violation shall not exceed 10285
ten thousand dollars. In determining the amount of a civil penalty 10286
for a violation, the director shall consider factors relevant to 10287
the severity of the violation, including past violations and the 10288
amount of actual or potential damage to the environment or to 10289
human beings. 10290

(C) The director shall adopt rules that set forth the 10291
conditions under which the director: 10292

(1) Requires that notice or posting be given of a proposed 10293
application of a pesticide; 10294

(2) Requires inspection, condemnation, or repair of equipment 10295
used to apply a pesticide; 10296

(3) Will suspend, revoke, or refuse to issue any pesticide 10297
registration for a violation of this chapter; 10298

(4) Requires safe handling, transportation, storage, display, 10299
distribution, and disposal of pesticides and their containers; 10300

(5) Ensures the protection of the health and safety of 10301

agricultural workers storing, handling, or applying pesticides, 10302
and all residents of agricultural labor camps, as that term is 10303
defined in section 3733.41 of the Revised Code, who are living or 10304
working in the vicinity of pesticide-treated areas; 10305

(6) Requires a record to be kept of all pesticide 10306
applications made by each commercial applicator and by any trained 10307
serviceperson acting under the commercial applicator's direct 10308
supervision and of all restricted use pesticide applications made 10309
by each private applicator and by any immediate family member or 10310
subordinate employee of that private applicator who is acting 10311
under the private applicator's direct supervision as required 10312
under section 921.14 of the Revised Code; 10313

(7) Determines the pesticide-use categories of diagnostic 10314
inspections that must be conducted by a commercial applicator; 10315

(8) Requires a record to be kept of all diagnostic 10316
inspections conducted by each commercial applicator and by any 10317
trained service person. 10318

(D) The director shall prescribe standards for the licensure 10319
of applicators of pesticides consistent with those prescribed by 10320
the federal act and the regulations adopted under it or prescribe 10321
standards that are more restrictive than those prescribed by the 10322
federal act and the regulations adopted under it. The standards 10323
may relate to the use of a pesticide or to an individual's 10324
pesticide-use category. 10325

The director shall take into consideration standards of the 10326
United States environmental protection agency. 10327

(E) The director may adopt rules setting forth the conditions 10328
under which the director will: 10329

(1) Collect and examine samples of pesticides or devices; 10330

(2) Specify classes of devices that shall be subject to this 10331

chapter; 10332

(3) Prescribe other necessary registration information. 10333

(F) The director may adopt rules that do either or both of 10334
the following: 10335

(1) Designate, in addition to those restricted uses so 10336
classified by the administrator of the United States environmental 10337
protection agency, restricted uses of pesticides for the state or 10338
for designated areas within the state and, if the director 10339
considers it necessary, to further restrict such use; 10340

(2) Define what constitutes "acting under the instructions 10341
and control of a commercial applicator" as used in the definition 10342
of "direct supervision" in division (Q)(1) of section 921.01 of 10343
the Revised Code. In adopting a rule under division (F)(2) of this 10344
section, the director shall consider the factors associated with 10345
the use of pesticide in the various pesticide-use categories. 10346
Based on consideration of the factors, the director may define 10347
"acting under the instructions and control of a commercial 10348
applicator" to include communications between a commercial 10349
applicator and a trained serviceperson that are conducted via 10350
landline telephone or a means of wireless communication. Any rules 10351
adopted under division (F)(2) of this section shall be drafted in 10352
consultation with representatives of the pesticide industry. 10353

(G) Except as provided in division (D) of this section, the 10354
director shall not adopt any rule under this chapter that is 10355
inconsistent with the requirements of the federal act and 10356
regulations adopted thereunder. 10357

(H) The director, after notice and opportunity for hearing, 10358
may declare as a pest any form of plant or animal life, other than 10359
human beings and other than bacteria, viruses, and other 10360
microorganisms on or in living human beings or other living 10361
animals, that is injurious to health or the environment. 10362

(I) The director may make reports to the United States environmental protection agency, in the form and containing the information the agency may require.

(J) The director shall adopt rules for the application, use, storage, and disposal of pesticides if, in the director's judgment, existing programs of the United States environmental protection agency necessitate such rules or pesticide labels do not sufficiently address issues or situations identified by the department of agriculture or interested state agencies.

(K) The director shall adopt rules establishing all of the following:

(1) Standards, requirements, and procedures for the examination and re-examination of commercial applicators and private applicators;

(2) With respect to training programs that the director may require commercial applicators and private applicators to complete:

(a) Standards and requirements that a training program must satisfy in order to be offered by the director or the director's representative or in order to be approved by the director if a third party wishes to offer it;

(b) Eligibility standards and requirements that must be satisfied by third parties who wish to provide the training programs;

(c) Procedures that third parties must follow in order to submit a proposed training program to the director for approval;

(d) Criteria that the director must consider when determining whether to authorize a commercial applicator or private applicator to participate in a training program instead of being required to pass a re-examination.

(3) Training requirements for a trained serviceperson. 10393

(L) The director shall adopt all rules under this chapter in 10394
accordance with Chapter 119. of the Revised Code. 10395

Sec. 923.44. (A)(1) Except as otherwise provided in divisions 10396
(A)(2), (3), and (4) of this section, the first distributor of a 10397
commercial feed shall pay the director of agriculture a semiannual 10398
inspection fee at the rate of ~~ten~~ twenty-five cents per ton, with 10399
a minimum payment of ~~ten~~ twenty-five dollars, on all commercial 10400
feeds distributed by ~~him~~ the first distributor in this state. 10401
10402

(2) The semiannual inspection fee required under division 10403
(A)(1) of this section shall not be paid by the first distributor 10404
of a commercial feed if the distribution is made to an exempt 10405
buyer who shall be responsible for the fee. The director shall 10406
establish an exempt list consisting of those buyers who are 10407
responsible for the fee. 10408

(3) The semiannual inspection fee shall not be paid on a 10409
commercial feed if the fee has been paid by a previous 10410
distributor. 10411

(4) The semiannual inspection fee shall not be paid on 10412
customer-formula feed if the fee has been paid on the commercial 10413
feeds ~~which~~ that are used as components in that customer-formula 10414
feed. 10415

(B) Each distributor or exempt buyer who is required to pay a 10416
fee under division (A)(1) or (2) of this section shall file a 10417
semiannual statement with the director that includes the number of 10418
net tons of commercial feed distributed by ~~him~~ the distributor or 10419
exempt buyer in this state, within thirty days after the thirtieth 10420
day of June and within thirty days after the thirty-first day of 10421
December, respectively, of each calendar year. 10422

The inspection fee at the rate stated in division (A)(1) of 10423
this section shall accompany the statement. For a tonnage report 10424
that is not filed or payment of inspection fees that is not made 10425
within fifteen days after the due date, a penalty of ten per cent 10426
of the amount due, with a minimum penalty of fifty dollars shall 10427
be assessed against the distributor or exempt buyer. The amount of 10428
fees due, plus penalty, shall constitute a debt and become the 10429
basis of a judgment against the distributor or exempt buyer. 10430

(C) No information furnished under this section shall be 10431
disclosed by an employee of the department of agriculture in such 10432
a way as to divulge the operation of any person required to make 10433
such a report. 10434

Sec. 923.45. The director of agriculture ~~shall~~ may publish ~~at~~ 10435
~~least~~ annually in such form as ~~he~~ the director considers proper: 10436
10437

(A) Information concerning the sale of commercial feed, 10438
including any production and use data ~~he~~ the director considers 10439
advisable, provided that the data does not disclose the operation 10440
of any manufacturer or distributor; 10441

(B) A comparison of the analyses of official samples of 10442
commercial feeds distributed in this state with the guaranteed 10443
analyses on the label. 10444

Sec. 923.46. All moneys collected by the director of 10445
agriculture under sections 923.41 to 923.55 of the Revised Code 10446
shall be deposited into the state treasury to the credit of the 10447
commercial feed, fertilizer, seed, and lime inspection and 10448
laboratory fund created in section 905.38 of the Revised Code. 10449
~~Money credited to the fund shall be used only for administering~~ 10450
~~and enforcing this chapter and Chapter 905. of the Revised Code~~ 10451
~~and rules adopted under them.~~ 10452

The director shall prepare and provide a report concerning 10453
the fund in accordance with section 905.381 of the Revised Code. 10454

Sec. 927.69. To effect the purpose of sections 927.51 to 10455
927.74 of the Revised Code, the director of agriculture or the 10456
director's authorized representative may: 10457

(A) Make reasonable inspection of any premises in this state 10458
and any property therein or thereon; 10459

(B) Stop and inspect in a reasonable manner, any means of 10460
conveyance moving within this state upon probable cause to believe 10461
it contains or carries any pest, host, commodity, or other article 10462
that is subject to sections 927.51 to 927.72 of the Revised Code; 10463

(C) Conduct inspections of agricultural products that are 10464
required by other states, the United States department of 10465
agriculture, other federal agencies, or foreign countries to 10466
determine whether the products are infested. If, upon making such 10467
an inspection, the director or the director's authorized 10468
representative determines that an agricultural product is not 10469
infested, the director or the director's authorized representative 10470
may issue a certificate, as required by other states, the United 10471
States department of agriculture, other federal agencies, or 10472
foreign countries, indicating that the product is not infested. 10473

If the director charges fees for any of the certificates, 10474
agreements, or inspections specified in this section, the fees 10475
shall be as follows: 10476

(1) Phyto sanitary certificates, twenty-five dollars; 10477

(2) Compliance agreements, twenty dollars; 10478

(3) Solid wood packing certificates, twenty dollars; 10479

(4) Agricultural products and their conveyances inspections, 10480
~~sixty five dollars~~ an amount equal to the hourly rate of pay in 10481

the highest step in the pay range, including fringe benefits, of a 10482
plant pest control specialist multiplied by the number of hours 10483
worked by such a specialist in conducting an inspection. 10484

The director may adopt rules under section 927.52 of the 10485
Revised Code that define the certificates, agreements, and 10486
inspections. 10487

The fees shall be deposited into the state treasury to the 10488
credit of the pesticide program fund created in Chapter 921. of 10489
the Revised Code. Money credited to the fund shall be used to pay 10490
the costs incurred by the department of agriculture in 10491
administering this chapter, including employing a minimum of two 10492
additional inspectors. 10493

Sec. 1327.511. All money collected under section 1327.50 of 10494
the Revised Code for services rendered by the department of 10495
agriculture in operating the type evaluation program shall be 10496
deposited in the state treasury to the credit of the metrology and 10497
scale certification fund, which is hereby created. Money credited 10498
to the fund shall be used to pay operating costs incurred by the 10499
department in administering the program. 10500

Sec. 1327.62. Whenever the director of agriculture, or ~~his~~ 10501
the director's designee, has cause to believe that any person has 10502
violated, or is violating, section 1327.54 ~~or~~, 1327.61, or 1327.70 10503
of the Revised Code, ~~he~~ the director, or ~~his~~ the director's 10504
designee, may conduct a hearing in accordance with Chapter 119. of 10505
the Revised Code to determine whether a violation has occurred. If 10506
the director or ~~his~~ the director's designee determines that the 10507
person has violated or is violating section 1327.54 ~~or~~, 1327.61, 10508
or 1327.70 of the Revised Code, ~~he~~ the director or the director's 10509
designee may assess a civil penalty against the person. The person 10510
is liable for a civil penalty of not more than five hundred 10511

dollars for a first violation; for a second violation the person 10512
is liable for a civil penalty of not more than two thousand five 10513
hundred dollars; for each subsequent violation that occurs within 10514
five years after the second violation, the person is liable for a 10515
civil penalty of not more than ten thousand dollars. 10516

Any person assessed a civil penalty under this section shall 10517
pay the amount prescribed to the department of agriculture. The 10518
department shall remit all moneys collected under this section to 10519
the treasurer of state for deposit in the general revenue fund. 10520

Sec. 1327.70. (A) As used in this section: 10521

(1) "Large capacity scale" includes the following: 10522

(a) Vehicle and axle-load scales used by law enforcement 10523
personnel in the enforcement of load limits on highways together 10524
with commercial railway, vehicle, and livestock scales. 10525
Descriptions of these types of scales are included in national 10526
institute of standards and technology handbook 44 or its 10527
supplements and revisions, as referred to in section 1327.49 of 10528
the Revised Code. 10529

(b) Any other scales designated in rules adopted under this 10530
section. 10531

(2) "Large meter" includes the following: 10532

(a) Commercially used rack meters, vehicle tank meters, and 10533
liquefied petroleum gas truck mounted meters. Descriptions of 10534
these types of meters are included in national institute of 10535
standards and technology handbook 44 or its supplements and 10536
revisions, as referred to in section 1327.49 of the Revised Code. 10537

(b) Any other meters designated in rules adopted under this 10538
section. 10539

(B) On and after September 1, 2005, no person shall operate a 10540
large capacity scale or a large meter in this state unless the 10541

operator holds a valid permit issued by the director of 10542
agriculture or the director's designee for the scale or meter. A 10543
person who wishes to operate a large capacity scale or a large 10544
meter in this state shall file a permit application with the 10545
director on a form that the director prescribes and provides. The 10546
applicant shall include on the application any information 10547
solicited by the form and include with it a fee of two hundred 10548
fifty dollars. 10549

(C) Upon receipt of a completed permit application and 10550
payment of the required permit fee, the director or the director's 10551
designee shall issue to the applicant a permit to operate the 10552
large capacity scale or large meter that is the subject of the 10553
application. A permit issued under this section expires on the 10554
thirtieth day of June following its issuance and may be renewed 10555
annually on or before the first day of July upon payment of a 10556
renewal fee in the amount of two hundred fifty dollars. 10557

(D) The director may adopt rules in accordance with Chapter 10558
119. of the Revised Code that designate additional types of scales 10559
and meters to be included in the definitions of "large capacity 10560
scale" and "large meter," respectively, or that provide a more 10561
detailed explanation of terms initially included in those 10562
definitions by statute. 10563

Sec. 1327.71. There is hereby created in the state treasury 10564
the weights and measures permit fund. The director of agriculture 10565
shall deposit permit and renewal fees collected under section 10566
1327.70 of the Revised Code into the state treasury to the credit 10567
of the fund. The director may use money in the fund to pay costs 10568
associated with the programs administered by the department of 10569
agriculture involving weights and measures. 10570

Sec. 1327.99. Whoever violates section 1327.54 ~~or~~ division 10571

(A), (B), (C), or (D) of section 1327.61, or section 1327.70 of 10572
the Revised Code is guilty of a misdemeanor of the second degree 10573
on a first offense; on each subsequent offense within seven years 10574
after the first offense, ~~such~~ the person is guilty of a 10575
misdemeanor of the first degree. 10576

Sec. 1502.02. (A) There is hereby created in the department 10577
of natural resources the division of recycling and litter 10578
prevention to be headed by the chief of recycling and litter 10579
prevention. 10580

(B) There is hereby created in the state treasury the 10581
recycling and litter prevention fund, consisting of moneys 10582
distributed to it from fees, including the fee levied under 10583
division (A)(4) of section 3734.57 of the Revised Code, gifts, 10584
donations, grants, reimbursements, and other sources, including 10585
investment earnings. 10586

(C) The chief of recycling and litter prevention shall do all 10587
of the following: 10588

(1) Use moneys credited to the fund exclusively for the 10589
purposes set forth in sections 1502.03, 1502.04, and 1502.05 of 10590
the Revised Code, with particular emphasis on programs relating to 10591
recycling; 10592

(2) Expend for administration of the division not more than 10593
ten per cent of any fiscal year's appropriation to the division, 10594
excluding the amount assessed to the division for direct and 10595
indirect central support charges; 10596

(3) Require recipients of grants under section 1502.05 of the 10597
Revised Code, as a condition of receiving and retaining them, to 10598
do all of the following: 10599

(a) Create a separate account for the grants and any cash 10600
donations received that qualify for the donor credit allowed by 10601

section 5733.064 of the Revised Code; 10602

(b) Make expenditures from the account exclusively for the 10603
purposes for which the grants were received; 10604

(c) Use any auditing and accounting practices the chief 10605
considers necessary regarding the account; 10606

(d) Report to the chief information regarding the amount and 10607
donor of cash donations received as described by section 5733.064 10608
of the Revised Code; 10609

(e) Use grants received to supplement and not to replace any 10610
existing funding for such purposes. 10611

(4) Report to the tax commissioner information the chief 10612
receives pursuant to division (C)(3)(d) of this section. 10613

Sec. 1503.01. The chief of the division of forestry shall 10614
administer this chapter. 10615

The chief may adopt, amend, and rescind rules, in accordance 10616
with Chapter 119. of the Revised Code, for the administration, 10617
implementation, and enforcement of section 1503.43 of the Revised 10618
Code and for the administration, use, visitation, and protection 10619
of the state forests, except those forests used solely for 10620
research purposes by the Ohio agricultural research and 10621
development center. ~~Copies~~ The rules may establish fees and 10622
charges for the use of state forests and for any service that is 10623
provided under a program administered by the division. Such a fee 10624
or charge for the use of a state forest shall not be considered 10625
the payment of a fee or consideration by a recreational user as 10626
described in division (B) of section 1533.18 of the Revised Code. 10627

Copies of the rules governing state forests shall be posted 10628
in conspicuous places in those forests. No person shall violate 10629
any rule adopted under this section. 10630

The chief, with the approval of the director of natural resources, may enter into an agreement with the United States department of agriculture under the "Cooperative Forestry Assistance Act of 1978," 92 Stat. 365, 16 U.S.C.A. 2101, as amended, for the purpose of receiving and disbursing grants to provide forestry and fire protection assistance on public and private lands in this state.

The chief shall employ, subject to the approval of the director, field assistants and such other employees as are necessary for the performance of the work prescribed by this chapter and for the performance of the other work of the division, shall prescribe their duties, and shall fix their compensation in accordance with such schedules as are provided by law for the compensation of state employees.

All employees of the division, unless specifically exempted by law, shall be employed subject to the classified civil service laws in force at the time of employment.

Sec. 1517.02. There is hereby created in the department of natural resources the division of natural areas and preserves, which shall be administered by the chief of the division of natural areas and preserves. The chief shall take an oath of office and shall file in the office of the secretary of state a bond signed by ~~him~~ the chief and by a surety approved by the governor for a sum fixed pursuant to section 121.11 of the Revised Code.

The chief shall, in consultation from time to time with the Ohio natural areas council, administer a system of nature preserves and wild, scenic, and recreational river areas. The chief shall establish a system of nature preserves through acquisition and dedication of natural areas of state or national significance, which shall include, but not be limited to, areas

~~which that~~ represent characteristic examples of Ohio's natural 10662
landscape types and its natural vegetation and geological history. 10663
The chief shall encourage landowners to dedicate areas of unusual 10664
significance as nature preserves, and shall establish and maintain 10665
a registry of natural areas of unusual significance. 10666

The chief may supervise, operate, protect, and maintain wild, 10667
scenic, and recreational river areas, as designated by the 10668
director of natural resources. The chief may cooperate with 10669
federal agencies administering any federal program concerning 10670
wild, scenic, or recreational river areas. 10671

~~The chief may, with the approval of the director, enter into 10672
an agreement with the United States department of commerce under 10673
the "Coastal Zone Management Act of 1972," 86 Stat. 1280, 16 10674
U.S.C.A. 1451, as amended, for the purpose of receiving grants to 10675
continue the management, operation, research, and programming at 10676
old woman creek national estuarine research reserve. 10677~~

The chief shall: 10678

(A) Formulate policies and plans for the acquisition, use, 10679
management, and protection of nature preserves; 10680

(B) Formulate policies for the selection of areas suitable 10681
for registration; 10682

(C) Formulate policies for the dedication of areas as nature 10683
preserves; 10684

(D) Prepare and maintain surveys and inventories of natural 10685
areas and habitats of rare and endangered species of plants and 10686
animals; 10687

(E) Adopt rules for the use, visitation, and protection of 10688
nature preserves, "natural areas owned or managed through 10689
easement, license, or lease by the department and administered by 10690
the division," and lands owned "or managed through easement, 10691

license, or lease^m by the department and administered by the 10692
division ~~which~~ that are within or adjacent to any wild, scenic, or 10693
recreational river area, in accordance with Chapter 119. of the 10694
Revised Code; 10695

(F) Provide facilities and improvements within the state 10696
system of nature preserves that are necessary for their 10697
visitation, use, restoration, and protection and do not impair 10698
their natural character; 10699

(G) Consult with the Ohio natural areas council in advance of 10700
any improvement, development, or change in use of a nature 10701
preserve that is inconsistent with the rules governing their use; 10702

(H) Provide interpretive programs and publish and disseminate 10703
information pertaining to nature preserves and natural areas for 10704
their visitation and use; 10705

(I) Conduct and grant permits to qualified persons for the 10706
conduct of scientific research and investigations within nature 10707
preserves; 10708

(J) Establish an appropriate system for marking nature 10709
preserves; 10710

(K) Publish and submit to the governor and the general 10711
assembly a biennial report of the status and condition of each 10712
nature preserve, activities conducted within each preserve, and 10713
plans and recommendations for natural area preservation. 10714

Sec. 1517.052. (A)(1) No public entity with authority to levy 10715
special assessments on real property shall collect an assessment 10716
for purposes of sewer, water, or electrical service on real 10717
property that is within a nature preserve as described in division 10718
(A)(2) of this section without the permission of the owner. 10719

(2) For purposes of division (A)(1) of this section, a nature 10720
preserve is an area that is established: 10721

<u>(a) In the case of counties, prior to the adoption of a</u>	10722
<u>resolution of necessity by a board of county commissioners</u>	10723
<u>pursuant to section 6103.05 or 6117.06 of the Revised Code;</u>	10724
<u>(b) In the case of municipal corporations, prior to whichever</u>	10725
<u>of the following occurs first:</u>	10726
<u>(i) The adoption of the resolution of necessity by the</u>	10727
<u>municipal legislative authority pursuant to section 727.12 or</u>	10728
<u>729.02 of the Revised Code;</u>	10729
<u>(ii) The service of notice on all or some of the owners to be</u>	10730
<u>assessed pursuant to section 729.06 of the Revised Code;</u>	10731
<u>(iii) The adoption of the ordinance or resolution by the</u>	10732
<u>municipal legislative authority declaring the necessity for the</u>	10733
<u>improvement, the costs of which are to be assessed under</u>	10734
<u>procedures authorized by a municipal charter adopted pursuant to</u>	10735
<u>Section 7 of Article XVIII, Ohio Constitution, or, if no such</u>	10736
<u>ordinance or resolution is required under the charter, the service</u>	10737
<u>of the first notice on all or some of the owners of lands to be</u>	10738
<u>assessed, or the adoption of the first ordinance or resolution by</u>	10739
<u>the municipal legislative authority pertaining to the assessment</u>	10740
<u>proceedings under the charter.</u>	10741
<u>(c) In the case of a regional water and sewer district</u>	10742
<u>established under Chapter 6119. of the Revised Code, prior to the</u>	10743
<u>adoption of a resolution of necessity by the board of trustees of</u>	10744
<u>the district under section 6119.25 of the Revised Code.</u>	10745
<u>(B) For each special assessment levied by a public entity on</u>	10746
<u>real property within a nature preserve for purposes of sewer,</u>	10747
<u>water, or electrical service, the county auditor shall make and</u>	10748
<u>maintain a list showing all of the following:</u>	10749
<u>(1) The name of the owner of each lot, tract, or parcel of</u>	10750
<u>land that is exempt from the collection of the special assessment</u>	10751

<u>under this section;</u>	10752
<u>(2) A description of the exempt land;</u>	10753
<u>(3) The purpose of the special assessment;</u>	10754
<u>(4) The amount of the uncollected assessment on the exempt land.</u>	10755 10756
<u>In the case of a county project that is constructed under Chapter 6103. or 6117. of the Revised Code, the county auditor may use a list provided for in those chapters in lieu of the list required by division (B) of this section. The auditor also shall record in the water-works record that is required by section 6103.16 of the Revised Code or the sewer improvement record that is required by section 6117.33 of the Revised Code those assessments that are not collected under this section. The recording of the assessments does not permit the collection of the assessments until the time that exempt lands are withdrawn from dedication as a nature preserve.</u>	10757 10758 10759 10760 10761 10762 10763 10764 10765 10766 10767
<u>(C) A board of county commissioners, legislative authority of a municipal corporation, or other governing board of any other public entity may apply to the water and sewer commission created in division (C) of section 1525.11 of the Revised Code for an advance of money from the water and sewer fund created in division (A) of that section in an amount equal to that portion of the costs of a water or sewer improvement authorized by law that is to be financed by assessments whose collection is prohibited under division (A) of this section. The application for such an advance of money shall be made in the manner prescribed by rules of the commission. Upon collection of any assessment whose collection was prohibited under division (A) of this section, the board of county commissioners, legislative authority, or other governing board shall repay the commission the amount of any money advanced by it in regard to the assessments.</u>	10768 10769 10770 10771 10772 10773 10774 10775 10776 10777 10778 10779 10780 10781 10782

Sec. 1521.062. (A) All dams, dikes, and levees constructed in 10783
this state and not exempted by this section or by the chief of the 10784
division of water under section 1521.06 of the Revised Code shall 10785
be inspected periodically by the chief ~~to~~, except for classes of 10786
dams that, in accordance with rules adopted under this section, 10787
are required to be inspected by registered professional engineers 10788
who have been approved for that purpose by the chief. The 10789
inspection shall ensure that continued operation and use of the 10790
dam, dike, or levee does not constitute a hazard to life, health, 10791
or property. Periodic inspections shall not be required of the 10792
following structures: 10793

(1) A dam that is less than ten feet in height and has a 10794
storage capacity of not more than fifty acre-feet at the elevation 10795
of the top of the dam, as determined by the chief. For the 10796
purposes of this section, the height of a dam shall be measured 10797
from the natural stream bed or lowest ground elevation at the 10798
downstream or outside limit of the dam to the elevation of the top 10799
of the dam. 10800

(2) A dam, regardless of height, that has a storage capacity 10801
of not more than fifteen acre-feet at the elevation of the top of 10802
the dam, as determined by the chief; 10803

(3) A dam, regardless of storage capacity, that is six feet 10804
or less in height, as determined by the chief; 10805

(4) A dam, dike, or levee belonging to a class exempted by 10806
the chief; 10807

(5) A dam, dike, or levee that has been exempted in 10808
accordance with rules adopted under section 1521.064 of the 10809
Revised Code. 10810

(B) In accordance with rules adopted under this section, the 10811
owner of a dam that is in a class of dams that is designated in 10812

the rules for inspection by registered professional engineers 10813
shall obtain the services of a registered professional engineer 10814
who has been approved by the chief to conduct the periodic 10815
inspection of dams pursuant to schedules and other standards and 10816
procedures established in the rules. The registered professional 10817
engineer shall prepare a report of the inspection in accordance 10818
with the rules and provide the inspection report to the dam owner 10819
who shall submit it to the chief. A dam that is designated under 10820
the rules for inspection by a registered professional engineer but 10821
that is not inspected within a five-year period may be inspected 10822
by the chief at the owner's expense. 10823

(C) Intervals between periodic inspections shall be 10824
determined by the chief, but shall not exceed five years. The 10825
chief may use inspection reports prepared for the owner of the 10826
dam, dike, or levee by a registered professional engineer. 10827

~~(C) The owner~~ (D) In the case of a dam, dike, or levee that 10828
the chief inspects, the chief shall be furnished furnish a report 10829
of each the inspection and to the owner of the dam, dike, or 10830
levee. With regard to a dam, dike, or levee that has been 10831
inspected, either by the chief or by a registered professional 10832
engineer, and that is the subject of an inspection report prepared 10833
or received by the chief, the chief shall be informed of inform 10834
the owner of any required repairs, maintenance, investigations, 10835
and other remedial and operational measures ~~by the chief~~. The 10836
chief shall order the owner to perform such repairs, maintenance, 10837
investigations, or other remedial or operational measures as ~~he~~ 10838
the chief considers necessary to safeguard life, health, or 10839
property. The order shall permit the owner a reasonable time in 10840
which to perform the needed repairs, maintenance, investigations, 10841
or other remedial measures, and the cost thereof shall be borne by 10842
the owner. All orders of the chief are subject to appeal as 10843
provided in Chapter 119. of the Revised Code. The attorney 10844

general, upon written request of the chief, may bring an action 10845
for an injunction against any person who violates this section or 10846
to enforce an order of the chief made pursuant to this section. 10847

~~(D)~~(E) The owner of a dam, dike, or levee shall monitor, 10848
maintain, and operate the structure and its appurtenances safely 10849
in accordance with state rules, terms and conditions of permits, 10850
orders, and other requirements issued pursuant to this section or 10851
section 1521.06 of the Revised Code. The owner shall fully and 10852
promptly notify the division of water and other responsible 10853
authorities of any condition ~~which~~ that threatens the safety of 10854
the structure and shall take all necessary actions to safeguard 10855
life, health, and property. 10856

~~(E)~~(F) Before commencing the repair, improvement, alteration, 10857
or removal of a dam, dike, or levee, the owner shall file an 10858
application including plans, specifications, and other required 10859
information with the division and shall secure written approval of 10860
the application by the chief. Emergency actions by the owner 10861
required to safeguard life, health, or property are exempt from 10862
this requirement. The chief may, by rule, define maintenance, 10863
repairs, or other remedial measures of a routine nature ~~which~~ that 10864
are exempt from this requirement. 10865

~~(F)~~(G) The chief may remove or correct, at the expense of the 10866
owner, any unsafe structures found to be constructed or maintained 10867
in violation of this section or section 1521.06 of the Revised 10868
Code. In the case of an owner other than a governmental agency, 10869
the cost of removal or correction of any unsafe structure, 10870
together with a description of the property on which the unsafe 10871
structure is located, shall be certified by the chief to the 10872
county auditor and placed by the county auditor upon the tax 10873
duplicate. This cost is a lien upon the lands from the date of 10874
entry and shall be collected as other taxes and returned to the 10875
division. In the case of an owner that is a governmental agency, 10876

the cost of removal or correction of any unsafe structure shall be 10877
recoverable from the owner by appropriate action in a court of 10878
competent jurisdiction. 10879

~~(G)~~(H) If the condition of any dam, dike, or levee is found, 10880
in the judgment of the chief, to be so dangerous to the safety of 10881
life, health, or property as not to permit time for the issuance 10882
and enforcement of an order relative to repair, maintenance, or 10883
operation, the chief shall employ any of the following remedial 10884
means necessary to protect life, health, and property: 10885

(1) Lower the water level of the lake or reservoir by 10886
releasing water; 10887

(2) Completely drain the lake or reservoir; 10888

(3) Take such other measures or actions as ~~he~~ the chief 10889
considers necessary to safeguard life, health, and property. 10890

The chief shall continue in full charge and control of the 10891
dam, dike, or levee until the structure is rendered safe. The cost 10892
of the remedy shall be recoverable from the owner of the structure 10893
by appropriate action in a court of competent jurisdiction. 10894

~~(H)~~(I) The chief may accept and expend gifts, bequests, and 10895
grants from the United States government or from any other public 10896
or private source and may contract with the United States 10897
government or any other agency or entity for the purpose of 10898
carrying out the dam safety functions set forth in this section 10899
and section 1521.06 of the Revised Code. 10900

(J) In accordance with Chapter 119. of the Revised Code, the 10901
chief shall adopt, and may amend or rescind, rules that do all of 10902
the following: 10903

(1) Designate classes of dams for which dam owners must 10904
obtain the services of a registered professional engineer to 10905
periodically inspect the dams and to prepare reports of the 10906

<u>inspections for submittal to the chief;</u>	10907
<u>(2) Establish standards in accordance with which the chief</u>	10908
<u>must approve or disapprove registered professional engineers to</u>	10909
<u>inspect dams together with procedures governing the approval</u>	10910
<u>process;</u>	10911
<u>(3) Establish schedules, standards, and procedures governing</u>	10912
<u>periodic inspections and standards and procedures governing the</u>	10913
<u>preparation and submittal of inspection reports;</u>	10914
<u>(4) Establish provisions regarding the enforcement of this</u>	10915
<u>section and rules adopted under it.</u>	10916
<u>Sec. 1521.151. The chief of the division of water is not</u>	10917
<u>required to allow access to or the use of a computer database that</u>	10918
<u>consists of geographic information and that is maintained by the</u>	10919
<u>division of water, except under terms and conditions that are</u>	10920
<u>acceptable to the chief. The chief shall establish procedures and</u>	10921
<u>reasonable rates to be charged for the dissemination, upon the</u>	10922
<u>request of any person, of specified records stored in such a</u>	10923
<u>computer database other than records that the chief considers to</u>	10924
<u>be confidential. The chief also may establish specific rates that</u>	10925
<u>are reasonable to charge for the special extraction of information</u>	10926
<u>from such a computer database or for the compilation of data or</u>	10927
<u>maps.</u>	10928
<u>Sec. 1525.11. (A) The water and sewer fund, which is hereby</u>	10929
<u>created in the state treasury, shall consist of moneys</u>	10930
<u>appropriated to the fund by the general assembly, moneys allocated</u>	10931
<u>to the fund pursuant to section 164.08 of the Revised Code, moneys</u>	10932
<u>repaid to the fund for advances made from it, and interest paid</u>	10933
<u>for delay in repayment of advances from the fund. The fund shall</u>	10934
<u>be administered by the water and sewer commission created by</u>	10935
<u>division (C) of this section. Moneys in the fund shall be used</u>	10936

solely for advances to boards of county commissioners, legislative 10937
authorities of municipal corporations, and governing boards of any 10938
other public entities to meet that portion of the cost of the 10939
extension of water and sewer lines to be financed by assessments 10940
for which collections are deferred or exempt pursuant to division 10941
(A) of section 929.03, division (A) of section 1517.052, division 10942
(B) of section 6103.052, or division (B) of section 6117.062, ~~or~~ 10943
~~division (A) of section 929.03~~ of the Revised Code. Moneys 10944
allocated to the fund pursuant to section 164.08 of the Revised 10945
Code shall be used solely to make advances to subdivisions 10946
described in this division. Advances made from moneys deposited in 10947
this fund pursuant to section 164.08 of the Revised Code shall be 10948
repaid within twenty years from the time the advance is made~~7~~. 10949

(B) The water and sewer administrative fund is hereby created 10950
in the state treasury to consist of moneys collected as fees 10951
pursuant to division (C) of section 1525.12 of the Revised Code. 10952
Moneys in this fund shall be used solely to pay the administrative 10953
costs of the water and sewer commission. 10954

(C) There is hereby created the water and sewer commission. 10955
The commission shall consist of seven members and, for 10956
administrative purposes, shall be attached to the department of 10957
development. The members of the commission shall be the director 10958
of development or the director's representative, the director of 10959
health or the director's representative, the director of 10960
agriculture or the director's representative, the director of 10961
natural resources or the director's representative, and three 10962
members appointed by the governor. One of the three members 10963
appointed by the governor shall be a representative of industry, 10964
one shall be a farmer whose major source of income is derived from 10965
farming, and one shall be a representative of the public. The 10966
governor shall appoint one member to serve for a term of one year, 10967
one member to serve for a term of two years, and one member to 10968

serve for a term of three years. Thereafter, terms of office of
members appointed by the governor shall be for three years,
commencing on the twentieth day of December and ending on the
nineteenth day of December. Each appointed member shall hold
office from the date of appointment until the end of the term for
which the member was appointed. Any member appointed to fill a
vacancy occurring prior to the expiration of the term for which
the member's predecessor was appointed shall hold office for the
remainder of ~~such~~ that term. Any appointed member shall continue
in office subsequent to the expiration date of ~~his~~ the member's
term until the member's successor takes office, or until a period
of sixty days has elapsed, whichever occurs first. The governor
shall designate the chairperson of the commission, who shall serve
for a term of one year. The members of the commission shall
receive no compensation other than for expenses incurred in the
performance of their duties.

(D) The commission shall submit orders, made pursuant to
division (D) of section 1525.12 of the Revised Code, approving
advances from the water and sewer fund, to the controlling board.
The controlling board shall then determine whether or not such an
advance shall be made. If the board determines that the advance
shall be made, it shall certify ~~such~~ the action to the director of
budget and management for payment.

Sec. 1525.12. The water and sewer commission shall in the
administration of the water and sewer fund:

(A) Consider applications for advances from the fund made
pursuant to division (D) of section 929.03, division (C) of
section 1517.052, or division (A) of section 6103.052 or of
section 6117.062 of the Revised Code;

(B) Determine, pursuant to the standards set forth in section
1525.13 of the Revised Code, whether an advance of moneys should

be made as requested by an application, approve the amount of the
advance, if any, to be made, and fix the maximum time within which
the advance shall be repaid; 11000
11001
11002

(C) Collect from the boards of county commissioners,
legislative authorities of municipal corporations, or governing
boards of any other public entities requesting an advance from the
water and sewer fund pursuant to division (D) of section 929.03,
division (C) of section 1517.052, or division (A) of both sections
6103.052 and 6117.062 of the Revised Code a fee equal to two per
cent of any moneys advanced from the fund and pay the fees into
the water and sewer administrative fund created pursuant to
division (B) of section 1525.11 of the Revised Code; 11003
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11011

(D) Submit orders approving advances to the controlling board
for action pursuant to division ~~(C)~~(D) of section 1525.11 of the
Revised Code; 11012
11013
11014

(E) Adopt pursuant to Chapter 119. of the Revised Code: 11015

(1) Rules prescribing the form of application for advances
from the fund and the time and manner of submitting ~~such an~~
application; 11016
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11018

(2) Rules prescribing the criteria to determine the
occurrence of a change in the use of property as referred to in
division (C) of section 929.03 or division (C) of both sections
6103.052 and 6117.062 of the Revised Code; 11019
11020
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11022

(3) Rules prescribing the criteria to consider for the
disposition of requests for advances from the fund made pursuant
to section 1525.13 of the Revised Code; 11023
11024
11025

(4) Rules prescribing standards for the use of boards of
county commissioners in determining the disposition of requests
for deferment of collection of assessment pursuant to division (B)
of both sections 6103.052 and 6117.062 of the Revised Code. 11026
11027
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11029

(F) Investigate the uses of those lands on which the deferred 11030
or exempted collection of assessments has been the basis for 11031
advances of moneys from the fund, require the boards of county 11032
commissioners to repay the commission pursuant to division (C) or 11033
(D) of section 6103.052 or division (C) or (D) of section 6117.062 11034
of the Revised Code the advances due as a result of changes in the 11035
use of property, and require boards of county commissioners, 11036
legislative authorities of municipal corporations, and other 11037
governing boards of any other public entities to repay the 11038
commission under division (D) of section 929.03 or division (C) of 11039
section 1517.052 of the Revised Code; 11040

(G) Pay into the fund all repayments of moneys advanced from 11041
the fund and interest paid for delay in repayment of advances made 11042
from the fund; 11043

(H) Defer the repayment by a board of county commissioners of 11044
moneys previously advanced from the fund when a board defers the 11045
collection of assessments pursuant to division (C) of section 11046
6103.052 or division (C) of section 6117.062 of the Revised Code; 11047

(I) Employ such personnel as are required to administer this 11048
section. 11049

Sec. 1531.27. The chief of the division of wildlife shall pay 11050
to the treasurers of the several counties wherein lands owned by 11051
the state and administered by the division are ~~situate~~ located an 11052
annual amount determined in the following manner: in each such 11053
county one per cent of the total value of such lands exclusive of 11054
improvements, as shown on the auditor's records of taxable value 11055
of real property existing at the time when the state acquired the 11056
tract or tracts comprising ~~such~~ the lands. 11057

~~Such~~ The payments shall be made from funds accruing to the 11058
division ~~of wildlife~~ from the sale of hunting or fishing licenses 11059

and ~~federal wildlife restoration funds, and the~~ from fines, 11060
penalties, and forfeitures deposited into the state treasury to 11061
the credit of the wildlife fund created in section 1531.17 of the 11062
Revised Code. The allocation of amounts to be paid from ~~such~~ those 11063
sources shall be determined by the director of natural resources. 11064

~~Such~~ The payments to the treasurers of the several counties 11065
shall be credited to the fund for school purposes within the 11066
school districts wherein ~~such~~ the lands are ~~situate~~ located. 11067

Sec. 1533.10. Except as provided in this section or division 11068
(A) of section 1533.12 of the Revised Code, no person shall hunt 11069
any wild bird or wild quadruped without a hunting license. Each 11070
day that any person hunts within the state without procuring such 11071
a license constitutes a separate offense. Except as otherwise 11072
provided in this section, every applicant for a hunting license 11073
who is a resident of the state and ~~sixteen~~ eighteen years of age 11074
or more shall procure a resident hunting license, the fee for 11075
which shall be eighteen dollars, unless the rules adopted under 11076
division (B) of section 1533.12 of the Revised Code provide for 11077
issuance of a resident hunting license to the applicant free of 11078
charge. Except as provided in rules adopted under division (B)(2) 11079
of that section, each applicant who is a resident of this state 11080
and who at the time of application is sixty-six years of age or 11081
older shall procure a special senior hunting license, the fee for 11082
which shall be one-half of the regular hunting license fee. Every 11083
applicant who is under the age of ~~sixteen~~ eighteen years shall 11084
procure a special youth hunting license, the fee for which shall 11085
be one-half of the regular hunting license fee. The owner of lands 11086
in the state and the owner's children of any age and grandchildren 11087
under eighteen years of age may hunt on the lands without a 11088
hunting license. The tenant and children of the tenant, residing 11089
on lands in the state, may hunt on them without a hunting license. 11090
Every applicant for a hunting license who is a nonresident of the 11091

state and who is ~~sixteen~~ eighteen years of age or older shall 11092
procure a nonresident hunting license, the fee for which shall be 11093
one hundred twenty-four dollars, unless the applicant is a 11094
resident of a state that is a party to an agreement under section 11095
1533.91 of the Revised Code, in which case the fee shall be 11096
eighteen dollars. 11097

The chief of the division of wildlife may issue a small game 11098
hunting license expiring three days from the effective date of the 11099
license to a nonresident of the state, the fee for which shall be 11100
thirty-nine dollars. No person shall take or possess deer, wild 11101
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 11102
animal while possessing only a small game hunting license. A small 11103
game hunting license does not authorize the taking or possessing 11104
of ducks, geese, or brant without having obtained, in addition to 11105
the small game hunting license, a wetlands habitat stamp as 11106
provided in section 1533.112 of the Revised Code. A small game 11107
hunting license does not authorize the taking or possessing of 11108
deer, wild turkeys, or fur-bearing animals. A nonresident of the 11109
state who wishes to take or possess deer, wild turkeys, or 11110
fur-bearing animals in this state shall procure, respectively, a 11111
special deer or wild turkey permit as provided in section 1533.11 11112
of the Revised Code or a fur taker permit as provided in section 11113
1533.111 of the Revised Code in addition to a nonresident hunting 11114
license or a special youth hunting license, as applicable, as 11115
provided in this section. 11116

No person shall procure or attempt to procure a hunting 11117
license by fraud, deceit, misrepresentation, or any false 11118
statement. 11119

This section does not authorize the taking and possessing of 11120
deer or wild turkeys without first having obtained, in addition to 11121
the hunting license required by this section, a special deer or 11122
wild turkey permit as provided in section 1533.11 of the Revised 11123

Code or the taking and possessing of ducks, geese, or brant 11124
without first having obtained, in addition to the hunting license 11125
required by this section, a wetlands habitat stamp as provided in 11126
section 1533.112 of the Revised Code. 11127

This section does not authorize the hunting or trapping of 11128
fur-bearing animals without first having obtained, in addition to 11129
a hunting license required by this section, a fur taker permit as 11130
provided in section 1533.111 of the Revised Code. 11131

No hunting license shall be issued unless it is accompanied 11132
by a written explanation of the law in section 1533.17 of the 11133
Revised Code and the penalty for its violation, including a 11134
description of terms of imprisonment and fines that may be 11135
imposed. 11136

No hunting license shall be issued unless the applicant 11137
presents to the agent authorized to issue the license a previously 11138
held hunting license or evidence of having held such a license in 11139
content and manner approved by the chief, a certificate of 11140
completion issued upon completion of a hunter education and 11141
conservation course approved by the chief, or evidence of 11142
equivalent training in content and manner approved by the chief. 11143

No person shall issue a hunting license to any person who 11144
fails to present the evidence required by this section. No person 11145
shall purchase or obtain a hunting license without presenting to 11146
the issuing agent the evidence required by this section. Issuance 11147
of a hunting license in violation of the requirements of this 11148
section is an offense by both the purchaser of the illegally 11149
obtained hunting license and the clerk or agent who issued the 11150
hunting license. Any hunting license issued in violation of this 11151
section is void. 11152

The chief, with approval of the wildlife council, shall adopt 11153
rules prescribing a hunter education and conservation course for 11154

first-time hunting license buyers and for volunteer instructors. 11155
The course shall consist of subjects including, but not limited 11156
to, hunter safety and health, use of hunting implements, hunting 11157
tradition and ethics, the hunter and conservation, the law in 11158
section 1533.17 of the Revised Code along with the penalty for its 11159
violation, including a description of terms of imprisonment and 11160
fines that may be imposed, and other law relating to hunting. 11161
Authorized personnel of the division or volunteer instructors 11162
approved by the chief shall conduct such courses with such 11163
frequency and at such locations throughout the state as to 11164
reasonably meet the needs of license applicants. The chief shall 11165
issue a certificate of completion to each person who successfully 11166
completes the course and passes an examination prescribed by the 11167
chief. 11168

Sec. 1533.11. (A) Except as provided in this section, no 11169
person shall hunt deer on lands of another without first obtaining 11170
an annual special deer permit. Except as provided in this section, 11171
no person shall hunt wild turkeys on lands of another without 11172
first obtaining an annual special wild turkey permit. Each 11173
applicant for a special deer or wild turkey permit shall pay an 11174
annual fee of twenty-three dollars for each permit unless the 11175
rules adopted under division (B) of section 1533.12 of the Revised 11176
Code provide for issuance of a deer or wild turkey permit to the 11177
applicant free of charge. Except as provided in rules adopted 11178
under division (B)(2) of that section, each applicant who is a 11179
resident of this state and who at the time of application is 11180
sixty-six years of age or older shall procure a special senior 11181
deer or wild turkey permit, the fee for which shall be one-half of 11182
the regular special deer or wild turkey permit fee. Each applicant 11183
who is under the age of ~~sixteen~~ eighteen years shall procure a 11184
special youth deer or wild turkey permit, the fee for which shall 11185
be one-half of the regular special deer or wild turkey permit fee. 11186

Except as provided in division (A) of section 1533.12 of the Revised Code, a deer or wild turkey permit shall run concurrently with the hunting license. The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey. Every person, while hunting deer or wild turkey on lands of another, shall carry the person's special deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section. The chief of the division of wildlife shall adopt any additional rules the chief considers necessary to carry out this section and section 1533.10 of the Revised Code.

The owner and the children of the owner of lands in this state may hunt deer or wild turkey thereon without a special deer or wild turkey permit. The tenant and children of the tenant may hunt deer or wild turkey on lands where they reside without a special deer or wild turkey permit.

(B) A special deer or wild turkey permit is not transferable. No person shall carry a special deer or wild turkey permit issued in the name of another person.

(C) The wildlife refunds fund is hereby created in the state treasury. The fund shall consist of money received from application fees for special deer permits that are not issued. Money in the fund shall be used to make refunds of such application fees.

Sec. 1533.111. Except as provided in this section or division (A) of section 1533.12 of the Revised Code, no person shall hunt

or trap fur-bearing animals on land of another without first 11218
obtaining an annual fur taker permit. Each applicant for a fur 11219
taker permit shall pay an annual fee of fourteen dollars for the 11220
permit, except as otherwise provided in this section or unless the 11221
rules adopted under division (B) of section 1533.12 of the Revised 11222
Code provide for issuance of a fur taker permit to the applicant 11223
free of charge. Except as provided in rules adopted under division 11224
(B)(2) of that section, each applicant who is a resident of this 11225
state and who at the time of application is sixty-six years of age 11226
or older shall procure a special senior fur taker permit, the fee 11227
for which shall be one-half of the regular fur taker permit fee. 11228
Each applicant ~~who is a resident of the state and~~ under the age of 11229
~~sixteen~~ eighteen years shall procure a special youth fur taker 11230
permit, the fee for which shall be one-half of the regular fur 11231
taker permit fee. The fur taker permit shall run concurrently with 11232
the hunting license. The money received shall be paid into the 11233
state treasury to the credit of the fund established in section 11234
1533.15 of the Revised Code. 11235

No fur taker permit shall be issued unless it is accompanied 11236
by a written explanation of the law in section 1533.17 of the 11237
Revised Code and the penalty for its violation, including a 11238
description of terms of imprisonment and fines that may be 11239
imposed. 11240

No fur taker permit shall be issued unless the applicant 11241
presents to the agent authorized to issue a fur taker permit a 11242
previously held hunting license or trapping or fur taker permit or 11243
evidence of having held such a license or permit in content and 11244
manner approved by the chief of the division of wildlife, a 11245
certificate of completion issued upon completion of a trapper 11246
education course approved by the chief, or evidence of equivalent 11247
training in content and manner approved by the chief. 11248

No person shall issue a fur taker permit to any person who 11249

fails to present the evidence required by this section. No person 11250
shall purchase or obtain a fur taker permit without presenting to 11251
the issuing agent the evidence required by this section. Issuance 11252
of a fur taker permit in violation of the requirements of this 11253
section is an offense by both the purchaser of the illegally 11254
obtained permit and the clerk or agent who issued the permit. Any 11255
fur taker permit issued in violation of this section is void. 11256

The chief, with approval of the wildlife council, shall adopt 11257
rules prescribing a trapper education course for first-time fur 11258
taker permit buyers and for volunteer instructors. The course 11259
shall consist of subjects that include, but are not limited to, 11260
trapping techniques, animal habits and identification, trapping 11261
tradition and ethics, the trapper and conservation, the law in 11262
section 1533.17 of the Revised Code along with the penalty for its 11263
violation, including a description of terms of imprisonment and 11264
fines that may be imposed, and other law relating to trapping. 11265
Authorized personnel of the division of wildlife or volunteer 11266
instructors approved by the chief shall conduct the courses with 11267
such frequency and at such locations throughout the state as to 11268
reasonably meet the needs of permit applicants. The chief shall 11269
issue a certificate of completion to each person who successfully 11270
completes the course and passes an examination prescribed by the 11271
chief. 11272

Every person, while hunting or trapping fur-bearing animals 11273
on lands of another, shall carry the person's fur taker permit 11274
~~affixed to the person's hunting license~~ with the person's 11275
signature written ~~across the face of~~ on the permit. Failure to 11276
carry such a signed permit constitutes an offense under this 11277
section. The chief shall adopt any additional rules the chief 11278
considers necessary to carry out this section. 11279

The owner and the children of the owner of lands in this 11280
state may hunt or trap fur-bearing animals thereon without a fur 11281

taker permit. The tenant and children of the tenant may hunt or 11282
trap fur-bearing animals on lands where they reside without a fur 11283
taker permit. 11284

A fur taker permit is not transferable. No person shall carry 11285
a fur taker permit issued in the name of another person. 11286

A fur taker permit entitles a nonresident to take from this 11287
state fur-bearing animals taken and possessed by the nonresident 11288
as provided by law or division rule. 11289

Sec. 1533.122. (A) Unless otherwise provided by division 11290
rule, a person who traps, captures, removes, relocates, or 11291
controls nuisance native or nonnative wildlife shall obtain an 11292
annual nuisance animal control permit issued by the division of 11293
wildlife under this section and shall conduct those activities in 11294
accordance with this section and the rules adopted pursuant to it. 11295
Unless otherwise provided by those rules, a nuisance animal 11296
control permit shall expire on the fifteenth day of March of each 11297
year. Unless otherwise provided by those rules, the fee for such a 11298
permit shall be one hundred dollars. While engaged in trapping, 11299
capturing, removal, relocation, or control of nuisance native or 11300
nonnative wildlife, a person shall carry the person's nuisance 11301
animal control permit and shall exhibit the permit to any law 11302
enforcement officer requesting it. 11303

(B) The chief of the division of wildlife shall adopt rules 11304
under section 1531.08 of the Revised Code governing the trapping, 11305
capturing, removal, relocation, and control of nuisance native or 11306
nonnative wildlife. The rules shall establish procedures for the 11307
issuance of nuisance animal control permits and for the 11308
record-keeping that is required under division (C) of this 11309
section, including procedures for the annual submission of records 11310
as required under that division. In addition, the rules may 11311
establish requirements and procedures for the administration of an 11312

examination prior to the issuance of a permit under this section. 11313
The rules may require the examination to test knowledge of current 11314
wildlife rules, animal life history, control methods, and other 11315
pertinent information. The rules may require that an applicant for 11316
a nuisance animal control permit pass the examination in order to 11317
receive a permit under this section and may establish a fee for 11318
the administration of the test. 11319

(C) In accordance with rules adopted pursuant to division (B) 11320
of this section, a person who has been issued a nuisance animal 11321
control permit and who has engaged in the trapping, capturing, 11322
removal, relocation, or control of nuisance native or nonnative 11323
wildlife shall keep accurate, legible, written records of all of 11324
the following: 11325

(1) The address of the property and the name of the owner of 11326
the property where nuisance native or nonnative wildlife have been 11327
trapped, captured, removed, relocated, or controlled; 11328

(2) The method used to trap, capture, remove, relocate, or 11329
control the nuisance native or nonnative wildlife; 11330

(3) The type and number of species of nuisance native or 11331
nonnative wildlife trapped, captured, removed, relocated, or 11332
controlled; 11333

(4) The disposition of nuisance native or nonnative wildlife 11334
trapped, captured, removed, relocated, or controlled; 11335

(5) Any other information required by the chief. 11336

All records shall be kept on forms provided by the division 11337
and shall be made available for inspection by a representative of 11338
the division at reasonable hours. A copy of all such records that 11339
are kept during the annual term of a nuisance animal control 11340
permit shall be mailed to the division each year. 11341

(D) No person shall violate this section or a rule adopted 11342

pursuant to it.

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Sec. 1533.881. No person shall ~~buy or otherwise acquire or~~ 11344
~~convey harvest or otherwise collect~~ ginseng ~~for resale or export~~ 11345
without a ~~registration~~ ginseng collector permit issued annually by 11346
the chief of the division of wildlife ~~in accordance with rules~~ 11347
~~adopted pursuant to section 1533.88 of the Revised Code.~~ In No 11348
person shall buy, sell, or otherwise convey ginseng for resale or 11349
export without a ginseng dealer permit issued annually by the 11350
chief. The annual fee for a resident ginseng collector permit is 11351
twenty-four dollars. The annual fee for a nonresident ginseng 11352
collector permit is one hundred twenty-five dollars. The annual 11353
fee for a ginseng dealer permit is seventy-five dollars. A ginseng 11354
collector permit is not required if a landowner, or the 11355
landowner's spouse or child, is harvesting or otherwise collecting 11356
ginseng on land that is owned by the landowner. 11357

In addition to any other penalty, the chief may refuse to 11358
issue a permit to or suspend the permit of any person who fails to 11359
comply with sections 1533.86 to 1533.90 of the Revised Code or 11360
rules adopted pursuant to section 1533.88 of the Revised Code. 11361

Sec. 1533.99. (A) Whoever violates section 1533.17 of the 11362
Revised Code is guilty of a misdemeanor of the third degree on a 11363
first offense and a misdemeanor of the second degree on each 11364
subsequent offense. In addition to any other sanction imposed 11365
under this division, on a second or subsequent offense occurring 11366
within a period of three consecutive years after the date of 11367
conviction of the immediately preceding violation of that section, 11368
any firearms or other hunting implements in the possession or 11369
under the control of the offender at the time of the violation are 11370
subject to seizure in accordance with section 1531.20 of the 11371
Revised Code. If the offender persists in the offense after 11372

reasonable warning or request to desist, the offender is guilty of 11373
a misdemeanor of the second degree. 11374

(B) Whoever violates section 1533.122, 1533.161, 1533.23, 11375
1533.24, 1533.301, 1533.40, 1533.41, 1533.45, 1533.48, 1533.511, 11376
1533.55, 1533.56, 1533.58, 1533.62, 1533.631, 1533.66, 1533.71, 11377
1533.72, 1533.73, 1533.74, 1533.75, 1533.76, 1533.77, 1533.78, 11378
1533.79, or 1533.80, division (F) of section 1533.731, or division 11379
(B) or (C) of section 1533.97 of the Revised Code is guilty of a 11380
misdemeanor of the third degree. 11381

(C) Whoever violates division (B) of section 1533.03, section 11382
1533.07, 1533.171, 1533.34, 1533.341, 1533.342, 1533.35, 1533.42, 11383
1533.51, 1533.63, 1533.64, 1533.67, 1533.68, 1533.721, 1533.881, 11384
or 1533.882, division (B)(2) or (3) of section 1533.731, or 11385
division (A) of section 1533.97 of the Revised Code is guilty of a 11386
misdemeanor of the first degree. 11387

(D) Whoever violates division (D) of section 1533.97 of the 11388
Revised Code is guilty of a misdemeanor of the fourth degree. The 11389
court shall require any person who is convicted of or pleads 11390
guilty to the offense to refund to all participants in the fishing 11391
tournament operated by the person any entry fees paid by the 11392
participants. 11393

(E) Whoever violates division (C) or (D) of section 1533.632 11394
of the Revised Code is guilty of a felony of the fifth degree. 11395

(F) Whoever violates any section of this chapter for which no 11396
penalty is otherwise provided is guilty of a misdemeanor of the 11397
fourth degree. 11398

(G) A court that imposes sentence for a violation of any 11399
section of this chapter governing the holding, taking, or 11400
possession of wild animals shall require the person who is 11401
convicted of or pleads guilty to the offense, in addition to any 11402
fine, term of imprisonment, seizure, and forfeiture imposed, to 11403

make restitution for the minimum value of the wild animal or 11404
animals illegally held, taken, or possessed as established under 11405
section 1531.201 of the Revised Code. An officer who collects 11406
moneys paid as restitution under this section shall pay those 11407
moneys to the treasurer of state who shall deposit them in the 11408
state treasury to the credit of the wildlife fund established 11409
under section 1531.17 of the Revised Code. 11410

Sec. 1541.03. All lands and waters dedicated and set apart 11411
for state park purposes shall be under the control and management 11412
of the division of parks and recreation, which shall protect, 11413
maintain, and keep them in repair. The division shall have the 11414
following powers over all such lands and waters: 11415

(A) To make alterations and improvements; 11416

(B) To construct and maintain dikes, wharves, landings, 11417
docks, dams, and other works; 11418

(C) To construct and maintain roads and drives in, around, 11419
upon, and to the lands and waters to make them conveniently 11420
accessible and useful to the public; 11421

(D) To adopt, amend, and rescind, in accordance with Chapter 11422
119. of the Revised Code, rules necessary for the proper 11423
management of state parks, bodies of water, and the lands adjacent 11424
to them under its jurisdiction and control, including the 11425
following: 11426

(1) Governing opening and closing times and dates of the 11427
parks; 11428

(2) Establishing fees and charges for admission to state 11429
parks and for use of facilities in them; 11430

(3) Governing camps, camping, and fees for camps and camping; 11431

(4) Governing the application for and rental of, rental fees 11432

for, and the use of cabins;	11433
(5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds, and parking on those lands;	11434 11435 11436
(6) Governing all advertising within state parks and the requirements for the operation of places selling tangible personal property and control of food service sales on lands and waters under the control of the division, which rules shall establish uniform requirements;	11437 11438 11439 11440 11441
(7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft, as those terms are defined in section 1547.01 of the Revised Code, over waters under the control of the division and establishing reasonable fees for the construction of and annual use permits for those structures and devices;	11442 11443 11444 11445 11446 11447 11448
(8) Governing state beaches, swimming, inflatable devices, and fees for them;	11449 11450
(9) Governing the removal and disposition of any watercraft, rowboat, sailboat, or powercraft, as those terms are defined in section 1547.01 of the Revised Code, left unattended for more than seven days on any lands or waters under the control of the division;	11451 11452 11453 11454 11455
(10) Governing the establishment and collection of check collection charges for checks that are returned to the division or dishonored for any reason.	11456 11457 11458
<u>The division shall adopt rules under this section establishing a discount program for all persons who are issued a golden buckeye card under section 173.06 of the Revised Code. The discount program shall provide a discount for all park services</u>	11459 11460 11461 11462

and rentals, but shall not provide a discount for the purchase of merchandise. 11463
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Notwithstanding any provision of the Revised Code to the contrary, a waiver, discount, or reduction in the fee for a state park parking permit issued pursuant to rules adopted under this section shall not be available unless otherwise provided by division rule. 11465
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A fee to purchase a state park parking permit shall not be considered an admission fee or a fee or consideration paid to the owner, lessee, or occupant of the premises for purposes of division (B) of section 1533.18 of the Revised Code. 11470
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Every resident of this state with a disability that has been determined by the veterans administration to be permanently and totally disabling, who receives a pension or compensation from the veterans administration, and who received an honorable discharge from the armed forces of the United States, and every veteran to whom the registrar of motor vehicles has issued a set of license plates under section 4503.41 of the Revised Code, shall be exempt from the fees for camping, provided that the resident or veteran carries in the state park such evidence of the resident's or veteran's disability as the chief of the division of parks and recreation prescribes by rule. 11474
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~~Every~~ Unless otherwise provided by division rule, every resident of this state who is sixty-five years of age or older or who is permanently and totally disabled and who furnishes evidence of that age or disability in a manner prescribed by division rule shall be charged one-half of the regular fee for camping, except on the weekends and holidays designated by the division. ~~Such a person, and~~ shall not be charged more than ninety per cent of the regular charges for state recreational facilities, equipment, services, and food service operations utilized by the person at 11485
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any time of year, whether maintained or operated by the state or 11494
leased for operation by another entity. 11495

As used in this section, "food service operations" means 11496
restaurants that are owned by the department of natural resources 11497
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 11498
parks or are part of a state park lodge. "Food service operations" 11499
does not include automatic vending machines, concession stands, or 11500
snack bars. 11501

As used in this section, "prisoner of war" means any 11502
regularly appointed, enrolled, enlisted, or inducted member of the 11503
military forces of the United States who was captured, separated, 11504
and incarcerated by an enemy of the United States. Any person who 11505
has been a prisoner of war, was honorably discharged from the 11506
military forces, and is a resident of this state is exempt from 11507
the fees for camping. To claim this exemption, the person shall 11508
present written evidence in the form of a record of separation, a 11509
letter from one of the military forces of the United States, or 11510
such other evidence as the chief prescribes by rule that satisfies 11511
the eligibility criteria established by this section. 11512

Sec. 1547.721. (A) As used in sections 1547.721 to 1547.726 11513
of the Revised Code: 11514

(1) "Eligible project" means a project that involves the 11515
acquisition, construction, establishment, reconstruction, 11516
rehabilitation, renovation, enlargement, improvement, equipping, 11517
furnishing, or development of either of the following: 11518

(a) Marine recreational facilities; 11519

(b) Refuge harbors and other projects for the harboring, 11520
mooring, docking, launching, and storing of light draft vessels. 11521

(2) "Marine recreational facilities," "refuge harbors," 11522
"light draft vessels," and "allowable costs" have the meanings 11523

established in rules adopted under section 1547.723 of the Revised Code. 11524
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(3) "Revolving loan program" means the loan program established under sections 1547.721 to 1547.726 of the Revised Code. 11526
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(4) "State agency" has the same meaning as in section 9.66 of the Revised Code. 11529
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Sec. 1547.722. There is hereby created in the state treasury the watercraft revolving loan fund consisting of money appropriated or transferred to it, money received and credited to the fund under section 1547.726 of the Revised Code, and any grants, gifts, or contributions of moneys received for deposit to the credit of the fund. 11531
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The director of natural resources shall use money in the watercraft revolving loan fund for the purpose of making loans under section 1547.724 of the Revised Code for eligible projects and taking actions under sections 1547.721 to 1547.726 of the Revised Code necessary to fulfill that purpose. The director may establish separate accounts in the fund for particular projects or otherwise. Income from the investment of money in the fund shall be credited to the fund, and, if the director so requires, to particular accounts in the fund. 11537
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Sec. 1547.723. (A) The director of natural resources shall adopt rules under Chapter 119. of the Revised Code that the director determines to be necessary for the implementation of the revolving loan program. The rules shall include a definition of what constitutes "allowable costs" of an eligible project for purposes of those sections together with a definition of "marine recreational facilities," "refuge harbors," and "light draft vessels," respectively. 11546
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(B) The director may delegate any of the director's duties or responsibilities under sections 1547.721 to 1547.726 of the Revised Code to the chief of the division of watercraft. 11554
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Sec. 1547.724. (A) With the approval of the controlling board, and subject to the other applicable provisions of sections 1547.721 to 1547.726 of the Revised Code, the director of natural resources may lend moneys in the watercraft revolving loan fund to public or private entities for the purpose of paying the allowable costs of an eligible project. Loans shall be made under this division only if the director determines that all of the following apply: 11557
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(1) The project is an eligible project and is economically sound; 11565
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(2) The borrower is unable to finance the necessary allowable costs through ordinary financial channels upon comparable terms; 11567
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(3) The repayment of the loan will be adequately secured by a mortgage, lien, assignment, or pledge at a level of priority as the director may require; 11569
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(4) The amount of the loan does not exceed ninety per cent of the total cost of the project. 11572
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(B) The determinations of the director under division (A) of this section shall be conclusive for purposes of the validity of a loan commitment evidenced by a loan agreement signed by the director. Further, the director's determinations that a project constitutes an eligible project and that the costs of such a project are allowable costs, together with all other determinations relevant to the project or to an action taken or agreement entered into under sections 1547.721 to 1547.726 of the Revised Code shall be conclusive for purposes of the validity and enforceability of rights of parties arising from actions taken and 11574
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agreements entered into under those sections. 11584

(C) The director may take any actions necessary or 11585
appropriate with respect to a loan made under this section, 11586
including facilitating the collection of amounts due on a loan. 11587

Sec. 1547.725. For purposes of the revolving loan program, 11588
the director of natural resources may do any of the following: 11589

(A) Establish fees, charges, rates of interest, times of 11590
payment of interest and principal, and other terms, conditions, 11591
and provisions of and security for loans made from the watercraft 11592
revolving loan fund that the director determines to be appropriate 11593
and in furtherance of the purpose for which the loans are made; 11594

(B) Retain the services of or employ financial consultants, 11595
appraisers, consulting engineers, superintendents, managers, 11596
construction and accounting experts, attorneys, and employees, 11597
agents, and independent contractors that the director determines 11598
to be necessary and fix the compensation for their services; 11599

(C) Receive and accept from any person grants, gifts, 11600
contributions of money, property, labor, and other things of value 11601
to be held, used, and applied only for the purpose for which such 11602
grants, gifts, and contributions are made; 11603

(D) Enter into appropriate agreements with other governmental 11604
entities to provide for all of the following: 11605

(1) Payment of allowable costs related to the development of 11606
eligible projects for which loans have been made from the 11607
watercraft revolving loan fund; 11608

(2) Any governmental action a governmental entity is 11609
authorized to take, including undertaking on behalf and at the 11610
request of the director any action that the director is authorized 11611
to undertake pursuant to sections 1547.721 to 1547.725 of the 11612
Revised Code; 11613

(3) The operation of facilities associated with eligible projects. 11614
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All state agencies shall cooperate with and provide assistance to the director as is necessary for the administration of sections 1547.721 to 1547.726 of the Revised Code. 11616
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Sec. 1547.726. All money received by the state from the repayment of loans made from the watercraft revolving loan fund, including interest, fees, and charges associated with such loans, shall be deposited to the credit of the watercraft revolving loan fund. 11619
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Sec. 1548.06. (A)(1) Application for a certificate of title for a watercraft or outboard motor shall be made upon a form prescribed by the chief of the division of watercraft and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the chief in any county with the clerk of the court of common pleas of that county. The application shall be accompanied by the fee prescribed in section 1548.10 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system. 11624
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(2) If a certificate of title previously has been issued for the watercraft or outboard motor, the application for a certificate of title also shall be accompanied by the certificate 11641
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of title duly assigned unless otherwise provided in this chapter. 11644
If a certificate of title previously has not been issued for the 11645
watercraft or outboard motor in this state, the application, 11646
unless otherwise provided in this chapter, shall be accompanied by 11647
a manufacturer's or importer's certificate; by a sworn statement 11648
of ownership if the watercraft or outboard motor was purchased by 11649
the applicant on or before October 9, 1963, or if the watercraft 11650
is less than fourteen feet long with a permanently affixed 11651
mechanical means of propulsion and was purchased by the applicant 11652
on or before January 1, 2000; or by a certificate of title, bill 11653
of sale, or other evidence of ownership required by the law of 11654
another state from which the watercraft or outboard motor was 11655
brought into this state. Evidence of ownership of a watercraft or 11656
outboard motor for which an Ohio certificate of title previously 11657
has not been issued and which watercraft or outboard motor does 11658
not have permanently affixed to it a manufacturer's serial number 11659
shall be accompanied by the certificate of assignment of a hull 11660
identification number assigned by the chief as provided in section 11661
1548.07 of the Revised Code. 11662

(3) The clerk shall retain the evidence of title presented by 11663
the applicant and on which the certificate of title is issued, 11664
except that, if an application for a certificate of title is filed 11665
electronically, by a vendor on behalf of a purchaser of a 11666
watercraft or outboard motor, the clerk shall retain the completed 11667
electronic record to which the vendor converted the certificate of 11668
title application and other required documents. The chief, after 11669
consultation with the attorney general, shall adopt rules that 11670
govern the location at which, and the manner in which, are stored 11671
the actual application and all other documents relating to the 11672
sale of a watercraft or outboard motor when a vendor files the 11673
application for a certificate of title electronically on behalf of 11674
a purchaser. 11675

(B) The clerk shall use reasonable diligence in ascertaining 11676
whether the facts in the application are true by checking the 11677
application and documents accompanying it or the electronic record 11678
to which a vendor converted the application and accompanying 11679
documents with the records of watercraft and outboard motors in 11680
the clerk's office. If the clerk is satisfied that the applicant 11681
is the owner of the watercraft or outboard motor and that the 11682
application is in the proper form, the clerk shall issue a 11683
physical certificate of title over the clerk's signature and 11684
sealed with the clerk's seal unless the applicant specifically 11685
requests the clerk not to issue a physical certificate of title 11686
and instead to issue an electronic certificate of title. However, 11687
if the evidence indicates and an investigation shows that one or 11688
more Ohio titles already exist for the watercraft or outboard 11689
motor, the chief may cause the redundant title or titles to be 11690
canceled. 11691

(C) In the case of the sale of a watercraft or outboard motor 11692
by a vendor to a general purchaser or user, the certificate of 11693
title shall be obtained in the name of the purchaser by the vendor 11694
upon application signed by the purchaser. In all other cases, the 11695
certificate shall be obtained by the purchaser. In all cases of 11696
transfer of watercraft or outboard motors, the application for 11697
certificate of title shall be filed within thirty days after the 11698
later of the date of purchase or assignment of ownership of the 11699
watercraft or outboard motor. If the application for certificate 11700
of title is not filed within thirty days after the later of the 11701
date of purchase or assignment of ownership of the watercraft or 11702
outboard motor, the clerk shall charge a late penalty fee of five 11703
dollars in addition to the fee prescribed by section 1548.10 of 11704
the Revised Code. The clerk shall retain the entire amount of each 11705
late penalty fee. 11706

(D) The clerk shall refuse to accept an application for 11707

certificate of title unless the applicant either tenders with the 11708
application payment of all taxes levied by or pursuant to Chapter 11709
5739. or 5741. of the Revised Code based on the applicant's county 11710
of residence less, in the case of a sale by a vendor, any discount 11711
to which the vendor is entitled under section 5739.12 of the 11712
Revised Code, or submits any of the following: 11713

~~(A)~~(1) A receipt issued by the tax commissioner or a clerk of 11714
courts showing payment of the tax; 11715

~~(B)~~(2) A copy of the unit certificate of exemption completed 11716
by the purchaser at the time of sale as provided in section 11717
5739.03 of the Revised Code; 11718

~~(C)~~(3) An exemption certificate, in a form prescribed by the 11719
tax commissioner, that specifies why the purchase is not subject 11720
to the tax imposed by Chapter 5739. or 5741. of the Revised Code. 11721

Payment of the tax shall be in accordance with rules issued 11722
by the tax commissioner, and the clerk shall issue a receipt in 11723
the form prescribed by the tax commissioner to any applicant who 11724
tenders payment of the tax with the application for the 11725
certificate of title. 11726

(E)(1) For receiving and disbursing the taxes paid to the 11727
clerk by a resident of the clerk's county, the clerk may retain a 11728
poundage fee of one and one one-hundredth per cent of the taxes 11729
collected, which shall be paid into the certificate of title 11730
administration fund created by section 325.33 of the Revised Code. 11731
The clerk shall not retain a poundage fee from payments of taxes 11732
by persons who do not reside in the clerk's county. 11733

(2) A clerk, however, may retain from the taxes paid to the 11734
clerk an amount equal to the poundage fees associated with 11735
certificates of title issued by other clerks of courts of common 11736
pleas to applicants who reside in the first clerk's county. The 11737
chief of the division of watercraft, in consultation with the tax 11738

commissioner and the clerks of the courts of common pleas, shall 11739
develop a report from the automated title processing system that 11740
informs each clerk of the amount of the poundage fees that the 11741
clerk is permitted to retain from those taxes because of 11742
certificates of title issued by the clerks of other counties to 11743
applicants who reside in the first clerk's county. 11744

(F) In the case of casual sales of watercraft or outboard 11745
motors that are subject to the tax imposed by Chapter 5739. or 11746
5741. of the Revised Code, the purchase price for the purpose of 11747
determining the tax shall be the purchase price on an affidavit 11748
executed and filed with the clerk by the vendor on a form to be 11749
prescribed by the chief, which shall be prima-facie evidence of 11750
the price for the determination of the tax. In addition to the 11751
information required by section 1548.08 of the Revised Code, each 11752
certificate of title shall contain in bold lettering the following 11753
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 11754
(SELLER AND BUYER). You are required by law to state the true 11755
selling price. A false statement is a violation of section 2921.13 11756
of the Revised Code and is punishable by six months imprisonment 11757
or a fine of up to one thousand dollars, or both. All transfers 11758
are audited by the department of taxation. The seller and buyer 11759
must provide any information requested by the department of 11760
taxation. The buyer may be assessed any additional tax found to be 11761
due." 11762

~~The clerk shall forward all payments of taxes, less poundage 11763
fees, to the treasurer of state in a manner to be prescribed by 11764
the tax commissioner and shall furnish information to the 11765
commissioner as the commissioner may require. (G) Each county 11766
clerk of courts shall forward to the treasurer of state all sales 11767
and use tax collections resulting from sales of titled watercraft 11768
and outboard motors during a calendar week on or before the Friday 11769
following the close of that week. If, on any Friday, the offices 11770~~

of the clerk of courts or the state are not open for business, the 11771
tax shall be forwarded to the treasurer of state on or before the 11772
next day on which the offices are open. Every remittance of tax 11773
under this division shall be accompanied by a remittance report in 11774
such form as the tax commissioner prescribes. Upon receipt of a 11775
tax remittance and remittance report, the treasurer of state shall 11776
date stamp the report and forward it to the tax commissioner. If 11777
the tax due for any week is not remitted by a clerk of courts as 11778
required under this division, the clerk shall forfeit the poundage 11779
fees for the sales made during that week. The treasurer of state 11780
may require the clerks of courts to transmit tax collections and 11781
remittance reports electronically. 11782

(H) For purposes of a transfer of a certificate of title, if 11783
the clerk is satisfied that a secured party has discharged a lien 11784
but has not canceled the lien notation with a clerk, the clerk may 11785
cancel the lien notation on the automated title processing system 11786
and notify the clerk of the county of origin. 11787

(I) Every clerk shall have the capability to transact by 11788
electronic means all procedures and transactions relating to the 11789
issuance of watercraft or outboard motor certificates of title 11790
that are described in the Revised Code as being accomplished by 11791
electronic means. 11792

Sec. 1713.03. The Ohio board of regents shall establish 11793
standards for certificates of authorization to be issued to 11794
institutions as defined in section 1713.01 of the Revised Code, to 11795
private institutions exempt from regulation under Chapter 3332. of 11796
the Revised Code as prescribed in section 3333.046 of the Revised 11797
Code, and to schools holding certificates of registration issued 11798
by the state board of career colleges and schools pursuant to 11799
division (C) of section 3332.05 of the Revised Code. A certificate 11800
of authorization may permit an institution or school to award one 11801

or more types of degrees. 11802

The standards for a certificate of authorization may include, 11803
for various types of institutions, schools, or degrees, minimum 11804
qualifications for faculty, library, laboratories, and other 11805
facilities as adopted and published by the Ohio board of regents. 11806
The standards shall be adopted by the board pursuant to Chapter 11807
119. of the Revised Code. 11808

An institution or school shall apply to the board for a 11809
certificate of authorization on forms containing such information 11810
as is prescribed by the board. Each institution or school with a 11811
certificate of authorization shall file an annual report with the 11812
board in such form and containing such information as the board 11813
prescribes. 11814

The board shall adopt a rule under Chapter 119. of the 11815
Revised Code establishing fees to pay the cost of reviewing an 11816
application for a certificate of authorization, which the 11817
institution or school shall pay when it applies for a certificate 11818
of authorization, and establishing fees, which an institution or 11819
school shall pay, for any further reviews the board determines 11820
necessary upon examining an institution's or school's annual 11821
report. 11822

Sec. 1901.26. (A) Subject to division (E) of this section, 11823
costs in a municipal court shall be fixed and taxed as follows: 11824

(1) The municipal court shall require an advance deposit for 11825
the filing of any new civil action or proceeding when required by 11826
division (A)(9) of this section, and in all other cases, by rule, 11827
shall establish a schedule of fees and costs to be taxed in any 11828
civil or criminal action or proceeding. 11829

(2) The municipal court, by rule, may require an advance 11830
deposit for the filing of any civil action or proceeding and 11831

publication fees as provided in section 2701.09 of the Revised Code. The court may waive the requirement for advance deposit upon affidavit or other evidence that a party is unable to make the required deposit.

(3) When a jury trial is demanded in any civil action or proceeding, the party making the demand may be required to make an advance deposit as fixed by rule of court, unless, upon affidavit or other evidence, the court concludes that the party is unable to make the required deposit. If a jury is called, the fees of a jury shall be taxed as costs.

(4) In any civil or criminal action or proceeding, witnesses' fees shall be fixed in accordance with sections 2335.06 and 2335.08 of the Revised Code.

(5) A reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in any proceeding may be taxed as part of the costs in a trial of the cause, in an amount that shall be fixed by rule of court.

(6) Chattel property seized under any writ or process issued by the court shall be preserved pending final disposition for the benefit of all persons interested and may be placed in storage when necessary or proper for that preservation. The custodian of any chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The municipal court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.

(8) Charges for the publication of legal notices required by statute or order of court may be taxed as part of the costs, as

provided by section 7.13 of the Revised Code. 11863

(B)(1) The municipal court may determine that, for the 11864
efficient operation of the court, additional funds are necessary 11865
to acquire and pay for special projects of the court including, 11866
but not limited to, the acquisition of additional facilities or 11867
the rehabilitation of existing facilities, the acquisition of 11868
equipment, the hiring and training of staff, community service 11869
programs, mediation or dispute resolution services, the employment 11870
of magistrates, the training and education of judges, acting 11871
judges, and magistrates, and other related services. Upon that 11872
determination, the court by rule may charge a fee, in addition to 11873
all other court costs, on the filing of each criminal cause, civil 11874
action or proceeding, or judgment by confession. 11875

If the municipal court offers a special program or service in 11876
cases of a specific type, the municipal court by rule may assess 11877
an additional charge in a case of that type, over and above court 11878
costs, to cover the special program or service. The municipal 11879
court shall adjust the special assessment periodically, but not 11880
retroactively, so that the amount assessed in those cases does not 11881
exceed the actual cost of providing the service or program. 11882

All moneys collected under division (B) of this section shall 11883
be paid to the county treasurer if the court is a county-operated 11884
municipal court or to the city treasurer if the court is not a 11885
county-operated municipal court for deposit into either a general 11886
special projects fund or a fund established for a specific special 11887
project. Moneys from a fund of that nature shall be disbursed upon 11888
an order of the court in an amount no greater than the actual cost 11889
to the court of a project. If a specific fund is terminated 11890
because of the discontinuance of a program or service established 11891
under division (B) of this section, the municipal court may order 11892
that moneys remaining in the fund be transferred to an account 11893
established under this division for a similar purpose. 11894

(2) As used in division (B) of this section: 11895

(a) "Criminal cause" means a charge alleging the violation of 11896
a statute or ordinance, or subsection of a statute or ordinance, 11897
that requires a separate finding of fact or a separate plea before 11898
disposition and of which the defendant may be found guilty, 11899
whether filed as part of a multiple charge on a single summons, 11900
citation, or complaint or as a separate charge on a single 11901
summons, citation, or complaint. "Criminal cause" does not include 11902
separate violations of the same statute or ordinance, or 11903
subsection of the same statute or ordinance, unless each charge is 11904
filed on a separate summons, citation, or complaint. 11905

(b) "Civil action or proceeding" means any civil litigation 11906
that must be determined by judgment entry. 11907

(C) The municipal court shall collect in all its divisions 11908
except the small claims division the sum of ~~fifteen~~ twenty-five 11909
dollars as additional filing fees in each new civil action or 11910
proceeding for the charitable public purpose of providing 11911
financial assistance to legal aid societies that operate within 11912
the state. The municipal court shall collect in its small claims 11913
division the sum of ~~seven~~ ten dollars as additional filing fees in 11914
each new civil action or proceeding for the charitable public 11915
purpose of providing financial assistance to legal aid societies 11916
that operate within the state. This division does not apply to any 11917
execution on a judgment, proceeding in aid of execution, or other 11918
post-judgment proceeding arising out of a civil action. The filing 11919
fees required to be collected under this division shall be in 11920
addition to any other court costs imposed in the action or 11921
proceeding and shall be collected at the time of the filing of the 11922
action or proceeding. The court shall not waive the payment of the 11923
additional filing fees in a new civil action or proceeding unless 11924
the court waives the advanced payment of all filing fees in the 11925
action or proceeding. All such moneys collected during a month 11926

shall be transmitted on or before the ~~first business~~ twentieth day 11927
of ~~each~~ the following month by the clerk of the court to the 11928
treasurer of state in a manner prescribed by the treasurer of 11929
state or by the Ohio legal assistance foundation. The moneys then 11930
shall be deposited by the treasurer of state to the credit of the 11931
legal aid fund established under section 120.52 of the Revised 11932
Code. 11933

The court may retain up to one per cent of the moneys it 11934
collects under this division to cover administrative costs, 11935
including the hiring of any additional personnel necessary to 11936
implement this division. 11937

(D) In the Cleveland municipal court, reasonable charges for 11938
investigating titles of real estate to be sold or disposed of 11939
under any writ or process of the court may be taxed as part of the 11940
costs. 11941

(E) Under the circumstances described in sections 2969.21 to 11942
2969.27 of the Revised Code, the clerk of the municipal court 11943
shall charge the fees and perform the other duties specified in 11944
those sections. 11945

Sec. 1907.24. (A) Subject to division (C) of this section, a 11946
county court shall fix and tax fees and costs as follows: 11947

(1) The county court shall require an advance deposit for the 11948
filing of any new civil action or proceeding when required by 11949
division (C) of this section and, in all other cases, shall 11950
establish a schedule of fees and costs to be taxed in any civil or 11951
criminal action or proceeding. 11952

(2) The county court by rule may require an advance deposit 11953
for the filing of a civil action or proceeding and publication 11954
fees as provided in section 2701.09 of the Revised Code. The court 11955
may waive an advance deposit requirement upon the presentation of 11956

an affidavit or other evidence that establishes that a party is 11957
unable to make the requisite deposit. 11958

(3) When a party demands a jury trial in a civil action or 11959
proceeding, the county court may require the party to make an 11960
advance deposit as fixed by rule of court, unless the court 11961
concludes, on the basis of an affidavit or other evidence 11962
presented by the party, that the party is unable to make the 11963
requisite deposit. If a jury is called, the county court shall tax 11964
the fees of a jury as costs. 11965

(4) In a civil or criminal action or proceeding, the county 11966
court shall fix the fees of witnesses in accordance with sections 11967
2335.06 and 2335.08 of the Revised Code. 11968

(5) A county court may tax as part of the costs in a trial of 11969
the cause, in an amount fixed by rule of court, a reasonable 11970
charge for driving, towing, carting, storing, keeping, and 11971
preserving motor vehicles and other personal property recovered or 11972
seized in a proceeding. 11973

(6) The court shall preserve chattel property seized under a 11974
writ or process issued by the court pending final disposition for 11975
the benefit of all interested persons. The court may place the 11976
chattel property in storage when necessary or proper for its 11977
preservation. The custodian of chattel property so stored shall 11978
not be required to part with the possession of the property until 11979
a reasonable charge, to be fixed by the court, is paid. 11980

(7) The county court, as it determines, may refund all 11981
deposits and advance payments of fees and costs, including those 11982
for jurors and summoning jurors, when they have been paid by the 11983
losing party. 11984

(8) The court may tax as part of costs charges for the 11985
publication of legal notices required by statute or order of 11986
court, as provided by section 7.13 of the Revised Code. 11987

(B)(1) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the county court offers a special program or service in cases of a specific type, the county court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The county court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (B) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the county court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of

a statute or ordinance, or subsection of a statute or ordinance, 12019
that requires a separate finding of fact or a separate plea before 12020
disposition and of which the defendant may be found guilty, 12021
whether filed as part of a multiple charge on a single summons, 12022
citation, or complaint or as a separate charge on a single 12023
summons, citation, or complaint. "Criminal cause" does not include 12024
separate violations of the same statute or ordinance, or 12025
subsection of the same statute or ordinance, unless each charge is 12026
filed on a separate summons, citation, or complaint. 12027

(b) "Civil action or proceeding" means any civil litigation 12028
that must be determined by judgment entry. 12029

(C) Subject to division (E) of this section, the county court 12030
shall collect in all its divisions except the small claims 12031
division the sum of ~~fifteen~~ twenty-five dollars as additional 12032
filing fees in each new civil action or proceeding for the 12033
charitable public purpose of providing financial assistance to 12034
legal aid societies that operate within the state. Subject to 12035
division (E) of this section, the county court shall collect in 12036
its small claims division the sum of ~~seven~~ ten dollars as 12037
additional filing fees in each new civil action or proceeding for 12038
the charitable public purpose of providing financial assistance to 12039
legal aid societies that operate within the state. This division 12040
does not apply to any execution on a judgment, proceeding in aid 12041
of execution, or other post-judgment proceeding arising out of a 12042
civil action. The filing fees required to be collected under this 12043
division shall be in addition to any other court costs imposed in 12044
the action or proceeding and shall be collected at the time of the 12045
filing of the action or proceeding. The court shall not waive the 12046
payment of the additional filing fees in a new civil action or 12047
proceeding unless the court waives the advanced payment of all 12048
filing fees in the action or proceeding. All such moneys collected 12049
during a month shall be transmitted on or before the twentieth day 12050

of the following month by the clerk of the court to the treasurer 12051
of state in a manner prescribed by the treasurer of state or by 12052
the Ohio legal assistance foundation. The moneys then shall be 12053
deposited by the treasurer of state to the credit of the legal aid 12054
fund established under section 120.52 of the Revised Code. 12055

The court may retain up to one per cent of the moneys it 12056
collects under this division to cover administrative costs, 12057
including the hiring of any additional personnel necessary to 12058
implement this division. 12059

(D) The county court shall establish by rule a schedule of 12060
fees for miscellaneous services performed by the county court or 12061
any of its judges in accordance with law. If judges of the court 12062
of common pleas perform similar services, the fees prescribed in 12063
the schedule shall not exceed the fees for those services 12064
prescribed by the court of common pleas. 12065

(E) Under the circumstances described in sections 2969.21 to 12066
2969.27 of the Revised Code, the clerk of the county court shall 12067
charge the fees and perform the other duties specified in those 12068
sections. 12069

Sec. 2113.041. (A) The administrator of the estate recovery 12070
program established pursuant to section 5111.11 of the Revised 12071
Code may present an affidavit to a financial institution 12072
requesting that the financial institution release account proceeds 12073
to recover the cost of services correctly provided to a medicaid 12074
recipient who is subject to the estate recovery program. The 12075
affidavit shall include all of the following information: 12076

(1) The name of the decedent; 12077

(2) The name of any person who gave notice that the decedent 12078
was a medicaid recipient and that person's relationship to the 12079
decedent; 12080

(3) The name of the financial institution;	12081
(4) The account number;	12082
(5) A description of the claim for estate recovery;	12083
(6) The amount of funds to be recovered.	12084
(B) A financial institution may release account proceeds to the administrator of the estate recovery program if all of the following apply:	12085 12086 12087
(1) The decedent held an account at the financial institution that was in the decedent's name only.	12088 12089
(2) No estate has been, and it is reasonable to assume that no estate will be, opened for the decedent.	12090 12091
(3) The decedent has no outstanding debts known to the administrator of the estate recovery program.	12092 12093
(4) The financial institution has received no objections or has determined that no valid objections to release of proceeds have been received.	12094 12095 12096
(C) If proceeds have been released pursuant to division (B) of this section and the department of job and family services receives notice of a valid claim to the proceeds that has a higher priority under section 2117.25 of the Revised Code than the claim of the estate recovery program, the department may refund the proceeds to the financial institution or pay them to the person or government entity with the claim.	12097 12098 12099 12100 12101 12102 12103
Sec. 2151.416. (A) Each agency that is required by section 2151.412 of the Revised Code to prepare a case plan for a child shall complete a semiannual administrative review of the case plan no later than six months after the earlier of the date on which the complaint in the case was filed or the child was first placed in shelter care. After the first administrative review, the agency	12104 12105 12106 12107 12108 12109

shall complete semiannual administrative reviews no later than 12110
every six months. If the court issues an order pursuant to section 12111
2151.414 or 2151.415 of the Revised Code, the agency shall 12112
complete an administrative review no later than six months after 12113
the court's order and continue to complete administrative reviews 12114
no later than every six months after the first review, except that 12115
the court hearing held pursuant to section 2151.417 of the Revised 12116
Code may take the place of any administrative review that would 12117
otherwise be held at the time of the court hearing. When 12118
conducting a review, the child's health and safety shall be the 12119
paramount concern. 12120

(B) Each administrative review required by division (A) of 12121
this section shall be conducted by a review panel of at least 12122
three persons, including, but not limited to, both of the 12123
following: 12124

(1) A caseworker with day-to-day responsibility for, or 12125
familiarity with, the management of the child's case plan; 12126

(2) A person who is not responsible for the management of the 12127
child's case plan or for the delivery of services to the child or 12128
the parents, guardian, or custodian of the child. 12129

(C) Each semiannual administrative review shall include, but 12130
not be limited to, a joint meeting by the review panel with the 12131
parents, guardian, or custodian of the child, the guardian ad 12132
litem of the child, and the child's foster care provider and shall 12133
include an opportunity for those persons to submit any written 12134
materials to be included in the case record of the child. If a 12135
parent, guardian, custodian, guardian ad litem, or foster care 12136
provider of the child cannot be located after reasonable efforts 12137
to do so or declines to participate in the administrative review 12138
after being contacted, the agency does not have to include them in 12139
the joint meeting. 12140

(D) The agency shall prepare a written summary of the 12141
semiannual administrative review that shall include, but not be 12142
limited to, all of the following: 12143

(1) A conclusion regarding the safety and appropriateness of 12144
the child's foster care placement; 12145

(2) The extent of the compliance with the case plan of all 12146
parties; 12147

(3) The extent of progress that has been made toward 12148
alleviating the circumstances that required the agency to assume 12149
temporary custody of the child; 12150

(4) An estimated date by which the child may be returned to 12151
and safely maintained in the child's home or placed for adoption 12152
or legal custody; 12153

(5) An updated case plan that includes any changes that the 12154
agency is proposing in the case plan; 12155

(6) The recommendation of the agency as to which agency or 12156
person should be given custodial rights over the child for the 12157
six-month period after the administrative review; 12158

(7) The names of all persons who participated in the 12159
administrative review. 12160

(E) The agency shall file the summary with the court no later 12161
than seven days after the completion of the administrative review. 12162
If the agency proposes a change to the case plan as a result of 12163
the administrative review, the agency shall file the proposed 12164
change with the court at the time it files the summary. The agency 12165
shall give notice of the summary and proposed change in writing 12166
before the end of the next day after filing them to all parties 12167
and the child's guardian ad litem. All parties and the guardian ad 12168
litem shall have seven days after the date the notice is sent to 12169
object to and request a hearing on the proposed change. 12170

(1) If the court receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held not later than thirty days after the court receives the request. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

(2) If the court does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a review hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of this division and division (D) of section 2151.417 of the Revised Code, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(F) The director of job and family services may adopt rules pursuant to Chapter 119. of the Revised Code for procedures and standard forms for conducting administrative reviews pursuant to this section.

(G) The juvenile court that receives the written summary of the administrative review, upon determining, either from the written summary, case plan, or otherwise, that the custody or care arrangement is not in the best interest of the child, may

terminate the custody of an agency and place the child in the 12203
custody of another institution or association certified by the 12204
department of job and family services under section 5103.03 of the 12205
Revised Code. 12206

(H) The department of job and family services shall report 12207
annually to the public and to the general assembly on the results 12208
of the review of case plans of each agency ~~and on the results of~~ 12209
~~the summaries submitted to the department under section 3107.10 of~~ 12210
~~the Revised Code.~~ The annual report shall include any information 12211
that is required by the department, including, but not limited to, 12212
all of the following: 12213

(1) A statistical analysis of the administrative reviews 12214
conducted pursuant to this section and section 2151.417 of the 12215
Revised Code; 12216

(2) The number of children in temporary or permanent custody 12217
for whom an administrative review was conducted, the number of 12218
children whose custody status changed during the period, the 12219
number of children whose residential placement changed during the 12220
period, and the number of residential placement changes for each 12221
child during the period; 12222

(3) An analysis of the utilization of public social services 12223
by agencies and parents or guardians, and the utilization of the 12224
adoption listing service of the department pursuant to section 12225
5103.154 of the Revised Code; 12226

~~(4) A compilation and analysis of data submitted to the 12227
department under section 3107.10 of the Revised Code. 12228~~

Sec. 2152.74. (A) As used in this section, "DNA analysis" and 12229
"DNA specimen" have the same meanings as in section 109.573 of the 12230
Revised Code. 12231

(B)(1) A child who is adjudicated a delinquent child for 12232

committing an act listed in division (D) of this section and who 12233
is committed to the custody of the department of youth services, 12234
placed in a detention facility or district detention facility 12235
pursuant to division (A)(3) of section 2152.19 of the Revised 12236
Code, or placed in a school, camp, institution, or other facility 12237
for delinquent children described in division (A)(2) of section 12238
2152.19 of the Revised Code shall submit to a DNA specimen 12239
collection procedure administered by the director of youth 12240
services if committed to the department or by the chief 12241
administrative officer of the detention facility, district 12242
detention facility, school, camp, institution, or other facility 12243
for delinquent children to which the child was committed or in 12244
which the child was placed. If the court commits the child to the 12245
department of youth services, the director of youth services shall 12246
cause the DNA specimen to be collected from the child during the 12247
intake process at an institution operated by or under the control 12248
of the department. If the court commits the child to or places the 12249
child in a detention facility, district detention facility, 12250
school, camp, institution, or other facility for delinquent 12251
children, the chief administrative officer of the detention 12252
facility, district detention facility, school, camp, institution, 12253
or facility to which the child is committed or in which the child 12254
is placed shall cause the DNA specimen to be collected from the 12255
child during the intake process for the detention facility, 12256
district detention facility, school, camp, institution, or 12257
facility. In accordance with division (C) of this section, the 12258
director or the chief administrative officer shall cause the DNA 12259
specimen to be forwarded to the bureau of criminal identification 12260
and investigation no later than fifteen days after the date of the 12261
collection of the DNA specimen. The DNA specimen shall be 12262
collected from the child in accordance with division (C) of this 12263
section. 12264

(2) If a child is adjudicated a delinquent child for committing an act listed in division (D) of this section, is committed to or placed in the department of youth services, a detention facility or district detention facility, or a school, camp, institution, or other facility for delinquent children, and does not submit to a DNA specimen collection procedure pursuant to division (B)(1) of this section, prior to the child's release from the custody of the department of youth services, from the custody of the detention facility or district detention facility, or from the custody of the school, camp, institution, or facility, the child shall submit to, and the director of youth services or the chief administrator of the detention facility, district detention facility, school, camp, institution, or facility to which the child is committed or in which the child was placed shall administer, a DNA specimen collection procedure at the institution operated by or under the control of the department of youth services or at the detention facility, district detention facility, school, camp, institution, or facility to which the child is committed or in which the child was placed. In accordance with division (C) of this section, the director or the chief administrative officer shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation no later than fifteen days after the date of the collection of the DNA specimen. The DNA specimen shall be collected in accordance with division (C) of this section.

(C) If the DNA specimen is collected by withdrawing blood from the child or a similarly invasive procedure, a physician, registered nurse, licensed practical nurse, duly licensed clinical laboratory technician, or other qualified medical practitioner shall collect in a medically approved manner the DNA specimen required to be collected pursuant to division (B) of this section. If the DNA specimen is collected by swabbing for buccal cells or a

similarly noninvasive procedure, this section does not require 12297
that the DNA specimen be collected by a qualified medical 12298
practitioner of that nature. No later than fifteen days after the 12299
date of the collection of the DNA specimen, the director of youth 12300
services or the chief administrative officer of the detention 12301
facility, district detention facility, school, camp, institution, 12302
or other facility for delinquent children to which the child is 12303
committed or in which the child was placed shall cause the DNA 12304
specimen to be forwarded to the bureau of criminal identification 12305
and investigation in accordance with procedures established by the 12306
superintendent of the bureau under division (H) of section 109.573 12307
of the Revised Code. The bureau shall provide the specimen vials, 12308
mailing tubes, labels, postage, and instruction needed for the 12309
collection and forwarding of the DNA specimen to the bureau. 12310

(D) The director of youth services and the chief 12311
administrative officer of a detention facility, district detention 12312
facility, school, camp, institution, or other facility for 12313
delinquent children shall cause a DNA specimen to be collected in 12314
accordance with divisions (B) and (C) of this section from each 12315
child in its custody who is adjudicated a delinquent child for 12316
committing any of the following acts: 12317

(1) A violation of section 2903.01, 2903.02, 2903.11, 12318
2905.01, 2907.02, 2907.03, 2907.05, 2911.01, 2911.02, 2911.11, or 12319
2911.12 of the Revised Code; 12320

(2) A violation of section 2907.12 of the Revised Code as it 12321
existed prior to September 3, 1996; 12322

(3) An attempt to commit a violation of section 2903.01, 12323
2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or to 12324
commit a violation of section 2907.12 of the Revised Code as it 12325
existed prior to September 3, 1996; 12326

(4) A violation of any law that arose out of the same facts 12327

and circumstances and same act as did a charge against the child 12328
of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 12329
2907.03, 2907.05, or 2911.11 of the Revised Code that previously 12330
was dismissed or amended or as did a charge against the child of a 12331
violation of section 2907.12 of the Revised Code as it existed 12332
prior to September 3, 1996, that previously was dismissed or 12333
amended; 12334

(5) A violation of section 2905.02 or 2919.23 of the Revised 12335
Code that would have been a violation of section 2905.04 of the 12336
Revised Code as it existed prior to July 1, 1996, had the 12337
violation been committed prior to that date; 12338

(6) A felony violation of any law that arose out of the same 12339
facts and circumstances and same act as did a charge against the 12340
child of a violation of section 2903.11, 2911.01, 2911.02, or 12341
2911.12 of the Revised Code that previously was dismissed or 12342
amended; 12343

(7) A violation of section 2923.01 of the Revised Code 12344
involving a conspiracy to commit a violation of section 2903.01, 12345
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 12346
Revised Code; 12347

(8) A violation of section 2923.03 of the Revised Code 12348
involving complicity in committing a violation of section 2903.01, 12349
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 12350
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 12351
violation of section 2907.12 of the Revised Code as it existed 12352
prior to September 3, 1996. 12353

(E) The director of youth services and the chief 12354
administrative officer of a detention facility, district detention 12355
facility, school, camp, institution, or other facility for 12356
delinquent children is not required to comply with this section in 12357
relation to the following acts until the superintendent of the 12358

bureau of criminal identification and investigation gives agencies 12359
in the juvenile justice system, as defined in section ~~181.51~~ 12360
5502.61 of the Revised Code, in the state official notification 12361
that the state DNA laboratory is prepared to accept DNA specimens 12362
of that nature: 12363

(1) A violation of section 2903.11, 2911.01, 2911.02, or 12364
2911.12 of the Revised Code; 12365

(2) An attempt to commit a violation of section 2903.01 or 12366
2903.02 of the Revised Code; 12367

(3) A felony violation of any law that arose out of the same 12368
facts and circumstances and same act as did a charge against the 12369
child of a violation of section 2903.11, 2911.01, 2911.02, or 12370
2911.12 of the Revised Code that previously was dismissed or 12371
amended; 12372

(4) A violation of section 2923.01 of the Revised Code 12373
involving a conspiracy to commit a violation of section 2903.01, 12374
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 12375
Revised Code; 12376

(5) A violation of section 2923.03 of the Revised Code 12377
involving complicity in committing a violation of section 2903.01, 12378
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 12379
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 12380
violation of section 2907.12 of the Revised Code as it existed 12381
prior to September 3, 1996. 12382

Sec. 2303.201. (A)(1) The court of common pleas of any county 12383
may determine that for the efficient operation of the court 12384
additional funds are required to computerize the court, to make 12385
available computerized legal research services, or to do both. 12386
Upon making a determination that additional funds are required for 12387
either or both of those purposes, the court shall authorize and 12388

direct the clerk of the court of common pleas to charge one 12389
additional fee, not to exceed three dollars, on the filing of each 12390
cause of action or appeal under divisions (A), (Q), and (U) of 12391
section 2303.20 of the Revised Code. 12392

(2) All fees collected under division (A)(1) of this section 12393
shall be paid to the county treasurer. The treasurer shall place 12394
the funds from the fees in a separate fund to be disbursed, upon 12395
an order of the court, in an amount not greater than the actual 12396
cost to the court of procuring and maintaining computerization of 12397
the court, computerized legal research services, or both. 12398

(3) If the court determines that the funds in the fund 12399
described in division (A)(2) of this section are more than 12400
sufficient to satisfy the purpose for which the additional fee 12401
described in division (A)(1) of this section was imposed, the 12402
court may declare a surplus in the fund and expend those surplus 12403
funds for other appropriate technological expenses of the court. 12404

(B)(1) The court of common pleas of any county may determine 12405
that, for the efficient operation of the court, additional funds 12406
are required to computerize the office of the clerk of the court 12407
of common pleas and, upon that determination, authorize and direct 12408
the clerk of the court of common pleas to charge an additional 12409
fee, not to exceed ten dollars, on the filing of each cause of 12410
action or appeal, on the filing, docketing, and endorsing of each 12411
certificate of judgment, or on the docketing and indexing of each 12412
aid in execution or petition to vacate, revive, or modify a 12413
judgment under divisions (A), (P), (Q), (T), and (U) of section 12414
2303.20 of the Revised Code. Subject to division (B)(2) of this 12415
section, all moneys collected under division (B)(1) of this 12416
section shall be paid to the county treasurer to be disbursed, 12417
upon an order of the court of common pleas and subject to 12418
appropriation by the board of county commissioners, in an amount 12419
no greater than the actual cost to the court of procuring and 12420

maintaining computer systems for the office of the clerk of the 12421
court of common pleas. 12422

(2) If the court of common pleas of a county makes the 12423
determination described in division (B)(1) of this section, the 12424
board of county commissioners of that county may issue one or more 12425
general obligation bonds for the purpose of procuring and 12426
maintaining the computer systems for the office of the clerk of 12427
the court of common pleas. In addition to the purposes stated in 12428
division (B)(1) of this section for which the moneys collected 12429
under that division may be expended, the moneys additionally may 12430
be expended to pay debt charges on and financing costs related to 12431
any general obligation bonds issued pursuant to division (B)(2) of 12432
this section as they become due. General obligation bonds issued 12433
pursuant to division (B)(2) of this section are Chapter 133. 12434
securities. 12435

(C) The court of common pleas shall collect the sum of 12436
~~fifteen~~ twenty-five dollars as additional filing fees in each new 12437
civil action or proceeding for the charitable public purpose of 12438
providing financial assistance to legal aid societies that operate 12439
within the state. This division does not apply to proceedings 12440
concerning annulments, dissolutions of marriage, divorces, legal 12441
separation, spousal support, marital property or separate property 12442
distribution, support, or other domestic relations matters; to a 12443
juvenile division of a court of common pleas; to a probate 12444
division of a court of common pleas, except that the additional 12445
filing fees shall apply to name change, guardianship, ~~and~~ 12446
adoption, and decedents' estate proceedings; or to an execution on 12447
a judgment, proceeding in aid of execution, or other post-judgment 12448
proceeding arising out of a civil action. The filing fees required 12449
to be collected under this division shall be in addition to any 12450
other filing fees imposed in the action or proceeding and shall be 12451
collected at the time of the filing of the action or proceeding. 12452

The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding. All such moneys collected during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state in a manner prescribed by the treasurer of state or by the Ohio legal assistance foundation. The moneys then shall be deposited by the treasurer of state to the credit of the legal aid fund established under section 120.52 of the Revised Code.

The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division.

(D) On and after the thirtieth day after December 9, 1994, the court of common pleas shall collect the sum of thirty-two dollars as additional filing fees in each new action or proceeding for annulment, divorce, or dissolution of marriage for the purpose of funding shelters for victims of domestic violence pursuant to sections 3113.35 to 3113.39 of the Revised Code. The filing fees required to be collected under this division shall be in addition to any other filing fees imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new action or proceeding for annulment, divorce, or dissolution of marriage unless the court waives the advanced payment of all filing fees in the action or proceeding. On or before the twentieth day of each month, all moneys collected during the immediately preceding month pursuant to this division shall be deposited by the clerk of the court into the county treasury in the special fund used for deposit of additional marriage license fees as described in section 3113.34

of the Revised Code. Upon their deposit into the fund, the moneys
shall be retained in the fund and expended only as described in
section 3113.34 of the Revised Code.

(E)(1) The court of common pleas may determine that, for the
efficient operation of the court, additional funds are necessary
to acquire and pay for special projects of the court, including,
but not limited to, the acquisition of additional facilities or
the rehabilitation of existing facilities, the acquisition of
equipment, the hiring and training of staff, community service
programs, mediation or dispute resolution services, the employment
of magistrates, the training and education of judges, acting
judges, and magistrates, and other related services. Upon that
determination, the court by rule may charge a fee, in addition to
all other court costs, on the filing of each criminal cause, civil
action or proceeding, or judgment by confession.

If the court of common pleas offers a special program or
service in cases of a specific type, the court by rule may assess
an additional charge in a case of that type, over and above court
costs, to cover the special program or service. The court shall
adjust the special assessment periodically, but not retroactively,
so that the amount assessed in those cases does not exceed the
actual cost of providing the service or program.

All moneys collected under division (E) of this section shall
be paid to the county treasurer for deposit into either a general
special projects fund or a fund established for a specific special
project. Moneys from a fund of that nature shall be disbursed upon
an order of the court in an amount no greater than the actual cost
to the court of a project. If a specific fund is terminated
because of the discontinuance of a program or service established
under division (E) of this section, the court may order that
moneys remaining in the fund be transferred to an account
established under this division for a similar purpose.

(2) As used in division (E) of this section:	12517
(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.	12518 12519 12520 12521 12522 12523 12524 12525 12526 12527
(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.	12528 12529
Sec. 2305.234. (A) As used in this section:	12530
(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.	12531 12532 12533
(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.	12534 12535 12536 12537
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	12538 12539
(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person.	12540 12541 12542 12543 12544 12545
(5) "Health care professional" means any of the following who	12546

provide medical, dental, or other health-related diagnosis, care, or treatment:	12547 12548
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	12549 12550 12551
(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	12552 12553 12554 12555 12556 12557
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	12558 12559
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	12560 12561
(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	12562 12563 12564
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	12565 12566
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	12567 12568
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	12569 12570
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	12571 12572
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	12573 12574
(k) Emergency medical technicians-basic, emergency medical	12575

technicians-intermediate, and emergency medical	12576
technicians-paramedic, certified under Chapter 4765. of the	12577
Revised Code;	12578
(1) Respiratory care professionals licensed under Chapter	12579
4761. of the Revised Code;	12580
(m) Speech-language pathologists and audiologists licensed	12581
under Chapter 4753. of the Revised Code.	12582
(6) "Health care worker" means a person other than a health	12583
care professional who provides medical, dental, or other	12584
health-related care or treatment under the direction of a health	12585
care professional with the authority to direct that individual's	12586
activities, including medical technicians, medical assistants,	12587
dental assistants, orderlies, aides, and individuals acting in	12588
similar capacities.	12589
(7) "Indigent and uninsured person" means a person who meets	12590
all of the following requirements:	12591
(a) The person's income is not greater than two hundred per	12592
cent of the current poverty line as defined by the United States	12593
office of management and budget and revised in accordance with	12594
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981,"	12595
95 Stat. 511, 42 U.S.C. 9902, as amended.	12596
(b) The person is not eligible to receive medical assistance	12597
under Chapter 5111., disability medical assistance under Chapter	12598
5115. of the Revised Code, or assistance under any other	12599
governmental health care program.	12600
(c) Either of the following applies:	12601
(i) The person is not a policyholder, certificate holder,	12602
insured, contract holder, subscriber, enrollee, member,	12603
beneficiary, or other covered individual under a health insurance	12604
or health care policy, contract, or plan.	12605

(ii) The person is a policyholder, certificate holder, 12606
insured, contract holder, subscriber, enrollee, member, 12607
beneficiary, or other covered individual under a health insurance 12608
or health care policy, contract, or plan, but the insurer, policy, 12609
contract, or plan denies coverage or is the subject of insolvency 12610
or bankruptcy proceedings in any jurisdiction. 12611

(8) "Nonprofit health care referral organization" means an 12612
entity that is not operated for profit and refers patients to, or 12613
arranges for the provision of, health-related diagnosis, care, or 12614
treatment by a health care professional or health care worker. 12615

(9) "Operation" means any procedure that involves cutting or 12616
otherwise infiltrating human tissue by mechanical means, including 12617
surgery, laser surgery, ionizing radiation, therapeutic 12618
ultrasound, or the removal of intraocular foreign bodies. 12619

"Operation" does not include the administration of medication by 12620
injection, unless the injection is administered in conjunction 12621
with a procedure infiltrating human tissue by mechanical means 12622
other than the administration of medicine by injection. 12623

"Operation" does not include routine dental restorative 12624
procedures, the scaling of teeth, or extractions of teeth that are 12625
not impacted. 12626

(10) "Tort action" means a civil action for damages for 12627
injury, death, or loss to person or property other than a civil 12628
action for damages for a breach of contract or another agreement 12629
between persons or government entities. 12630

(11) "Volunteer" means an individual who provides any 12631
medical, dental, or other health-care related diagnosis, care, or 12632
treatment without the expectation of receiving and without receipt 12633
of any compensation or other form of remuneration from an indigent 12634
and uninsured person, another person on behalf of an indigent and 12635
uninsured person, any health care facility or location, any 12636

nonprofit health care referral organization, or any other person 12637
or government entity. 12638

(12) "Community control sanction" has the same meaning as in 12639
section 2929.01 of the Revised Code. 12640

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 12641
health care professional who is a volunteer and complies with 12642
division (B)(2) of this section is not liable in damages to any 12643
person or government entity in a tort or other civil action, 12644
including an action on a medical, dental, chiropractic, 12645
optometric, or other health-related claim, for injury, death, or 12646
loss to person or property that allegedly arises from an action or 12647
omission of the volunteer in the provision to an indigent and 12648
uninsured person of medical, dental, or other health-related 12649
diagnosis, care, or treatment, including the provision of samples 12650
of medicine and other medical products, unless the action or 12651
omission constitutes willful or wanton misconduct. 12652

(2) To qualify for the immunity described in division (B)(1) 12653
of this section, a health care professional shall do all of the 12654
following prior to providing diagnosis, care, or treatment: 12655

(a) Determine, in good faith, that the indigent and uninsured 12656
person is mentally capable of giving informed consent to the 12657
provision of the diagnosis, care, or treatment and is not subject 12658
to duress or under undue influence; 12659

(b) Inform the person of the provisions of this section, 12660
including notifying the person that, by giving informed consent to 12661
the provision of the diagnosis, care, or treatment, the person 12662
cannot hold the health care professional liable for damages in a 12663
tort or other civil action, including an action on a medical, 12664
dental, chiropractic, optometric, or other health-related claim, 12665
unless the action or omission of the health care professional 12666
constitutes willful or wanton misconduct; 12667

(c) Obtain the informed consent of the person and a written waiver, signed by the person or by another individual on behalf of and in the presence of the person, that states that the person is mentally competent to give informed consent and, without being subject to duress or under undue influence, gives informed consent to the provision of the diagnosis, care, or treatment subject to the provisions of this section. A written waiver under division (B)(2)(c) of this section shall state clearly and in conspicuous type that the person or other individual who signs the waiver is signing it with full knowledge that, by giving informed consent to the provision of the diagnosis, care, or treatment, the person cannot bring a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, against the health care professional unless the action or omission of the health care professional constitutes willful or wanton misconduct.

(3) A physician or podiatrist who is not covered by medical malpractice insurance, but complies with division (B)(2) of this section, is not required to comply with division (A) of section 4731.143 of the Revised Code.

(C) Subject to divisions (F) and (G)(3) of this section, health care workers who are volunteers are not liable in damages to any person or government entity in a tort or other civil action, including an action upon a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the health care worker in the provision to an indigent and uninsured person of medical, dental, or other health-related diagnosis, care, or treatment, unless the action or omission constitutes willful or wanton misconduct.

(D) Subject to divisions (F) and (G)(3) of this section, a nonprofit health care referral organization is not liable in

damages to any person or government entity in a tort or other 12700
civil action, including an action on a medical, dental, 12701
chiropractic, optometric, or other health-related claim, for 12702
injury, death, or loss to person or property that allegedly arises 12703
from an action or omission of the nonprofit health care referral 12704
organization in referring indigent and uninsured persons to, or 12705
arranging for the provision of, medical, dental, or other 12706
health-related diagnosis, care, or treatment by a health care 12707
professional described in division (B)(1) of this section or a 12708
health care worker described in division (C) of this section, 12709
unless the action or omission constitutes willful or wanton 12710
misconduct. 12711

(E) Subject to divisions (F) and (G)(3) of this section and 12712
to the extent that the registration requirements of section 12713
3701.071 of the Revised Code apply, a health care facility or 12714
location associated with a health care professional described in 12715
division (B)(1) of this section, a health care worker described in 12716
division (C) of this section, or a nonprofit health care referral 12717
organization described in division (D) of this section is not 12718
liable in damages to any person or government entity in a tort or 12719
other civil action, including an action on a medical, dental, 12720
chiropractic, optometric, or other health-related claim, for 12721
injury, death, or loss to person or property that allegedly arises 12722
from an action or omission of the health care professional or 12723
worker or nonprofit health care referral organization relative to 12724
the medical, dental, or other health-related diagnosis, care, or 12725
treatment provided to an indigent and uninsured person on behalf 12726
of or at the health care facility or location, unless the action 12727
or omission constitutes willful or wanton misconduct. 12728

(F)(1) Except as provided in division (F)(2) of this section, 12729
the immunities provided by divisions (B), (C), (D), and (E) of 12730
this section are not available to a health care professional, 12731

health care worker, nonprofit health care referral organization, 12732
or health care facility or location if, at the time of an alleged 12733
injury, death, or loss to person or property, the health care 12734
professionals or health care workers involved are providing one of 12735
the following: 12736

(a) Any medical, dental, or other health-related diagnosis, 12737
care, or treatment pursuant to a community service work order 12738
entered by a court under division (B) of section 2951.02 of the 12739
Revised Code or imposed by a court as a community control 12740
sanction; 12741

(b) Performance of an operation; 12742

(c) Delivery of a baby. 12743

(2) Division (F)(1) of this section does not apply when a 12744
health care professional or health care worker provides medical, 12745
dental, or other health-related diagnosis, care, or treatment that 12746
is necessary to preserve the life of a person in a medical 12747
emergency. 12748

(G)(1) This section does not create a new cause of action or 12749
substantive legal right against a health care professional, health 12750
care worker, nonprofit health care referral organization, or 12751
health care facility or location. 12752

(2) This section does not affect any immunities from civil 12753
liability or defenses established by another section of the 12754
Revised Code or available at common law to which a health care 12755
professional, health care worker, nonprofit health care referral 12756
organization, or health care facility or location may be entitled 12757
in connection with the provision of emergency or other medical, 12758
dental, or other health-related diagnosis, care, or treatment. 12759

(3) This section does not grant an immunity from tort or 12760
other civil liability to a health care professional, health care 12761

worker, nonprofit health care referral organization, or health 12762
care facility or location for actions that are outside the scope 12763
of authority of health care professionals or health care workers. 12764

(4) This section does not affect any legal responsibility of 12765
a health care professional, health care worker, or nonprofit 12766
health care referral organization to comply with any applicable 12767
law of this state or rule of an agency of this state. 12768

(5) This section does not affect any legal responsibility of 12769
a health care facility or location to comply with any applicable 12770
law of this state, rule of an agency of this state, or local code, 12771
ordinance, or regulation that pertains to or regulates building, 12772
housing, air pollution, water pollution, sanitation, health, fire, 12773
zoning, or safety. 12774

Sec. 2329.66. (A) Every person who is domiciled in this state 12775
may hold property exempt from execution, garnishment, attachment, 12776
or sale to satisfy a judgment or order, as follows: 12777

(1)(a) In the case of a judgment or order regarding money 12778
owed for health care services rendered or health care supplies 12779
provided to the person or a dependent of the person, one parcel or 12780
item of real or personal property that the person or a dependent 12781
of the person uses as a residence. Division (A)(1)(a) of this 12782
section does not preclude, affect, or invalidate the creation 12783
under this chapter of a judgment lien upon the exempted property 12784
but only delays the enforcement of the lien until the property is 12785
sold or otherwise transferred by the owner or in accordance with 12786
other applicable laws to a person or entity other than the 12787
surviving spouse or surviving minor children of the judgment 12788
debtor. Every person who is domiciled in this state may hold 12789
exempt from a judgment lien created pursuant to division (A)(1)(a) 12790
of this section the person's interest, not to exceed five thousand 12791
dollars, in the exempted property. 12792

(b) In the case of all other judgments and orders, the person's interest, not to exceed five thousand dollars, in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence.	12793 12794 12795 12796
(2) The person's interest, not to exceed one thousand dollars, in one motor vehicle;	12797 12798
(3) The person's interest, not to exceed two hundred dollars in any particular item, in wearing apparel, beds, and bedding, and the person's interest, not to exceed three hundred dollars in each item, in one cooking unit and one refrigerator or other food preservation unit;	12799 12800 12801 12802 12803
(4)(a) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person. Division (A)(4)(a) of this section applies only in bankruptcy proceedings. This exemption may include the portion of personal earnings that is not exempt under division (A)(13) of this section.	12804 12805 12806 12807 12808 12809 12810 12811
(b) Subject to division (A)(4)(d) of this section, the person's interest, not to exceed two hundred dollars in any particular item, in household furnishings, household goods, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment, that are held primarily for the personal, family, or household use of the person;	12812 12813 12814 12815 12816 12817
(c) Subject to division (A)(4)(d) of this section, the person's interest in one or more items of jewelry, not to exceed four hundred dollars in one item of jewelry and not to exceed two hundred dollars in every other item of jewelry;	12818 12819 12820 12821
(d) Divisions (A)(4)(b) and (c) of this section do not include items of personal property listed in division (A)(3) of	12822 12823

this section. 12824

If the person does not claim an exemption under division 12825
(A)(1) of this section, the total exemption claimed under division 12826
(A)(4)(b) of this section shall be added to the total exemption 12827
claimed under division (A)(4)(c) of this section, and the total 12828
shall not exceed two thousand dollars. If the person claims an 12829
exemption under division (A)(1) of this section, the total 12830
exemption claimed under division (A)(4)(b) of this section shall 12831
be added to the total exemption claimed under division (A)(4)(c) 12832
of this section, and the total shall not exceed one thousand five 12833
hundred dollars. 12834

(5) The person's interest, not to exceed an aggregate of 12835
seven hundred fifty dollars, in all implements, professional 12836
books, or tools of the person's profession, trade, or business, 12837
including agriculture; 12838

(6)(a) The person's interest in a beneficiary fund set apart, 12839
appropriated, or paid by a benevolent association or society, as 12840
exempted by section 2329.63 of the Revised Code; 12841

(b) The person's interest in contracts of life or endowment 12842
insurance or annuities, as exempted by section 3911.10 of the 12843
Revised Code; 12844

(c) The person's interest in a policy of group insurance or 12845
the proceeds of a policy of group insurance, as exempted by 12846
section 3917.05 of the Revised Code; 12847

(d) The person's interest in money, benefits, charity, 12848
relief, or aid to be paid, provided, or rendered by a fraternal 12849
benefit society, as exempted by section 3921.18 of the Revised 12850
Code; 12851

(e) The person's interest in the portion of benefits under 12852
policies of sickness and accident insurance and in lump sum 12853

payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	12854 12855
(7) The person's professionally prescribed or medically necessary health aids;	12856 12857
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	12858 12859 12860
(9) The person's interest in the following:	12861
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	12862 12863
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	12864 12865
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	12866 12867
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	12868 12869
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	12870 12871 12872
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code.	12873 12874
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity,	12875 12876 12877 12878 12879 12880 12881 12882 12883

retirement allowance, or accumulated contributions, the person's 12884
right to a participant account in any deferred compensation 12885
program offered by the Ohio public employees deferred compensation 12886
board, a government unit, or a municipal corporation, or the 12887
person's other accrued or accruing rights, as exempted by section 12888
145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 12889
the Revised Code, and the person's right to benefits from the Ohio 12890
public safety officers death benefit fund; 12891

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 12892
3121.03, and 3123.06 of the Revised Code, the person's right to 12893
receive a payment under any pension, annuity, or similar plan or 12894
contract, not including a payment from a stock bonus or 12895
profit-sharing plan or a payment included in division (A)(6)(b) or 12896
(10)(a) of this section, on account of illness, disability, death, 12897
age, or length of service, to the extent reasonably necessary for 12898
the support of the person and any of the person's dependents, 12899
except if all the following apply: 12900

(i) The plan or contract was established by or under the 12901
auspices of an insider that employed the person at the time the 12902
person's rights under the plan or contract arose. 12903

(ii) The payment is on account of age or length of service. 12904

(iii) The plan or contract is not qualified under the 12905
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 12906
amended. 12907

(c) Except for any portion of the assets that were deposited 12908
for the purpose of evading the payment of any debt and except as 12909
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 12910
3123.06 of the Revised Code, the person's right in the assets held 12911
in, or to receive any payment under, any individual retirement 12912
account, individual retirement annuity, "Roth IRA," or education 12913
individual retirement account that provides benefits by reason of 12914

illness, disability, death, or age, to the extent that the assets, 12915
payments, or benefits described in division (A)(10)(c) of this 12916
section are attributable to any of the following: 12917

(i) Contributions of the person that were less than or equal 12918
to the applicable limits on deductible contributions to an 12919
individual retirement account or individual retirement annuity in 12920
the year that the contributions were made, whether or not the 12921
person was eligible to deduct the contributions on the person's 12922
federal tax return for the year in which the contributions were 12923
made; 12924

(ii) Contributions of the person that were less than or equal 12925
to the applicable limits on contributions to a Roth IRA or 12926
education individual retirement account in the year that the 12927
contributions were made; 12928

(iii) Contributions of the person that are within the 12929
applicable limits on rollover contributions under subsections 219, 12930
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 12931
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 12932
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 12933

(d) Except for any portion of the assets that were deposited 12934
for the purpose of evading the payment of any debt and except as 12935
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 12936
3123.06 of the Revised Code, the person's right in the assets held 12937
in, or to receive any payment under, any Keogh or "H.R. 10" plan 12938
that provides benefits by reason of illness, disability, death, or 12939
age, to the extent reasonably necessary for the support of the 12940
person and any of the person's dependents. 12941

(11) The person's right to receive spousal support, child 12942
support, an allowance, or other maintenance to the extent 12943
reasonably necessary for the support of the person and any of the 12944
person's dependents; 12945

(12) The person's right to receive, or moneys received during 12946
the preceding twelve calendar months from, any of the following: 12947

(a) An award of reparations under sections 2743.51 to 2743.72 12948
of the Revised Code, to the extent exempted by division (D) of 12949
section 2743.66 of the Revised Code; 12950

(b) A payment on account of the wrongful death of an 12951
individual of whom the person was a dependent on the date of the 12952
individual's death, to the extent reasonably necessary for the 12953
support of the person and any of the person's dependents; 12954

(c) Except in cases in which the person who receives the 12955
payment is an inmate, as defined in section 2969.21 of the Revised 12956
Code, and in which the payment resulted from a civil action or 12957
appeal against a government entity or employee, as defined in 12958
section 2969.21 of the Revised Code, a payment, not to exceed five 12959
thousand dollars, on account of personal bodily injury, not 12960
including pain and suffering or compensation for actual pecuniary 12961
loss, of the person or an individual for whom the person is a 12962
dependent; 12963

(d) A payment in compensation for loss of future earnings of 12964
the person or an individual of whom the person is or was a 12965
dependent, to the extent reasonably necessary for the support of 12966
the debtor and any of the debtor's dependents. 12967

(13) Except as provided in sections 3119.80, 3119.81, 12968
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 12969
earnings of the person owed to the person for services in an 12970
amount equal to the greater of the following amounts: 12971

(a) If paid weekly, thirty times the current federal minimum 12972
hourly wage; if paid biweekly, sixty times the current federal 12973
minimum hourly wage; if paid semimonthly, sixty-five times the 12974
current federal minimum hourly wage; or if paid monthly, one 12975
hundred thirty times the current federal minimum hourly wage that 12976

is in effect at the time the earnings are payable, as prescribed 12977
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 12978
U.S.C. 206(a)(1), as amended; 12979

(b) Seventy-five per cent of the disposable earnings owed to 12980
the person. 12981

(14) The person's right in specific partnership property, as 12982
exempted by division (B)(3) of section 1775.24 of the Revised 12983
Code; 12984

(15) A seal and official register of a notary public, as 12985
exempted by section 147.04 of the Revised Code; 12986

(16) The person's interest in a tuition ~~credit~~ unit or a 12987
payment under section 3334.09 of the Revised Code pursuant to a 12988
tuition ~~credit~~ payment contract, as exempted by section 3334.15 of 12989
the Revised Code; 12990

(17) Any other property that is specifically exempted from 12991
execution, attachment, garnishment, or sale by federal statutes 12992
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 12993
U.S.C.A. 101, as amended; 12994

(18) The person's interest, not to exceed four hundred 12995
dollars, in any property, except that division (A)(18) of this 12996
section applies only in bankruptcy proceedings. 12997

(B) As used in this section: 12998

(1) "Disposable earnings" means net earnings after the 12999
garnishee has made deductions required by law, excluding the 13000
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 13001
3121.03, or 3123.06 of the Revised Code. 13002

(2) "Insider" means: 13003

(a) If the person who claims an exemption is an individual, a 13004
relative of the individual, a relative of a general partner of the 13005
individual, a partnership in which the individual is a general 13006

partner, a general partner of the individual, or a corporation of 13007
which the individual is a director, officer, or in control; 13008

(b) If the person who claims an exemption is a corporation, a 13009
director or officer of the corporation; a person in control of the 13010
corporation; a partnership in which the corporation is a general 13011
partner; a general partner of the corporation; or a relative of a 13012
general partner, director, officer, or person in control of the 13013
corporation; 13014

(c) If the person who claims an exemption is a partnership, a 13015
general partner in the partnership; a general partner of the 13016
partnership; a person in control of the partnership; a partnership 13017
in which the partnership is a general partner; or a relative in, a 13018
general partner of, or a person in control of the partnership; 13019

(d) An entity or person to which or whom any of the following 13020
applies: 13021

(i) The entity directly or indirectly owns, controls, or 13022
holds with power to vote, twenty per cent or more of the 13023
outstanding voting securities of the person who claims an 13024
exemption, unless the entity holds the securities in a fiduciary 13025
or agency capacity without sole discretionary power to vote the 13026
securities or holds the securities solely to secure to debt and 13027
the entity has not in fact exercised the power to vote. 13028

(ii) The entity is a corporation, twenty per cent or more of 13029
whose outstanding voting securities are directly or indirectly 13030
owned, controlled, or held with power to vote, by the person who 13031
claims an exemption or by an entity to which division (B)(2)(d)(i) 13032
of this section applies. 13033

(iii) A person whose business is operated under a lease or 13034
operating agreement by the person who claims an exemption, or a 13035
person substantially all of whose business is operated under an 13036
operating agreement with the person who claims an exemption. 13037

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement. 13038
13039
13040

(e) An insider, as otherwise defined in this section, of a person or entity to which division (B)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption; 13041
13042
13043
13044

(f) A managing agent of the person who claims an exemption. 13045

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code. 13046
13047

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code. 13048
13049

(C) For purposes of this section, "interest" shall be determined as follows: 13050
13051

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code; 13052
13053
13054

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution. 13055
13056
13057

An interest, as determined under division (C)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code. 13058
13059
13060

Sec. 2744.05. Notwithstanding any other provisions of the Revised Code or rules of a court to the contrary, in an action against a political subdivision to recover damages for injury, death, or loss to person or property caused by an act or omission in connection with a governmental or proprietary function: 13061
13062
13063
13064
13065

(A) Punitive or exemplary damages shall not be awarded. 13066

(B)(1) If a claimant receives or is entitled to receive 13067
benefits for injuries or loss allegedly incurred from a policy or 13068
policies of insurance or any other source, the benefits shall be 13069
disclosed to the court, and the amount of the benefits shall be 13070
deducted from any award against a political subdivision recovered 13071
by that claimant. No insurer or other person is entitled to bring 13072
an action under a subrogation provision in an insurance or other 13073
contract against a political subdivision with respect to those 13074
benefits. 13075

The amount of the benefits shall be deducted from an award 13076
against a political subdivision under division (B)(1) of this 13077
section regardless of whether the claimant may be under an 13078
obligation to pay back the benefits upon recovery, in whole or in 13079
part, for the claim. A claimant whose benefits have been deducted 13080
from an award under division (B)(1) of this section is not 13081
considered fully compensated and shall not be required to 13082
reimburse a subrogated claim for benefits deducted from an award 13083
pursuant to division (B)(1) of this section. 13084

(2) Nothing in division (B)(1) of this section shall be 13085
construed to do either of the following: 13086

(a) Limit the rights of a beneficiary under a life insurance 13087
policy or the rights of sureties under fidelity or surety bonds; 13088

(b) Prohibit the department of job and family services from 13089
recovering from the political subdivision, pursuant to section 13090
5101.58 of the Revised Code, the cost of medical assistance 13091
benefits provided under Chapter 5107.7 or 5111.7 ~~or 5115.~~ of the 13092
Revised Code. 13093

(C)(1) There shall not be any limitation on compensatory 13094
damages that represent the actual loss of the person who is 13095
awarded the damages. However, except in wrongful death actions 13096
brought pursuant to Chapter 2125. of the Revised Code, damages 13097

that arise from the same cause of action, transaction or
occurrence, or series of transactions or occurrences and that do
not represent the actual loss of the person who is awarded the
damages shall not exceed two hundred fifty thousand dollars in
favor of any one person. The limitation on damages that do not
represent the actual loss of the person who is awarded the damages
provided in this division does not apply to court costs that are
awarded to a plaintiff, or to interest on a judgment rendered in
favor of a plaintiff, in an action against a political
subdivision.

(2) As used in this division, "the actual loss of the person
who is awarded the damages" includes all of the following:

(a) All wages, salaries, or other compensation lost by the
person injured as a result of the injury, including wages,
salaries, or other compensation lost as of the date of a judgment
and future expected lost earnings of the person injured;

(b) All expenditures of the person injured or another person
on behalf of the person injured for medical care or treatment, for
rehabilitation services, or for other care, treatment, services,
products, or accommodations that were necessary because of the
injury;

(c) All expenditures to be incurred in the future, as
determined by the court, by the person injured or another person
on behalf of the person injured for medical care or treatment, for
rehabilitation services, or for other care, treatment, services,
products, or accommodations that will be necessary because of the
injury;

(d) All expenditures of a person whose property was injured
or destroyed or of another person on behalf of the person whose
property was injured or destroyed in order to repair or replace
the property that was injured or destroyed;

(e) All expenditures of the person injured or of the person 13129
whose property was injured or destroyed or of another person on 13130
behalf of the person injured or of the person whose property was 13131
injured or destroyed in relation to the actual preparation or 13132
presentation of the claim involved; 13133

(f) Any other expenditures of the person injured or of the 13134
person whose property was injured or destroyed or of another 13135
person on behalf of the person injured or of the person whose 13136
property was injured or destroyed that the court determines 13137
represent an actual loss experienced because of the personal or 13138
property injury or property loss. 13139

"The actual loss of the person who is awarded the damages" 13140
does not include any fees paid or owed to an attorney for any 13141
services rendered in relation to a personal or property injury or 13142
property loss, and does not include any damages awarded for pain 13143
and suffering, for the loss of society, consortium, companionship, 13144
care, assistance, attention, protection, advice, guidance, 13145
counsel, instruction, training, or education of the person 13146
injured, for mental anguish, or for any other intangible loss. 13147

Sec. 2901.07. (A) As used in this section: 13148

(1) "DNA analysis" and "DNA specimen" have the same meanings 13149
as in section 109.573 of the Revised Code. 13150

(2) "Jail" and "community-based correctional facility" have 13151
the same meanings as in section 2929.01 of the Revised Code. 13152

(3) "Post-release control" has the same meaning as in section 13153
2967.01 of the Revised Code. 13154

(B)(1) A person who is convicted of or pleads guilty to a 13155
felony offense listed in division (D) of this section and who is 13156
sentenced to a prison term or to a community residential sanction 13157
in a jail or community-based correctional facility pursuant to 13158

section 2929.16 of the Revised Code, and a person who is convicted 13159
of or pleads guilty to a misdemeanor offense listed in division 13160
(D) of this section and who is sentenced to a term of imprisonment 13161
shall submit to a DNA specimen collection procedure administered 13162
by the director of rehabilitation and correction or the chief 13163
administrative officer of the jail or other detention facility in 13164
which the person is serving the term of imprisonment. If the 13165
person serves the prison term in a state correctional institution, 13166
the director of rehabilitation and correction shall cause the DNA 13167
specimen to be collected from the person during the intake process 13168
at the reception facility designated by the director. If the 13169
person serves the community residential sanction or term of 13170
imprisonment in a jail, a community-based correctional facility, 13171
or another county, multicounty, municipal, municipal-county, or 13172
multicounty-municipal detention facility, the chief administrative 13173
officer of the jail, community-based correctional facility, or 13174
detention facility shall cause the DNA specimen to be collected 13175
from the person during the intake process at the jail, 13176
community-based correctional facility, or detention facility. In 13177
accordance with division (C) of this section, the director or the 13178
chief administrative officer shall cause the DNA specimen to be 13179
forwarded to the bureau of criminal identification and 13180
investigation no later than fifteen days after the date of the 13181
collection of the DNA specimen. The DNA specimen shall be 13182
collected in accordance with division (C) of this section. 13183

(2) If a person is convicted of or pleads guilty to an 13184
offense listed in division (D) of this section, is serving a 13185
prison term, community residential sanction, or term of 13186
imprisonment for that offense, and does not provide a DNA specimen 13187
pursuant to division (B)(1) of this section, prior to the person's 13188
release from the prison term, community residential sanction, or 13189
imprisonment, the person shall submit to, and the director of 13190

rehabilitation and correction or the chief administrative officer 13191
of the jail, community-based correctional facility, or detention 13192
facility in which the person is serving the prison term, community 13193
residential sanction, or term of imprisonment shall administer, a 13194
DNA specimen collection procedure at the state correctional 13195
institution, jail, community-based correctional facility, or 13196
detention facility in which the person is serving the prison term, 13197
community residential sanction, or term of imprisonment. In 13198
accordance with division (C) of this section, the director or the 13199
chief administrative officer shall cause the DNA specimen to be 13200
forwarded to the bureau of criminal identification and 13201
investigation no later than fifteen days after the date of the 13202
collection of the DNA specimen. The DNA specimen shall be 13203
collected in accordance with division (C) of this section. 13204

(3) If a person sentenced to a term of imprisonment or 13205
serving a prison term or community residential sanction for 13206
committing an offense listed in division (D) of this section is on 13207
probation, is released on parole, under transitional control, or 13208
on another type of release, or is on post-release control, if the 13209
person is under the supervision of a probation department or the 13210
adult parole authority, if the person is sent to jail or is 13211
returned to a jail, community-based correctional facility, or 13212
state correctional institution for a violation of the terms and 13213
conditions of the probation, parole, transitional control, other 13214
release, or post-release control, if the person was or will be 13215
serving a term of imprisonment, prison term, or community 13216
residential sanction for committing an offense listed in division 13217
(D) of this section, and if the person did not provide a DNA 13218
specimen pursuant to division (B)(1) or (2) of this section, the 13219
person shall submit to, and the director of rehabilitation and 13220
correction or the chief administrative officer of the jail or 13221
community-based correctional facility shall administer, a DNA 13222

specimen collection procedure at the jail, community-based 13223
correctional facility, or state correctional institution in which 13224
the person is serving the term of imprisonment, prison term, or 13225
community residential sanction. In accordance with division (C) of 13226
this section, the director or the chief administrative officer 13227
shall cause the DNA specimen to be forwarded to the bureau of 13228
criminal identification and investigation no later than fifteen 13229
days after the date of the collection of the DNA specimen. The DNA 13230
specimen shall be collected from the person in accordance with 13231
division (C) of this section. 13232

(C) If the DNA specimen is collected by withdrawing blood 13233
from the person or a similarly invasive procedure, a physician, 13234
registered nurse, licensed practical nurse, duly licensed clinical 13235
laboratory technician, or other qualified medical practitioner 13236
shall collect in a medically approved manner the DNA specimen 13237
required to be collected pursuant to division (B) of this section. 13238
If the DNA specimen is collected by swabbing for buccal cells or a 13239
similarly noninvasive procedure, this section does not require 13240
that the DNA specimen be collected by a qualified medical 13241
practitioner of that nature. No later than fifteen days after the 13242
date of the collection of the DNA specimen, the director of 13243
rehabilitation and correction or the chief administrative officer 13244
of the jail, community-based correctional facility, or other 13245
county, multicounty, municipal, municipal-county, or 13246
multicounty-municipal detention facility, in which the person is 13247
serving the prison term, community residential sanction, or term 13248
of imprisonment shall cause the DNA specimen to be forwarded to 13249
the bureau of criminal identification and investigation in 13250
accordance with procedures established by the superintendent of 13251
the bureau under division (H) of section 109.573 of the Revised 13252
Code. The bureau shall provide the specimen vials, mailing tubes, 13253
labels, postage, and instructions needed for the collection and 13254

forwarding of the DNA specimen to the bureau. 13255

(D) The director of rehabilitation and correction and the 13256
chief administrative officer of the jail, community-based 13257
correctional facility, or other county, multicounty, municipal, 13258
municipal-county, or multicounty-municipal detention facility 13259
shall cause a DNA specimen to be collected in accordance with 13260
divisions (B) and (C) of this section from a person in its custody 13261
who is convicted of or pleads guilty to any of the following 13262
offenses: 13263

(1) A violation of section 2903.01, 2903.02, 2903.11, 13264
2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2911.01, 2911.02, 13265
2911.11, or 2911.12 of the Revised Code; 13266

(2) A violation of section 2907.12 of the Revised Code as it 13267
existed prior to September 3, 1996; 13268

(3) An attempt to commit a violation of section 2903.01, 13269
2903.02, 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code 13270
or to commit a violation of section 2907.12 of the Revised Code as 13271
it existed prior to September 3, 1996; 13272

(4) A violation of any law that arose out of the same facts 13273
and circumstances and same act as did a charge against the person 13274
of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 13275
2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code that 13276
previously was dismissed or amended or as did a charge against the 13277
person of a violation of section 2907.12 of the Revised Code as it 13278
existed prior to September 3, 1996, that previously was dismissed 13279
or amended; 13280

(5) A violation of section 2905.02 or 2919.23 of the Revised 13281
Code that would have been a violation of section 2905.04 of the 13282
Revised Code as it existed prior to July 1, 1996, had it been 13283
committed prior to that date; 13284

(6) A sexually oriented offense or a child-victim oriented offense, both as defined in section 2950.01 of the Revised Code, if, in relation to that offense, the offender has been adjudicated a sexual predator or a child-victim predator, both as defined in section 2950.01 of the Revised Code;

(7) A felony violation of any law that arose out of the same facts and circumstances and same act as did a charge against the person of a violation of section 2903.11, 2911.01, 2911.02, or 2911.12 of the Revised Code that previously was dismissed or amended;

(8) A conspiracy to commit a violation of section 2903.01, 2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code;

(9) Complicity in committing a violation of section 2903.01, 2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.

(E) The director of rehabilitation and correction or a chief administrative officer of a jail, community-based correctional facility, or other detention facility described in division (B) of this section in relation to the following offenses is not required to comply with this section until the superintendent of the bureau of criminal identification and investigation gives agencies in the criminal justice system, as defined in section ~~181.51~~ 5502.61 of the Revised Code, in the state official notification that the state DNA laboratory is prepared to accept DNA specimens of that nature:

(1) A violation of section 2903.11, 2911.01, 2911.02, or 2911.12 of the Revised Code;

(2) An attempt to commit a violation of section 2903.01 or

2903.02 of the Revised Code;	13316
(3) A felony violation of any law that arose out of the same facts and circumstances and same act as did a charge against the person of a violation of section 2903.11, 2911.01, 2911.02, or 2911.12 of the Revised Code that previously was dismissed or amended;	13317 13318 13319 13320 13321
(4) A conspiracy to commit a violation of section 2903.01, 2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code;	13322 13323 13324
(5) Complicity in committing a violation of section 2903.01, 2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.	13325 13326 13327 13328 13329
Sec. 2923.25. Each federally licensed firearms dealer who sells any firearm, at the time of the sale of the firearm, shall offer for sale to the purchaser of the firearm a trigger lock, gun lock, or gun locking device that is appropriate for that firearm. Each federally licensed firearms dealer shall post in a conspicuous location in the dealer's place of business the poster furnished to the dealer pursuant to section 181.521 <u>5502.63</u> of the Revised Code and shall make available to all purchasers of firearms from the dealer the brochure furnished to the dealer pursuant to that section.	13330 13331 13332 13333 13334 13335 13336 13337 13338 13339
As used in this section, "federally licensed firearms dealer" has the same meaning as in section 181.251 <u>5502.63</u> of the Revised Code.	13340 13341 13342
Sec. 3107.10. (A) Notwithstanding section 3107.01 of the Revised Code, as used in this section, "agency" does not include a public children services agency.	13343 13344 13345

(B) An agency or attorney, whichever arranges a minor's adoption, shall file with the court a preliminary estimate accounting not later than the time the adoption petition for the minor is filed with the court. The agency or attorney, whichever arranges the adoption, also shall file a final accounting with the court before a final decree of adoption is issued or an interlocutory order of adoption is finalized for the minor. The agency or attorney shall complete and file accountings in a manner acceptable to the court.

An accounting shall specify all disbursements of anything of value the petitioner, a person on the petitioner's behalf, and the agency or attorney made and has agreed to make in connection with the minor's permanent surrender under division (B) of section 5103.15 of the Revised Code, placement under section 5103.16 of the Revised Code, and adoption under this chapter. The agency or attorney shall include in an accounting an itemization of each expense listed in division (C) of this section. The itemization of the expenses specified in divisions (C)(3) and (4) of this section shall show the amount the agency or attorney charged or is going to charge for the services and the actual cost to the agency or attorney of providing the services. An accounting shall indicate whether any expenses listed in division (C) of this section do not apply to the adoption proceeding for which the accounting is filed.

The agency or attorney shall include with a preliminary estimate accounting and a final accounting a written statement signed by the petitioner that the petitioner has reviewed the accounting and attests to its accuracy.

(C) No petitioner, person acting on a petitioner's behalf, or agency or attorney shall make or agree to make any disbursements in connection with the minor's permanent surrender, placement, or adoption other than for the following:

(1) Physician expenses incurred on behalf of the birth mother	13378
or minor in connection with prenatal care, delivery, and	13379
confinement prior to or following the minor's birth;	13380
(2) Hospital or other medical facility expenses incurred on	13381
behalf of the birth mother or minor in connection with the minor's	13382
birth;	13383
(3) Expenses charged by the attorney arranging the adoption	13384
for providing legal services in connection with the placement and	13385
adoption, including expenses incurred by the attorney pursuant to	13386
sections 3107.031, 3107.081, 3107.082, 3107.09, and 3107.12 of the	13387
Revised Code;	13388
(4) Expenses charged by the agency arranging the adoption for	13389
providing services in connection with the permanent surrender and	13390
adoption, including the agency's application fee and the expenses	13391
incurred by the agency pursuant to sections 3107.031, 3107.09,	13392
3107.12, 5103.151, and 5103.152 of the Revised Code;	13393
(5) Temporary costs of routine maintenance and medical care	13394
for a minor required under section 5103.16 of the Revised Code if	13395
the person seeking to adopt the minor refuses to accept placement	13396
of the minor;	13397
(6) Guardian ad litem fees incurred on behalf of the minor in	13398
any court proceedings;	13399
(7) Foster care expenses incurred in connection with any	13400
temporary care and maintenance of the minor;	13401
(8) Court expenses incurred in connection with the minor's	13402
permanent surrender, placement, and adoption.	13403
(D) If a court determines from an accounting that an amount	13404
that is going to be disbursed for an expense listed in division	13405
(C) of this section is unreasonable, the court may order a	13406
reduction in the amount to be disbursed. If a court determines	13407

from an accounting that an unreasonable amount was disbursed for 13408
an expense listed in division (C) of this section, the court may 13409
order the person who received the disbursement to refund to the 13410
person who made the disbursement an amount the court orders. 13411

If a court determines from an accounting that a disbursement 13412
for an expense not permitted by division (C) of this section is 13413
going to be made, the court may issue an injunction prohibiting 13414
the disbursement. If a court determines from an accounting that a 13415
disbursement for an expense not permitted by division (C) of this 13416
section was made, the court may order the person who received the 13417
disbursement to return it to the person who made the disbursement. 13418

If a court determines that a final accounting does not 13419
completely report all the disbursements that are going to be made 13420
or have been made in connection with the minor's permanent 13421
surrender, placement, and adoption, the court shall order the 13422
agency or attorney to file with the court an accounting that 13423
completely reports all such disbursements. 13424

The agency or attorney shall file the final accounting with 13425
the court not later than ten days prior to the date scheduled for 13426
the final hearing on the adoption. The court may not issue a final 13427
decree of adoption or finalize an interlocutory order of adoption 13428
of a minor until at least ten days after the agency or attorney 13429
files the final accounting. 13430

~~(E) At the conclusion of each adoption proceeding, the court 13431
shall prepare a summary of the proceeding, and on or before the 13432
tenth day of each month, send copies of the summaries for all 13433
proceedings concluded during the preceding calendar month to the 13434
department of job and family services. The summary shall contain:~~ 13435

~~(1) A notation of the nature and approximate value or amount 13436
of anything paid in connection with the proceeding, compiled from 13437
the final accounting required by division (B) of this section and 13438~~

~~indicating the category of division (C) of this section to which
any payment relates;~~ 13439
13440

~~(2) If the court has not issued a decree because of the
requirements of division (D) of this section, a notation of that
fact and a statement of the reason for refusing to issue the
decree, related to the financial data summarized under division
(E)(1) of this section;~~ 13441
13442
13443
13444
13445

~~(3) If the adoption was arranged by an attorney, a notation
of that fact.~~ 13446
13447

~~The summary shall contain no information identifying by name
any party to the proceeding or any other person, but may contain
additional narrative material that the court considers useful to
an analysis of the summary.~~ 13448
13449
13450
13451

~~(F) This section does not apply to an adoption by a
stepparent whose spouse is a biological or adoptive parent of the
minor.~~ 13452
13453
13454

Sec. 3111.04. (A) An action to determine the existence or 13455
nonexistence of the father and child relationship may be brought 13456
by the child or the child's personal representative, the child's 13457
mother or her personal representative, a man alleged or alleging 13458
himself to be the child's father, the child support enforcement 13459
agency of the county in which the child resides if the child's 13460
mother is a recipient of public assistance or of services under 13461
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 13462
U.S.C.A. 651, as amended, or the alleged father's personal 13463
representative. 13464

(B) An agreement does not bar an action under this section. 13465

(C) If an action under this section is brought before the 13466
birth of the child and if the action is contested, all 13467
proceedings, except service of process and the taking of 13468

depositions to perpetuate testimony, may be stayed until after the 13469
birth. 13470

(D) A recipient of public assistance or of services under 13471
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 13472
U.S.C.A. 651, as amended, shall cooperate with the child support 13473
enforcement agency of the county in which a child resides to 13474
obtain an administrative determination pursuant to sections 13475
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 13476
determination pursuant to sections 3111.01 to 3111.18 of the 13477
Revised Code, of the existence or nonexistence of a parent and 13478
child relationship between the father and the child. If the 13479
recipient fails to cooperate, the agency may commence an action to 13480
determine the existence or nonexistence of a parent and child 13481
relationship between the father and the child pursuant to sections 13482
3111.01 to 3111.18 of the Revised Code. 13483

(E) As used in this section, "public assistance" means 13484
medical assistance under Chapter 5111. of the Revised Code, 13485
assistance under Chapter 5107. of the Revised Code, or disability 13486
financial assistance under Chapter 5115. of the Revised Code, ~~or~~ 13487
~~disability medical assistance under Chapter 5115. of the Revised~~ 13488
~~Code.~~ 13489

Sec. 3119.54. If either party to a child support order issued 13490
in accordance with section 3119.30 of the Revised Code is eligible 13491
for medical assistance under Chapter 5111. ~~or 5115.~~ of the Revised 13492
Code and the other party has obtained health insurance coverage, 13493
the party eligible for medical assistance shall notify any 13494
physician, hospital, or other provider of medical services for 13495
which medical assistance is available of the name and address of 13496
the other party's insurer and of the number of the other party's 13497
health insurance or health care policy, contract, or plan. Any 13498
physician, hospital, or other provider of medical services for 13499

which medical assistance is available under Chapter 5111. ~~or 5115.~~ 13500
of the Revised Code who is notified under this division of the 13501
existence of a health insurance or health care policy, contract, 13502
or plan with coverage for children who are eligible for medical 13503
assistance shall first bill the insurer for any services provided 13504
for those children. If the insurer fails to pay all or any part of 13505
a claim filed under this section and the services for which the 13506
claim is filed are covered by Chapter 5111. ~~or 5115.~~ of the 13507
Revised Code, the physician, hospital, or other medical services 13508
provider shall bill the remaining unpaid costs of the services in 13509
accordance with Chapter 5111. ~~or 5115.~~ of the Revised Code. 13510

Sec. 3121.12. (A) On receipt of a notice that a lump sum 13511
payment of one hundred fifty dollars or more is to be paid to the 13512
obligor, the court, with respect to a court support order, or the 13513
child support enforcement agency, with respect to an 13514
administrative child support order, shall do either of the 13515
following: 13516

(1) If the obligor is in default under the support order or 13517
has any arrearages under the support order, issue an order 13518
requiring the transmittal of the lump sum payment, or any portion 13519
of the lump sum payment sufficient to pay the arrearage in full, 13520
to the office of child support; 13521

(2) If the obligor is not in default under the support order 13522
and does not have any arrearages under the support order, issue an 13523
order directing the person who gave the notice to the court or 13524
agency to immediately pay the full amount of the lump sum payment 13525
to the obligor. 13526

(B) ~~On receipt of any~~ Any moneys received by the office of 13527
child support pursuant to division (A) of this section, ~~the office~~ 13528
~~of child support shall pay the amount of the lump sum payment that~~ 13529

~~is necessary to discharge all of the obligor's arrearages to the~~ 13530
~~obligee and, within two business days after its receipt of the~~ 13531
~~money, any amount that is remaining after the payment of the~~ 13532
~~arrears to the obligor~~ be distributed in accordance with rules 13533
adopted under section 3121.71 of the Revised Code. 13534

(C) A court that issued an order prior to January 1, 1998, 13535
requiring an employer to withhold an amount from an obligor's 13536
personal earnings for the payment of support shall issue a 13537
supplemental order that does not change the original order or the 13538
related support order requiring the employer to do all of the 13539
following: 13540

(1) No later than the earlier of forty-five days before a 13541
lump sum payment is to be made or, if the obligor's right to a 13542
lump sum payment is determined less than forty-five days before it 13543
is to be made, the date on which that determination is made, 13544
notify the child support enforcement agency of any lump sum 13545
payment of any kind of one hundred fifty dollars or more that is 13546
to be paid to the obligor; 13547

(2) Hold the lump sum payment for thirty days after the date 13548
on which it would otherwise be paid to the obligor; 13549

(3) On order of the court, pay any specified amount of the 13550
lump sum payment to the office of child support. 13551

(D) An employer that knowingly fails to notify the child 13552
support enforcement agency in accordance with this section or 13553
section 3121.03 of the Revised Code of any lump sum payment to be 13554
made to an obligor is liable for any support payment not made to 13555
the obligee as a result of its knowing failure to give the notice. 13556

Sec. 3121.50. On receipt of any amount forwarded from a payor 13557
or financial institution, the office of child support shall 13558
distribute the amount to the obligee within two business days of 13559

its receipt of the amount forwarded. ~~The~~ Unless otherwise 13560
prohibited from doing so by a law of this state or the United 13561
States, the office may distribute the amount by means of 13562
electronic disbursement, and the obligee shall accept payment by 13563
means of electronic disbursement. The director of job and family 13564
services may adopt, revise, or amend rules under Chapter 119. of 13565
the Revised Code to assist in the implementation of this section. 13566

Sec. 3125.18. A child support enforcement agency shall 13567
administer a Title IV-A program identified under division 13568
(A)~~(3)~~(4)(c) or ~~(d)~~(e) of section 5101.80 of the Revised Code that 13569
the department of job and family services provides for the agency 13570
to administer under the department's supervision pursuant to 13571
section 5101.801 of the Revised Code. 13572

Sec. 3125.191. There is hereby created in the state treasury 13573
the child support operating fund, which is a state special revenue 13574
fund. The department of job and family services may deposit into 13575
the fund a portion of the federal incentives described in division 13576
(A) of section 3125.19 of the Revised Code and authorized by 42 13577
U.S.C. 658a that are received by the department of job and family 13578
services from the United States department of health and human 13579
services. The department of job and family services may use money 13580
in the child support operating fund for program and administrative 13581
purposes associated with the program of child support enforcement 13582
authorized by section 3125.03 of the Revised Code. 13583

Sec. 3301.311. (A) As used in this section, "preschool 13584
program" and "school child program" have the same meanings as in 13585
section 3301.52 of the Revised Code. 13586

(B) After ~~June 30, 2001~~ July 1, 2005, no head-start preschool 13587
program, school child program, or early learning program, as 13588

defined by the department of education, shall receive any funds 13589
from the state unless fifty per cent of the staff members employed 13590
by that program as teachers are working toward an associate degree 13591
of a type approved by the department ~~of education. After June 30,~~ 13592
~~2003, no head start program shall receive any funds from the state~~ 13593
~~unless each staff member employed by that program as a teacher is~~ 13594
~~working toward an associate degree of a type approved by the~~ 13595
~~department of education.~~ Beginning in fiscal year 2008, no head 13596
~~start~~ preschool program, school child program, or early learning 13597
program, shall receive any funds from the state unless every staff 13598
member employed by that program as a teacher has attained such a 13599
degree. 13600

Sec. 3301.32. (A)(1) The chief administrator of any head 13601
start agency shall request the superintendent of the bureau of 13602
criminal identification and investigation to conduct a criminal 13603
records check with respect to any applicant who has applied to the 13604
head start agency for employment as a person responsible for the 13605
care, custody, or control of a child. If the applicant does not 13606
present proof that the applicant has been a resident of this state 13607
for the five-year period immediately prior to the date upon which 13608
the criminal records check is requested or does not provide 13609
evidence that within that five-year period the superintendent has 13610
requested information about the applicant from the federal bureau 13611
of investigation in a criminal records check, the chief 13612
administrator shall request that the superintendent obtain 13613
information from the federal bureau of investigation as a part of 13614
the criminal records check for the applicant. If the applicant 13615
presents proof that the applicant has been a resident of this 13616
state for that five-year period, the chief administrator may 13617
request that the superintendent include information from the 13618
federal bureau of investigation in the criminal records check. 13619

(2) Any person required by division (A)(1) of this section to 13620

request a criminal records check shall provide to each applicant a 13621
copy of the form prescribed pursuant to division (C)(1) of section 13622
109.572 of the Revised Code, provide to each applicant a standard 13623
impression sheet to obtain fingerprint impressions prescribed 13624
pursuant to division (C)(2) of section 109.572 of the Revised 13625
Code, obtain the completed form and impression sheet from each 13626
applicant, and forward the completed form and impression sheet to 13627
the superintendent of the bureau of criminal identification and 13628
investigation at the time the chief administrator requests a 13629
criminal records check pursuant to division (A)(1) of this 13630
section. 13631

(3) Any applicant who receives pursuant to division (A)(2) of 13632
this section a copy of the form prescribed pursuant to division 13633
(C)(1) of section 109.572 of the Revised Code and a copy of an 13634
impression sheet prescribed pursuant to division (C)(2) of that 13635
section and who is requested to complete the form and provide a 13636
set of fingerprint impressions shall complete the form or provide 13637
all the information necessary to complete the form and shall 13638
provide the impression sheets with the impressions of the 13639
applicant's fingerprints. If an applicant, upon request, fails to 13640
provide the information necessary to complete the form or fails to 13641
provide impressions of the applicant's fingerprints, the head 13642
start agency shall not employ that applicant for any position for 13643
which a criminal records check is required by division (A)(1) of 13644
this section. 13645

(B)(1) Except as provided in rules adopted by the director of 13646
job and family services in accordance with division (E) of this 13647
section, no head start agency shall employ a person as a person 13648
responsible for the care, custody, or control of a child if the 13649
person previously has been convicted of or pleaded guilty to any 13650
of the following: 13651

(a) A violation of section 2903.01, 2903.02, 2903.03, 13652

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 13653
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 13654
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 13655
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 13656
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 13657
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 13658
2925.06, or 3716.11 of the Revised Code, a violation of section 13659
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 13660
violation of section 2919.23 of the Revised Code that would have 13661
been a violation of section 2905.04 of the Revised Code as it 13662
existed prior to July 1, 1996, had the violation occurred prior to 13663
that date, a violation of section 2925.11 of the Revised Code that 13664
is not a minor drug possession offense, or felonious sexual 13665
penetration in violation of former section 2907.12 of the Revised 13666
Code; 13667

(b) A violation of an existing or former law of this state, 13668
any other state, or the United States that is substantially 13669
equivalent to any of the offenses or violations described in 13670
division (B)(1)(a) of this section. 13671

(2) A head start agency may employ an applicant conditionally 13672
until the criminal records check required by this section is 13673
completed and the agency receives the results of the criminal 13674
records check. If the results of the criminal records check 13675
indicate that, pursuant to division (B)(1) of this section, the 13676
applicant does not qualify for employment, the agency shall 13677
release the applicant from employment. 13678

(C)(1) Each head start agency shall pay to the bureau of 13679
criminal identification and investigation the fee prescribed 13680
pursuant to division (C)(3) of section 109.572 of the Revised Code 13681
for each criminal records check conducted in accordance with that 13682
section upon the request pursuant to division (A)(1) of this 13683
section of the chief administrator of the head start agency. 13684

(2) A head start agency may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the agency pays under division (C)(1) of this section. If a fee is charged under this division, the agency shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the head start agency will not consider the applicant for employment.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the head start agency requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.

(E) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which a head start agency may hire a person who has been convicted of an offense listed in division (B)(1) of this section but who meets standards in regard to rehabilitation set by the director.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section

109.572 of the Revised Code if the person comes under final
consideration for appointment or employment as a precondition to
employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final
consideration for appointment or employment in a position with a
head start agency as a person responsible for the care, custody,
or control of a child.

(2) "Head start agency" ~~has the same meaning as in section~~
~~3301.31 of the Revised Code~~ means an entity in this state that has
been approved to be an agency for purposes of the "Head Start
Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended.

(3) "Criminal records check" has the same meaning as in
section 109.572 of the Revised Code.

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

Sec. 3301.86. ~~The OhioReads classroom reading improvement~~
~~grants program is hereby established. The OhioReads council shall~~
~~award grants under the program in accordance with the standards it~~
~~establishes under section 3301.91 of the Revised Code. The~~
~~OhioReads office is the fiscal agent for the program and shall pay~~
~~the grants awarded by the council~~ Under the program, the
department of education shall award reading intervention grants to
public schools and classrooms operated by city, local, and
exempted village school districts, by community schools, and by
educational service centers. The grants shall be used to fund the
engagement of volunteers to assist struggling students in grades
kindergarten through twelve improve their reading skills, to
improve reading outcomes in low-performing schools, and to
facilitate closing the achievement gap between students of

different subgroups. 13747

Sec. 3301.88. (A) A recipient of a grant under section 13748
3301.86 ~~or 3301.87~~ of the Revised Code ~~or an entity approved by~~ 13749
~~the OhioReads council~~ may request from the bureau of criminal 13750
identification and investigation a criminal records check on any 13751
individual, other than an individual described in division (B) of 13752
this section, who applies to participate in providing directly to 13753
children any program or service ~~through an entity approved by the~~ 13754
~~OhioReads council~~ ~~or~~ funded in whole or in part by the grant. If a 13755
recipient ~~or an entity approved by the OhioReads council~~ elects to 13756
request a criminal records check, the request shall consist of a 13757
request for the information a school district board of education 13758
may request under division (F)(2)(a) of section 109.57 of the 13759
Revised Code and shall be accompanied by one of the following 13760
identification options: 13761

(1) The form and standard impression sheet prescribed by the 13762
bureau under division (C) of section 109.572 of the Revised Code; 13763

(2) A form prescribed by the bureau on which is specified the 13764
individual's name, social security number, and date of birth. 13765

(B) A grant recipient ~~or an entity approved by the OhioReads~~ 13766
~~council~~ shall not request a criminal records check under division 13767
(A) of this section with respect to any individual who furnishes 13768
the grant recipient ~~or an entity approved by the OhioReads council~~ 13769
with a certified copy of a report of a criminal records check 13770
completed by the bureau within one year prior to applying to 13771
participate in providing programs or services ~~through an entity~~ 13772
~~approved by the OhioReads council~~ ~~or~~ under an OhioReads the grant. 13773

(C) Except as provided in rules adopted under division (G)(2) 13774
of this section, a grant recipient ~~or an entity approved by the~~ 13775
~~OhioReads council~~ shall not allow an individual to participate in 13776
providing directly to children any program or service ~~through an~~ 13777

~~entity approved by the OhioReads council or~~ funded in whole or in 13778
part by the grant if the information requested under this section 13779
from the bureau indicates that the individual has ever pleaded 13780
guilty to or been found guilty by a jury or court of any of the 13781
following: 13782

(1) A felony; 13783

(2) A violation of section 2903.16, 2903.34, 2905.05, 13784
2907.04, 2907.06, 2907.07, 2907.08, 2907.09, 2907.23, 2907.25, 13785
2907.31, 2919.12, 2919.22, 2919.24, 2925.04, or 3716.11 of the 13786
Revised Code; a violation of section 2905.04 of the Revised Code 13787
as it existed prior to July 1, 1996; or a violation of section 13788
2919.23 of the Revised Code that would have been a violation of 13789
section 2905.04 of the Revised Code as it existed prior to July 1, 13790
1996, had it been committed prior to that date; 13791

(3) An offense of violence; 13792

(4) A theft offense, as defined in section 2913.01 of the 13793
Revised Code; 13794

(5) A drug abuse offense, as defined in section 2925.01 of 13795
the Revised Code; 13796

(6) A violation of an existing or former ordinance of a 13797
municipal corporation or law of the United States or another state 13798
that is substantively comparable to an offense listed in divisions 13799
(C)(1) to (5) of this section. 13800

(D) A grant recipient ~~or an entity approved by the OhioReads~~ 13801
~~council~~ that elects to request criminal records checks may 13802
conditionally allow an individual to participate in providing 13803
programs or services directly to children until the criminal 13804
records check is completed and the grant recipient ~~or an entity~~ 13805
~~approved by the OhioReads council~~ receives the results. If the 13806
results of the criminal records check indicate that the individual 13807
has been convicted of or pleaded guilty to an offense listed in 13808

division (C) of this section, the grant recipient ~~or an entity~~ 13809
~~approved by the OhioReads council~~ shall not allow the individual 13810
to further participate in providing directly to children any 13811
program or service ~~through an entity approved by the OhioReads~~ 13812
~~council~~ or funded in whole or in part by the grant, except as 13813
provided in the rules adopted under division (G)(2) of this 13814
section. 13815

(E) The report of any criminal records check conducted in 13816
accordance with division (F)(5) of section 109.57 of the Revised 13817
Code pursuant to a request under this section is not a public 13818
record for purposes of section 149.43 of the Revised Code. The 13819
report shall not be made available to any person other than the 13820
individual who is the subject of the criminal records check or the 13821
individual's representative, the grant recipient or the grant 13822
recipient's representative ~~or an entity approved by the OhioReads~~ 13823
~~council~~, and any court, hearing officer, or other necessary 13824
individual in a case dealing with the denial of the individual's 13825
participation in a program or service ~~through an entity approved~~ 13826
~~by the OhioReads council~~ or funded by an OhioReads a grant awarded 13827
under section 3301.86 of the Revised Code. 13828

(F) The ~~OhioReads office~~ department of education shall 13829
reimburse each grant recipient ~~or an entity approved by the~~ 13830
~~OhioReads council~~ for each criminal records check the actual 13831
amount paid by the grant recipient ~~or an entity approved by the~~ 13832
~~OhioReads council~~ for the portion of the criminal records check 13833
conducted by the bureau of criminal identification and 13834
investigation. Reimbursement shall be paid under this division 13835
only for criminal records checks on individuals who apply to 13836
participate in providing directly to children any program or 13837
service ~~through an entity approved by the OhioReads council~~ or 13838
funded in whole or in part by the grant. To receive it, the grant 13839
recipient ~~or an entity approved by the OhioReads council~~ must 13840

submit information to the ~~office~~ department in the form and manner 13841
required by the ~~office~~ department. The reimbursement is in 13842
addition to the grant awarded to the recipient under section 13843
3301.86 ~~or 3301.87~~ of the Revised Code. 13844

(G) The ~~department~~ state board of education shall adopt rules 13845
in accordance with Chapter 119. of the Revised Code: 13846

(1) Prescribing the form and manner in which grant recipients 13847
~~or an entity approved by the OhioReads council~~ must submit 13848
information to the ~~OhioReads~~ office department to receive 13849
reimbursement under division (F) of this section; 13850

(2) Specifying circumstances under which a grant recipient ~~or~~ 13851
~~an entity approved by the OhioReads council~~ may allow an 13852
individual whose criminal records check report indicates that the 13853
individual has been convicted of or pleaded guilty to an offense 13854
listed in division (C) of this section, but who meets standards in 13855
regard to rehabilitation set forth in the rules, to participate in 13856
providing directly to children any program or service ~~through an~~ 13857
~~entity approved by the OhioReads council or~~ funded in whole or in 13858
part by the grant. 13859

Sec. 3310.01. As used in this chapter: 13860

(A) "Eligible school" means any school building that 13861
satisfies the following conditions: 13862

(1) The building is operated by a school district included in 13863
the Ohio choice scholarship program pursuant to section 3310.02 of 13864
the Revised Code. 13865

(2) The building offers any of grade levels three through 13866
eight. 13867

(3) For three consecutive school years, at least two-thirds 13868
of the students enrolled in the building in grades three through 13869
eight, as applicable, failed to attain at least a proficient score 13870

on any proficiency or achievement test in reading administered to their grade level under section 3301.0711 or 3301.0712 of the Revised Code and at least two-thirds of the students enrolled in the building in grades three through eight, as applicable, failed to attain at least a proficient score on any proficiency or achievement test in mathematics administered to their grade level under section 3301.0711 or 3301.0712 of the Revised Code. In determining whether division (A)(3) of this section applies to a building, the superintendent of public instruction shall use test data from the most recent three consecutive school years. 13871
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(B) "Parent" has the same meaning as in section 3313.98 of the Revised Code. 13881
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(C) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. 13883
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(D) "School year" has the same meaning as in section 3313.62 of the Revised Code. 13885
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Sec. 3310.02. (A) The Ohio choice scholarship program is hereby established. The program shall include every school district that is not included in the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code. The program shall provide for students enrolled in eligible schools to receive scholarships to attend chartered nonpublic schools. 13887
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(B)(1) Any student who is entering any of grades one through eight at an eligible school and who has been enrolled in the eligible school for the equivalent of one full school year may apply for an initial scholarship. 13894
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(2) Any student who received a scholarship for the preceding school year may continue to receive a scholarship for each subsequent school year until the student completes the highest 13898
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grade offered by the public school in which the student was 13901
enrolled immediately prior to receiving a scholarship, provided 13902
the student takes each achievement test administered to the 13903
student's grade level under section 3301.0711 of the Revised Code 13904
and demonstrates progress. 13905

(C) No student enrolled in a school that has ceased to be an 13906
eligible school shall receive a scholarship, except that any 13907
student who received a scholarship for the school year in which 13908
the school ceased to be an eligible school may receive a 13909
scholarship for each subsequent school year until the student has 13910
completed the highest grade offered by the public school in which 13911
the student was enrolled immediately prior to receiving a 13912
scholarship, subject to the conditions of division (B)(2) of this 13913
section. 13914

Sec. 3310.03. The amount of each scholarship awarded under 13915
this chapter shall be the lesser of the actual tuition charges of 13916
the chartered nonpublic school in which the scholarship student is 13917
enrolled or three thousand five hundred dollars. 13918

Any chartered nonpublic school that enrolls a scholarship 13919
student shall accept the scholarship amount awarded to the student 13920
under this section as full tuition payment for the school year of 13921
enrollment. The chartered nonpublic school shall not charge the 13922
parent of a scholarship student any tuition in excess of the 13923
scholarship amount awarded to the student. 13924

Sec. 3310.04. (A) Annually by the first day of July, the 13925
superintendent of public instruction shall notify eligible schools 13926
that students enrolled in those schools who meet the conditions of 13927
division (B)(1) of section 3310.02 of the Revised Code may apply 13928
for scholarships. Each eligible school shall provide information 13929
about the Ohio choice scholarship program to the parents of all 13930

students enrolled in the school who are entering grades one through eight. The information shall include the application deadline established by the superintendent under division (B) of this section, the manner in which scholarships will be awarded among all eligible applicants, and the criteria for maintaining eligibility for scholarships in future school years.

(B) The superintendent shall establish a deadline for the acceptance of applications for the scholarship program. In each school year, the superintendent shall award as many scholarships as can be funded given the amount appropriated for the program. If there are insufficient funds to award scholarships to all applicants, the superintendent shall award scholarships among all applicants by lot until the funds are depleted. The superintendent shall notify students of their selection for a scholarship not later than the first day of August.

(C) A scholarship student shall use the scholarship at a chartered nonpublic school beginning the school year the scholarship is awarded. The superintendent shall revoke any scholarship awarded under this section if any of the following conditions are not met:

(1) The parent of the scholarship student applies on behalf of the student to a chartered nonpublic school by the admissions deadline established by the school for scholarship students.

(2) The chartered nonpublic school notifies the parent of the scholarship student and the superintendent that the student has been accepted for enrollment by the school.

(3) The scholarship student enrolls in the chartered nonpublic school to which the student was accepted.

Sec. 3310.05. Not later than the fifteenth day of each month, the chief administrator of each chartered nonpublic school that

enrolls scholarship students under this chapter shall notify the 13961
department of education of the number of scholarship students who 13962
were enrolled in the school as of the first day of that month. The 13963
number reported under this section shall include scholarship 13964
students who have been continuously enrolled in the school since 13965
the beginning of the school year and scholarship students who have 13966
transferred to the school during the course of the school year. 13967

Sec. 3310.06. The department of education shall make periodic 13968
payments on behalf of each student to whom a scholarship is 13969
awarded under this chapter. Each scholarship shall be payable 13970
jointly to the parent of the scholarship student and the chartered 13971
nonpublic school in which the scholarship student is enrolled. The 13972
total of all payments for a school year shall not exceed the 13973
amount awarded to the scholarship student for that school year 13974
under section 3310.03 of the Revised Code. The scholarship amount 13975
awarded on behalf of any student shall be reduced proportionately 13976
if the student is not enrolled in a chartered nonpublic school for 13977
the entire school year. 13978

Sec. 3310.07. Notwithstanding division (K) of section 13979
3301.0711 of the Revised Code, each chartered nonpublic school 13980
that enrolls scholarship students under this chapter shall 13981
administer the achievement tests prescribed by section 3301.0710 13982
of the Revised Code to each scholarship student in accordance with 13983
section 3301.0711 of the Revised Code. Nothing in this section 13984
requires a chartered nonpublic school to administer any 13985
achievement test, except for an Ohio graduation test prescribed by 13986
division (B) of section 3301.0710 of the Revised Code, to any 13987
student enrolled in the school who is not a scholarship student. 13988

Sec. 3310.08. Each student for whom a scholarship is awarded 13989

under this chapter and who is enrolled in a chartered nonpublic school is entitled to transportation to and from that school by the student's school district of residence in accordance with section 3327.01 of the Revised Code. 13990
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Sec. 3310.09. The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement this chapter. 13994
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Sec. 3313.975. As used in this section and in sections 13996
3313.975 to 3313.979 of the Revised Code, "the pilot project 13997
school district" or "the district" means any school district 13998
included in the pilot project scholarship program pursuant to this 13999
section. 14000

(A) The superintendent of public instruction shall establish 14001
a pilot project scholarship program and shall include in such 14002
program any school districts that are or have ever been under 14003
federal court order requiring supervision and operational 14004
management of the district by the state superintendent. The 14005
program shall provide for a number of students residing in any 14006
such district to receive scholarships to attend alternative 14007
schools, and for an equal number of students to receive tutorial 14008
assistance grants while attending public school in any such 14009
district. 14010

(B) The state superintendent shall establish an application 14011
process and deadline for accepting applications from students 14012
residing in the district to participate in the scholarship 14013
program. In the initial year of the program students may only use 14014
a scholarship to attend school in grades kindergarten through 14015
third. 14016

The state superintendent shall award as many scholarships and 14017
tutorial assistance grants as can be funded given the amount 14018

appropriated for the program. In no case, however, shall more than 14019
fifty per cent of all scholarships awarded be used by students who 14020
were enrolled in a nonpublic school during the school year of 14021
application for a scholarship. 14022

(C)(1) The pilot project program shall continue in effect 14023
each year that the general assembly has appropriated sufficient 14024
money to fund scholarships and tutorial assistance grants. In each 14025
year the program continues, no new students may receive 14026
scholarships unless they are enrolled in ~~grade~~ grades 14027
~~kindergarten, one, two, or three~~ to eight. However, any student 14028
who has received a scholarship the preceding year may continue to 14029
receive one until the student has completed grade ~~eight~~ ten. 14030
Beginning in the ~~2003-2004~~ 2005-2006 academic year, a student who 14031
previously has received a scholarship may receive a scholarship in 14032
grade ~~nine~~ eleven. Beginning in the ~~2004-2005~~ 2006-2007 academic 14033
year, a student who previously has received a scholarship may 14034
receive a scholarship in grade ~~ten~~ twelve. 14035

(2) If the general assembly discontinues the scholarship 14036
program, all students who are attending an alternative school 14037
under the pilot project shall be entitled to continued admittance 14038
to that specific school through all grades ~~up to the tenth grade~~ 14039
that are provided in such school, under the same conditions as 14040
when they were participating in the pilot project. The state 14041
superintendent shall continue to make scholarship payments in 14042
accordance with division (A) or (B) of section 3313.979 of the 14043
Revised Code for students who remain enrolled in an alternative 14044
school under this provision in any year that funds have been 14045
appropriated for this purpose. 14046

If funds are not appropriated, the tuition charged to the 14047
parents of a student who remains enrolled in an alternative school 14048
under this provision shall not be increased beyond the amount 14049
equal to the amount of the scholarship plus any additional amount 14050

charged that student's parent in the most recent year of 14051
attendance as a participant in the pilot project, except that 14052
tuition for all the students enrolled in such school may be 14053
increased by the same percentage. 14054

(D) Notwithstanding sections 124.39, 3307.54, and 3319.17 of 14055
the Revised Code, if the pilot project school district experiences 14056
a decrease in enrollment due to participation in a state-sponsored 14057
scholarship program pursuant to sections 3313.974 to 3313.979 of 14058
the Revised Code, the district board of education may enter into 14059
an agreement with any teacher it employs to provide to that 14060
teacher severance pay or early retirement incentives, or both, if 14061
the teacher agrees to terminate the employment contract with the 14062
district board, provided any collective bargaining agreement in 14063
force pursuant to Chapter 4117. of the Revised Code does not 14064
prohibit such an agreement for termination of a teacher's 14065
employment contract. 14066

Sec. 3313.976. (A) No private school may receive scholarship 14067
payments from parents pursuant to section 3313.979 of the Revised 14068
Code until the chief administrator of the private school registers 14069
the school with the superintendent of public instruction. The 14070
state superintendent shall register any school that meets the 14071
following requirements: 14072

(1) The school is located within the boundaries of the pilot 14073
project school district; 14074

(2) The school indicates in writing its commitment to follow 14075
all requirements for a state-sponsored scholarship program 14076
specified under sections 3313.974 to 3313.979 of the Revised Code, 14077
including, but not limited to, the requirements for admitting 14078
students pursuant to section 3313.977 of the Revised Code; 14079

(3) The school meets all state minimum standards for 14080

chartered nonpublic schools in effect on July 1, 1992, except that 14081
the state superintendent at the superintendent's discretion may 14082
register nonchartered nonpublic schools meeting the other 14083
requirements of this division; 14084

(4) The school does not discriminate on the basis of race, 14085
religion, or ethnic background; 14086

(5) The school enrolls a minimum of ten students per class or 14087
a sum of at least twenty-five students in all the classes offered; 14088

(6) The school does not advocate or foster unlawful behavior 14089
or teach hatred of any person or group on the basis of race, 14090
ethnicity, national origin, or religion; 14091

(7) The school does not provide false or misleading 14092
information about the school to parents, students, or the general 14093
public; 14094

(8) For students in grades kindergarten through eight, the 14095
school agrees not to charge any tuition to low-income families 14096
receiving ninety per cent of the scholarship amount through the 14097
scholarship program, pursuant to division (A) of section 3313.978 14098
of the Revised Code, in excess of ten per cent of the scholarship 14099
amount established pursuant to division (C)(1) of section 3313.978 14100
of the Revised Code, excluding any increase described in division 14101
(C)(2) of that section. The school shall permit any such tuition, 14102
at the discretion of the parent, to be satisfied by the low-income 14103
family's provision of in-kind contributions or services. 14104

(9) For students in grades kindergarten through eight, the 14105
school agrees not to charge any tuition to low-income families 14106
receiving a seventy-five per cent scholarship amount through the 14107
scholarship program, pursuant to division (A) of section 3313.978 14108
of the Revised Code, in excess of the difference between the 14109
actual tuition charge of the school and seventy-five per cent of 14110
the scholarship amount established pursuant to division (C)(1) of 14111

section 3313.978 of the Revised Code, excluding any increase 14112
described in division (C)(2) of that section. The school shall 14113
permit such tuition, at the discretion of the parent, to be 14114
satisfied by the low-income family's provision of in-kind 14115
contributions or services. 14116

(10) The school agrees not to charge any tuition to families 14117
of students in grades nine ~~and ten~~ through twelve receiving a 14118
scholarship in excess of the actual tuition charge of the school 14119
less seventy-five or ninety per cent of the scholarship amount 14120
established pursuant to division (C)(1) of section 3313.978 of the 14121
Revised Code, as applicable, excluding any increase described in 14122
division (C)(2) of that section. 14123

(B) The state superintendent shall revoke the registration of 14124
any school if, after a hearing, the superintendent determines that 14125
the school is in violation of any of the provisions of division 14126
(A) of this section. 14127

(C) Any public school located in a school district adjacent 14128
to the pilot project district may receive scholarship payments on 14129
behalf of parents pursuant to section 3313.979 of the Revised Code 14130
if the superintendent of the district in which such public school 14131
is located notifies the state superintendent prior to the first 14132
day of March that the district intends to admit students from the 14133
pilot project district for the ensuing school year pursuant to 14134
section 3327.06 of the Revised Code. 14135

(D) Any parent wishing to purchase tutorial assistance from 14136
any person or governmental entity pursuant to the pilot project 14137
program under sections 3313.974 to 3313.979 of the Revised Code 14138
shall apply to the state superintendent. The state superintendent 14139
shall approve providers who appear to possess the capability of 14140
furnishing the instructional services they are offering to 14141
provide. 14142

Sec. 3313.977. (A)(1) Each registered private school shall 14143
admit students to kindergarten and first, second, and third grades 14144
in accordance with the following priorities: 14145

(a) Students who were enrolled in the school during the 14146
preceding year; 14147

(b) Siblings of students enrolled in the school during the 14148
preceding year, at the discretion of the school; 14149

(c) Children from low-income families attending school or 14150
residing in the school district in which the school is located 14151
until the number of such students in each grade equals the number 14152
that constituted twenty per cent of the total number of students 14153
enrolled in the school during the preceding year in such grade. 14154
Admission of such twenty per cent shall be by lot from among all 14155
low-income family applicants who apply prior to the fifteenth day 14156
of February prior to admission. 14157

(d) All other applicants residing anywhere, provided that all 14158
remaining available spaces shall be filled from among such 14159
applicants by lot. 14160

Children from low-income families not selected by lot under 14161
division (A)(1)(c) of this section shall be included in the 14162
lottery of all remaining applicants pursuant to division (A)(1)(d) 14163
of this section. 14164

(2) Each registered private school shall first admit to 14165
grades four through ~~ten~~ twelve students who were enrolled in the 14166
school during the preceding year. Any remaining spaces for 14167
students in these grades may be filled as determined by the 14168
school. 14169

(B) Notwithstanding division (A) of this section, except 14170
where otherwise prohibited by federal law, a registered private 14171
school may elect to admit students of only one gender and may deny 14172

admission to any separately educated handicapped student. 14173

(C) If a scholarship student who has been accepted in 14174
accordance with this section fails to enroll in the school for any 14175
reason or withdraws from the school during the school year for any 14176
reason, the school may elect to replace such student with another 14177
scholarship student only by first offering the admission to any 14178
low-income scholarship students who filed applications by the 14179
preceding fifteenth day of February and who were not accepted at 14180
that time due to space limitations. 14181

Sec. 3313.978. (A) Annually by the first day of November, the 14182
superintendent of public instruction shall notify the pilot 14183
project school district of the number of initial scholarships that 14184
the state superintendent will be awarding in each of grades 14185
kindergarten through third. 14186

The state superintendent shall provide information about the 14187
scholarship program to all students residing in the district, 14188
shall accept applications from any such students until such date 14189
as shall be established by the state superintendent as a deadline 14190
for applications, and shall establish criteria for the selection 14191
of students to receive scholarships from among all those applying 14192
prior to the deadline, which criteria shall give preference to 14193
students from low-income families. For each student selected, the 14194
state superintendent shall also determine whether the student 14195
qualifies for seventy-five or ninety per cent of the scholarship 14196
amount. Students whose family income is at or above two hundred 14197
per cent of the maximum income level established by the state 14198
superintendent for low-income families shall qualify for 14199
seventy-five per cent of the scholarship amount and students whose 14200
family income is below two hundred per cent of that maximum income 14201
level shall qualify for ninety per cent of the scholarship amount. 14202
The state superintendent shall notify students of their selection 14203

prior to the fifteenth day of January and whether they qualify for 14204
seventy-five or ninety per cent of the scholarship amount. 14205

(1) A student receiving a pilot project scholarship may 14206
utilize it at an alternative public school by notifying the 14207
district superintendent, at any time before the beginning of the 14208
school year, of the name of the public school in an adjacent 14209
school district to which the student has been accepted pursuant to 14210
section 3327.06 of the Revised Code. 14211

(2) A student may decide to utilize a pilot project 14212
scholarship at a registered private school in the district if all 14213
of the following conditions are met: 14214

(a) By the fifteenth day of February of the preceding school 14215
year, or at any time prior to the start of the school year, the 14216
parent makes an application on behalf of the student to a 14217
registered private school. 14218

(b) The registered private school notifies the parent and the 14219
state superintendent as follows that the student has been 14220
admitted: 14221

(i) By the fifteenth day of March of the preceding school 14222
year if the student filed an application by the fifteenth day of 14223
February and was admitted by the school pursuant to division (A) 14224
of section 3313.977 of the Revised Code; 14225

(ii) Within one week of the decision to admit the student if 14226
the student is admitted pursuant to division (C) of section 14227
3313.977 of the Revised Code. 14228

(c) The student actually enrolls in the registered private 14229
school to which the student was first admitted or in another 14230
registered private school in the district or in a public school in 14231
an adjacent school district. 14232

(B) The state superintendent shall also award in any school 14233

year tutorial assistance grants to a number of students equal to 14234
the number of students who receive scholarships under division (A) 14235
of this section. Tutorial assistance grants shall be awarded 14236
solely to students who are enrolled in the public schools of the 14237
district in a grade level covered by the pilot project. Tutorial 14238
assistance grants may be used solely to obtain tutorial assistance 14239
from a provider approved pursuant to division (D) of section 14240
3313.976 of the Revised Code. 14241

All students wishing to obtain tutorial assistance grants 14242
shall make application to the state superintendent by the first 14243
day of the school year in which the assistance will be used. The 14244
state superintendent shall award assistance grants in accordance 14245
with criteria the superintendent shall establish. For each student 14246
awarded a grant, the state superintendent shall also determine 14247
whether the student qualifies for seventy-five or ninety per cent 14248
of the grant amount and so notify the student. Students whose 14249
family income is at or above two hundred per cent of the maximum 14250
income level established by the state superintendent for 14251
low-income families shall qualify for seventy-five per cent of the 14252
grant amount and students whose family income is below two hundred 14253
per cent of that maximum income level shall qualify for ninety per 14254
cent of the grant amount. 14255

(C)(1) In the case of basic scholarships for students in 14256
grades kindergarten through eight, the scholarship amount shall 14257
not exceed the lesser of the tuition charges of the alternative 14258
school the scholarship recipient attends or an amount established 14259
by the state superintendent not in excess of three thousand 14260
dollars. 14261

In the case of basic scholarships for students in grades nine 14262
~~and ten~~ through twelve, the scholarship amount shall not exceed 14263
the lesser of the tuition charges of the alternative school the 14264
scholarship recipient attends or an amount established by the 14265

state superintendent not in excess of two thousand seven hundred 14266
dollars. 14267

(2) The state superintendent shall provide for an increase in 14268
the basic scholarship amount in the case of any student who is a 14269
mainstreamed handicapped student and shall further increase such 14270
amount in the case of any separately educated handicapped child. 14271
Such increases shall take into account the instruction, related 14272
services, and transportation costs of educating such students. 14273

(3) In the case of tutorial assistance grants, the grant 14274
amount shall not exceed the lesser of the provider's actual 14275
charges for such assistance or a percentage established by the 14276
state superintendent, not to exceed twenty per cent, of the amount 14277
of the pilot project school district's average basic scholarship 14278
amount. 14279

(4) No scholarship or tutorial assistance grant shall be 14280
awarded unless the state superintendent determines that 14281
twenty-five or ten per cent, as applicable, of the amount 14282
specified for such scholarship or grant pursuant to division 14283
(C)(1), (2), or (3) of this section will be furnished by a 14284
political subdivision, a private nonprofit or for profit entity, 14285
or another person. Only seventy-five or ninety per cent of such 14286
amounts, as applicable, shall be paid from state funds pursuant to 14287
section 3313.979 of the Revised Code. 14288

(D)(1) Annually by the first day of November, the state 14289
superintendent shall estimate the maximum per-pupil scholarship 14290
amounts for the ensuing school year. The state superintendent 14291
shall make this estimate available to the general public at the 14292
offices of the district board of education together with the forms 14293
required by division (D)(2) of this section. 14294

(2) Annually by the fifteenth day of January, the chief 14295
administrator of each registered private school located in the 14296

pilot project district and the principal of each public school in 14297
such district shall complete a parental information form and 14298
forward it to the president of the board of education. The 14299
parental information form shall be prescribed by the department of 14300
education and shall provide information about the grade levels 14301
offered, the numbers of students, tuition amounts, achievement 14302
test results, and any sectarian or other organizational 14303
affiliations. 14304

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 14305
and division (D) of section 3311.52 of the Revised Code, the 14306
provisions of this section and sections 3313.981 to 3313.983 of 14307
the Revised Code that apply to a city school district do not apply 14308
to a joint vocational or cooperative education school district 14309
unless expressly specified. 14310

(A) As used in this section and sections 3313.981 to 3313.983 14311
of the Revised Code: 14312

(1) "Parent" means either of the natural or adoptive parents 14313
of a student, except under the following conditions: 14314

(a) When the marriage of the natural or adoptive parents of 14315
the student has been terminated by a divorce, dissolution of 14316
marriage, or annulment or the natural or adoptive parents of the 14317
student are living separate and apart under a legal separation 14318
decree and the court has issued an order allocating the parental 14319
rights and responsibilities with respect to the student, "parent" 14320
means the residential parent as designated by the court except 14321
that "parent" means either parent when the court issues a shared 14322
parenting decree. 14323

(b) When a court has granted temporary or permanent custody 14324
of the student to an individual or agency other than either of the 14325
natural or adoptive parents of the student, "parent" means the 14326

legal custodian of the child. 14327

(c) When a court has appointed a guardian for the student, 14328
"parent" means the guardian of the student. 14329

(2) "Native student" means a student entitled under section 14330
3313.64 or 3313.65 of the Revised Code to attend school in a 14331
district adopting a resolution under this section. 14332

(3) "Adjacent district" means a city, exempted village, or 14333
local school district having territory that abuts the territory of 14334
a district adopting a resolution under this section. 14335

(4) "Adjacent district student" means a student entitled 14336
under section 3313.64 or 3313.65 of the Revised Code to attend 14337
school in an adjacent district. 14338

(5) "Adjacent district joint vocational student" means an 14339
adjacent district student who enrolls in a city, exempted village, 14340
or local school district pursuant to this section and who also 14341
enrolls in a joint vocational school district that does not 14342
contain the territory of the district for which that student is a 14343
native student and does contain the territory of the city, 14344
exempted village, or local district in which the student enrolls. 14345

(6) "Formula amount" has the same meaning as in section 14346
3317.02 of the Revised Code. 14347

(7) "Adjusted formula amount" means the greater of the 14348
following: 14349

(a) The fiscal year 2005 formula amount multiplied by the 14350
fiscal year 2005 cost-of-doing-business factor for a district 14351
defined in section 3317.02 of the Revised Code; 14352

(b) The sum of the current formula amount plus the per pupil 14353
amount of the base funding supplements specified in divisions 14354
(B)(3)(a) to (d) of section 3317.012 of the Revised Code. 14355

(8) "Poverty line" means the poverty line established by the 14356

director of the United States office of management and budget as 14357
revised by the director of the office of community services in 14358
accordance with section 673(2) of the "Community Services Block 14359
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 14360

(9) "IEP" means an individualized education program defined 14361
by division (E) of section 3323.01 of the Revised Code. 14362

(10) "Other district" means a city, exempted village, or 14363
local school district having territory outside of the territory of 14364
a district adopting a resolution under this section. 14365

(11) "Other district student" means a student entitled under 14366
section 3313.64 or 3313.65 of the Revised Code to attend school in 14367
an other district. 14368

(12) "Other district joint vocational student" means a 14369
student who is enrolled in any city, exempted village, or local 14370
school district and who also enrolls in a joint vocational school 14371
district that does not contain the territory of the district for 14372
which that student is a native student in accordance with a policy 14373
adopted under section 3313.983 of the Revised Code. 14374

(B)(1) The board of education of each city, local, and 14375
exempted village school district shall adopt a resolution 14376
establishing for the school district one of the following 14377
policies: 14378

(a) A policy that entirely prohibits the enrollment of 14379
students from adjacent districts or other districts, other than 14380
students for whom tuition is paid in accordance with section 14381
3317.08 of the Revised Code; 14382

(b) A policy that permits enrollment of students from all 14383
adjacent districts in accordance with policy statements contained 14384
in the resolution; 14385

(c) A policy that permits enrollment of students from all 14386

other districts in accordance with policy statements contained in 14387
the resolution. 14388

(2) A policy permitting enrollment of students from adjacent 14389
or from other districts, as applicable, shall provide for all of 14390
the following: 14391

(a) Application procedures, including deadlines for 14392
application and for notification of students and the 14393
superintendent of the applicable district whenever an adjacent or 14394
other district student's application is approved. 14395

(b) Procedures for admitting adjacent or other district 14396
applicants free of any tuition obligation to the district's 14397
schools, including, but not limited to: 14398

(i) The establishment of district capacity limits by grade 14399
level, school building, and education program; 14400

(ii) A requirement that all native students wishing to be 14401
enrolled in the district will be enrolled and that any adjacent or 14402
other district students previously enrolled in the district shall 14403
receive preference over first-time applicants; 14404

(iii) Procedures to ensure that an appropriate racial balance 14405
is maintained in the district schools. 14406

(C) Except as provided in section 3313.982 of the Revised 14407
Code, the procedures for admitting adjacent or other district 14408
students, as applicable, shall not include: 14409

(1) Any requirement of academic ability, or any level of 14410
athletic, artistic, or other extracurricular skills; 14411

(2) Limitations on admitting applicants because of 14412
handicapping conditions, except that a board may refuse to admit a 14413
student receiving services under Chapter 3323. of the Revised 14414
Code, if the services described in the student's IEP are not 14415
available in the district's schools; 14416

(3) A requirement that the student be proficient in the English language;

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.

(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds 14447
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 14448
may adopt a resolution objecting to the enrollment of its native 14449
students in adjacent or other districts if at least ten per cent 14450
of its students are included in the determination of the United 14451
States secretary of education made under section 20 U.S.C.A. 14452
238(a). 14453

(2) If a board objects to enrollment of native students under 14454
this division, any adjacent or other district shall refuse to 14455
enroll such native students unless tuition is paid for the 14456
students in accordance with section 3317.08 of the Revised Code. 14457
An adjacent or other district enrolling such students may not 14458
receive funding for those students in accordance with section 14459
3313.981 of the Revised Code. 14460

(G) The state board of education shall monitor school 14461
districts to ensure compliance with this section and the 14462
districts' policies. The board may adopt rules requiring uniform 14463
application procedures, deadlines for application, notification 14464
procedures, and record-keeping requirements for all school boards 14465
that adopt policies permitting the enrollment of adjacent or other 14466
district students, as applicable. If the state board adopts such 14467
rules, no school board shall adopt a policy that conflicts with 14468
those rules. 14469

(H) A resolution adopted by a board of education under this 14470
section that entirely prohibits the enrollment of students from 14471
adjacent and from other school districts does not abrogate any 14472
agreement entered into under section 3313.841 or 3313.92 of the 14473
Revised Code or any contract entered into under section 3313.90 of 14474
the Revised Code between the board of education adopting the 14475
resolution and the board of education of any adjacent or other 14476
district or prohibit these boards of education from entering into 14477
any such agreement or contract. 14478

(I) Nothing in this section shall be construed to permit or
require the board of education of a city, exempted village, or
local school district to exclude any native student of the
district from enrolling in the district.

Sec. 3314.03. A copy of every contract entered into under
this section shall be filed with the superintendent of public
instruction.

(A) Each contract entered into between a sponsor and the
governing authority of a community school shall specify the
following:

(1) That the school shall be established as either of the
following:

(a) A nonprofit corporation established under Chapter 1702.
of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter
1702. of the Revised Code, if established after April 8, 2003;

(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;

(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;

(4) Performance standards by which the success of the school
will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised
Code;

(6)(a) Dismissal procedures;

(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. Such a policy shall provide for withdrawing the student by the end of the thirtieth day after the student has failed to participate as required under this division.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(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.

(9) The facilities to be used and their locations;

(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;

(11) That the school will comply with the following requirements:

(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;

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;

(c) The school will be nonsectarian in its programs, 14538
admission policies, employment practices, and all other 14539
operations, and will not be operated by a sectarian school or 14540
religious institution; 14541

(d) The school will comply with sections 9.90, 9.91, 109.65, 14542
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 14543
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 14544
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 14545
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 14546
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 14547
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 14548
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 14549
4123., 4141., and 4167. of the Revised Code as if it were a school 14550
district and will comply with section 3301.0714 of the Revised 14551
Code in the manner specified in section 3314.17 of the Revised 14552
Code; 14553

(e) The school shall comply with Chapter 102. of the Revised 14554
Code except that nothing in that chapter shall prohibit a member 14555
of the school's governing board from also being an employee of the 14556
school and nothing in that chapter or section 2921.42 of the 14557
Revised Code shall prohibit a member of the school's governing 14558
board from having an interest in a contract into which the 14559
governing board enters that is not a contract with a for-profit 14560
firm for the operation or management of a school under the 14561
auspices of the governing authority; 14562

(f) The school will comply with sections 3313.61, 3313.611, 14563
and 3313.614 of the Revised Code, except that the requirement in 14564
sections 3313.61 and 3313.611 of the Revised Code that a person 14565
must successfully complete the curriculum in any high school prior 14566
to receiving a high school diploma may be met by completing the 14567
curriculum adopted by the governing authority of the community 14568
school rather than the curriculum specified in Title XXXIII of the 14569

Revised Code or any rules of the state board of education; 14570

(g) The school governing authority will submit within four 14571
months after the end of each school year a report of its 14572
activities and progress in meeting the goals and standards of 14573
divisions (A)(3) and (4) of this section and its financial status 14574
to the sponsor, the parents of all students enrolled in the 14575
school, and the legislative office of education oversight. The 14576
school will collect and provide any data that the legislative 14577
office of education oversight requests in furtherance of any study 14578
or research that the general assembly requires the office to 14579
conduct, including the studies required under Section 50.39 of Am. 14580
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 14581
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 14582

(12) Arrangements for providing health and other benefits to 14583
employees; 14584

(13) The length of the contract, which shall begin at the 14585
beginning of an academic year. No contract shall exceed five years 14586
unless such contract has been renewed pursuant to division (E) of 14587
this section. 14588

(14) The governing authority of the school, which shall be 14589
responsible for carrying out the provisions of the contract; 14590

(15) A financial plan detailing an estimated school budget 14591
for each year of the period of the contract and specifying the 14592
total estimated per pupil expenditure amount for each such year. 14593
The plan shall specify for each year the base formula amount that 14594
will be used for purposes of funding calculations under section 14595
3314.08 of the Revised Code. This base formula amount for any year 14596
shall not exceed the formula amount defined under section 3317.02 14597
of the Revised Code. The plan may also specify for any year a 14598
percentage figure to be used for reducing the per pupil amount of 14599
~~disadvantaged pupil impact aid~~ poverty-based assistance calculated 14600

pursuant to section 3317.029 of the Revised Code the school is to 14601
receive that year under section 3314.08 of the Revised Code. 14602

(16) Requirements and procedures regarding the disposition of 14603
employees of the school in the event the contract is terminated or 14604
not renewed pursuant to section 3314.07 of the Revised Code; 14605

(17) Whether the school is to be created by converting all or 14606
part of an existing public school or is to be a new start-up 14607
school, and if it is a converted public school, specification of 14608
any duties or responsibilities of an employer that the board of 14609
education that operated the school before conversion is delegating 14610
to the governing board of the community school with respect to all 14611
or any specified group of employees provided the delegation is not 14612
prohibited by a collective bargaining agreement applicable to such 14613
employees; 14614

(18) Provisions establishing procedures for resolving 14615
disputes or differences of opinion between the sponsor and the 14616
governing authority of the community school; 14617

(19) A provision requiring the governing authority to adopt a 14618
policy regarding the admission of students who reside outside the 14619
district in which the school is located. That policy shall comply 14620
with the admissions procedures specified in section 3314.06 of the 14621
Revised Code and, at the sole discretion of the authority, shall 14622
do one of the following: 14623

(a) Prohibit the enrollment of students who reside outside 14624
the district in which the school is located; 14625

(b) Permit the enrollment of students who reside in districts 14626
adjacent to the district in which the school is located; 14627

(c) Permit the enrollment of students who reside in any other 14628
district in the state. 14629

(20) A provision recognizing the authority of the department 14630

of education to take over the sponsorship of the school in 14631
accordance with the provisions of division (C) of section 3314.015 14632
of the Revised Code; 14633

(21) A provision recognizing the sponsor's authority to 14634
assume the operation of a school under the conditions specified in 14635
division (B) of section 3314.073 of the Revised Code; 14636

(22) A provision recognizing both of the following: 14637

(a) The authority of public health and safety officials to 14638
inspect the facilities of the school and to order the facilities 14639
closed if those officials find that the facilities are not in 14640
compliance with health and safety laws and regulations; 14641

(b) The authority of the department of education as the 14642
community school oversight body to suspend the operation of the 14643
school under section 3314.072 of the Revised Code if the 14644
department has evidence of conditions or violations of law at the 14645
school that pose an imminent danger to the health and safety of 14646
the school's students and employees and the sponsor refuses to 14647
take such action; 14648

(23) A description of the learning opportunities that will be 14649
offered to students including both classroom-based and 14650
non-classroom-based learning opportunities that is in compliance 14651
with criteria for student participation established by the 14652
department under division (L)(2) of section 3314.08 of the Revised 14653
Code; 14654

(24) The school will comply with section 3302.04 of the 14655
Revised Code, including division (E) of that section to the extent 14656
possible, except that any action required to be taken by a school 14657
district pursuant to that section shall be taken by the sponsor of 14658
the school. However, the sponsor shall not be required to take any 14659
action described in division (F) of that section. 14660

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance

and the organization and operation of the community school on at least an annual basis; 14691
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(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school; 14693
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(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract; 14697
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(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor; 14700
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(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year. 14707
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(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for 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. 14710
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Sec. 3314.074. Divisions (A) and (B) of this section apply 14720

only to the extent permitted under Chapter 1702. of the Revised Code. 14721
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(A) If any community school established under this chapter permanently closes and ceases its operation as a community school, the assets of that school shall be distributed first to the retirement funds of employees of the school, employees of the school, and private creditors who are owed compensation and then any remaining funds shall be paid to the state treasury to the credit of the general revenue fund. 14723
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(B) If a community school closes and ceases to operate as a community school and the school has received computer hardware or software from the former Ohio SchoolNet commission or the agency designated by the governor to assume the functions of the commission, such hardware or software shall be returned to the commission agency, and the ~~commission~~ agency shall redistribute the hardware and software, to the extent such redistribution is possible, to school districts in conformance with the provisions of the programs operated and administered by the ~~commission~~ agency. 14730
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(C) If the assets of the school are insufficient to pay all persons or entities to whom compensation is owed, the prioritization of the distribution of the assets to individual persons or entities within each class of payees may be determined by decree of a court in accordance with this section and Chapter 1702. of the Revised Code. 14740
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Sec. 3314.08. (A) As used in this section: 14746

(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. 14747
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(2) "Cost-of-doing-business factor" has the same meaning as 14750

in section 3317.02 of the Revised Code. 14751

(3) "IEP" means an individualized education program as 14752
defined in section 3323.01 of the Revised Code. 14753

(4) "Applicable special education weight" means the multiple 14754
specified in section 3317.013 of the Revised Code for a handicap 14755
described in that section. 14756

(5) "Applicable vocational education weight" means: 14757

(a) For a student enrolled in vocational education programs 14758
or classes described in division (A) of section 3317.014 of the 14759
Revised Code, the multiple specified in that division; 14760

(b) For a student enrolled in vocational education programs 14761
or classes described in division (B) of section 3317.014 of the 14762
Revised Code, the multiple specified in that division. 14763

(6) "Entitled to attend school" means entitled to attend 14764
school in a district under section 3313.64 or 3313.65 of the 14765
Revised Code. 14766

(7) A community school student is "included in the ~~DPIA~~ 14767
poverty student count" of a school district if the student is 14768
entitled to attend school in the district and+ 14769

~~(a) For school years prior to fiscal year 2004, the student's 14770
family receives assistance under the Ohio works first program. 14771~~

~~(b) For school years in and after fiscal year 2004, the 14772
student's family income does not exceed the federal poverty 14773
guidelines, as defined in section 5101.46 of the Revised Code, and 14774
the student's family receives family assistance, as defined in 14775
section 3317.029 of the Revised Code. 14776~~

(8) "~~DPIA~~ Poverty-based assistance reduction factor" means 14777
the percentage figure, if any, for reducing the per pupil amount 14778
of ~~disadvantaged pupil impact aid~~ poverty-based assistance a 14779
community school is entitled to receive pursuant to divisions 14780

(D)(5) and (6) of this section in any year, as specified in the 14781
school's financial plan for the year pursuant to division (A)(15) 14782
of section 3314.03 of the Revised Code. 14783

(9) "All-day kindergarten" has the same meaning as in section 14784
3317.029 of the Revised Code. 14785

(10) "SF-3 payment" means the sum of the payments to a school 14786
district in a fiscal year under divisions (A), (C)(1), (C)(4), 14787
(D), (E), and (F) of section 3317.022, divisions (J), (P), and (R) 14788
of section 3317.024, and sections 3317.029, 3317.0212, ~~3317.0213,~~ 14789
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 14790
the Revised Code after making the adjustments required by sections 14791
3313.981 and 3313.979, divisions (B), (C), (D), (E), (K), (L), ~~and~~ 14792
(M), and (N) of section 3317.023, and division (C) of section 14793
3317.20 of the Revised Code. 14794

(B) The state board of education shall adopt rules requiring 14795
both of the following: 14796

(1) The board of education of each city, exempted village, 14797
and local school district to annually report the number of 14798
students entitled to attend school in the district who are 14799
enrolled in grades one through twelve in a community school 14800
established under this chapter, the number of students entitled to 14801
attend school in the district who are enrolled in kindergarten in 14802
a community school, the number of those kindergartners who are 14803
enrolled in all-day kindergarten in their community school, and 14804
for each child, the community school in which the child is 14805
enrolled. 14806

(2) The governing authority of each community school 14807
established under this chapter to annually report all of the 14808
following: 14809

(a) The number of students enrolled in grades one through 14810
twelve and the number of students enrolled in kindergarten in the 14811

school who are not receiving special education and related	14812
services pursuant to an IEP;	14813
(b) The number of enrolled students in grades one through	14814
twelve and the number of enrolled students in kindergarten, who	14815
are receiving special education and related services pursuant to	14816
an IEP;	14817
(c) The number of students reported under division (B)(2)(b)	14818
of this section receiving special education and related services	14819
pursuant to an IEP for a handicap described in each of divisions	14820
(A) to (F) of section 3317.013 of the Revised Code;	14821
(d) The full-time equivalent number of students reported	14822
under divisions (B)(2)(a) and (b) of this section who are enrolled	14823
in vocational education programs or classes described in each of	14824
divisions (A) and (B) of section 3317.014 of the Revised Code that	14825
are provided by the community school;	14826
(e) Twenty per cent of the number of students reported under	14827
divisions (B)(2)(a) and (b) of this section who are not reported	14828
under division (B)(2)(d) of this section but who are enrolled in	14829
vocational education programs or classes described in each of	14830
divisions (A) and (B) of section 3317.014 of the Revised Code at a	14831
joint vocational school district under a contract between the	14832
community school and the joint vocational school district and are	14833
entitled to attend school in a city, local, or exempted village	14834
school district whose territory is part of the territory of the	14835
joint vocational district;	14836
(f) The number of enrolled preschool handicapped students	14837
receiving special education services in a state-funded unit;	14838
(g) The community school's base formula amount;	14839
(h) For each student, the city, exempted village, or local	14840
school district in which the student is entitled to attend school;	14841

(i) Any ~~DPIA~~ poverty-based assistance reduction factor that 14842
applies to a school year. 14843

(C) From the SF-3 payment made to a city, exempted village, 14844
or local school district and, if necessary, from the payment made 14845
to the district under sections 321.24 and 323.156 of the Revised 14846
Code, the department of education shall annually subtract the sum 14847
of the amounts described in divisions (C)(1) to (6) of this 14848
section. However, the aggregate amount deducted under this 14849
division shall not exceed the sum of the district's SF-3 payment 14850
and its payment under sections 321.24 and 323.156 of the Revised 14851
Code. 14852

(1) An amount equal to the sum of the amounts obtained when, 14853
for each community school where the district's students are 14854
enrolled, the number of the district's students reported under 14855
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 14856
in grades one through twelve, and one-half the number of students 14857
reported under those divisions who are enrolled in kindergarten, 14858
in that community school is multiplied by the greater of the 14859
following: 14860

(a) The fiscal year 2005 base formula amount of that 14861
community school as adjusted by the school district's fiscal year 14862
2005 cost-of-doing-business factor; 14863

(b) The sum of the current base formula amount of that 14864
community school plus the per pupil amount of the base funding 14865
supplements specified in divisions (B)(3)(a) to (d) of section 14866
3317.012 of the Revised Code. 14867

(2) The sum of the amounts calculated under divisions 14868
(C)(2)(a) and (b) of this section: 14869

(a) For each of the district's students reported under 14870
division (B)(2)(c) of this section as enrolled in a community 14871
school in grades one through twelve and receiving special 14872

education and related services pursuant to an IEP for a handicap 14873
described in section 3317.013 of the Revised Code, the product of 14874
the applicable special education weight times the community 14875
school's base formula amount; 14876

(b) For each of the district's students reported under 14877
division (B)(2)(c) of this section as enrolled in kindergarten in 14878
a community school and receiving special education and related 14879
services pursuant to an IEP for a handicap described in section 14880
3317.013 of the Revised Code, one-half of the amount calculated as 14881
prescribed in division (C)(2)(a) of this section. 14882

(3) For each of the district's students reported under 14883
division (B)(2)(d) of this section for whom payment is made under 14884
division (D)(4) of this section, the amount of that payment; 14885

(4) An amount equal to the sum of the amounts obtained when, 14886
for each community school where the district's students are 14887
enrolled, the number of the district's students enrolled in that 14888
community school who are included in the district's ~~DPIA~~ poverty 14889
student count is multiplied by the per pupil amount of 14890
~~disadvantaged pupil impact aid~~ poverty-based assistance the school 14891
district receives that year pursuant to division (B) or (C) of 14892
section 3317.029 of the Revised Code, as adjusted by any ~~DPIA~~ 14893
poverty-based assistance reduction factor of that community 14894
school. If the district receives ~~disadvantaged pupil impact aid~~ 14895
poverty-based assistance under division (B) of that section, the 14896
per pupil amount of that aid is the quotient of the amount the 14897
district received under that division divided by the district's 14898
~~DPIA~~ poverty student count, as defined in that section. If the 14899
district receives ~~disadvantaged pupil impact aid~~ poverty-based 14900
assistance under division (C) of section 3317.029 of the Revised 14901
Code, the per pupil amount of that aid is the per pupil dollar 14902
amount prescribed for the district in division (C)(1) or (2) of 14903
that section. 14904

(5) An amount equal to the sum of the amounts obtained when, 14905
for each community school where the district's students are 14906
enrolled, the district's per pupil amount of aid received under 14907
division (E) of section 3317.029 of the Revised Code, as adjusted 14908
by any ~~DPIA~~ poverty-based assistance reduction factor of the 14909
community school, is multiplied by the sum of the following: 14910

(a) The number of the district's students reported under 14911
division (B)(2)(a) of this section who are enrolled in grades one 14912
to three in that community school and who are not receiving 14913
special education and related services pursuant to an IEP; 14914

(b) One-half of the district's students who are enrolled in 14915
all-day or any other kindergarten class in that community school 14916
and who are not receiving special education and related services 14917
pursuant to an IEP; 14918

(c) One-half of the district's students who are enrolled in 14919
all-day kindergarten in that community school and who are not 14920
receiving special education and related services pursuant to an 14921
IEP. 14922

The district's per pupil amount of aid under division (E) of 14923
section 3317.029 of the Revised Code is the quotient of the amount 14924
the district received under that division divided by the 14925
district's kindergarten through third grade ADM, as defined in 14926
that section. 14927

(6) An amount equal to the per pupil state parity aid funding 14928
calculated for the school district under either division (C) or 14929
(D) of section 3317.0217 of the Revised Code multiplied by the sum 14930
of the number of students in grades one through twelve, and 14931
one-half of the number of students in kindergarten, who are 14932
entitled to attend school in the district and are enrolled in a 14933
community school as reported under division (B)(1) of this 14934
section. 14935

(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 (7) of this section. However, the sum of the payments to all community schools under divisions (D)(1), (2), (4), (5), (6), and (7) 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) 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 plus the per pupil amount of the base funding supplements specified in divisions (B)(3)(a) to (d) of section 3317.012 of the Revised Code.

(2) The greater of the following:

(a) The aggregate amount that the department paid to the community school in fiscal year 1999 for students receiving special education and related services pursuant to IEPs, excluding federal funds and state disadvantaged pupil impact aid funds; 14967
14968
14969
14970

(b) The sum of the amounts calculated under divisions (D)(2)(b)(i) and (ii) of this section: 14971
14972

(i) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, the following amount: 14973
14974
14975
14976
14977

[the greater of (the community school's fiscal year 2005 base formula amount 14978
14979

X the fiscal year 2005 cost-of-doing-business factor 14980
of the district where the student 14981
is entitled to attend school) or (the current formula amount plus the per pupil amount of the base funding supplements specified in divisions (B)(3)(a) to (d) of section 3317.012 of the Revised Code)] + 14982
14983
14984
14985

(the applicable special education weight X 14986
the community school's base formula amount); 14987

(ii) For each student reported under division (B)(2)(c) of this section as enrolled in kindergarten and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, one-half of the amount calculated under the formula prescribed in division (D)(2)(b)(i) of this section. 14988
14989
14990
14991
14992
14993

(3) An amount received from federal funds to provide special education and related services to students in the community school, as determined by the superintendent of public instruction. 14994
14995
14996

(4) For each student reported under division (B)(2)(d) of 14997

this section as enrolled in vocational education programs or 14998
classes that are described in section 3317.014 of the Revised 14999
Code, are provided by the community school, and are comparable as 15000
determined by the superintendent of public instruction to school 15001
district vocational education programs and classes eligible for 15002
state weighted funding under section 3317.014 of the Revised Code, 15003
an amount equal to the applicable vocational education weight 15004
times the community school's base formula amount times the 15005
percentage of time the student spends in the vocational education 15006
programs or classes. 15007

(5) An amount equal to the sum of the amounts obtained when, 15008
for each school district where the community school's students are 15009
entitled to attend school, the number of that district's students 15010
enrolled in the community school who are included in the 15011
district's ~~DPIA~~ poverty student count is multiplied by the per 15012
pupil amount of ~~disadvantaged pupil impact aid~~ poverty-based 15013
assistance that school district receives that year pursuant to 15014
division (B) or (C) of section 3317.029 of the Revised Code, as 15015
adjusted by any ~~DPIA~~ poverty-based assistance reduction factor of 15016
the community school. The per pupil amount of aid shall be 15017
determined as described in division (C)(4) of this section. 15018

(6) An amount equal to the sum of the amounts obtained when, 15019
for each school district where the community school's students are 15020
entitled to attend school, the district's per pupil amount of aid 15021
received under division (E) of section 3317.029 of the Revised 15022
Code, as adjusted by any ~~DPIA~~ poverty-based assistance reduction 15023
factor of the community school, is multiplied by the sum of the 15024
following: 15025

(a) The number of the district's students reported under 15026
division (B)(2)(a) of this section who are enrolled in grades one 15027
to three in that community school and who are not receiving 15028
special education and related services pursuant to an IEP; 15029

(b) One-half of the district's students who are enrolled in 15030
all-day or any other kindergarten class in that community school 15031
and who are not receiving special education and related services 15032
pursuant to an IEP; 15033

(c) One-half of the district's students who are enrolled in 15034
all-day kindergarten in that community school and who are not 15035
receiving special education and related services pursuant to an 15036
IEP. 15037

The district's per pupil amount of aid under division (E) of 15038
section 3317.029 of the Revised Code shall be determined as 15039
described in division (C)(5) of this section. 15040

(7) An amount equal to the sum of the amounts obtained when, 15041
for each school district where the community school's students are 15042
entitled to attend school, the district's per pupil amount of 15043
state parity aid funding calculated under either division (C) or 15044
(D) of section 3317.0217 of the Revised Code is multiplied by the 15045
sum of the number of that district's students enrolled in grades 15046
one through twelve, and one-half of the number of that district's 15047
students enrolled in kindergarten, in the community school as 15048
reported under division (B)(2)(a) and (b) of this section. 15049

(E)(1) If a community school's costs for a fiscal year for a 15050
student receiving special education and related services pursuant 15051
to an IEP for a handicap described in divisions (B) to (F) of 15052
section 3317.013 of the Revised Code exceed the threshold 15053
catastrophic cost for serving the student as specified in division 15054
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 15055
submit to the superintendent of public instruction documentation, 15056
as prescribed by the superintendent, of all its costs for that 15057
student. Upon submission of documentation for a student of the 15058
type and in the manner prescribed, the department shall pay to the 15059
community school an amount equal to the school's costs for the 15060

student in excess of the threshold catastrophic costs. 15061

(2) The community school shall only report under division 15062
(E)(1) of this section, and the department shall only pay for, the 15063
costs of educational expenses and the related services provided to 15064
the student in accordance with the student's individualized 15065
education program. Any legal fees, court costs, or other costs 15066
associated with any cause of action relating to the student may 15067
not be included in the amount. 15068

(F) A community school may apply to the department of 15069
education for preschool handicapped or gifted unit funding the 15070
school would receive if it were a school district. Upon request of 15071
its governing authority, a community school that received unit 15072
funding as a school district-operated school before it became a 15073
community school shall retain any units awarded to it as a school 15074
district-operated school provided the school continues to meet 15075
eligibility standards for the unit. 15076

A community school shall be considered a school district and 15077
its governing authority shall be considered a board of education 15078
for the purpose of applying to any state or federal agency for 15079
grants that a school district may receive under federal or state 15080
law or any appropriations act of the general assembly. The 15081
governing authority of a community school may apply to any private 15082
entity for additional funds. 15083

(G) A board of education sponsoring a community school may 15084
utilize local funds to make enhancement grants to the school or 15085
may agree, either as part of the contract or separately, to 15086
provide any specific services to the community school at no cost 15087
to the school. 15088

(H) A community school may not levy taxes or issue bonds 15089
secured by tax revenues. 15090

(I) No community school shall charge tuition for the 15091

enrollment of any student. 15092

(J)(1)(a) A community school may borrow money to pay any 15093
necessary and actual expenses of the school in anticipation of the 15094
receipt of any portion of the payments to be received by the 15095
school pursuant to division (D) of this section. The school may 15096
issue notes to evidence such borrowing. The proceeds of the notes 15097
shall be used only for the purposes for which the anticipated 15098
receipts may be lawfully expended by the school. 15099

(b) A school may also borrow money for a term not to exceed 15100
fifteen years for the purpose of acquiring facilities. 15101

(2) Except for any amount guaranteed under section 3318.50 of 15102
the Revised Code, the state is not liable for debt incurred by the 15103
governing authority of a community school. 15104

(K) For purposes of determining the number of students for 15105
which divisions (D)(5) and (6) of this section applies in any 15106
school year, a community school may submit to the department of 15107
job and family services, no later than the first day of March, a 15108
list of the students enrolled in the school. For each student on 15109
the list, the community school shall indicate the student's name, 15110
address, and date of birth and the school district where the 15111
student is entitled to attend school. Upon receipt of a list under 15112
this division, the department of job and family services shall 15113
determine, for each school district where one or more students on 15114
the list is entitled to attend school, the number of students 15115
residing in that school district who were included in the 15116
department's report under section 3317.10 of the Revised Code. The 15117
department shall make this determination on the basis of 15118
information readily available to it. Upon making this 15119
determination and no later than ninety days after submission of 15120
the list by the community school, the department shall report to 15121
the state department of education the number of students on the 15122

list who reside in each school district who were included in the 15123
department's report under section 3317.10 of the Revised Code. In 15124
complying with this division, the department of job and family 15125
services shall not report to the state department of education any 15126
personally identifiable information on any student. 15127

(L) The department of education shall adjust the amounts 15128
subtracted and paid under divisions (C) and (D) of this section to 15129
reflect any enrollment of students in community schools for less 15130
than the equivalent of a full school year. The state board of 15131
education within ninety days after April 8, 2003, shall adopt in 15132
accordance with Chapter 119. of the Revised Code rules governing 15133
the payments to community schools under this section including 15134
initial payments in a school year and adjustments and reductions 15135
made in subsequent periodic payments to community schools and 15136
corresponding deductions from school district accounts as provided 15137
under divisions (C) and (D) of this section. For purposes of this 15138
section: 15139

(1) A student shall be considered enrolled in the community 15140
school for any portion of the school year the student is 15141
participating at a college under Chapter 3365. of the Revised 15142
Code. 15143

(2) A student shall be considered to be enrolled in a 15144
community school during a school year for the period of time 15145
between the date on which the school both has received 15146
documentation of the student's enrollment from a parent and has 15147
commenced participation in learning opportunities as defined in 15148
the contract with the sponsor. For purposes of applying this 15149
division to a community school student, "learning opportunities" 15150
shall be defined in the contract, which shall describe both 15151
classroom-based and non-classroom-based learning opportunities and 15152
shall be in compliance with criteria and documentation 15153
requirements for student participation which shall be established 15154

by the department. Any student's instruction time in 15155
non-classroom-based learning opportunities shall be certified by 15156
an employee of the community school. A student's enrollment shall 15157
be considered to cease on the date on which any of the following 15158
occur: 15159

(a) The community school receives documentation from a parent 15160
terminating enrollment of the student. 15161

(b) The community school is provided documentation of a 15162
student's enrollment in another public or private school. 15163

(c) The community school ceases to offer learning 15164
opportunities to the student pursuant to the terms of the contract 15165
with the sponsor or the operation of any provision of this 15166
chapter. 15167

(3) A student's percentage of full-time equivalency shall be 15168
considered to be the percentage the hours of learning opportunity 15169
offered to that student is of nine hundred and twenty hours. 15170

(M) The department of education shall reduce the amounts paid 15171
under division (D) of this section to reflect payments made to 15172
colleges under division (B) of section 3365.07 of the Revised 15173
Code. 15174

(N)(1) No student shall be considered enrolled in any 15175
internet- or computer-based community school unless both of the 15176
following conditions are satisfied: 15177

(a) The student possesses or has been provided with all 15178
required hardware and software materials and all such materials 15179
are operational so that the student is capable of fully 15180
participating in the learning opportunities specified in the 15181
contract between the school and the school's sponsor as required 15182
by division (A)(23) of section 3314.03 of the Revised Code; 15183

(b) The school is in compliance with division (A)(1) or (2) 15184

of section 3314.032 of the Revised Code, relative to such student. 15185

(2) In accordance with policies adopted jointly by the 15186
superintendent of public instruction and the auditor of state, the 15187
department shall reduce the amounts otherwise payable under 15188
division (D) of this section to any internet- or computer-based 15189
community school that includes in its program the provision of 15190
computer hardware and software materials to each student, if such 15191
hardware and software materials have not been delivered, 15192
installed, and activated for all students in a timely manner or 15193
other educational materials or services have not been provided 15194
according to the contract between the individual community school 15195
and its sponsor. 15196

The superintendent of public instruction and the auditor of 15197
state shall jointly establish a method for auditing any community 15198
school to which this division pertains to ensure compliance with 15199
this section. 15200

The superintendent, auditor of state, and the governor shall 15201
jointly make recommendations to the general assembly for 15202
legislative changes that may be required to assure fiscal and 15203
academic accountability for such internet- or computer-based 15204
schools. 15205

(O)(1) If the department determines that a review of a 15206
community school's enrollment is necessary, such review shall be 15207
completed and written notice of the findings shall be provided to 15208
the governing authority of the community school and its sponsor 15209
within ninety days of the end of the community school's fiscal 15210
year, unless extended for a period not to exceed thirty additional 15211
days for one of the following reasons: 15212

(a) The department and the community school mutually agree to 15213
the extension. 15214

(b) Delays in data submission caused by either a community 15215

school or its sponsor. 15216

(2) If the review results in a finding that additional 15217
funding is owed to the school, such payment shall be made within 15218
thirty days of the written notice. If the review results in a 15219
finding that the community school owes moneys to the state, the 15220
following procedure shall apply: 15221

(a) Within ten business days of the receipt of the notice of 15222
findings, the community school may appeal the department's 15223
determination to the state board of education or its designee. 15224

(b) The board or its designee shall conduct an informal 15225
hearing on the matter within thirty days of receipt of such an 15226
appeal and shall issue a decision within fifteen days of the 15227
conclusion of the hearing. 15228

(c) If the board has enlisted a designee to conduct the 15229
hearing, the designee shall certify its decision to the board. The 15230
board may accept the decision of the designee or may reject the 15231
decision of the designee and issue its own decision on the matter. 15232

(d) Any decision made by the board under this division is 15233
final. 15234

(3) If it is decided that the community school owes moneys to 15235
the state, the department shall deduct such amount from the 15236
school's future payments in accordance with guidelines issued by 15237
the superintendent of public instruction. 15238

Sec. 3314.13. (A) As used in this section: 15239

(1) "All-day kindergarten" has the same meaning as in section 15240
3317.029 of the Revised Code. 15241

(2) "Formula amount" has the same meaning as in section 15242
3317.02 of the Revised Code. 15243

(B) The department of education annually shall pay each 15244

community school established under this chapter one-half of the 15245
formula amount for each student to whom both of the following 15246
apply: 15247

(1) The student is entitled to attend school under section 15248
3313.64 or 3313.65 of the Revised Code in a school district that 15249
is eligible to receive a payment under division (D) of section 15250
3317.029 of the Revised Code if it provides all-day kindergarten; 15251

(2) The student is reported by the community school as 15252
enrolled in all-day kindergarten at the community school. 15253

(C) If a student for whom payment is made under division (B) 15254
of this section is entitled to attend school in a district that 15255
receives any payment for all-day kindergarten under division (D) 15256
of section 3317.029 of the Revised Code, the department shall 15257
deduct the payment to the community school under this section from 15258
the amount paid that school district under that division. If that 15259
school district does not receive payment for all-day kindergarten 15260
under that division because it does not provide all-day 15261
kindergarten, the department shall pay the community school from 15262
state funds appropriated generally for ~~disadvantaged pupil impact~~ 15263
aid poverty-based assistance to school districts. 15264

(D) The department shall adjust the amounts deducted from 15265
school districts and paid to community schools under this section 15266
to reflect any enrollments of students in all-day kindergarten in 15267
community schools for less than the equivalent of a full school 15268
year. 15269

Sec. 3315.37. The board of education of a school district may 15270
establish a teacher education loan program and may expend school 15271
funds for the program. The program shall be for the purpose of 15272
making loans to students who are residents of the school district 15273
or graduates of schools in the school district, who are enrolled 15274

in teacher preparation programs at institutions approved by the 15275
state board pursuant to section 3319.23 of the Revised Code, and 15276
who indicate an intent to teach in the school district providing 15277
the loan. The district board may forgive the obligation to repay 15278
any or all of the principal and interest on the loan if the 15279
borrower teaches in that school district. 15280

The district board shall adopt rules establishing eligibility 15281
criteria, application procedures, procedures for review of 15282
applications, loan amounts, interest, repayment schedules, 15283
conditions under which principal and interest obligations incurred 15284
under the program will be forgiven, and any other matter 15285
incidental to the operation of the program. 15286

The board may contract with a private, nonprofit foundation, 15287
one or more institutions of higher education, or other educational 15288
agencies to administer the program. 15289

The receipt of a loan under this section does not affect a 15290
student's eligibility for assistance, or the amount of such 15291
assistance, granted under section 3315.33, 3333.12, 3333.122, 15292
3333.22, 3333.26, 3333.27, 5910.04, or 5919.34 of the Revised 15293
Code, but the board's rules may provide for taking such assistance 15294
into consideration when determining a student's eligibility for a 15295
loan under this section. 15296

Sec. 3317.012. (A)(1) The general assembly, having analyzed 15297
school district expenditure and cost data for fiscal year 1999, 15298
performed the calculation described in division ~~(B)~~(C) of this 15299
section, adjusted the results for inflation, and added the amounts 15300
described in division (A)(2) of this section, hereby determines 15301
that the base cost of an adequate education per pupil for the 15302
fiscal year beginning July 1, 2001, is \$4,814. The base cost per 15303
pupil, reflecting an annual rate of inflation of two and 15304
eight-tenths per cent, is \$4,949 for fiscal year 2003. The base 15305

cost per pupil, reflecting an annual rate of inflation of two and 15306
two-tenths per cent, is \$5,058 for fiscal year 2004 and \$5,169 for 15307
fiscal year 2005. 15308

(2) The base cost per pupil amounts specified in division 15309
(A)(1) of this section include amounts to reflect the cost to 15310
school districts of increasing the minimum number of high school 15311
academic units required for graduation beginning September 15, 15312
2001, under section 3313.603 of the Revised Code. Analysis of 15313
fiscal year 1999 data revealed that the school districts meeting 15314
the requirements of division ~~(B)~~(C) of this section on average 15315
required high school students to complete a minimum of nineteen 15316
and eight-tenths units to graduate. The general assembly 15317
determines that the cost of funding the additional two-tenths unit 15318
required by section 3313.603 of the Revised Code is \$12 per pupil 15319
in fiscal year 2002. This amount was added after the calculation 15320
described in division ~~(B)~~(C) of this section and the adjustment 15321
for inflation from fiscal year 1999 to fiscal year 2002. It is 15322
this total amount, the calculated base cost plus the supplement to 15323
pay for the additional partial unit, that constitutes the base 15324
cost amount specified in division (A)(1) of this section for 15325
fiscal year 2002 and that is inflated to produce the base cost 15326
amounts for fiscal years 2003 through 2005. 15327

(B)(1) Subsequent to the calculations and determinations of 15328
base cost made under division (A) of this section, the governor's 15329
blue ribbon task force on financing student success determined 15330
that the fiscal year 2005 base cost should be increased for future 15331
fiscal years using an inflation formula that presumes a school 15332
district's per-pupil base cost is divided into three separate 15333
components, each with a different rate of inflation. These three 15334
components are salaries and non-health care benefits, health care 15335
benefits, and other goods and services needed by each district to 15336
support the education of all its students, including, but not 15337

limited to, building infrastructure and maintenance. Accordingly, 15338
the task force recommended and the general assembly accepts as its 15339
determination the following: 15340

(a) Salaries and non-health care benefits represent 71.2% of 15341
the total per-pupil base cost, which part of the base cost should 15342
be inflated annually by the projected inflationary measure for the 15343
employment cost index (all civilian workers, wages only) prepared 15344
by the bureau of labor statistics of the United States department 15345
of labor, which is 2.5% for fiscal year 2006 and 2.9% for fiscal 15346
year 2007. 15347

(b) Health care benefits represent 13.8% of the per-pupil 15348
base cost, which part of the base cost should be inflated annually 15349
by the projected inflationary measure for the employment cost 15350
index (all civilian workers, benefits only) prepared by the bureau 15351
of labor statistics of the United States department of labor, 15352
which is 7.2% for fiscal year 2006 and 4.9% for fiscal year 2007. 15353

(c) Other goods and services needed by each district to 15354
support the education of all its students represent 15.0% of the 15355
per-pupil base cost, which part of the base cost should be 15356
inflated annually by the projected inflationary measure for the 15357
gross domestic product deflator (all items) prepared by the bureau 15358
of labor statistics of the United States department of labor, 15359
which is 2.0% for fiscal year 2006 and 1.8% for fiscal year 2007. 15360

(2) Based on divisions (B)(1)(a), (b), and (c) of this 15361
section, the per-pupil base cost is \$5,328 for fiscal year 2006 15362
and \$5,489 for fiscal year 2007, which shall be the formula amount 15363
for each of those fiscal years. 15364

(3) In addition, to the per-pupil base cost as determined 15365
under division (B)(1) of this section, the task force recommended 15366
and the general assembly determines that the following base 15367
funding supplements shall be paid to school districts in each of 15368

<u>fiscal years 2006 and 2007:</u>	15369
<u>(a) Base funding for academic intervention services,</u>	15370
<u>calculated according to the following formula:</u>	15371
<u>0.005 X the formula amount X formula ADM X multiple</u>	15372
<u>Where "multiple" equals 0.40 in fiscal year 2006 and 0.60 in</u>	15373
<u>fiscal year 2007.</u>	15374
<u>(b) Base funding for professional development, calculated</u>	15375
<u>according to the following formula:</u>	15376
<u>(formula ADM / 20) X (0.044484 X formula amount) X multiple</u>	15377
<u>Where "multiple" equals 0.40 in fiscal year 2006 and 0.60 in</u>	15378
<u>fiscal year 2007.</u>	15379
<u>(c) Base funding for data-based decision making, calculated</u>	15380
<u>according to the following formula:</u>	15381
<u>0.001087 X formula amount X formula ADM</u>	15382
<u>(d) Base funding for professional development regarding</u>	15383
<u>data-based decision making, calculated according to the following</u>	15384
<u>formula:</u>	15385
<u>(0.20 X the district's teacher factor X 0.079082 X formula amount)</u>	15386
<u>+ (the district's principal factor X 0.079082 X formula amount)</u>	15387
<u>Where:</u>	15388
<u>(i) For each urban school district, as defined in section</u>	15389
<u>3314.02 of the Revised Code, the district's "teacher factor" is</u>	15390
<u>the district's formula ADM divided by twelve;</u>	15391
<u>(ii) For every other school district, the district's "teacher</u>	15392
<u>factor" is the district's formula ADM divided by seventeen;</u>	15393
<u>(iii) For all school districts, a district's "principal</u>	15394
<u>factor" is the district's teacher factor divided by twenty.</u>	15395
<u>(C) In determining the base cost stated in division (A) of</u>	15396
<u>this section, capital and debt costs, costs paid for by federal</u>	15397

funds, and costs covered by funds provided for disadvantaged pupil 15398
impact aid and transportation were excluded, as were the effects 15399
on the districts' state funds of the application of the 15400
cost-of-doing-business factors, assuming a seven and one-half per 15401
cent variance. 15402

The base cost for fiscal year 1999 was calculated as the 15403
unweighted average cost per student, on a school district basis, 15404
of educating students who were not receiving vocational education 15405
or services pursuant to Chapter 3323. of the Revised Code and who 15406
were enrolled in a city, exempted village, or local school 15407
district that in fiscal year 1999 met all of the following 15408
criteria: 15409

(1) The district met at least twenty of the following 15410
twenty-seven performance indicators: 15411

(a) A ninety per cent or higher graduation rate; 15412

(b) At least seventy-five per cent of fourth graders 15413
proficient on the mathematics test prescribed under former 15414
division (A)(1) of section 3301.0710 of the Revised Code; 15415

(c) At least seventy-five per cent of fourth graders 15416
proficient on the reading test prescribed under former division 15417
(A)(1) of section 3301.0710 of the Revised Code; 15418

(d) At least seventy-five per cent of fourth graders 15419
proficient on the writing test prescribed under former division 15420
(A)(1) of section 3301.0710 of the Revised Code; 15421

(e) At least seventy-five per cent of fourth graders 15422
proficient on the citizenship test prescribed under former 15423
division (A)(1) of section 3301.0710 of the Revised Code; 15424

(f) At least seventy-five per cent of fourth graders 15425
proficient on the science test prescribed under former division 15426
(A)(1) of section 3301.0710 of the Revised Code; 15427

(g) At least seventy-five per cent of sixth graders	15428
proficient on the mathematics test prescribed under former	15429
division (A)(2) of section 3301.0710 of the Revised Code;	15430
(h) At least seventy-five per cent of sixth graders	15431
proficient on the reading test prescribed under former division	15432
(A)(2) of section 3301.0710 of the Revised Code;	15433
(i) At least seventy-five per cent of sixth graders	15434
proficient on the writing test prescribed under former division	15435
(A)(2) of section 3301.0710 of the Revised Code;	15436
(j) At least seventy-five per cent of sixth graders	15437
proficient on the citizenship test prescribed under former	15438
division (A)(2) of section 3301.0710 of the Revised Code;	15439
(k) At least seventy-five per cent of sixth graders	15440
proficient on the science test prescribed under former division	15441
(A)(2) of section 3301.0710 of the Revised Code;	15442
(l) At least seventy-five per cent of ninth graders	15443
proficient on the mathematics test prescribed under Section 4 of	15444
Am. Sub. S.B. 55 of the 122nd general assembly;	15445
(m) At least seventy-five per cent of ninth graders	15446
proficient on the reading test prescribed under Section 4 of Am.	15447
Sub. S.B. 55 of the 122nd general assembly;	15448
(n) At least seventy-five per cent of ninth graders	15449
proficient on the writing test prescribed under Section 4 of Am.	15450
Sub. S.B. 55 of the 122nd general assembly;	15451
(o) At least seventy-five per cent of ninth graders	15452
proficient on the citizenship test prescribed under Section 4 of	15453
Am. Sub. S.B. 55 of the 122nd general assembly;	15454
(p) At least seventy-five per cent of ninth graders	15455
proficient on the science test prescribed under Section 4 of Am.	15456
Sub. S.B. 55 of the 122nd general assembly;	15457

(q) At least eighty-five per cent of tenth graders proficient on the mathematics test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	15458 15459 15460
(r) At least eighty-five per cent of tenth graders proficient on the reading test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	15461 15462 15463
(s) At least eighty-five per cent of tenth graders proficient on the writing test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	15464 15465 15466
(t) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	15467 15468 15469
(u) At least eighty-five per cent of tenth graders proficient on the science test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	15470 15471 15472
(v) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	15473 15474 15475
(w) At least sixty per cent of twelfth graders proficient on the reading test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	15476 15477 15478
(x) At least sixty per cent of twelfth graders proficient on the writing test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	15479 15480 15481
(y) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	15482 15483 15484
(z) At least sixty per cent of twelfth graders proficient on the science test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	15485 15486 15487

(aa) An attendance rate for the year of at least ninety-three 15488
per cent as defined in section 3302.01 of the Revised Code. 15489

In determining whether a school district met any of the 15490
performance standards specified in divisions ~~(B)~~(C)(1)(a) to (aa) 15491
of this section, the general assembly used a rounding procedure 15492
previously recommended by the department of education. It is the 15493
same rounding procedure the general assembly used in 1998 to 15494
determine whether a district had met the standards of former 15495
divisions ~~(B)~~(C)(1)(a) to (r) of this section for purposes of 15496
constructing the previous model based on fiscal year 1996 data. 15497

(2) The district was not among the five per cent of all 15498
districts with the highest income, nor among the five per cent of 15499
all districts with the lowest income. 15500

(3) The district was not among the five per cent of all 15501
districts with the highest valuation per pupil, nor among the five 15502
per cent of all districts with the lowest valuation per pupil. 15503

This model for calculating the base cost of an adequate 15504
education is expenditure-based. The general assembly recognizes 15505
that increases in state funding to school districts since fiscal 15506
year 1996, the fiscal year upon which the general assembly based 15507
its model for calculating state funding to school districts for 15508
fiscal years 1999 through 2001, has increased school district base 15509
cost expenditures for fiscal year 1999, the fiscal year upon which 15510
the general assembly based its model for calculating state funding 15511
for fiscal years 2002 through 2005. In the case of school 15512
districts included in the fiscal year 1999 model that also had met 15513
the fiscal year 1996 performance criteria of former division 15514
~~(B)~~(C)(1) of this section, the increased state funding may have 15515
driven the districts' expenditures beyond the expenditures that 15516
were actually needed to maintain their educational programs at the 15517
level necessary to maintain their ability to meet the fiscal year 15518

1999 performance criteria of current division ~~(B)~~(C)(1) of this 15519
section. The general assembly has determined to control for this 15520
effect by stipulating in the later model that the fiscal year 1999 15521
base cost expenditures of the districts that also met the 15522
performance criteria of former division ~~(B)~~(C)(1) of this section 15523
equals their base cost expenditures per pupil for fiscal year 15524
1996, inflated to fiscal year 1999 using an annual rate of 15525
inflation of two and eight-tenths per cent. However, if this 15526
inflated amount exceeded the district's actual fiscal year 1999 15527
base cost expenditures per pupil, the district's actual fiscal 15528
year 1999 base cost expenditures per pupil were used in the 15529
calculation. For districts in the 1999 model that did not also 15530
meet the performance criteria of former division ~~(B)~~(C)(1) of this 15531
section, the actual 1999 base cost per pupil expenditures were 15532
used in the calculation of the average district per pupil costs of 15533
the model districts. 15534

The per pupil base-cost amounts specified for fiscal years 15535
2006 and 2007 in division (B)(2) of this section represent 15536
increases to the fiscal year 2005 per pupil base-cost amount, 15537
which was determined through an outputs-based methodology. The new 15538
base funding supplements prescribed in division (B)(3) of this 15539
section represent the use of an inputs-based methodology. The 15540
governor's blue ribbon task force on financing student success 15541
intends that the per-pupil base-cost amount will be determined 15542
through inputs-based methodology as evidence-based research in 15543
this area becomes available. 15544

Sec. 3317.013. This section does not apply to handicapped 15545
preschool students. 15546

Analysis of special education cost data has resulted in a 15547
finding that the average special education additional cost per 15548
pupil, including the costs of related services, can be expressed 15549

as a multiple of the base cost per pupil calculated under section 15550
3317.012 of the Revised Code. The multiples for the following 15551
categories of special education programs, as these programs are 15552
defined for purposes of Chapter 3323. of the Revised Code, and 15553
adjusted as provided in this section, are as follows: 15554

(A) A multiple of 0.2892 for students whose primary or only 15555
identified handicap is a speech and language handicap, as this 15556
term is defined pursuant to Chapter 3323. of the Revised Code; 15557

(B) A multiple of 0.3691 for students identified as specific 15558
learning disabled or developmentally handicapped, as these terms 15559
are defined pursuant to Chapter 3323. of the Revised Code, or 15560
other health handicapped-minor; 15561

(C) A multiple of 1.7695 for students identified as hearing 15562
handicapped, vision impaired, or severe behavior handicapped, as 15563
these terms are defined pursuant to Chapter 3323. of the Revised 15564
Code; 15565

(D) A multiple of 2.3646 for students identified as 15566
orthopedically handicapped, as this term is defined pursuant to 15567
Chapter 3323. of the Revised Code or other health handicapped - 15568
major; 15569

(E) A multiple of 3.1129 for students identified as 15570
multihandicapped, as this term is defined pursuant to Chapter 15571
3323. of the Revised Code; 15572

(F) A multiple of 4.7342 for students identified as autistic, 15573
having traumatic brain injuries, or as both visually and hearing 15574
disabled, as these terms are defined pursuant to Chapter 3323. of 15575
the Revised Code. 15576

In fiscal year 2004, the multiples specified in divisions (A) 15577
to (F) of this section shall be adjusted by multiplying them by 15578
0.88. In fiscal ~~year~~ years 2005, 2006, and 2007, the multiples 15579

specified in those divisions shall be adjusted by multiplying them 15580
by 0.90. 15581

Not later than the thirtieth day of May 30, in 2004, and May 15582
30, 2005, 2006, and 2007, the department shall submit to the 15583
office of budget and management a report that specifies for each 15584
city, local, exempted village, and joint vocational school 15585
district the fiscal year allocation of the state and local shares 15586
of special education and related services additional weighted 15587
funding and federal special education funds passed through to the 15588
district. 15589

Sec. 3317.02. As used in this chapter: 15590

(A) Unless otherwise specified, "school district" means city, 15591
local, and exempted village school districts. 15592

(B) "Formula amount" means, for fiscal years prior to fiscal 15593
year 2006, the base cost for the fiscal year specified in division 15594
(A)(1) of section 3317.012 of the Revised Code and, beginning in 15595
fiscal year 2006, the base cost for the fiscal year specified in 15596
division (B)(2) of that section. 15597

(C) "FTE basis" means a count of students based on full-time 15598
equivalency, in accordance with rules adopted by the department of 15599
education pursuant to section 3317.03 of the Revised Code. In 15600
adopting its rules under this division, the department shall 15601
provide for counting any student in category one, two, three, 15602
four, five, or six special education ADM or in category one or two 15603
vocational education ADM in the same proportion the student is 15604
counted in formula ADM. 15605

(D)~~(1)~~ "Formula ADM" means, for a city, local, or exempted 15606
village school district, the number reported pursuant to division 15607
(A) of section 3317.03 of the Revised Code, and for a joint 15608
vocational school district, the number reported pursuant to 15609

division (D) of that section. 15610

~~(2)(E) "Three-year average formula ADM" means the average of 15611
formula ADMs for the current and preceding two fiscal years. 15612
However, as applicable in fiscal years 1999 and 2000, the 15613
three year average for city, local, and exempted village school 15614
districts shall be determined utilizing the FY 1997 ADM or FY 1998 15615
ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal 15616
years 2000 and 2001, the three year average for joint vocational 15617
school districts shall be determined utilizing the average daily 15618
membership reported in fiscal years 1998 and 1999 under division 15619
(D) of section 3317.03 of the Revised Code in lieu of formula ADM 15620
for fiscal years 1998 and 1999. 15621~~

~~(E) "FY 1997 ADM" or "FY 1998 ADM" means the school 15622
district's average daily membership reported for the applicable 15623
fiscal year under the version of division (A) of section 3317.03 15624
of the Revised Code in effect during that fiscal year, adjusted as 15625
follows: 15626~~

~~(1) Minus the average daily membership of handicapped 15627
preschool children; 15628~~

~~(2) Minus one half of the average daily membership attending 15629
kindergarten; 15630~~

~~(3) Minus three fourths of the average daily membership 15631
attending a joint vocational school district; 15632~~

~~(4) Plus the average daily membership entitled under section 15633
3313.64 or 3313.65 of the Revised Code to attend school in the 15634
district but receiving educational services in approved units from 15635
an educational service center or another school district under a 15636
compact or a cooperative education agreement, as determined by the 15637
department; 15638~~

~~(5) Minus the average daily membership receiving educational 15639
services from the district in approved units but entitled under 15640~~

~~section 3313.64 or 3313.65 of the Revised Code to attend school in
another school district, as determined by the department.~~ 15641
15642

(F)(1) "Category one special education ADM" means the average 15643
daily membership of handicapped children receiving special 15644
education services for the handicap specified in division (A) of 15645
section 3317.013 of the Revised Code and reported under division 15646
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 15647

(2) "Category two special education ADM" means the average 15648
daily membership of handicapped children receiving special 15649
education services for those handicaps specified in division (B) 15650
of section 3317.013 of the Revised Code and reported under 15651
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 15652
Code. 15653

(3) "Category three special education ADM" means the average 15654
daily membership of students receiving special education services 15655
for those handicaps specified in division (C) of section 3317.013 15656
of the Revised Code, and reported under division (B)(7) or 15657
(D)(2)(d) of section 3317.03 of the Revised Code. 15658

(4) "Category four special education ADM" means the average 15659
daily membership of students receiving special education services 15660
for those handicaps specified in division (D) of section 3317.013 15661
of the Revised Code and reported under division (B)(8) or 15662
(D)(2)(e) of section 3317.03 of the Revised Code. 15663

(5) "Category five special education ADM" means the average 15664
daily membership of students receiving special education services 15665
for the handicap specified in division (E) of section 3317.013 of 15666
the Revised Code and reported under division (B)(9) or (D)(2)(f) 15667
of section 3317.03 of the Revised Code. 15668

(6) "Category six special education ADM" means the average 15669
daily membership of students receiving special education services 15670
for the handicap specified in division (F) of section 3317.013 of 15671

the Revised Code and reported under division (B)(10) or (D)(2)(g) 15672
of section 3317.03 of the Revised Code. 15673

(7) "Category one vocational education ADM" means the average 15674
daily membership of students receiving vocational education 15675
services described in division (A) of section 3317.014 of the 15676
Revised Code and reported under division (B)(11) or (D)(2)(h) of 15677
section 3317.03 of the Revised Code. 15678

(8) "Category two vocational education ADM" means the average 15679
daily membership of students receiving vocational education 15680
services described in division (B) of section 3317.014 of the 15681
Revised Code and reported under division (B)(12) or (D)(2)(i) of 15682
section 3317.03 of the Revised Code. 15683

(G) "Handicapped preschool child" means a handicapped child, 15684
as defined in section 3323.01 of the Revised Code, who is at least 15685
age three but is not of compulsory school age, as defined in 15686
section 3321.01 of the Revised Code, and who is not currently 15687
enrolled in kindergarten. 15688

(H) "County MR/DD board" means a county board of mental 15689
retardation and developmental disabilities. 15690

(I) "Recognized valuation" means the amount calculated for a 15691
school district pursuant to section 3317.015 of the Revised Code. 15692

(J) "Transportation ADM" means the number of children 15693
reported under division (B)(13) of section 3317.03 of the Revised 15694
Code. 15695

(K) "Average efficient transportation use cost per student" 15696
means a statistical representation of transportation costs as 15697
calculated under division (D)(2) of section 3317.022 of the 15698
Revised Code. 15699

(L) "Taxes charged and payable" means the taxes charged and 15700
payable against real and public utility property after making the 15701

reduction required by section 319.301 of the Revised Code, plus 15702
the taxes levied against tangible personal property. 15703

(M) "Total taxable value" means the sum of the amounts 15704
certified for a city, local, exempted village, or joint vocational 15705
school district under divisions (A)(1) and (2) of section 3317.021 15706
of the Revised Code. 15707

(N) "Cost-of-doing-business factor" means the amount 15708
indicated in this division for the county in which a city, local, 15709
exempted village, or joint vocational school district is located 15710
in fiscal year 2005. If a city, local, or exempted village school 15711
district is located in more than one county, the factor is the 15712
amount indicated for the county to which the district is assigned 15713
by the state department of education. If a joint vocational school 15714
district is located in more than one county, the factor is the 15715
amount indicated for the county in which the joint vocational 15716
school with the greatest formula ADM operated by the district is 15717
located. 15718

COST-OF-DOING-BUSINESS 15719

COUNTY	FACTOR	AMOUNT	
Adams	1.0035		15721
Allen	1.0206		15722
Ashland	1.0297		15723
Ashtabula	1.0397		15724
Athens	1.0014		15725
Auglaize	1.0247		15726
Belmont	1.0064		15727
Brown	1.0177		15728
Butler	1.0646		15729
Carroll	1.0137		15730
Champaign	1.0446		15731
Clark	1.0447		15732
Clermont	1.0541		15733

Clinton	1.0329	15734
Columbiana	1.0214	15735
Coshocton	1.0173	15736
Crawford	1.0164	15737
Cuyahoga	1.0626	15738
Darke	1.0338	15739
Defiance	1.0146	15740
Delaware	1.0528	15741
Erie	1.0388	15742
Fairfield	1.0366	15743
Fayette	1.0319	15744
Franklin	1.0608	15745
Fulton	1.0330	15746
Gallia	1.0000	15747
Geauga	1.0501	15748
Greene	1.0444	15749
Guernsey	1.0066	15750
Hamilton	1.0750	15751
Hancock	1.0215	15752
Hardin	1.0356	15753
Harrison	1.0074	15754
Henry	1.0318	15755
Highland	1.0148	15756
Hocking	1.0188	15757
Holmes	1.0178	15758
Huron	1.0293	15759
Jackson	1.0138	15760
Jefferson	1.0073	15761
Knox	1.0279	15762
Lake	1.0524	15763
Lawrence	1.0081	15764
Licking	1.0381	15765
Logan	1.0385	15766

Lorain	1.0515	15767
Lucas	1.0390	15768
Madison	1.0488	15769
Mahoning	1.0346	15770
Marion	1.0306	15771
Medina	1.0536	15772
Meigs	1.0026	15773
Mercer	1.0203	15774
Miami	1.0411	15775
Monroe	1.0050	15776
Montgomery	1.0453	15777
Morgan	1.0089	15778
Morrow	1.0301	15779
Muskingum	1.0127	15780
Noble	1.0073	15781
Ottawa	1.0486	15782
Paulding	1.0115	15783
Perry	1.0160	15784
Pickaway	1.0391	15785
Pike	1.0103	15786
Portage	1.0472	15787
Preble	1.0442	15788
Putnam	1.0216	15789
Richland	1.0199	15790
Ross	1.0151	15791
Sandusky	1.0321	15792
Scioto	1.0012	15793
Seneca	1.0223	15794
Shelby	1.0278	15795
Stark	1.0255	15796
Summit	1.0542	15797
Trumbull	1.0351	15798
Tuscarawas	1.0089	15799

Union	1.0500	15800
Van Wert	1.0133	15801
Vinton	1.0095	15802
Warren	1.0658	15803
Washington	1.0060	15804
Wayne	1.0348	15805
Williams	1.0228	15806
Wood	1.0360	15807
Wyandot	1.0171	15808

(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

(P) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.

(Q) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(R) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.

(S) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.

(T) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine 15831
or osteopathic medicine at least once a week due to the 15832
instability of the child's medical condition. 15833

(2) The child requires the services of a registered nurse on 15834
a daily basis. 15835

(3) The child is at risk of institutionalization in a 15836
hospital, skilled nursing facility, or intermediate care facility 15837
for the mentally retarded. 15838

(U) A child may be identified as "other health 15839
handicapped-major" if the child's condition meets the definition 15840
of "other health impaired" established in rules adopted by the 15841
state board of education prior to July 1, 2001, and if either of 15842
the following apply: 15843

(1) The child is identified as having a medical condition 15844
that is among those listed by the superintendent of public 15845
instruction as conditions where a substantial majority of cases 15846
fall within the definition of "medically fragile child." The 15847
superintendent of public instruction shall issue an initial list 15848
no later than September 1, 2001. 15849

(2) The child is determined by the superintendent of public 15850
instruction to be a medically fragile child. A school district 15851
superintendent may petition the superintendent of public 15852
instruction for a determination that a child is a medically 15853
fragile child. 15854

(V) A child may be identified as "other health 15855
handicapped-minor" if the child's condition meets the definition 15856
of "other health impaired" established in rules adopted by the 15857
state board of education prior to July 1, 2001, but the child's 15858
condition does not meet either of the conditions specified in 15859
division (U)(1) or (2) of this section. 15860

(W) "SF-3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022, divisions (J), (P), and (R) of section 3317.024, and sections 3317.029, 3317.0212, 3317.0213, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after making the adjustments required by sections 3313.981 and 3313.979 of the Revised Code, divisions (B), (C), (D), (E), (K), (L), and (M) of section 3317.023, and division (C) of section 3317.20 of the Revised Code.

Sec. 3317.022. (A)(1) The department of education shall compute and distribute state base cost funding to each school district for the fiscal year in accordance with ~~the following formula~~ division (A) of this section, making any adjustment required by division (A)(2) of this section and using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins.

Compute both the following for each eligible district:

~~(cost of doing business factor X
the formula amount X
formula ADM) —
(.023 X recognized valuation)~~

(a) Cost-of-doing-business factor for fiscal year 2005 X formula amount for fiscal year 2005 X formula ADM for fiscal year 2005;

(b) (Formula amount for the current fiscal year X the greater of current formula ADM or three-year average formula ADM) + the sum of the base funding supplements prescribed in divisions (B)(3)(a) to (d) of section 3317.012 of the Revised Code.

A district's base cost funding shall be the greater of the amount computed under division (A)(1)(a) or (b) of this section

minus (0.023 times recognized valuation). 15891

If the difference obtained is a negative number, the 15892
district's computation shall be zero. 15893

(2)(a) For each school district for which the tax exempt 15894
value of the district equals or exceeds twenty-five per cent of 15895
the potential value of the district, the department of education 15896
shall calculate the difference between the district's tax exempt 15897
value and twenty-five per cent of the district's potential value. 15898

(b) For each school district to which division (A)(2)(a) of 15899
this section applies, the department shall adjust the recognized 15900
valuation used in the calculation under division (A)(1) of this 15901
section by subtracting from it the amount calculated under 15902
division (A)(2)(a) of this section. 15903

(B) As used in this section: 15904

(1) The "total special education weight" for a district means 15905
the sum of the following amounts: 15906

(a) The district's category one special education ADM 15907
multiplied by the multiple specified in division (A) of section 15908
3317.013 of the Revised Code; 15909

(b) The district's category two special education ADM 15910
multiplied by the multiple specified in division (B) of section 15911
3317.013 of the Revised Code; 15912

(c) The district's category three special education ADM 15913
multiplied by the multiple specified in division (C) of section 15914
3317.013 of the Revised Code; 15915

(d) The district's category four special education ADM 15916
multiplied by the multiple specified in division (D) of section 15917
3317.013 of the Revised Code; 15918

(e) The district's category five special education ADM 15919
multiplied by the multiple specified in division (E) of section 15920

3317.013 of the Revised Code; 15921

(f) The district's category six special education ADM 15922
multiplied by the multiple specified in division (F) of section 15923
3317.013 of the Revised Code. 15924

(2) "State share percentage" means the percentage calculated 15925
for a district as follows: 15926

(a) Calculate the state base cost funding amount for the 15927
district for the fiscal year under division (A) of this section. 15928
If the district would not receive any state base cost funding for 15929
that year under that division, the district's state share 15930
percentage is zero. 15931

(b) If the district would receive state base cost funding 15932
under that division, divide that amount by an amount equal to the 15933
greater of the following: 15934

~~Cost of doing business factor X~~ 15935
~~the formula amount X~~ 15936
~~formula ADM~~ 15937

(i) Cost-of-doing-business factor for fiscal year 2005 X 15938
formula amount for fiscal year 2005 X formula ADM for fiscal year 15939
2005; 15940

(ii) (Formula amount for the current fiscal year X the 15941
greater of current formula ADM or three-year average formula ADM) 15942
+ the sum of the base funding supplements prescribed in divisions 15943
(B)(3)(a) to (d) of section 3317.012 of the Revised Code. 15944

The resultant number is the district's state share 15945
percentage. 15946

(3) "Related services" includes: 15947

(a) Child study, special education supervisors and 15948
coordinators, speech and hearing services, adaptive physical 15949
development services, occupational or physical therapy, teacher 15950

assistants for handicapped children whose handicaps are described	15951
in division (B) of section 3317.013 or division (F)(3) of section	15952
3317.02 of the Revised Code, behavioral intervention, interpreter	15953
services, work study, nursing services, and specialized	15954
integrative services as those terms are defined by the department;	15955
(b) Speech and language services provided to any student with	15956
a handicap, including any student whose primary or only handicap	15957
is a speech and language handicap;	15958
(c) Any related service not specifically covered by other	15959
state funds but specified in federal law, including but not	15960
limited to, audiology and school psychological services;	15961
(d) Any service included in units funded under former	15962
division (O)(1) of section 3317.023 of the Revised Code;	15963
(e) Any other related service needed by handicapped children	15964
in accordance with their individualized education plans.	15965
(4) The "total vocational education weight" for a district	15966
means the sum of the following amounts:	15967
(a) The district's category one vocational education ADM	15968
multiplied by the multiple specified in division (A) of section	15969
3317.014 of the Revised Code;	15970
(b) The district's category two vocational education ADM	15971
multiplied by the multiple specified in division (B) of section	15972
3317.014 of the Revised Code.	15973
(C)(1) The department shall compute and distribute state	15974
special education and related services additional weighted costs	15975
funds to each school district in accordance with the following	15976
formula:	15977
The district's state share percentage	15978
X the formula amount for the year	15979
for which the aid is calculated	15980

X the district's total special education weight 15981

(2) The attributed local share of special education and 15982
related services additional weighted costs equals: 15983

(1 - the district's state share percentage) X 15984
the district's total special education weight X 15985
the formula amount 15986

(3)(a) The department shall compute and pay in accordance 15987
with this division additional state aid to school districts for 15988
students in categories two through six special education ADM. If a 15989
district's costs for the fiscal year for a student in its 15990
categories two through six special education ADM exceed the 15991
threshold catastrophic cost for serving the student, the district 15992
may submit to the superintendent of public instruction 15993
documentation, as prescribed by the superintendent, of all its 15994
costs for that student. Upon submission of documentation for a 15995
student of the type and in the manner prescribed, the department 15996
shall pay to the district an amount equal to the sum of the 15997
following: 15998

(i) One-half of the district's costs for the student in 15999
excess of the threshold catastrophic cost; 16000

(ii) The product of one-half of the district's costs for the 16001
student in excess of the threshold catastrophic cost multiplied by 16002
the district's state share percentage. 16003

(b) For purposes of division (C)(3)(a) of this section, the 16004
threshold catastrophic cost for serving a student equals: 16005

(i) For a student in the school district's category two, 16006
three, four, or five special education ADM, twenty-five thousand 16007
dollars in fiscal year 2002 ~~and~~, twenty-five thousand seven 16008
hundred dollars in fiscal years 2003, 2004, and 2005, and 16009
twenty-six thousand five hundred dollars in fiscal years 2006 and 16010
2007; 16011

(ii) For a student in the district's category six special education ADM, thirty thousand dollars in fiscal year 2002 ~~and,~~ thirty thousand eight hundred forty dollars in fiscal years 2003, 2004, and 2005, and thirty-one thousand eight hundred dollars in fiscal years 2006 and 2007.

(c) The district shall only report under division (C)(3)(a) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(4)(a) As used in this division, the "personnel allowance" means thirty thousand dollars in fiscal years 2002, 2003, 2004, ~~and,~~ 2005, 2006, and 2007.

(b) For the provision of speech language pathology services to students, including students who do not have individualized education programs prepared for them under Chapter 3323. of the Revised Code, and for no other purpose, the department of education shall pay each school district an amount calculated under the following formula:

(formula ADM divided by 2000) X

the personnel allowance X the state share percentage

(5) In any fiscal year, a school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

~~(cost of doing business factor X~~

~~formula amount X the sum of categories~~

~~one through six special education ADM) The greater of the amount~~

calculated under division (C)(5)(a) or (b) of this section +

(total special education weight X formula amount) 16043

In making the calculation required under division (C)(5) of 16044
this section, the department shall calculate for each school 16045
district both of the following: 16046

(a) Cost-of-doing-business factor for fiscal year 2005 X 16047
formula amount for fiscal year 2005 X the sum of categories one 16048
through six special education ADM for fiscal year 2005; 16049

(b) Formula amount for the current fiscal year X the sum of 16050
categories one through six special education ADM for the current 16051
fiscal year. 16052

The purposes approved by the department for special education 16053
expenses shall include, but shall not be limited to, 16054
identification of handicapped children, compliance with state 16055
rules governing the education of handicapped children and 16056
prescribing the continuum of program options for handicapped 16057
children, provision of speech language pathology services, and the 16058
portion of the school district's overall administrative and 16059
overhead costs that are attributable to the district's special 16060
education student population. 16061

The department shall require school districts to report data 16062
annually to allow for monitoring compliance with division (C)(5) 16063
of this section. The department shall annually report to the 16064
governor and the general assembly the amount of money spent by 16065
each school district for special education and related services. 16066

(6) In any fiscal year, a school district shall spend for the 16067
provision of speech language pathology services not less than the 16068
sum of the amount calculated under division (C)(1) of this section 16069
for the students in the district's category one special education 16070
ADM and the amount calculated under division (C)(4) of this 16071
section. 16072

(D)(1) As used in this division: 16073

(a) "Daily bus miles per student" equals the number of bus miles traveled per day, divided by transportation base. 16074
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(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. 16076
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(c) "Transported student percentage" equals transportation ADM divided by transportation base. 16081
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(d) "Transportation cost per student" equals total operating costs for board-owned or contractor-operated school buses divided by transportation base. 16083
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(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: 16086
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$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + (116.25573 \times \text{transported student percentage})$$
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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 16095
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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. 16134

(5) The rough road subsidy paid to each district meeting the 16135
qualifications of division (D)(4) of this section shall be 16136
calculated in accordance with the following formula: 16137
(per rough mile subsidy X total rough road miles) X 16138
density multiplier 16139

where: 16140

(a) "Per rough mile subsidy" equals the amount calculated in 16141
accordance with the following formula: 16142
$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$$
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(i) "Maximum rough road percentage" means the highest county 16146
rough road percentage in the state. 16147

(ii) "County rough road percentage" equals the percentage of 16148
the mileage of state, municipal, county, and township roads that 16149
is rated by the department of transportation as type A, B, C, E2, 16150
or F in the county in which the school district is located or, if 16151
the district is located in more than one county, the county to 16152
which it is assigned for purposes of determining its 16153
cost-of-doing-business factor. 16154

(iii) "Statewide rough road percentage" means the percentage 16155
of the statewide total mileage of state, municipal, county, and 16156
township roads that is rated as type A, B, C, E2, or F by the 16157
department of transportation. 16158

(b) "Total rough road miles" means a school district's total 16159
bus miles traveled in one year times its county rough road 16160
percentage. 16161

(c) "Density multiplier" means a figure calculated in 16162
accordance with the following formula: 16163

1 - [(minimum student density - district student density)/(minimum student density - statewide student density)]

(i) "Minimum student density" means the lowest district student density in the state.

(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district.

(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.

(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) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(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:

$$\frac{\text{state share percentage} \times \text{the formula amount}}{\text{total vocational education weight}}$$

In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to

career-technical students. The department shall require the school
district to report data annually so that the department may
monitor the district's compliance with the requirements regarding
the manner in which funding received under division (E)(1) of this
section may be spent.

(2) The department shall compute for each school district
state funds for vocational education associated services in
accordance with the following formula:

state share percentage X .05 X

the formula amount X the sum of categories one and two

vocational education ADM

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.

(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 16227
the district's recognized valuation. The department annually shall 16228
pay each school district as an excess cost supplement any amount 16229
by which the sum of the district's attributed local shares for 16230
that funding exceeds that product. For purposes of calculating the 16231
excess cost supplement: 16232

(1) The attributed local share for special education and 16233
related services additional weighted costs funding is the amount 16234
specified in division (C)(2) of this section. 16235

(2) The attributed local share of transportation funding 16236
equals the difference of the total amount calculated for the 16237
district using the formula developed under division (D)(2) of this 16238
section minus the actual amount paid to the district after 16239
applying the percentage specified in division (D)(3) of this 16240
section. 16241

(3) The attributed local share of vocational education and 16242
associated services additional weighted costs funding is the 16243
amount determined as follows: 16244

(1 - state share percentage) X 16245
[(total vocational education weight X the formula amount) + 16246
the payment under division (E)(2) of this section] 16247

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 16248
Revised Code, the amounts required to be paid to a district under 16249
this chapter shall be adjusted by the amount of the computations 16250
made under divisions (B) to ~~(M)~~(N) of this section. 16251

As used in this section: 16252

(1) "Classroom teacher" means a licensed employee who 16253
provides direct instruction to pupils, excluding teachers funded 16254
from money paid to the district from federal sources; educational 16255
service personnel; and vocational and special education teachers. 16256

(2) "Educational service personnel" shall not include such 16257
specialists funded from money paid to the district from federal 16258
sources or assigned full-time to vocational or special education 16259
students and classes and may only include those persons employed 16260
in the eight specialist areas in a pattern approved by the 16261
department of education under guidelines established by the state 16262
board of education. 16263

(3) "Annual salary" means the annual base salary stated in 16264
the state minimum salary schedule for the performance of the 16265
teacher's regular teaching duties that the teacher earns for 16266
services rendered for the first full week of October of the fiscal 16267
year for which the adjustment is made under division (C) of this 16268
section. It shall not include any salary payments for supplemental 16269
teachers contracts. 16270

(4) "Regular student population" means the formula ADM plus 16271
the number of students reported as enrolled in the district 16272
pursuant to division (A)(1) of section 3313.981 of the Revised 16273
Code; minus the number of students reported under division (A)(2) 16274
of section 3317.03 of the Revised Code; minus the FTE of students 16275
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 16276
of that section who are enrolled in a vocational education class 16277
or receiving special education; and minus twenty per cent of the 16278
students enrolled concurrently in a joint vocational school 16279
district. 16280

(5) "State share percentage" has the same meaning as in 16281
section 3317.022 of the Revised Code. 16282

(6) "VEPD" means a school district or group of school 16283
districts designated by the department of education as being 16284
responsible for the planning for and provision of vocational 16285
education services to students within the district or group. 16286

(7) "Lead district" means a school district, including a 16287

joint vocational school district, designated by the department as 16288
a VEPD, or designated to provide primary vocational education 16289
leadership within a VEPD composed of a group of districts. 16290

(B) If the district employs less than one full-time 16291
equivalent classroom teacher for each twenty-five pupils in the 16292
regular student population in any school district, deduct the sum 16293
of the amounts obtained from the following computations: 16294

(1) Divide the number of the district's full-time equivalent 16295
classroom teachers employed by one twenty-fifth; 16296

(2) Subtract the quotient in (1) from the district's regular 16297
student population; 16298

(3) Multiply the difference in (2) by seven hundred fifty-two 16299
dollars. 16300

(C) If a positive amount, add one-half of the amount obtained 16301
by multiplying the number of full-time equivalent classroom 16302
teachers by: 16303

(1) The mean annual salary of all full-time equivalent 16304
classroom teachers employed by the district at their respective 16305
training and experience levels minus; 16306

(2) The mean annual salary of all such teachers at their 16307
respective levels in all school districts receiving payments under 16308
this section. 16309

The number of full-time equivalent classroom teachers used in 16310
this computation shall not exceed one twenty-fifth of the 16311
district's regular student population. In calculating the 16312
district's mean salary under this division, those full-time 16313
equivalent classroom teachers with the highest training level 16314
shall be counted first, those with the next highest training level 16315
second, and so on, in descending order. Within the respective 16316
training levels, teachers with the highest years of service shall 16317

be counted first, the next highest years of service second, and so on, in descending order. 16318
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(D) This division does not apply to a school district that has entered into an agreement under division (A) of section 3313.42 of the Revised Code. Deduct the amount obtained from the following computations if the district employs fewer than five full-time equivalent educational service personnel, including elementary school art, music, and physical education teachers, counselors, librarians, visiting teachers, school social workers, and school nurses for each one thousand pupils in the regular student population: 16320
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(1) Divide the number of full-time equivalent educational service personnel employed by the district by five one-thousandths; 16329
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(2) Subtract the quotient in (1) from the district's regular student population; 16332
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(3) Multiply the difference in (2) by ninety-four dollars. 16334

(E) If a local school district, or a city or exempted village school district to which a governing board of an educational service center provides services pursuant to section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under section 3317.11 of the Revised Code. 16335
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(F)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code. 16341
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(2) For each child for whom the district is responsible for 16349
tuition or payment under division (A)(1) of section 3317.082 or 16350
section 3323.091 of the Revised Code, deduct the amount of tuition 16351
or payment for which the district is responsible. 16352

(G) If the district has been certified by the superintendent 16353
of public instruction under section 3313.90 of the Revised Code as 16354
not in compliance with the requirements of that section, deduct an 16355
amount equal to ten per cent of the amount computed for the 16356
district under section 3317.022 of the Revised Code. 16357

(H) If the district has received a loan from a commercial 16358
lending institution for which payments are made by the 16359
superintendent of public instruction pursuant to division (E)(3) 16360
of section 3313.483 of the Revised Code, deduct an amount equal to 16361
such payments. 16362

(I)(1) If the district is a party to an agreement entered 16363
into under division (D), (E), or (F) of section 3311.06 or 16364
division (B) of section 3311.24 of the Revised Code and is 16365
obligated to make payments to another district under such an 16366
agreement, deduct an amount equal to such payments if the district 16367
school board notifies the department in writing that it wishes to 16368
have such payments deducted. 16369

(2) If the district is entitled to receive payments from 16370
another district that has notified the department to deduct such 16371
payments under division (I)(1) of this section, add the amount of 16372
such payments. 16373

(J) If the district is required to pay an amount of funds to 16374
a cooperative education district pursuant to a provision described 16375
by division (B)(4) of section 3311.52 or division (B)(8) of 16376
section 3311.521 of the Revised Code, deduct such amounts as 16377
provided under that provision and credit those amounts to the 16378
cooperative education district for payment to the district under 16379

division (B)(1) of section 3317.19 of the Revised Code. 16380

(K)(1) If a district is educating a student entitled to 16381
attend school in another district pursuant to a shared education 16382
contract, compact, or cooperative education agreement other than 16383
an agreement entered into pursuant to section 3313.842 of the 16384
Revised Code, credit to that educating district on an FTE basis 16385
both of the following: 16386

(a) An amount equal to the greater of the following: 16387

(i) The fiscal year 2005 formula amount times the fiscal year 16388
2005 cost of doing business factor of the school district where 16389
the student is entitled to attend school pursuant to section 16390
3313.64 or 3313.65 of the Revised Code; 16391

(ii) The sum of the current formula amount plus the per pupil 16392
amount of the base funding supplements specified in divisions 16393
(B)(3)(a) to (d) of section 3317.012 of the Revised Code. 16394

(b) An amount equal to the current formula amount times the 16395
state share percentage times any multiple applicable to the 16396
student pursuant to section 3317.013 or 3317.014 of the Revised 16397
Code. 16398

(2) Deduct any amount credited pursuant to division (K)(1) of 16399
this section from amounts paid to the school district in which the 16400
student is entitled to attend school pursuant to section 3313.64 16401
or 3313.65 of the Revised Code. 16402

(3) If the district is required by a shared education 16403
contract, compact, or cooperative education agreement to make 16404
payments to an educational service center, deduct the amounts from 16405
payments to the district and add them to the amounts paid to the 16406
service center pursuant to section 3317.11 of the Revised Code. 16407

(L)(1) If a district, including a joint vocational school 16408
district, is a lead district of a VEPD, credit to that district 16409

the amounts calculated for all the school districts within that
VEPD pursuant to division (E)(2) of section 3317.022 of the
Revised Code.

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(2) Deduct from each appropriate district that is not a lead
district, the amount attributable to that district that is
credited to a lead district under division (L)(1) of this section.

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(M) If the department pays a joint vocational school district
under division (G)(4) of section 3317.16 of the Revised Code for
excess costs of providing special education and related services
to a handicapped student, as calculated under division (G)(2) of
that section, the department shall deduct the amount of that
payment from the city, local, or exempted village school district
that is responsible as specified in that section for the excess
costs.

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(N)(1) If the district reports an amount of excess cost for
special education services for a child under division (C) of
section 3323.14 of the Revised Code, the department shall pay that
amount to the district.

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(2) If the district is the district of residence of the child
for whom an amount of excess cost is reported under division (C)
of section 3323.14 of the Revised Code, the department shall
deduct that amount.

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Sec. 3317.024. In addition to the moneys paid to eligible
school districts pursuant to section 3317.022 of the Revised Code,
moneys appropriated for the education programs in divisions (A) to
(H), (J) to (L), (O), (P), and (R) of this section shall be
distributed to school districts meeting the requirements of
section 3317.01 of the Revised Code; in the case of divisions (J)
and (P) of this section, to educational service centers as
provided in section 3317.11 of the Revised Code; in the case of

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divisions (E), (M), and (N) of this section, to county MR/DD 16440
boards; in the case of division (R) of this section, to joint 16441
vocational school districts; in the case of division (K) of this 16442
section, to cooperative education school districts; and in the 16443
case of division (Q) of this section, to the institutions defined 16444
under section 3317.082 of the Revised Code providing elementary or 16445
secondary education programs to children other than children 16446
receiving special education under section 3323.091 of the Revised 16447
Code. The following shall be distributed monthly, quarterly, or 16448
annually as may be determined by the state board of education: 16449

(A) A per pupil amount to each school district that 16450
establishes a summer school remediation program that complies with 16451
rules of the state board of education. 16452

(B) An amount for each island school district and each joint 16453
state school district for the operation of each high school and 16454
each elementary school maintained within such district and for 16455
capital improvements for such schools. Such amounts shall be 16456
determined on the basis of standards adopted by the state board of 16457
education. 16458

(C) An amount for each school district operating classes for 16459
children of migrant workers who are unable to be in attendance in 16460
an Ohio school during the entire regular school year. The amounts 16461
shall be determined on the basis of standards adopted by the state 16462
board of education, except that payment shall be made only for 16463
subjects regularly offered by the school district providing the 16464
classes. 16465

(D) An amount for each school district with guidance, 16466
testing, and counseling programs approved by the state board of 16467
education. The amount shall be determined on the basis of 16468
standards adopted by the state board of education. 16469

(E) An amount for the emergency purchase of school buses as 16470

provided for in section 3317.07 of the Revised Code; 16471

(F) An amount for each school district required to pay 16472
tuition for a child in an institution maintained by the department 16473
of youth services pursuant to section 3317.082 of the Revised 16474
Code, provided the child was not included in the calculation of 16475
the district's average daily membership for the preceding school 16476
year. 16477

(G) In fiscal year 2000 only, an amount to each school 16478
district for supplemental salary allowances for each licensed 16479
employee except those licensees serving as superintendents, 16480
assistant superintendents, principals, or assistant principals, 16481
whose term of service in any year is extended beyond the term of 16482
service of regular classroom teachers, as described in section 16483
3301.0725 of the Revised Code; 16484

(H) An amount for adult basic literacy education for each 16485
district participating in programs approved by the state board of 16486
education. The amount shall be determined on the basis of 16487
standards adopted by the state board of education. 16488

(I) Notwithstanding section 3317.01 of the Revised Code, but 16489
only until June 30, 1999, to each city, local, and exempted 16490
village school district, an amount for conducting driver education 16491
courses at high schools for which the state board of education 16492
prescribes minimum standards and to joint vocational and 16493
cooperative education school districts and educational service 16494
centers, an amount for conducting driver education courses to 16495
pupils enrolled in a high school for which the state board 16496
prescribes minimum standards. No payments shall be made under this 16497
division after June 30, 1999. 16498

(J) An amount for the approved cost of transporting 16499
developmentally handicapped eligible pupils with disabilities 16500
attending a special education program approved by the department 16501

of education whom it is impossible or impractical to transport by 16502
regular school bus in the course of regular route transportation 16503
provided by the district or service center. No district or service 16504
center is eligible to receive a payment under this division for 16505
the cost of transporting any pupil whom it transports by regular 16506
school bus and who is included in the district's transportation 16507
ADM. The state board of education shall establish standards and 16508
guidelines for use by the department of education in determining 16509
the approved cost of such transportation for each district or 16510
service center. 16511

(K) An amount to each school district, including each 16512
cooperative education school district, pursuant to section 3313.81 16513
of the Revised Code to assist in providing free lunches to needy 16514
children and an amount to assist needy school districts in 16515
purchasing necessary equipment for food preparation. The amounts 16516
shall be determined on the basis of rules adopted by the state 16517
board of education. 16518

(L) An amount to each school district, for each pupil 16519
attending a chartered nonpublic elementary or high school within 16520
the district. The amount shall equal the amount appropriated for 16521
the implementation of section 3317.06 of the Revised Code divided 16522
by the average daily membership in grades kindergarten through 16523
twelve in nonpublic elementary and high schools within the state 16524
as determined during the first full week in October of each school 16525
year. 16526

(M) An amount for each county MR/DD board, distributed on the 16527
basis of standards adopted by the state board of education, for 16528
the approved cost of transportation required for children 16529
attending special education programs operated by the county MR/DD 16530
board under section 3323.09 of the Revised Code; 16531

(N) An amount for each county MR/DD board, distributed on the 16532
basis of standards adopted by the state board of education, for 16533

supportive home services for preschool children; 16534

(O) An amount for each school district that establishes a 16535
mentor teacher program that complies with rules of the state board 16536
of education. No school district shall be required to establish or 16537
maintain such a program in any year unless sufficient funds are 16538
appropriated to cover the district's total costs for the program. 16539

(P) An amount to each school district or educational service 16540
center for the total number of gifted units approved pursuant to 16541
section 3317.05 of the Revised Code. The amount for each such unit 16542
shall be the sum of the minimum salary for the teacher of the 16543
unit, calculated on the basis of the teacher's training level and 16544
years of experience pursuant to the salary schedule prescribed in 16545
the version of section 3317.13 of the Revised Code in effect prior 16546
to July 1, 2001, plus fifteen per cent of that minimum salary 16547
amount, plus two thousand six hundred seventy-eight dollars. 16548

(Q) An amount to each institution defined under section 16549
3317.082 of the Revised Code providing elementary or secondary 16550
education to children other than children receiving special 16551
education under section 3323.091 of the Revised Code. This amount 16552
for any institution in any fiscal year shall equal the total of 16553
all tuition amounts required to be paid to the institution under 16554
division (A)(1) of section 3317.082 of the Revised Code. 16555

(R) A grant to each school district and joint vocational 16556
school district that operates a "graduation, reality, and 16557
dual-role skills" (GRADS) program for pregnant and parenting 16558
students that is approved by the department. The amount of the 16559
payment shall be the district's state share percentage, as defined 16560
in section 3317.022 or 3317.16 of the Revised Code, times the 16561
GRADS personnel allowance times the full-time-equivalent number of 16562
GRADS teachers approved by the department. The GRADS personnel 16563
allowance is \$47,555 in fiscal years 2004 ~~and~~, 2005, 2006, and 16564

2007. 16565

The state board of education or any other board of education 16566
or governing board may provide for any resident of a district or 16567
educational service center territory any educational service for 16568
which funds are made available to the board by the United States 16569
under the authority of public law, whether such funds come 16570
directly or indirectly from the United States or any agency or 16571
department thereof or through the state or any agency, department, 16572
or political subdivision thereof. 16573

Sec. 3317.026. (A) As used in this section, "refunded taxes" 16574
means taxes charged and payable from real and tangible personal 16575
property, including public utility property, that have been found 16576
to have been overpaid as the result of reductions in the taxable 16577
value of such property and that have been refunded, including any 16578
interest or penalty refunded with those taxes. If taxes are 16579
refunded over a period of time pursuant to division (B)(2), (3), 16580
or (4) of section 319.36 or division (C) of section 5727.471 of 16581
the Revised Code, the total amount of taxes required to be 16582
refunded, excluding any interest accruing after the day the 16583
undertaking is entered into, shall be considered to have been 16584
refunded on the day the first portion of the overpayment is paid 16585
or credited. 16586

(B) Not later than the last day of February each year, each 16587
county auditor shall certify to the tax commissioner, for each 16588
school district in the county, the amount of refunded taxes 16589
refunded in the preceding calendar year and the reductions in 16590
taxable value that resulted in those refunds, except for 16591
reductions in taxable value that previously have been reported to 16592
the tax commissioner on an abstract. If the tax commissioner 16593
determines that the amount of refunded taxes certified for a 16594
school district exceeds three per cent of the total taxes charged 16595

and payable for current expenses of the school district for the
calendar year in which those taxes were refunded, the tax
commissioner shall certify the reductions in taxable value that
resulted in those refunds on or before the first day of June to
the department of education. Upon receiving the certification by
the tax commissioner, the department of education shall reduce the
total taxable value of the school district, as defined in section
3317.02 of the Revised Code, by the total amount of the reductions
in taxable value that resulted in those refunds for the purpose of
computing the ~~state aid~~ SF-3 payment for the school district for
the current fiscal year ~~under section 3317.022 of the Revised
Code~~. The increase in the amount of such aid resulting from the
adjustment required by this section shall be paid to the school
district on or before the ~~thirtieth~~ thirty-first day of ~~June~~ July
of the ~~current~~ following fiscal year.

If an adjustment is made under this division in the amount of
state aid paid to a school district, the tax value reductions from
which that adjustment results shall not be used in recomputing aid
to a school district under section 3317.027 of the Revised Code.

~~(D)~~(C) If a school district received a grant from the
catastrophic expenditures account pursuant to division (C) of
section 3316.20 of the Revised Code on the basis of the same
circumstances for which an adjustment is made under this section,
the amount of the adjustment shall be reduced and transferred in
accordance with division (C) of section 3316.20 of the Revised
Code.

(D) Not later than the first day of June each year, the tax
commissioner shall certify to the department of education for each
school district the total of the increases in taxable value above
the amount of taxable value on which tax was paid, as provided in
division (B)(1) or (2) of section 5727.47 of the Revised Code, as
determined by the commissioner, and for which a notification was

sent pursuant to section 5727.471 of the Revised Code, in the 16628
preceding calendar year. Upon receiving the certification, the 16629
department shall increase the total taxable value, as defined in 16630
section 3317.02 of the Revised Code, of the school district by the 16631
total amount of the increase in taxable value certified by the 16632
commissioner for the school district for the purpose of computing 16633
the school district's ~~state aid~~ SF-3 payment for the following 16634
fiscal year ~~under sections 3317.022 and 3317.0212 of the Revised~~ 16635
~~Code.~~ 16636

Sec. 3317.027. On or before the fifteenth day of May of each 16637
year, the tax commissioner shall certify to the department of 16638
education: 16639

(A) The amount by which applications filed under section 16640
5713.38 of the Revised Code or complaints filed under section 16641
5715.19 of the Revised Code resulted in a reduction in the second 16642
preceding year's taxable value in each school district in which 16643
such a reduction occurred, and the amount by which such reduction 16644
reduced the district's taxes charged and payable for such year; 16645
and 16646

(B) The taxes charged and payable for the second preceding 16647
tax year that were remitted under section 5713.081 of the Revised 16648
Code and the taxable value against which such taxes were imposed. 16649

Upon receipt of such certifications, the department shall 16650
recompute the ~~state aid for such year under section 3317.022 of~~ 16651
~~the Revised Code~~ district's SF-3 payment and determine the amount 16652
~~of aid~~ that the SF-3 payment would have been paid had the taxable 16653
value not been used in the computation made under division (A)(1) 16654
of section 3317.021 of the Revised Code and had the taxes charged 16655
and payable not been included in the certification made under 16656
division (A)(3) of such section. The department shall ~~adjust~~ 16657
calculate the amount that the remainder of the fiscal year's 16658

payments ~~so the district's total payments~~ should have been for the 16659
fiscal year ~~equal~~ including the amount of the ~~recomputation SF-3~~ 16660
payment as recomputed. The increase or decrease in the amount of 16661
aid resulting from the adjustment required under this section 16662
shall be paid to the school district on or before the thirty-first 16663
day of July of the following fiscal year. 16664

If a school district received a grant from the catastrophic 16665
expenditures account pursuant to division (C) of section 3316.20 16666
of the Revised Code on the basis of the same circumstances for 16667
which a recomputation is made under this section, the amount of 16668
the recomputation shall be reduced and transferred in accordance 16669
with division (C) of section 3316.20 of the Revised Code. 16670

Sec. 3317.028. (A) On or before the fifteenth day of May in 16671
each calendar year prior to calendar year 2007, the tax 16672
commissioner shall determine for each school district whether the 16673
taxable value of all tangible personal property, including utility 16674
tangible personal property, subject to taxation by the district in 16675
the preceding tax year was less or greater than the taxable value 16676
of such property during the second preceding tax year. If any such 16677
decrease exceeds five per cent of the district's tangible personal 16678
property taxable value included in the total taxable value used in 16679
computing the district's ~~state aid computation SF-3 payment~~ for 16680
the fiscal year that ends in the current calendar year, or if any 16681
such increase exceeds five per cent of the district's total 16682
taxable value used in computing the district's ~~state aid~~ 16683
~~computation SF-3 payment~~ for the fiscal year that ends in the 16684
current calendar year, the tax commissioner shall certify both of 16685
the following to the department of education: 16686

(1) The taxable value of the tangible personal property 16687
increase or decrease, including utility tangible personal property 16688
increase or decrease, which shall be considered a change in 16689

valuation; 16690

(2) The decrease or increase in taxes charged and payable on 16691
such change in taxable value calculated in the same manner as in 16692
division (A)(3) of section 3317.021 of the Revised Code. 16693

~~(B) Notwithstanding division (A) of this section, when 16694
determining under that division in calendar year 2002 whether the 16695
taxable value of tangible personal property subject to taxation by 16696
each school district in the preceding tax year was less or greater 16697
than the taxable value of such property during the second 16698
preceding tax year, the tax commissioner shall exclude from the 16699
taxable value for both years the tax value loss, as defined in 16700
section 5727.84 of the Revised Code On or before May 15, 2007, and 16701
the fifteenth day of May in each calendar year thereafter, the tax 16702
commissioner shall determine for each school district whether the 16703
taxable value of all utility tangible personal property subject to 16704
taxation by the district in the preceding tax year was less or 16705
greater than the taxable value of such property during the second 16706
preceding tax year. If any decrease exceeds five per cent of the 16707
district's tangible personal property taxable value included in 16708
the total taxable value used in the district's state aid 16709
computation for the fiscal year that ends in the current calendar 16710
year, or if any increase exceeds five per cent of the district's 16711
total taxable value used in the district's state aid computation 16712
for the fiscal year that ends in the current calendar year, the 16713
tax commissioner shall certify both of the following to the 16714
department of education: 16715~~

(1) The taxable value of the utility tangible personal 16716
property increase or decrease, which shall be considered a change 16717
in valuation; 16718

(2) The decrease or increase in taxes charged and payable on 16719
such change in taxable value calculated in the same manner as in 16720

division (A)(3) of section 3317.021 of the Revised Code. 16721

(C) Upon receipt of ~~such a~~ certification specified in this 16722
section, the department of education shall reduce or increase by 16723
the respective amounts certified, and the taxable value and the 16724
taxes charged and payable that were used in computing the 16725
district's ~~state aid computation under section 3317.022 of the~~ 16726
~~Revised Code~~ SF-3 payment for the fiscal year that ends in the 16727
current calendar year and shall recompute the ~~state aid~~ SF-3 16728
payment for such fiscal year. ~~During the last six months of the~~ 16729
~~fiscal year, the~~ The department shall pay the district a sum equal 16730
to one-half of the recomputed payments in lieu of the payments 16731
otherwise required under ~~such sections~~ that section on or before 16732
the thirty-first day of July of the following fiscal year. 16733

(D) If a school district received a grant from the 16734
catastrophic expenditures account pursuant to division (C) of 16735
section 3316.20 of the Revised Code on the basis of the same 16736
circumstances for which a recomputation is made under this 16737
section, the amount of the recomputation shall be reduced and 16738
transferred in accordance with division (C) of section 3316.20 of 16739
the Revised Code. 16740

Sec. 3317.029. (A) As used in this section: 16741

(1) "~~DPIA~~ Poverty percentage" means: 16742

~~(a) In fiscal years prior to fiscal year 2004, the quotient~~ 16743
~~obtained by dividing the five year average number of children ages~~ 16744
~~five to seventeen residing in the school district and living in a~~ 16745
~~family receiving assistance under the Ohio works first program or~~ 16746
~~an antecedent program known as TANF or ADC, as certified or~~ 16747
~~adjusted under section 3317.10 of the Revised Code, by the~~ 16748
~~district's three year average formula ADM.~~ 16749

~~(b) Beginning in fiscal year 2004, the unduplicated number of~~ 16750

children ages five to seventeen residing in the school district 16751
and living in a family that has family income not exceeding the 16752
federal poverty guidelines and that receives family assistance, as 16753
certified or adjusted under section 3317.10 of the Revised Code, 16754
divided by the district's three-year average formula ADM. 16755

(2) "Family assistance" means assistance received under one 16756
of the following: 16757

(a) The Ohio works first program; 16758

(b) The food stamp program; 16759

(c) The medical assistance program, including the healthy 16760
start program, established under Chapter 5111. of the Revised 16761
Code; 16762

(d) The children's health insurance program part I 16763
established under section 5101.50 of the Revised Code or, prior to 16764
fiscal year 2000, an executive order issued under section 107.17 16765
of the Revised Code; 16766

(e) The disability financial assistance program established 16767
under Chapter 5115. of the Revised Code; 16768

~~(f) The disability medical assistance program established 16769
under Chapter 5115. of the Revised Code. 16770~~

(3) "Statewide ~~DPIA~~ poverty percentage" means: 16771

~~(a) In fiscal years prior to fiscal year 2004, the five year 16772
average of the total number of children ages five to seventeen 16773
years residing in the state and receiving assistance under the 16774
Ohio works first program or an antecedent program known as TANF or 16775
ADC, divided by the sum of the three year average formula ADMs for 16776
all school districts in the state. 16777~~

~~(b) Beginning in fiscal year 2004, the total unduplicated 16778
number of children ages five to seventeen residing in the state 16779
and living in a family that has family income not exceeding the 16780~~

federal poverty guidelines and that receives family assistance, 16781
divided by the sum of the three-year average formula ADMs for all 16782
school districts in the state. 16783

(4) "~~DPIA~~ Poverty index" means the quotient obtained by 16784
dividing the school district's ~~DPIA~~ poverty percentage by the 16785
statewide ~~DPIA~~ poverty percentage. 16786

(5) "Federal poverty guidelines" has the same meaning as in 16787
section 5101.46 of the Revised Code. 16788

(6) "~~DPIA~~ Poverty student count" means+ 16789

~~(a) In fiscal years prior to fiscal year 2004, the five-year 16790
average number of children ages five to seventeen residing in the 16791
school district and living in a family receiving assistance under 16792
the Ohio works first program or an antecedent program known as 16793
TANF or ADC, as certified under section 3317.10 of the Revised 16794
Code; 16795~~

~~(b) Beginning in fiscal year 2004, the unduplicated number of 16796
children ages five to seventeen residing in the school district 16797
and living in a family that has family income not exceeding the 16798
federal poverty guidelines and that receives family assistance, as 16799
certified or adjusted under section 3317.10 of the Revised Code. 16800~~

(7) "Kindergarten ADM" means the number of students reported 16801
under section 3317.03 of the Revised Code as enrolled in 16802
kindergarten. 16803

(8) "Kindergarten through third grade ADM" means the amount 16804
calculated as follows: 16805

(a) Multiply the kindergarten ADM by the sum of one plus the 16806
all-day kindergarten percentage; 16807

(b) Add the number of students in grades one through three; 16808

(c) Subtract from the sum calculated under division (A)(6)(b) 16809
of this section the number of special education students in grades 16810

kindergarten through three. 16811

~~(9) "Statewide average teacher salary" means forty two thousand four hundred sixty nine dollars in fiscal year 2002, and forty three thousand six hundred fifty eight dollars in fiscal year 2003, which includes an amount for the value of fringe benefits.~~ 16812
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~~(10)~~ "All-day kindergarten" means a kindergarten class that 16817
is in session five days per week for not less than the same number 16818
of clock hours each day as for pupils in grades one through six. 16819

~~(11)~~(10) "All-day kindergarten percentage" means the 16820
percentage of a district's actual total number of students 16821
enrolled in kindergarten who are enrolled in all-day kindergarten. 16822

~~(12)~~(11) "Buildings with the highest concentration of need" 16823
means: 16824

~~(a) In fiscal years prior to fiscal year 2004, 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.~~ 16825
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~~(b) Beginning in fiscal year 2004, the school buildings in a district with percentages of students in grades kindergarten through three receiving family assistance at least as high as the district-wide percentage of students receiving family assistance.~~ 16830
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~~(c) 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 or family assistance 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"~~ 16834
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on family income of students in grades kindergarten through three 16841
in a manner that, to the extent possible with available data, 16842
approximates the intent of this division and division ~~(G)~~(K) of 16843
this section to designate buildings where the ~~Ohio works first or~~ 16844
family assistance percentage in those grades equals or exceeds the 16845
district-wide ~~Ohio works first or~~ family assistance percentage. 16846

(B) In addition to the amounts required to be paid to a 16847
school district under section 3317.022 of the Revised Code, a the 16848
department of education shall compute and distribute to each 16849
school district ~~shall receive for poverty-based assistance~~ the 16850
greater of the amount the district received in fiscal year ~~1998~~ 16851
2005 for disadvantaged pupil impact aid pursuant to division (B) 16852
of section 3317.023 of the Revised Code as it existed at that time 16853
Section 41.10 of Am. Sub. H.B. 95 of the 125th General Assembly, 16854
as amended, or the sum of the computations made under divisions 16855
(C) to ~~(E)~~(I) of this section. 16856

(C) A ~~supplemental payment that may be utilized~~ for measures 16857
related to safety and security and for remediation or similar 16858
programs, if the district's poverty index is greater than or equal 16859
to 0.25, calculated as follows: 16860

~~(1) If the DPIA index of the school district is greater than~~ 16861
~~or equal to thirty five hundredths, but less than one, an amount~~ 16862
~~obtained by multiplying the district's DPIA student count by two~~ 16863
~~hundred thirty dollars;~~ 16864

~~(2) If the DPIA index of the school district is greater than~~ 16865
~~or equal to one, an amount obtained by multiplying the DPIA index~~ 16866
~~by two hundred thirty dollars and multiplying that product by the~~ 16867
~~district's DPIA student count.~~ 16868

~~Except as otherwise provided in division (F) of this section,~~ 16869
~~beginning with the school year that starts July 1, 2002, each~~ 16870
~~school district annually shall use at least twenty per cent of the~~ 16871

~~funds calculated for the district under this division for~~ 16872
~~intervention services required by section 3313.608 of the Revised~~ 16873
~~Code.~~ 16874

(1) If the district's poverty index is greater than or equal 16875
to 0.25, calculate the level-one amount as follows: 16876

(a) If the district's poverty index is greater than or equal 16877
to 0.25, but less than 1.25, determine the level-one amount per 16878
poverty student as follows: 16879

(0.005 X formula amount) + {(poverty index - 0.25) X [(0.02 X 16880
formula amount) - (0.005 X formula amount)]} 16881

(b) If the district's poverty index is greater than or equal 16882
to 1.25, the level-one amount per poverty student equals: 16883

0.02 X formula amount 16884

(c) Calculate the district's level-one payment as follows: 16885
level-one amount per poverty student determined under division 16886
(C)(1)(a) or (b) of this section X poverty student count X 16887
multiple 16888

Where "multiple" equals 0.40 in fiscal year 2006 and 0.60 in 16889
fiscal year 2007. 16890

(2) If the district's poverty index is greater than or equal 16891
to 1.25, determine the level-two amount, which shall be paid in 16892
addition to the level-one amount, as follows: 16893

(a) If the district's poverty index is greater than or equal 16894
to 1.25, but less than 1.75, determine the level-two amount per 16895
poverty student, as follows: 16896

(0.04 X formula amount) + {[(poverty index - 1.25)/0.50] X [(0.14 16897
X formula amount) - (0.04 X formula amount)]} 16898

(b) If the district's poverty index is greater than or equal 16899
to 1.75, the level-two amount per poverty student equals: 16900

0.14 X formula amount 16901

(c) Calculate the district's level-two payment as follows: 16902
level-two amount per poverty student determined under division 16903
(C)(2)(a) or (b) of this section X poverty student count X 16904
multiple 16905

Where "multiple" equals 0.40 in fiscal year 2006 and 0.60 in 16906
fiscal year 2007. 16907

(D) A payment for all-day kindergarten if the ~~DPIA~~ poverty 16908
index of the school district is greater than or equal to ~~one~~ 1.0 16909
or if the district's three-year average formula ADM exceeded 16910
seventeen thousand five hundred, calculated by multiplying the 16911
all-day kindergarten percentage by the kindergarten ADM and 16912
multiplying that product by the formula amount. 16913

(E) A class-size reduction payment based on calculating the 16914
number of new teachers necessary to achieve a lower 16915
student-teacher ratio, as follows: 16916

(1) Determine or calculate a formula number of teachers per 16917
one thousand students based on the ~~DPIA~~ poverty index of the 16918
school district as follows: 16919

(a) If the ~~DPIA~~ poverty index of the school district is less 16920
than ~~six-tenths~~ 1.0, the formula number of teachers is ~~43.478~~ 16921
50.0, which is the number of teachers per one thousand students at 16922
a student-teacher ratio of ~~twenty-three~~ twenty to one; 16923

(b) If the ~~DPIA~~ poverty index of the school district is 16924
greater than or equal to ~~six-tenths~~ 1.0, but less than ~~two and~~ 16925
~~one-half~~ 1.5, the formula number of teachers is calculated as 16926
follows: 16927

$$\del{43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\}}$$
$$\underline{50.0 + \{[(\text{poverty index} - 1.0) / 0.5] \times 16.667\}}$$

16928
16929

Where ~~43.478~~ 50.0 is the number of teachers per one thousand 16930
students at a student-teacher ratio of ~~twenty-three~~ twenty to one; 16931

~~1.9~~ 0.5 is the interval from a ~~DPIA~~ poverty index of ~~six tenths~~ 16932
1.0 to a ~~DPIA~~ poverty index of ~~two and one-half~~ 1.5; and ~~23.188~~ 16933
16.667 is the difference in the number of teachers per one 16934
thousand students at a student-teacher ratio of fifteen to one and 16935
the number of teachers per one thousand students at a 16936
student-teacher ratio of ~~twenty-three~~ twenty to one. 16937

(c) If the ~~DPIA~~ poverty index of the school district is 16938
greater than or equal to ~~two and one-half~~ 1.5, the formula number 16939
of teachers is 66.667, which is the number of teachers per one 16940
thousand students at a student-teacher ratio of fifteen to one. 16941

(2) Multiply the formula number of teachers determined or 16942
calculated in division (E)(1) of this section by the kindergarten 16943
through third grade ADM for the district and divide that product 16944
by one thousand; 16945

(3) Calculate the number of new teachers as follows: 16946

(a) Multiply the kindergarten through third grade ADM by 16947
~~43.478~~ 50.0, which is the number of teachers per one thousand 16948
students at a student-teacher ratio of ~~twenty-three~~ twenty to one, 16949
and divide that product by one thousand; 16950

(b) Subtract the quotient obtained in division (E)(3)(a) of 16951
this section from the product in division (E)(2) of this section. 16952

(4) Multiply the greater of the difference obtained under 16953
division (E)(3) of this section or zero by the statewide average 16954
teachers salary. For this purpose, the "statewide average teacher 16955
salary" is \$56,465 in fiscal year 2006 and \$58,667 in fiscal year 16956
2007, which includes an amount for the value of fringe benefits. 16957

(F) A payment for services to limited English proficient 16958
students, if the district's poverty index is greater than or equal 16959
to 1.0 and the proportion of its students who are limited English 16960
proficient, as reported in 2003 on its school district report 16961
issued under section 3302.03 of the Revised Code for the 2002-2003 16962

school year, is greater than or equal to 2.0%, calculated as 16963
follows: 16964

(1) If the district's poverty index is greater than or equal 16965
to 1.0, but less than 2.0, determine the amount per limited 16966
English proficient student as follows: 16967

(0.12851 X formula amount) + {(poverty index - 1.0) X [(0.25702 X 16968
formula amount) - (0.12851 X formula amount)]} 16969

(2) If the district's poverty index is greater than or equal 16970
to 2.0, the amount per limited English proficient student equals: 16971

0.25702 X formula amount 16972

(3) Multiply the per student amount determined for the 16973
district under division (F)(1) or (2) of this section by the 16974
number of the district's limited English proficient students. For 16975
purposes of this calculation in fiscal years 2006 and 2007, the 16976
number of limited English proficient students for each district 16977
shall be the number determined by the department when it 16978
calculated the district's percentage of limited English students 16979
for its school district report issued in 2003 for the 2002-2003 16980
school year. 16981

Not later than July 1, 2006, the department of education 16982
shall recommend to the general assembly and the director of budget 16983
and management a method of identifying the number of limited 16984
English proficient students for purposes of calculating payments 16985
under this division after fiscal year 2007. 16986

(G) A payment for professional development of teachers, if 16987
the district's poverty index is greater than or equal to 1.0, 16988
calculated as follows: 16989

(1) If the district's poverty index is greater than or equal 16990
to 1.0, but less than 2.0, determine the amount per teacher as 16991
follows: 16992

(poverty index - 1.0) X (0.044484 X formula amount) 16993

<u>(2) If the district's poverty index is greater than or equal</u>	16994
<u>to 2.0, the amount per teacher equals:</u>	16995
<u>0.044484 X formula amount</u>	16996
<u>(3) Determine the number of teachers, as follows:</u>	16997
<u>(formula ADM/20)</u>	16998
<u>(4) Multiply the per teacher amount determined for the</u>	16999
<u>district under division (G)(1) or (2) of this section by the</u>	17000
<u>number of teachers determined under division (G)(3) of this</u>	17001
<u>section, times a multiple of 0.40 in fiscal year 2006 or a</u>	17002
<u>multiple of 0.60 in fiscal year 2007.</u>	17003
<u>(H) A payment for dropout prevention, if the district is a</u>	17004
<u>big eight school district as defined in section 3314.02 of the</u>	17005
<u>Revised Code, calculated as follows:</u>	17006
<u>0.50 X formula amount X poverty index X formula ADM X multiple</u>	17007
<u>Where "multiple" equals 0.40 in fiscal year 2006 and 0.60 in</u>	17008
<u>fiscal year 2007.</u>	17009
<u>(I) An amount for community outreach, if the district is an</u>	17010
<u>urban school district as defined in section 3314.02 of the Revised</u>	17011
<u>Code, calculated as follows:</u>	17012
<u>(formula ADM/1,000) X community liaison personnel allowance X</u>	17013
<u>multiple</u>	17014
<u>Where:</u>	17015
<u>(1) "Community liaison personnel allowance" equals \$42,729 in</u>	17016
<u>fiscal year 2006 and \$44,396 in fiscal year 2007, which includes</u>	17017
<u>an amount for the value of fringe benefits.</u>	17018
<u>(2) "Multiple" equals 0.40 in fiscal year 2006 and 0.60 in</u>	17019
<u>fiscal year 2007.</u>	17020
<u>(J) This division applies only to school districts whose DPIA</u>	17021
<u>poverty index is one 1.0 or greater.</u>	17022
<u>(1) Each school district subject to this division shall first</u>	17023

utilize funds received under this section so that, when combined 17024
with other funds of the district, sufficient funds exist to 17025
provide all-day kindergarten to at least the number of children in 17026
the district's all-day kindergarten percentage. 17027

~~(2) Up to an amount equal to the district's DPIA index 17028
multiplied by its DPIA student count multiplied by two hundred 17029
thirty dollars of the money distributed under this section may be 17030
utilized~~ Each school district shall use its payment under division 17031
(F) of this section for one or more of the following purposes: 17032

(a) To hire teachers for limited English proficient students 17033
or other personnel to provide intervention services for those 17034
students; 17035

(b) To contract for intervention services for those students; 17036

(c) To provide other services to assist those students in 17037
passing the third-grade reading achievement test, and to provide 17038
for those students the intervention services required by section 17039
3313.608 of the Revised Code. 17040

(3) Each school district may, but is not required to, use all 17041
or part of its payment under division (G) of this section for 17042
professional development of teachers or other licensed personnel 17043
providing educational services to students. Each district that 17044
elects to use its payment under division (G) of this section for 17045
that purpose shall use the payment to provide professional 17046
development only in one or more of the following areas: 17047

(a) Data-based decision making; 17048

(b) Standards-based curriculum models; 17049

(c) Job-embedded professional development activities that are 17050
research-based, as defined in federal law. 17051

In addition, each district that elects to use its payment 17052
under division (G) of this section for such professional 17053

development shall use the payment only to implement programs 17054
identified on a list of eligible professional development programs 17055
provided by the department of education. The department annually 17056
shall provide the list to each district receiving a payment under 17057
division (G) of this section. However, a district may apply to the 17058
department for a waiver to implement an alternative professional 17059
development program in one or more of the areas specified in 17060
divisions (J)(3)(a) to (c) of this section. If the department 17061
grants the waiver, the district may use its payment under division 17062
(G) of this section to implement the alternative program. 17063

(4) Each big eight school district shall use its payment 17064
under division (H) of this section either for preventing at-risk 17065
students from dropping out of school or for the safety, security, 17066
or remediation activities described in divisions (J)(6)(a) and (b) 17067
of this section, or for a combination of those purposes. Not later 17068
than September 1, 2005, the department of education shall provide 17069
each big eight school district with a list of dropout prevention 17070
programs that it has determined are successful. The department 17071
subsequently may update the list. Each district that elects to use 17072
its payment under division (H) of this section for dropout 17073
prevention shall use the payment only to implement a dropout 17074
prevention program specified on the department's list. However, a 17075
district may apply to the department for a waiver to implement an 17076
alternative dropout prevention program. If the department grants 17077
the waiver, the district may use its payment under division (H) of 17078
this section to implement the alternative program. 17079

(5) Each urban school district that has a poverty index 17080
greater than or equal to 1.0 shall use its payment under division 17081
(I) of this section either to hire or contract for community 17082
liaison officers, attendance or truant officers, or safety and 17083
security personnel, or for the safety, security, or remediation 17084
activities described in divisions (J)(6)(a) and (b) of this 17085

section, or for a combination of those purposes. 17086

(6) Each school district with a poverty index greater than or 17087
equal to 1.0 shall use the amount of its payment under division 17088
(C) of this section, plus any amount of its payment under division 17089
(H) of this section that it does not use for dropout prevention 17090
programs as described in division (J)(4) of this section, plus any 17091
amount of its payment under division (I) of this section that it 17092
does not use for the community outreach purposes described in 17093
division (J)(5) of this section, for one or both of the following: 17094

(a) Programs designed to ensure that schools are free of 17095
drugs and violence and have a disciplined environment conducive to 17096
learning; 17097

(b) Remediation for students who have failed or are in danger 17098
of failing any of the tests administered pursuant to section 17099
3301.0710 of the Revised Code. 17100

~~Beginning with the school year that starts on July 1, 2002,~~ 17101
~~each~~ In addition, a school district may use all or a portion of 17102
its payment under division (G) of this section for the activities 17103
described in divisions (J)(6)(a) and (b) of this section. 17104

Each school district shall use at least twenty per cent of 17105
the funds set aside for the purposes of divisions ~~(F)(2)~~(J)(6)(a) 17106
and (b) of this section to provide intervention services required 17107
by section 3313.608 of the Revised Code. 17108

~~(3)(7)~~ Except as otherwise required by division ~~(G)(K)~~ or 17109
permitted under division ~~(K)(O)~~ of this section, all other 17110
remaining funds distributed under this section to districts 17111
subject to this division with a poverty index greater than or 17112
equal to 1.0 shall be utilized for the purpose of the third grade 17113
guarantee. The third grade guarantee consists of increasing the 17114
amount of instructional attention received per pupil in 17115
kindergarten through third grade, either by reducing the ratio of 17116

students to instructional personnel or by increasing the amount of 17117
instruction and curriculum-related activities by extending the 17118
length of the school day or the school year. 17119

School districts may implement a reduction of the ratio of 17120
students to instructional personnel through any or all of the 17121
following methods: 17122

(a) Reducing the number of students in a classroom taught by 17123
a single teacher; 17124

(b) Employing full-time educational aides or educational 17125
paraprofessionals issued a permit or license under section 17126
3319.088 of the Revised Code; 17127

(c) Instituting a team-teaching method that will result in a 17128
lower student-teacher ratio in a classroom. 17129

Districts may extend the school day either by increasing the 17130
amount of time allocated for each class, increasing the number of 17131
classes provided per day, offering optional academic-related 17132
after-school programs, providing curriculum-related extra 17133
curricular activities, or establishing tutoring or remedial 17134
services for students who have demonstrated an educational need. 17135
In accordance with section 3319.089 of the Revised Code, a 17136
district extending the school day pursuant to this division may 17137
utilize a participant of the work experience program who has a 17138
child enrolled in a public school in that district and who is 17139
fulfilling the work requirements of that program by volunteering 17140
or working in that public school. If the work experience program 17141
participant is compensated, the school district may use the funds 17142
distributed under this section for all or part of the 17143
compensation. 17144

Districts may extend the school year either through adding 17145
regular days of instruction to the school calendar or by providing 17146
summer programs. 17147

~~(G)~~(K) Each district ~~subject to division (F) of this section~~ 17148
shall not expend any funds received under division (E) of this 17149
section in any school buildings that are not buildings with the 17150
highest concentration of need, unless there is a ratio of 17151
instructional personnel to students of no more than fifteen to one 17152
in each kindergarten and first grade class in all buildings with 17153
the highest concentration of need. This division does not require 17154
that the funds used in buildings with the highest concentration of 17155
need be spent solely to reduce the ratio of instructional 17156
personnel to students in kindergarten and first grade. A school 17157
district may spend the funds in those buildings in any manner 17158
permitted by division ~~(F)~~(3)~~(J)~~(7) of this section, but may not 17159
spend the money in other buildings unless the fifteen-to-one ratio 17160
required by this division is attained. 17161

~~(H)~~(L)(1) By the first day of August of each fiscal year, 17162
each school district wishing to receive any funds under division 17163
(D) of this section shall submit to the department of education an 17164
estimate of its all-day kindergarten percentage. Each district 17165
shall update its estimate throughout the fiscal year in the form 17166
and manner required by the department, and the department shall 17167
adjust payments under this section to reflect the updates. 17168

(2) Annually by the end of December, the department of 17169
education, utilizing data from the information system established 17170
under section 3301.0714 of the Revised Code and after consultation 17171
with the legislative office of education oversight, shall 17172
determine for each school district subject to division ~~(F)~~(J) of 17173
this section whether in the preceding fiscal year the district's 17174
ratio of instructional personnel to students and its number of 17175
kindergarten students receiving all-day kindergarten appear 17176
reasonable, given the amounts of money the district received for 17177
that fiscal year pursuant to divisions (D) and (E) of this 17178
section. If the department is unable to verify from the data 17179

available that students are receiving reasonable amounts of 17180
instructional attention and all-day kindergarten, given the funds 17181
the district has received under this section and that class-size 17182
reduction funds are being used in school buildings with the 17183
highest concentration of need as required by division ~~(G)~~(K) of 17184
this section, the department shall conduct a more intensive 17185
investigation to ensure that funds have been expended as required 17186
by this section. The department shall file an annual report of its 17187
findings under this division with the chairpersons of the 17188
committees in each house of the general assembly dealing with 17189
finance and education. 17190

~~(I) Any (M)(1) Each~~ school district with a ~~DPIA~~ poverty index 17191
less than ~~one~~ 1.0 and a three-year average formula ADM exceeding 17192
seventeen thousand five hundred shall first utilize funds received 17193
under this section so that, when combined with other funds of the 17194
district, sufficient funds exist to provide all-day kindergarten 17195
to at least the number of children in the district's all-day 17196
kindergarten percentage. ~~Such a district~~ 17197

(2) Each school district with a poverty index less than 1.0 17198
that receives a payment under division (I) of this section shall 17199
use its payment under that division for one or both of the 17200
following purposes: 17201

(a) To hire or contract for community liaison officers, 17202
attendance or truant officers, or safety and security personnel; 17203

(b) To implement any of the safety, security, or remediation 17204
activities described in divisions (J)(6)(a) and (b) of this 17205
section. 17206

(3) Each school district to which division (M)(1) or (2) of 17207
this section applies shall expend at least seventy per cent of the 17208
remaining funds received under this section, and any other 17209
district with a ~~DPIA~~ poverty index less than ~~one~~ 1.0 shall expend 17210

at least seventy per cent of all funds received under this	17211
section, for any of the following purposes:	17212
(1)(a) The purchase of technology for instructional purposes	17213
for remediation;	17214
(2)(b) All-day kindergarten;	17215
(3)(c) Reduction of class sizes <u>in grades kindergarten</u>	17216
through three, as described in division (J)(7) of this section;	17217
(4)(d) Summer school remediation;	17218
(5)(e) Dropout prevention programs <u>approved by the department</u>	17219
of education under division (J)(4) of this section;	17220
(6)(f) Guaranteeing that all third graders are ready to	17221
progress to more advanced work;	17222
(7)(g) Summer education and work programs;	17223
(8)(h) Adolescent pregnancy programs;	17224
(9)(i) Head start or preschool programs;	17225
(10)(j) Reading improvement <u>and remediation</u> programs	17226
described by the department of education;	17227
(11)(k) Programs designed to ensure that schools are free of	17228
drugs and violence and have a disciplined environment conducive to	17229
learning;	17230
(12)(l) Furnishing, free of charge, materials used in courses	17231
of instruction, except for the necessary textbooks or electronic	17232
textbooks required to be furnished without charge pursuant to	17233
section 3329.06 of the Revised Code, to pupils living in families	17234
participating in Ohio works first in accordance with section	17235
3313.642 of the Revised Code;	17236
(13)(m) School breakfasts provided pursuant to section	17237
3313.813 of the Revised Code.	17238
Each district shall submit to the department, in such format	17239

~~and at such time as the department shall specify, a report on the~~ 17240
~~programs for which it expended funds under this division.~~ 17241

~~(J)~~(N) If at any time the superintendent of public 17242
instruction determines that a school district receiving funds 17243
under division (D) of this section has enrolled less than the 17244
all-day kindergarten percentage reported for that fiscal year, the 17245
superintendent shall withhold from the funds otherwise due the 17246
district under this section a proportional amount as determined by 17247
the difference in the certified all-day kindergarten percentage 17248
and the percentage actually enrolled in all-day kindergarten. 17249

The superintendent shall also withhold an appropriate amount 17250
of funds otherwise due a district for any other misuse of funds 17251
not in accordance with this section. 17252

~~(K)~~(O)(1) A district may use a portion of the funds 17253
calculated for it under division (D) of this section to modify or 17254
purchase classroom space to provide all-day kindergarten, if both 17255
of the following conditions are met: 17256

(a) The district certifies to the department, in a manner 17257
acceptable to the department, that it has a shortage of space for 17258
providing all-day kindergarten. 17259

(b) The district provides all-day kindergarten to the number 17260
of children in the all-day kindergarten percentage it certified 17261
under this section. 17262

(2) A district may use a portion of the funds described in 17263
division ~~(F)~~~~(3)~~(J)~~(7)~~ of this section to modify or purchase 17264
classroom space to enable it to further reduce class size in 17265
grades kindergarten through two with a goal of attaining class 17266
sizes of fifteen students per licensed teacher. To do so, the 17267
district must certify its need for additional space to the 17268
department, in a manner satisfactory to the department. 17269

Sec. 3317.0212. Division (B) of this section does not apply 17270
to a school district with a formula ADM of one hundred fifty or 17271
less. 17272

(A) As used in this section: 17273

(1) "Fundamental FY 1997 state aid" or "fundamental FY 1998 17274
state aid" for a district means the total amount of state money 17275
received by the district for the applicable fiscal year as 17276
reported on the department of education's form "SF-12," adjusted 17277
as follows: 17278

(a) Minus the amount for transportation; 17279

(b) Minus any amounts for approved preschool handicapped 17280
units; 17281

(c) Minus any additional amount attributable to the 17282
reappraisal guarantee of division (C) of section 3317.04 of the 17283
Revised Code; 17284

(d) Plus the amount deducted for payments to an educational 17285
service center; 17286

(e) Plus an estimated portion of the state money distributed 17287
in the applicable fiscal year to other school districts or 17288
educational service centers for approved units, other than 17289
preschool handicapped or gifted education units, attributable to 17290
the costs of providing services in those units to students 17291
entitled to attend school in the district; 17292

(f) Minus an estimated portion of the state money distributed 17293
to the school district in the applicable fiscal year for approved 17294
units, other than preschool handicapped units or gifted education 17295
units, attributable to the costs of providing services in those 17296
units to students entitled to attend school in another school 17297
district; 17298

(g) Plus any additional amount paid in the applicable fiscal year pursuant to the vocational education recomputation required by Section 45.12 of Amended Substitute House Bill No. 117 of the 121st general assembly or former Section 50.22 of Amended Substitute House Bill No. 215 of the 122nd general assembly; 17299 17300 17301 17302 17303

(h) Plus any additional amount paid in the applicable fiscal year pursuant to the special education recomputation required by former division (I) of section 3317.023 of the Revised Code; 17304 17305 17306

(i) Plus any amount paid for equity aid in the applicable fiscal year under former section 3317.0213 of the Revised Code; 17307 17308

(j) Plus any amount received for the applicable fiscal year pursuant to section 3317.027 of the Revised Code; 17309 17310

(k) Plus any amount received for the applicable fiscal year resulting from a recomputation made under division (B) of section 3317.022 of the Revised Code, as that section existed in the applicable fiscal year. 17311 17312 17313 17314

(2) "State basic aid" for a district for any fiscal year after fiscal year 1999 means the sum of the following: 17315 17316

(a) The amount computed for the district for base cost funding, special education funding, and vocational education funding under divisions (A), (C)(1) and (4), and (E) of section 3317.022 and sections 3317.025 and 3317.027 of the Revised Code and ~~DPIA aid~~ poverty-based assistance under section 3317.029 of the Revised Code in the current fiscal year before any deduction or credit required by division (B), (D), (E), (F), (G), (H), (I), (J), (K), ~~or~~ (L), (M), or (N) of section 3317.023 or division ~~(J)~~(N) of section 3317.029 of the Revised Code; 17317 17318 17319 17320 17321 17322 17323 17324 17325

(b) Any amounts for which the district is eligible pursuant to division (C) of section 3317.023, divisions (G), (P), and (R) of section 3317.024, and the supplemental unit allowance paid for 17326 17327 17328

gifted units under division (B) of section 3317.053 of the Revised Code+ 17329
17330

~~(c) Any equity aid for which the district is eligible under section 3317.0213 of the Revised Code.~~ 17331
17332

(B) Upon No payments shall be made under division (B) of this section for any fiscal year after fiscal year 2006. 17333
17334

Upon request of the department of education, the treasurer of any school district or educational service center shall furnish data needed to calculate the amounts specified in divisions (A)(1)(e) and (f) of this section. The department shall compute and pay the state basic aid guarantee for each school district for the fiscal year as follows: 17335
17336
17337
17338
17339
17340

(1) Subtract the amount of state basic aid from the amount of fundamental FY 1998 state aid. If a negative number, this computation shall be deemed to be zero. 17341
17342
17343

(2) Pay the district the following: 17344

(a) In any fiscal year prior to fiscal year 2006, any positive amount calculated under division (B)(1) of this section; 17345
17346

(b) In fiscal year 2006, any positive amount calculated under division (B)(1) of this section times 0.50. 17347
17348

(C)(1) The state basic aid guarantee in any fiscal year for a school district with a formula ADM of one hundred fifty or less shall be the greatest of the following amounts: 17349
17350
17351

(a) The district's state basic aid for the fiscal year; 17352

(b) The district's fundamental FY 1998 state aid; 17353

(c) The district's fundamental FY 1997 state aid. 17354

(2) If in any fiscal year the state basic aid for a school district with a formula ADM of one hundred fifty or less is less than the guarantee amount determined for the district under 17355
17356
17357

division (C)(1) of this section, the department of education shall 17358
pay the district the amount of the difference. 17359

Sec. 3317.0217. The department of education shall annually 17360
compute and pay state parity aid to school districts, as follows: 17361

(A) Calculate the local wealth per pupil of each school 17362
district, which equals the following sum: 17363

(1) Two-thirds times the quotient of (a) the district's 17364
recognized valuation divided by (b) the greater of its formula ADM 17365
or three-year average formula ADM; plus 17366

(2) One-third times the quotient of (a) the average of the 17367
total federal adjusted gross income of the school district's 17368
residents for the three years most recently reported under section 17369
3317.021 of the Revised Code divided by (b) the greater of its 17370
formula ADM or three-year average formula ADM. 17371

(B) Rank all school districts in order of local wealth per 17372
pupil, from the district with the lowest local wealth per pupil to 17373
the district with the highest local wealth per pupil. 17374

(C) Compute the per pupil state parity aid funding for each 17375
school district in accordance with the following formula: 17376

Payment percentage X (threshold local wealth 17377
per pupil - the district's local 17378
wealth per pupil) X 0.0095 17379

Where: 17380

(1) "Payment percentage," for purposes of division (C) of 17381
this section, equals 20% in fiscal year 2002, 40% in fiscal year 17382
2003, 58% in fiscal year 2004, 76% in fiscal year 2005, ~~and 100%~~ 17383
~~after fiscal year 2005~~ 80% in fiscal year 2006, and 85% in fiscal 17384
year 2007. 17385

(2) Nine and one-half mills (0.0095) is the general 17386

assembly's determination of the average number of effective 17387
operating mills that districts in the seventieth to ninetieth 17388
percentiles of valuations per pupil collected in fiscal year 2001 17389
above the revenues required to finance their attributed local 17390
shares of the calculated cost of an adequate education. This was 17391
determined by (a) adding the district revenues from operating 17392
property tax levies and income tax levies, (b) subtracting from 17393
that total the sum of (i) twenty-three mills times adjusted 17394
recognized valuation plus (ii) the attributed local shares of 17395
special education, transportation, and vocational education 17396
funding as described in divisions (F)(1) to (3) of section 17397
3317.022 of the Revised Code, and (c) converting the result to an 17398
effective operating property tax rate. 17399

(3) The "threshold local wealth per pupil" is the local 17400
wealth per pupil of the school district with the 17401
four-hundred-ninetieth lowest local wealth per pupil. 17402

If the result of the calculation for a school district under 17403
division (C) of this section is less than zero, the district's per 17404
pupil parity aid shall be zero. 17405

(D) Compute the per pupil alternative parity aid for each 17406
school district that has a combination of an income factor of 1.0 17407
or less, a ~~DPIA~~ poverty index of 1.0 or greater, and a fiscal year 17408
2005 cost-of-doing-business factor of 1.0375 or greater, in 17409
accordance with the following formula: 17410

$$\begin{aligned} & \text{Payment percentage} \times \$60,000 \times 17411 \\ & (1 - \text{income factor}) \times 4/15 \times 0.023 17412 \end{aligned}$$

Where: 17413

(1) "~~DPIA~~ Poverty index" has the same meaning as in section 17414
3317.029 of the Revised Code. 17415

(2) "Payment percentage," for purposes of division (D) of 17416
this section, equals 50% in fiscal year 2002 and 100% after fiscal 17417

year 2002. 17418

(E) Pay each district that has a combination of an income 17419
factor of 1.0 or less, a ~~DPIA~~ poverty index of 1.0 or greater, and 17420
a fiscal year 2005 cost-of-doing-business factor of 1.0375 or 17421
greater, the greater of the following: 17422

(1) The product of the district's per pupil parity aid 17423
calculated under division (C) of this section times the greater of 17424
its formula ADM or three-year average formula ADM; 17425

(2) The product of its per pupil alternative parity aid 17426
calculated under division (D) of this section times the greater of 17427
its formula ADM or three-year average formula ADM. 17428

(F) Pay every other district the product of its per pupil 17429
parity aid calculated under division (C) of this section times the 17430
greater of its formula ADM or three-year average formula ADM. 17431

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 17432
(C) of this section, any student enrolled in kindergarten more 17433
than half time shall be reported as one-half student under this 17434
section. 17435

(A) The superintendent of each city and exempted village 17436
school district and of each educational service center shall, for 17437
the schools under the superintendent's supervision, certify to the 17438
state board of education on or before the fifteenth day of October 17439
in each year for the first full school week in October the formula 17440
ADM, which shall consist of the average daily membership during 17441
such week of the sum of the following: 17442

(1) On an FTE basis, the number of students in grades 17443
kindergarten through twelve receiving any educational services 17444
from the district, except that the following categories of 17445
students shall not be included in the determination: 17446

(a) Students enrolled in adult education classes; 17447

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	17448 17449 17450
(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;	17451 17452 17453 17454
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	17455 17456
(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:	17457 17458 17459 17460 17461
(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;	17462 17463 17464 17465
(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;	17466 17467 17468
(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;	17469 17470 17471 17472
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	17473 17474 17475
(e) An educational service center or cooperative education district;	17476 17477

(f) Another school district under a cooperative education agreement, compact, or contract.	17478 17479
(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;	17480 17481 17482 17483 17484 17485 17486 17487
(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.	17488 17489 17490 17491 17492 17493 17494
(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the following student counts:	17495 17496 17497 17498
(1) The total average daily membership in regular day classes included in the report under division (A)(1) or (2) of this section for kindergarten, and each of grades one through twelve in schools under the superintendent's supervision;	17499 17500 17501 17502
(2) The number of all handicapped preschool children enrolled as of the first day of December in classes in the district that are eligible for approval under division (B) of section 3317.05 of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with rules adopted under that section;	17503 17504 17505 17506 17507 17508

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section, are 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, are enrolled in an adjacent or other school district under section 3313.98 of the Revised Code, are enrolled in a community school established under 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, or are participating in a program operated by a county MR/DD board or a state institution;

(4) The number of pupils enrolled in joint vocational schools;

(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;

(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;

(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;

(8) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving

special education services for category four handicaps described	17540
in division (D) of section 3317.013 of the Revised Code;	17541
(9) The average daily membership of handicapped children	17542
reported under division (A)(1) or (2) of this section receiving	17543
special education services for the category five handicap	17544
described in division (E) of section 3317.013 of the Revised Code;	17545
(10) The average daily membership of handicapped children	17546
reported under division (A)(1) or (2) of this section receiving	17547
special education services for category six handicaps described in	17548
division (F) of section 3317.013 of the Revised Code;	17549
(11) The average daily membership of pupils reported under	17550
division (A)(1) or (2) of this section enrolled in category one	17551
vocational education programs or classes, described in division	17552
(A) of section 3317.014 of the Revised Code, operated by the	17553
school district or by another district, other than a joint	17554
vocational school district, or by an educational service center;	17555
(12) The average daily membership of pupils reported under	17556
division (A)(1) or (2) of this section enrolled in category two	17557
vocational education programs or services, described in division	17558
(B) of section 3317.014 of the Revised Code, operated by the	17559
school district or another school district, other than a joint	17560
vocational school district, or by an educational service center;	17561
(13) The average number of children transported by the school	17562
district on board-owned or contractor-owned and -operated buses,	17563
reported in accordance with rules adopted by the department of	17564
education;	17565
(14)(a) The number of children, other than handicapped	17566
preschool children, the district placed with a county MR/DD board	17567
in fiscal year 1998;	17568
(b) The number of handicapped children, other than	17569

handicapped preschool children, placed with a county MR/DD board	17570
in the current fiscal year to receive special education services	17571
for the category one handicap described in division (A) of section	17572
3317.013 of the Revised Code;	17573
(c) The number of handicapped children, other than	17574
handicapped preschool children, placed with a county MR/DD board	17575
in the current fiscal year to receive special education services	17576
for category two handicaps described in division (B) of section	17577
3317.013 of the Revised Code;	17578
(d) The number of handicapped children, other than	17579
handicapped preschool children, placed with a county MR/DD board	17580
in the current fiscal year to receive special education services	17581
for category three handicaps described in division (C) of section	17582
3317.013 of the Revised Code;	17583
(e) The number of handicapped children, other than	17584
handicapped preschool children, placed with a county MR/DD board	17585
in the current fiscal year to receive special education services	17586
for category four handicaps described in division (D) of section	17587
3317.013 of the Revised Code;	17588
(f) The number of handicapped children, other than	17589
handicapped preschool children, placed with a county MR/DD board	17590
in the current fiscal year to receive special education services	17591
for the category five handicap described in division (E) of	17592
section 3317.013 of the Revised Code;	17593
(g) The number of handicapped children, other than	17594
handicapped preschool children, placed with a county MR/DD board	17595
in the current fiscal year to receive special education services	17596
for category six handicaps described in division (F) of section	17597
3317.013 of the Revised Code.	17598
(C)(1) Except as otherwise provided in this section for	17599
kindergarten students, the average daily membership in divisions	17600

(B)(1) to (12) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section.

(2) A student enrolled in a community school established under Chapter 3314. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school for purposes of section 3314.08 of the Revised Code.

(3) No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division (A), divisions (B)(1) to (12), or division (D) of this section, except as follows:

(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 17632
same proportion as the percentage of time that the child spends in 17633
the vocational education programs or classes. 17634

(4) Based on the information reported under this section, the 17635
department of education shall determine the total student count, 17636
as defined in section 3301.011 of the Revised Code, for each 17637
school district. 17638

(D)(1) The superintendent of each joint vocational school 17639
district shall certify to the superintendent of public instruction 17640
on or before the fifteenth day of October in each year for the 17641
first full school week in October the formula ADM, which, except 17642
as otherwise provided in this division, shall consist of the 17643
average daily membership during such week, on an FTE basis, of the 17644
number of students receiving any educational services from the 17645
district, including students enrolled in a community school 17646
established under Chapter 3314. of the Revised Code who are 17647
attending the joint vocational district under an agreement between 17648
the district board of education and the governing authority of the 17649
community school and are entitled to attend school in a city, 17650
local, or exempted village school district whose territory is part 17651
of the territory of the joint vocational district. 17652

The following categories of students shall not be included in 17653
the determination made under division (D)(1) of this section: 17654

(a) Students enrolled in adult education classes; 17655

(b) Adjacent or other district joint vocational students 17656
enrolled in the district under an open enrollment policy pursuant 17657
to section 3313.98 of the Revised Code; 17658

(c) Students receiving services in the district pursuant to a 17659
compact, cooperative education agreement, or a contract, but who 17660
are entitled to attend school in a city, local, or exempted 17661
village school district whose territory is not part of the 17662

territory of the joint vocational district;	17663
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	17664 17665
(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students:	17666 17667 17668 17669 17670 17671
(a) Students enrolled in each grade included in the joint vocational district schools;	17672 17673
(b) Handicapped children receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;	17674 17675 17676
(c) Handicapped children receiving special education services for the category two handicaps described in division (B) of section 3317.013 of the Revised Code;	17677 17678 17679
(d) Handicapped children receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;	17680 17681 17682
(e) Handicapped children receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;	17683 17684 17685
(f) Handicapped children receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	17686 17687 17688
(g) Handicapped children receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;	17689 17690 17691
(h) Students receiving category one vocational education	17692

services, described in division (A) of section 3317.014 of the Revised Code;	17693 17694
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	17695 17696 17697
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.	17698 17699 17700 17701 17702
(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:	17703 17704 17705 17706 17707 17708 17709 17710 17711 17712 17713 17714 17715 17716 17717
(1) Any pupil who has graduated from the twelfth grade of a public high school;	17718 17719
(2) Any pupil who is not a resident of the state;	17720
(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more	17721 17722 17723

of the tests required by that section and was not excused pursuant 17724
to division (C)(1) or (3) of that section; 17725

(4) Any pupil who has attained the age of twenty-two years, 17726
except for veterans of the armed services whose attendance was 17727
interrupted before completing the recognized twelve-year course of 17728
the public schools by reason of induction or enlistment in the 17729
armed forces and who apply for reenrollment in the public school 17730
system of their residence not later than four years after 17731
termination of war or their honorable discharge. 17732

If, however, any veteran described by division (E)(4) of this 17733
section elects to enroll in special courses organized for veterans 17734
for whom tuition is paid under the provisions of federal laws, or 17735
otherwise, that veteran shall not be included in average daily 17736
membership. 17737

Notwithstanding division (E)(3) of this section, the 17738
membership of any school may include a pupil who did not take a 17739
test required by section 3301.0711 of the Revised Code if the 17740
superintendent of public instruction grants a waiver from the 17741
requirement to take the test to the specific pupil. The 17742
superintendent may grant such a waiver only for good cause in 17743
accordance with rules adopted by the state board of education. 17744

Except as provided in divisions (B)(2) and (F) of this 17745
section, the average daily membership figure of any local, city, 17746
exempted village, or joint vocational school district shall be 17747
determined by dividing the figure representing the sum of the 17748
number of pupils enrolled during each day the school of attendance 17749
is actually open for instruction during the first full school week 17750
in October by the total number of days the school was actually 17751
open for instruction during that week. For purposes of state 17752
funding, "enrolled" persons are only those pupils who are 17753
attending school, those who have attended school during the 17754

current school year and are absent for authorized reasons, and 17755
those handicapped children currently receiving home instruction. 17756

The average daily membership figure of any cooperative 17757
education school district shall be determined in accordance with 17758
rules adopted by the state board of education. 17759

(F)(1) If the formula ADM for the first full school week in 17760
February is at least three per cent greater than that certified 17761
for the first full school week in the preceding October, the 17762
superintendent of schools of any city, exempted village, or joint 17763
vocational school district or educational service center shall 17764
certify such increase to the superintendent of public instruction. 17765
Such certification shall be submitted no later than the fifteenth 17766
day of February. For the balance of the fiscal year, beginning 17767
with the February payments, the superintendent of public 17768
instruction shall use the increased formula ADM in calculating or 17769
recalculating the amounts to be allocated in accordance with 17770
section 3317.022 or 3317.16 of the Revised Code. In no event shall 17771
the superintendent use an increased membership certified to the 17772
superintendent after the fifteenth day of February. 17773

(2) If on the first school day of April the total number of 17774
classes or units for handicapped preschool children that are 17775
eligible for approval under division (B) of section 3317.05 of the 17776
Revised Code exceeds the number of units that have been approved 17777
for the year under that division, the superintendent of schools of 17778
any city, exempted village, or cooperative education school 17779
district or educational service center shall make the 17780
certifications required by this section for that day. If the 17781
department determines additional units can be approved for the 17782
fiscal year within any limitations set forth in the acts 17783
appropriating moneys for the funding of such units, the department 17784
shall approve additional units for the fiscal year on the basis of 17785
such average daily membership. For each unit so approved, the 17786

department shall pay an amount computed in the manner prescribed 17787
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 17788
Code. 17789

(3) If a student attending a community school under Chapter 17790
3314. of the Revised Code is not included in the formula ADM 17791
certified for the first full school week of October for the school 17792
district in which the student is entitled to attend school under 17793
section 3313.64 or 3313.65 of the Revised Code, the department of 17794
education shall adjust the formula ADM of that school district to 17795
include the community school student in accordance with division 17796
(C)(2) of this section, and shall recalculate the school 17797
district's payments under this chapter for the entire fiscal year 17798
on the basis of that adjusted formula ADM. This requirement 17799
applies regardless of whether the student was enrolled, as defined 17800
in division (E) of this section, in the community school during 17801
the first full school week in October. 17802

(G)(1)(a) The superintendent of an institution operating a 17803
special education program pursuant to section 3323.091 of the 17804
Revised Code shall, for the programs under such superintendent's 17805
supervision, certify to the state board of education ~~the, in the~~ 17806
manner prescribed by the superintendent of public instruction, 17807
both of the following: 17808

(i) The average daily membership of all handicapped children 17809
other than handicapped preschool children receiving services at 17810
the institution for each category of handicap described in 17811
divisions (A) to (F) of section 3317.013 of the Revised Code; 17812

(ii) The average daily membership of all handicapped 17813
preschool children in classes or programs approved annually by the 17814
department of education, ~~in the manner prescribed by the~~ 17815
superintendent of public instruction for unit funding under 17816
section 3317.05 of the Revised Code. 17817

(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.

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the number of all handicapped preschool children enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

(3)(a) If on the first school day of April the number of classes or units maintained for handicapped preschool children by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.

(b) If the department determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (G)(3)(a) of this section, the department shall approve and fund additional units for the

fiscal year on the basis of such average daily membership. For 17849
each unit so approved, the department shall pay an amount computed 17850
in the manner prescribed in sections 3317.052 and 3317.053 of the 17851
Revised Code. 17852

(H) Except as provided in division (I) of this section, when 17853
any city, local, or exempted village school district provides 17854
instruction for a nonresident pupil whose attendance is 17855
unauthorized attendance as defined in section 3327.06 of the 17856
Revised Code, that pupil's membership shall not be included in 17857
that district's membership figure used in the calculation of that 17858
district's formula ADM or included in the determination of any 17859
unit approved for the district under section 3317.05 of the 17860
Revised Code. The reporting official shall report separately the 17861
average daily membership of all pupils whose attendance in the 17862
district is unauthorized attendance, and the membership of each 17863
such pupil shall be credited to the school district in which the 17864
pupil is entitled to attend school under division (B) of section 17865
3313.64 or section 3313.65 of the Revised Code as determined by 17866
the department of education. 17867

(I)(1) A city, local, exempted village, or joint vocational 17868
school district admitting a scholarship student of a pilot project 17869
district pursuant to division (C) of section 3313.976 of the 17870
Revised Code may count such student in its average daily 17871
membership. 17872

(2) In any year for which funds are appropriated for pilot 17873
project scholarship programs, a school district implementing a 17874
state-sponsored pilot project scholarship program that year 17875
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 17876
count in average daily membership: 17877

(a) All children residing in the district and utilizing a 17878
scholarship to attend kindergarten in any alternative school, as 17879

defined in section 3313.974 of the Revised Code; 17880

(b) All children who were enrolled in the district in the 17881
preceding year who are utilizing a scholarship to attend any such 17882
alternative school. 17883

(J) The superintendent of each cooperative education school 17884
district shall certify to the superintendent of public 17885
instruction, in a manner prescribed by the state board of 17886
education, the applicable average daily memberships for all 17887
students in the cooperative education district, also indicating 17888
the city, local, or exempted village district where each pupil is 17889
entitled to attend school under section 3313.64 or 3313.65 of the 17890
Revised Code. 17891

Sec. 3317.05. (A) For the purpose of calculating payments 17892
under sections 3317.052 and 3317.053 of the Revised Code, the 17893
department of education shall determine for each institution, by 17894
the last day of January of each year and based on information 17895
certified under section 3317.03 of the Revised Code, the number of 17896
vocational education units or fractions of units approved by the 17897
department on the basis of standards and rules adopted by the 17898
state board of education. As used in this division, "institution" 17899
means an institution operated by a department specified in section 17900
3323.091 of the Revised Code and that provides vocational 17901
education programs under the supervision of the division of 17902
vocational education of the department that meet the standards and 17903
rules for these programs, including licensure of professional 17904
staff involved in the programs, as established by the state board. 17905

(B) For the purpose of calculating payments under sections 17906
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 17907
department shall determine, based on information certified under 17908
section 3317.03 of the Revised Code, the following by the last day 17909
of January of each year for each educational service center, for 17910

each school district, including each cooperative education school 17911
district, for each institution eligible for payment under section 17912
3323.091 of the Revised Code, and for each county MR/DD board: the 17913
number of classes operated by the school district, service center, 17914
institution, or county MR/DD board for handicapped preschool 17915
children, or fraction thereof, including in the case of a district 17916
or service center that is a funding agent, classes taught by a 17917
licensed teacher employed by that district or service center under 17918
section 3313.841 of the Revised Code, approved annually by the 17919
department on the basis of standards and rules adopted by the 17920
state board. 17921

(C) For the purpose of calculating payments under sections 17922
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 17923
department shall determine, based on information certified under 17924
section 3317.03 of the Revised Code, the following by the last day 17925
of January of each year for each school district, including each 17926
cooperative education school district, for each institution 17927
eligible for payment under section 3323.091 of the Revised Code, 17928
and for each county MR/DD board: the number of preschool 17929
handicapped related services units for child study, occupational, 17930
physical, or speech and hearing therapy, special education 17931
supervisors, and special education coordinators approved annually 17932
by the department on the basis of standards and rules adopted by 17933
the state board. 17934

~~(D) For the purpose of calculating payments under sections 17935
3317.052 and 3317.053 of the Revised Code, the department shall 17936
determine, based on information certified under section 3317.03 of 17937
the Revised Code, the following by the last day of January of each 17938
year for each institution eligible for payment under section 17939
3323.091 of the Revised Code: 17940~~

~~(1) The number of classes operated by an institution for 17941
handicapped children other than handicapped preschool children, or 17942~~

~~fraction thereof, approved annually by the department on the basis of standards and rules adopted by the state board;~~ 17943
17944

~~(2) The number of related services units for children other than handicapped preschool children for child study, occupational, physical, or speech and hearing therapy, special education supervisors, and special education coordinators approved annually by the department on the basis of standards and rules adopted by the state board.~~ 17945
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~~(E) All of the arithmetical calculations made under this section shall be carried to the second decimal place. The total number of units for school districts, service centers, and institutions approved annually under this section shall not exceed the number of units included in the estimate of cost for these units and appropriations made for them by the general assembly.~~ 17951
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~~In the case of units described in division (D)(1) of this section operated by institutions eligible for payment under section 3323.091 of the Revised Code, the department shall approve only units for persons who are under age twenty two on the first day of the academic year, but not less than six years of age on the thirtieth day of September of that year, except that such a unit may include one or more children who are under six years of age on the thirtieth day of September if such children have been admitted to the unit pursuant to rules of the state board. In the case of handicapped preschool units described in division (B) of this section, the department shall approve only preschool units for children who are under age six but not less than age three on the first day of December of the academic year, except that such a unit may include one or more children who are under age three or are age six or over on the first day of December, as reported under division (B)(2) or (G)(2)(b) of section 3317.03 of the Revised Code, if such children have been admitted to the unit pursuant to rules of the state board. The number of units for~~ 17957
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county MR/DD boards and institutions eligible for payment under 17975
section 3323.091 of the Revised Code approved under this section 17976
shall not exceed the number that can be funded with appropriations 17977
made for such purposes by the general assembly. 17978

No unit shall be approved under divisions (B) ~~to (D)~~ and (C) 17979
of this section unless a plan has been submitted and approved 17980
under Chapter 3323. of the Revised Code. 17981

~~(F)~~(E) The department shall approve units or fractions 17982
thereof for gifted children on the basis of standards and rules 17983
adopted by the state board. 17984

Sec. 3317.052. As used in this section, "institution" means 17985
an institution operated by a department specified in division (A) 17986
of section 3323.091 of the Revised Code. 17987

(A)(1) The department of education shall pay each school 17988
district, educational service center, institution eligible for 17989
payment under section 3323.091 of the Revised Code, or county 17990
MR/DD board an amount for the total of all classroom units for 17991
handicapped preschool children approved under division (B) of 17992
section 3317.05 of the Revised Code. For each unit, the amount 17993
shall be the sum of the minimum salary for the teacher of the 17994
unit, calculated on the basis of the teacher's training level and 17995
years of experience pursuant to the salary schedule prescribed in 17996
the version of section 3317.13 of the Revised Code in effect prior 17997
to ~~the effective date of this amendment~~ July 1, 2001, plus fifteen 17998
per cent of that minimum salary amount, and eight thousand 17999
twenty-three dollars. 18000

(2) The department shall pay each school district, 18001
educational service center, institution eligible for payment under 18002
section 3323.091 of the Revised Code, or county MR/DD board an 18003
amount for the total of all related services units for handicapped 18004
preschool children approved under division (C) of section 3317.05 18005

of the Revised Code. For each such unit, the amount shall be the
sum of the minimum salary for the teacher of the unit calculated
on the basis of the teacher's training level and years of
experience pursuant to the salary schedule prescribed in the
version of section 3317.13 of the Revised Code in effect prior to
~~the effective date of this amendment~~ July 1, 2001, fifteen per
cent of that minimum salary amount, and two thousand one hundred
thirty-two dollars.

(B) If a school district, educational service center, or
county MR/DD board has had additional handicapped preschool units
approved for the year under division (F)(2) or (G)(3) of section
3317.03 of the Revised Code, the district, educational service
center, or board shall receive an additional amount during the
last half of the fiscal year. For each district, center, or board,
the additional amount for each unit shall equal fifty per cent of
the amounts computed for the unit in the manner prescribed by
division (A) of this section and division (C) of section 3317.053
of the Revised Code.

~~(C)(1) The department shall pay each institution eligible for
payment under section 3323.091 of the Revised Code or county MR/DD
board an amount for the total of all special education units
approved under division (D)(1) of section 3317.05 of the Revised
Code. The amount for each unit shall be the sum of the minimum
salary for the teacher of the unit, calculated on the basis of the
teacher's training level and years of experience pursuant to the
salary schedule prescribed in the version of section 3317.13 of
the Revised Code in effect prior to the effective date of this
amendment, plus fifteen per cent of that minimum salary amount,
and eight thousand twenty three dollars.~~

~~(2) The department shall pay each institution eligible for
payment under section 3323.091 of the Revised Code an amount for
the total of all related services units approved under division~~

~~(D)(2) of section 3317.05 of the Revised Code. The amount for each unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment, plus fifteen per cent of that minimum salary amount, and two thousand one hundred thirty two dollars.~~ 18038
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~~(D)~~ The department shall pay each institution approved for vocational education units under division (A) of section 3317.05 of the Revised Code an amount for the total of all the units approved under that division. The amount for each unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to ~~the effective date of this amendment~~ July 1, 2001, plus fifteen per cent of that minimum salary amount, and nine thousand five hundred ten dollars. 18046
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Sec. 3317.053. (A) As used in this section: 18057

(1) "State share percentage" has the same meaning as in section 3317.022 of the Revised Code. 18058
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(2) "Dollar amount" means the amount shown in the following table for the corresponding type of unit: 18060
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TYPE OF UNIT	DOLLAR AMOUNT	
Division (B) of section 3317.05 of the Revised Code	\$8,334	18062 18063 18064
Division (C) of that section	\$3,234	18065
Division (F) (E) of that section	\$5,550	18066

(3) "Average unit amount" means the amount shown in the 18067

following table for the corresponding type of unit:	18068	
	18069	
TYPE OF UNIT	AVERAGE UNIT AMOUNT	18070
Division (B) of section 3317.05		18071
of the Revised Code	\$7,799	18072
Division (C) of that section	\$2,966	18073
Division (F) (E) of that section	\$5,251	18074
(B) In the case of each unit described in division (B), (C),		18075
or (F) (E) of section 3317.05 of the Revised Code and allocated to		18076
a city, local, or exempted village school district, the department		18077
of education, in addition to the amounts specified in division (P)		18078
of section 3317.024 and sections 3317.052 and 3317.19 of the		18079
Revised Code, shall pay a supplemental unit allowance equal to the		18080
sum of the following amounts:		18081
(1) An amount equal to 50% of the average unit amount for the		18082
unit;		18083
(2) An amount equal to the percentage of the dollar amount		18084
for the unit that equals the district's state share percentage.		18085
If, prior to the fifteenth day of May of a fiscal year, a		18086
school district's aid computed under section 3317.022 of the		18087
Revised Code is recomputed pursuant to section 3317.027 or		18088
3317.028 of the Revised Code, the department shall also recompute		18089
the district's entitlement to payment under this section utilizing		18090
a new state share percentage. Such new state share percentage		18091
shall be determined using the district's recomputed basic aid		18092
amount pursuant to section 3317.027 or 3317.028 of the Revised		18093
Code. During the last six months of the fiscal year, the		18094
department shall pay the district a sum equal to one-half of the		18095
recomputed payment in lieu of one-half the payment otherwise		18096
calculated under this section.		18097
(C)(1) In the case of each unit allocated to an institution		18098

pursuant to division (A) of section 3317.05 of the Revised Code, 18099
the department, in addition to the amount specified in section 18100
3317.052 of the Revised Code, shall pay a supplemental unit 18101
allowance of \$7,227. 18102

(2) In the case of each unit described in division (B) ~~or~~ 18103
~~(D)(1)~~ of section 3317.05 of the Revised Code that is allocated to 18104
any entity other than a city, exempted village, or local school 18105
district, the department, in addition to the amount specified in 18106
section 3317.052 of the Revised Code, shall pay a supplemental 18107
unit allowance of \$7,799. 18108

(3) In the case of each unit described in division (C) ~~or~~ 18109
~~(D)(2)~~ of section 3317.05 of the Revised Code and allocated to any 18110
entity other than a city, exempted village, or local school 18111
district, the department, in addition to the amounts specified in 18112
section 3317.052 of the Revised Code, shall pay a supplemental 18113
unit allowance of \$2,966. 18114

(4) In the case of each unit described in division ~~(F)~~(E) of 18115
section 3317.05 of the Revised Code and allocated to an 18116
educational service center, the department, in addition to the 18117
amounts specified in division (P) of section 3317.024 of the 18118
Revised Code, shall pay a supplemental unit allowance of \$5,251. 18119

Sec. 3317.06. Moneys paid to school districts under division 18120
(L) of section 3317.024 of the Revised Code shall be used for the 18121
following independent and fully severable purposes: 18122

(A) To purchase such secular textbooks or electronic 18123
textbooks as have been approved by the superintendent of public 18124
instruction for use in public schools in the state and to loan 18125
such textbooks or electronic textbooks to pupils attending 18126
nonpublic schools within the district or to their parents and to 18127
hire clerical personnel to administer such lending program. Such 18128

loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests for the loan of textbooks or electronic textbooks shall, for administrative convenience, be submitted by the nonpublic school pupil or the pupil's parent to the nonpublic school, which shall prepare and submit collective summaries of the individual requests to the school district. As used in this section:

(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the pupil regularly attends.

(2) "Electronic textbook" means computer software, interactive videodisc, magnetic media, CD-ROM, computer courseware, local and remote computer assisted instruction, on-line service, electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means.

(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district. Such service shall be provided in the nonpublic school attended by the pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and 18160
hearing services to pupils attending nonpublic schools within the 18161
district. Such services shall be provided in the public school, in 18162
nonpublic schools, in public centers, or in mobile units located 18163
on or off of the nonpublic premises. If such services are provided 18164
in the public school or in public centers, transportation to and 18165
from such facilities shall be provided by the school district in 18166
which the nonpublic school is located. 18167

(F) To provide guidance and counseling services to pupils 18168
attending nonpublic schools within the district. Such services 18169
shall be provided in the public school, in nonpublic schools, in 18170
public centers, or in mobile units located on or off of the 18171
nonpublic premises. If such services are provided in the public 18172
school or in public centers, transportation to and from such 18173
facilities shall be provided by the school district in which the 18174
nonpublic school is located. 18175

(G) To provide remedial services to pupils attending 18176
nonpublic schools within the district. Such services shall be 18177
provided in the public school, in nonpublic schools, in public 18178
centers, or in mobile units located on or off of the nonpublic 18179
premises. If such services are provided in the public school or in 18180
public centers, transportation to and from such facilities shall 18181
be provided by the school district in which the nonpublic school 18182
is located. 18183

(H) To supply for use by pupils attending nonpublic schools 18184
within the district such standardized tests and scoring services 18185
as are in use in the public schools of the state; 18186

(I) To provide programs for children who attend nonpublic 18187
schools within the district and are handicapped children as 18188
defined in division (A) of section 3323.01 of the Revised Code or 18189
gifted children. Such programs shall be provided in the public 18190

school, in nonpublic schools, in public centers, or in mobile 18191
units located on or off of the nonpublic premises. If such 18192
programs are provided in the public school or in public centers, 18193
transportation to and from such facilities shall be provided by 18194
the school district in which the nonpublic school is located. 18195

(J) To hire clerical personnel to assist in the 18196
administration of programs pursuant to divisions (B), (C), (D), 18197
(E), (F), (G), and (I) of this section and to hire supervisory 18198
personnel to supervise the providing of services and textbooks 18199
pursuant to this section. 18200

(K) To purchase or lease any secular, neutral, and 18201
nonideological computer software (including site-licensing), 18202
prerecorded video laserdiscs, digital video on demand (DVD), 18203
compact discs, and video cassette cartridges, wide area 18204
connectivity and related technology as it relates to internet 18205
access, mathematics or science equipment and materials, 18206
instructional materials, and school library materials that are in 18207
general use in the public schools of the state and loan such items 18208
to pupils attending nonpublic schools within the district or to 18209
their parents, and to hire clerical personnel to administer the 18210
lending program. Only such items that are incapable of diversion 18211
to religious use and that are susceptible of loan to individual 18212
pupils and are furnished for the use of individual pupils shall be 18213
purchased and loaned under this division. As used in this section, 18214
"instructional materials" means prepared learning materials that 18215
are secular, neutral, and nonideological in character and are of 18216
benefit to the instruction of school children, and may include 18217
educational resources and services developed by the agency 18218
designated by the governor to assume the functions of the Ohio 18219
schoolnet commission. 18220

(L) To purchase or lease instructional equipment, including 18221
computer hardware and related equipment in general use in the 18222

public schools of the state, for use by pupils attending nonpublic 18223
schools within the district and to loan such items to pupils 18224
attending nonpublic schools within the district or to their 18225
parents, and to hire clerical personnel to administer the lending 18226
program. 18227

(M) To purchase mobile units to be used for the provision of 18228
services pursuant to divisions (E), (F), (G), and (I) of this 18229
section and to pay for necessary repairs and operating costs 18230
associated with these units. 18231

Clerical and supervisory personnel hired pursuant to division 18232
(J) of this section shall perform their services in the public 18233
schools, in nonpublic schools, public centers, or mobile units 18234
where the services are provided to the nonpublic school pupil, 18235
except that such personnel may accompany pupils to and from the 18236
service sites when necessary to ensure the safety of the children 18237
receiving the services. 18238

All services provided pursuant to this section may be 18239
provided under contract with educational service centers, the 18240
department of health, city or general health districts, or private 18241
agencies whose personnel are properly licensed by an appropriate 18242
state board or agency. 18243

Transportation of pupils provided pursuant to divisions (E), 18244
(F), (G), and (I) of this section shall be provided by the school 18245
district from its general funds and not from moneys paid to it 18246
under division (L) of section 3317.024 of the Revised Code unless 18247
a special transportation request is submitted by the parent of the 18248
child receiving service pursuant to such divisions. If such an 18249
application is presented to the school district, it may pay for 18250
the transportation from moneys paid to it under division (L) of 18251
section 3317.024 of the Revised Code. 18252

No school district shall provide health or remedial services 18253

to nonpublic school pupils as authorized by this section unless 18254
such services are available to pupils attending the public schools 18255
within the district. 18256

Materials, equipment, computer hardware or software, 18257
textbooks, electronic textbooks, and health and remedial services 18258
provided for the benefit of nonpublic school pupils pursuant to 18259
this section and the admission of pupils to such nonpublic schools 18260
shall be provided without distinction as to race, creed, color, or 18261
national origin of such pupils or of their teachers. 18262

No school district shall provide services, materials, or 18263
equipment that contain religious content for use in religious 18264
courses, devotional exercises, religious training, or any other 18265
religious activity. 18266

As used in this section, "parent" includes a person standing 18267
in loco parentis to a child. 18268

Notwithstanding section 3317.01 of the Revised Code, payments 18269
shall be made under this section to any city, local, or exempted 18270
village school district within which is located one or more 18271
nonpublic elementary or high schools and any payments made to 18272
school districts under division (L) of section 3317.024 of the 18273
Revised Code for purposes of this section may be disbursed without 18274
submission to and approval of the controlling board. 18275

The allocation of payments for materials, equipment, 18276
textbooks, electronic textbooks, health services, and remedial 18277
services to city, local, and exempted village school districts 18278
shall be on the basis of the state board of education's estimated 18279
annual average daily membership in nonpublic elementary and high 18280
schools located in the district. 18281

Payments made to city, local, and exempted village school 18282
districts under this section shall be equal to specific 18283
appropriations made for the purpose. All interest earned by a 18284

school district on such payments shall be used by the district for 18285
the same purposes and in the same manner as the payments may be 18286
used. 18287

The department of education shall adopt guidelines and 18288
procedures under which such programs and services shall be 18289
provided, under which districts shall be reimbursed for 18290
administrative costs incurred in providing such programs and 18291
services, and under which any unexpended balance of the amounts 18292
appropriated by the general assembly to implement this section may 18293
be transferred to the auxiliary services personnel unemployment 18294
compensation fund established pursuant to section 4141.47 of the 18295
Revised Code. The department shall also adopt guidelines and 18296
procedures limiting the purchase and loan of the items described 18297
in division (K) of this section to items that are in general use 18298
in the public schools of the state, that are incapable of 18299
diversion to religious use, and that are susceptible to individual 18300
use rather than classroom use. Within thirty days after the end of 18301
each biennium, each board of education shall remit to the 18302
department all moneys paid to it under division (L) of section 18303
3317.024 of the Revised Code and any interest earned on those 18304
moneys that are not required to pay expenses incurred under this 18305
section during the biennium for which the money was appropriated 18306
and during which the interest was earned. If a board of education 18307
subsequently determines that the remittal of moneys leaves the 18308
board with insufficient money to pay all valid expenses incurred 18309
under this section during the biennium for which the remitted 18310
money was appropriated, the board may apply to the department of 18311
education for a refund of money, not to exceed the amount of the 18312
insufficiency. If the department determines the expenses were 18313
lawfully incurred and would have been lawful expenditures of the 18314
refunded money, it shall certify its determination and the amount 18315
of the refund to be made to the director of job and family 18316

services who shall make a refund as provided in section 4141.47 of 18317
the Revised Code. 18318

Sec. 3317.081. (A) Tuition shall be computed in accordance 18319
with this section if: 18320

(1) The tuition is required by division (C)(3)(b) of section 18321
3313.64 of the Revised Code; or 18322

(2) Neither the child nor the child's parent resides in this 18323
state and tuition is required by section 3327.06 of the Revised 18324
Code. 18325

(B) Tuition computed in accordance with this section shall 18326
equal the attendance district's tuition rate computed under 18327
section 3317.08 of the Revised Code plus the amount that district 18328
would have received for the child pursuant to sections 3317.022, 18329
3317.023, and 3317.025 to ~~3317.0213~~ 3317.0212 of the Revised Code 18330
during the school year had the attendance district been authorized 18331
to count the child in its formula ADM for that school year under 18332
section 3317.03 of the Revised Code. 18333

Sec. 3317.10. (A) On or before the first day of March of each 18334
year, the department of job and family services shall certify to 18335
the state board of education the unduplicated number of children 18336
ages five through seventeen residing in each school district and 18337
living in a family that, during the preceding October, had family 18338
income not exceeding the federal poverty guidelines as defined in 18339
section 5101.46 of the Revised Code and participated in one of the 18340
following: 18341

(1) Ohio works first; 18342

(2) The food stamp program; 18343

(3) The medical assistance program, including the healthy 18344
start program, established under Chapter 5111. of the Revised 18345

Code; 18346

(4) The children's health insurance program part I 18347
established under section 5101.50 of the Revised Code; 18348

(5) The disability financial assistance program established 18349
under Chapter 5115. of the Revised Code; 18350

~~(6) The disability medical assistance program established 18351
under Chapter 5115. of the Revised Code. 18352~~

The department of job and family services shall certify this 18353
information according to the school district of residence for each 18354
child. Except as provided under division (B) of this section, the 18355
number of children so certified in any year shall be used by the 18356
department of education in calculating the distribution of moneys 18357
for the ensuing fiscal year as provided in section 3317.029 of the 18358
Revised Code. 18359

(B) Upon the transfer of part of the territory of one school 18360
district to the territory of one or more other school districts, 18361
the department of education may adjust the number of children 18362
certified under division (A) of this section for any district 18363
gaining or losing territory in such a transfer in order to take 18364
into account the effect of the transfer on the number of such 18365
children who reside in the district. Within sixty days of receipt 18366
of a request for information from the department of education, the 18367
department of job and family services shall provide any 18368
information the department of education determines is necessary to 18369
make such adjustments. The department of education may use the 18370
adjusted number for any district for the applicable fiscal year, 18371
in lieu of the number certified for the district for that fiscal 18372
year under division (A) of this section, in the calculation of the 18373
distribution of moneys provided in section 3317.029 of the Revised 18374
Code. 18375

Sec. 3317.16. (A) As used in this section:	18376
(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:	18377 18378
(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero.	18379 18380 18381 18382
(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to <u>the greater of</u> the following:	18383 18384 18385
cost of doing business factor X	18386
the formula amount X	18387
formula ADM	18388
<u>(i) Cost-of-doing-business factor for fiscal year 2005 X formula amount for fiscal year 2005 X formula ADM for fiscal year 2005;</u>	18389 18390 18391
<u>(ii) Formula amount for the current fiscal year X the greater of current formula ADM or three-year average formula ADM.</u>	18392 18393
The resultant number is the district's state share percentage.	18394 18395
(2) The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(1) of section 3317.022 of the Revised Code.	18396 18397 18398 18399
(3) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(4) of section 3317.022 of the Revised Code.	18400 18401 18402 18403
(4) The "total recognized valuation" of a joint vocational	18404

school district shall be determined by adding the recognized 18405
valuations of all its constituent school districts for the 18406
applicable fiscal year. 18407

(5) "Resident district" means the city, local, or exempted 18408
village school district in which a student is entitled to attend 18409
school under section 3313.64 or 3313.65 of the Revised Code. 18410

(6) "Community school" means a community school established 18411
under Chapter 3314. of the Revised Code. 18412

(B) The department of education shall compute and distribute 18413
state base cost funding to each joint vocational school district 18414
for the fiscal year in accordance with ~~the following formula:~~ 18415

$$\begin{aligned} & \text{(~~cost of doing business factor X~~ 18416} \\ & \quad \text{formula amount X 18417} \\ & \quad \text{formula ADM) — 18418} \\ & \text{(.0005 X total recognized valuation) 18419} \end{aligned}$$

division (B) of this section. 18420

Compute both of the following for each joint vocational 18421
school district: 18422

(1) Cost-of-doing-business factor for fiscal year 2005 X 18423
formula amount for fiscal year 2005 X formula ADM for fiscal year 18424
2005; 18425

(2) Formula amount for the current fiscal year X the greater 18426
of current formula ADM or three-year average formula ADM. 18427

Each joint vocational district's base cost funding shall be 18428
the greater of the amount computed under division (B)(1) or (2) of 18429
this section minus (0.0005 times recognized valuation). 18430

If the difference obtained under this division is a negative 18431
number, the district's computation shall be zero. 18432

(C)(1) The department shall compute and distribute state 18433
vocational education additional weighted costs funds to each joint 18434

vocational school district in accordance with the following 18435
formula: 18436

state share percentage X formula amount X 18437
total vocational education weight 18438

In each fiscal year, a joint vocational school district 18439
receiving funds under division (C)(1) of this section shall spend 18440
those funds only for the purposes the department designates as 18441
approved for vocational education expenses. Vocational educational 18442
expenses approved by the department shall include only expenses 18443
connected to the delivery of career-technical programming to 18444
career-technical students. The department shall require the joint 18445
vocational school district to report data annually so that the 18446
department may monitor the district's compliance with the 18447
requirements regarding the manner in which funding received under 18448
division (C)(1) of this section may be spent. 18449

(2) The department shall compute for each joint vocational 18450
school district state funds for vocational education associated 18451
services costs in accordance with the following formula: 18452

state share percentage X .05 X 18453
the formula amount X the sum of 18454
categories one and two vocational 18455
education ADM 18456

In any fiscal year, a joint vocational school district 18457
receiving funds under division (C)(2) of this section, or through 18458
a transfer of funds pursuant to division (L) of section 3317.023 18459
of the Revised Code, shall spend those funds only for the purposes 18460
that the department designates as approved for vocational 18461
education associated services expenses, which may include such 18462
purposes as apprenticeship coordinators, coordinators for other 18463
vocational education services, vocational evaluation, and other 18464
purposes designated by the department. The department may deny 18465
payment under division (C)(2) of this section to any district that 18466

the department determines is not operating those services or is 18467
using funds paid under division (C)(2) of this section, or through 18468
a transfer of funds pursuant to division (L) of section 3317.023 18469
of the Revised Code, for other purposes. 18470

(D)(1) The department shall compute and distribute state 18471
special education and related services additional weighted costs 18472
funds to each joint vocational school district in accordance with 18473
the following formula: 18474

$$\frac{\text{state share percentage X formula amount X}}{\text{total special education weight}} \quad 18475 \quad 18476$$

(2)(a) As used in this division, the "personnel allowance" 18477
means thirty thousand dollars in fiscal years 2002, 2003, 2004, 18478
~~and 2005, 2006, and 2007.~~ 18479

(b) For the provision of speech language pathology services 18480
to students, including students who do not have individualized 18481
education programs prepared for them under Chapter 3323. of the 18482
Revised Code, and for no other purpose, the department shall pay 18483
each joint vocational school district an amount calculated under 18484
the following formula: 18485

$$\frac{(\text{formula ADM divided by 2000}) \text{ X the personnel}}{\text{allowance X state share percentage}} \quad 18486 \quad 18487$$

(3) In any fiscal year, a joint vocational school district 18488
shall spend for purposes that the department designates as 18489
approved for special education and related services expenses at 18490
least the amount calculated as follows: 18491

$$\frac{(\text{cost of doing business factor X formula amount}}{\text{X the sum of categories one through}} \quad 18492 \quad 18493$$

~~six special education ADM)~~ The greater of the amount calculated 18494
under division (D)(3)(a) or (b) of this section + 18495
(total special education weight X 18496
formula amount) 18497

In making the calculation required under division (D)(3) of this section, the department shall calculate for each joint vocational school district both of the following: 18498
18499
18500

(a) Cost-of-doing-business factor for fiscal year 2005 X formula amount for fiscal year 2005 X the sum of categories one through six special education ADM for fiscal year 2005; 18501
18502
18503

(b) Formula amount for the current fiscal year X the sum of categories one through six special education ADM for the current fiscal year. 18504
18505
18506

The purposes approved by the department for special education expenses shall include, but shall not be limited to, compliance with state rules governing the education of handicapped children, providing services identified in a student's individualized education program as defined in section 3323.01 of the Revised Code, provision of speech language pathology services, and the portion of the district's overall administrative and overhead costs that are attributable to the district's special education student population. 18507
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The department shall require joint vocational school districts to report data annually to allow for monitoring compliance with division (D)(3) of this section. The department shall annually report to the governor and the general assembly the amount of money spent by each joint vocational school district for special education and related services. 18516
18517
18518
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(4) In any fiscal year, a joint vocational school district shall spend for the provision of speech language pathology services not less than the sum of the amount calculated under division (D)(1) of this section for the students in the district's category one special education ADM and the amount calculated under division (D)(2) of this section. 18522
18523
18524
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(E)(1) If a joint vocational school district's costs for a 18528

fiscal year for a student in its categories two through six 18529
special education ADM exceed the threshold catastrophic cost for 18530
serving the student, as specified in division (C)(3)(b) of section 18531
3317.022 of the Revised Code, the district may submit to the 18532
superintendent of public instruction documentation, as prescribed 18533
by the superintendent, of all of its costs for that student. Upon 18534
submission of documentation for a student of the type and in the 18535
manner prescribed, the department shall pay to the district an 18536
amount equal to the sum of the following: 18537

(a) One-half of the district's costs for the student in 18538
excess of the threshold catastrophic cost; 18539

(b) The product of one-half of the district's costs for the 18540
student in excess of the threshold catastrophic cost multiplied by 18541
the district's state share percentage. 18542

(2) The district shall only report under division (E)(1) of 18543
this section, and the department shall only pay for, the costs of 18544
educational expenses and the related services provided to the 18545
student in accordance with the student's individualized education 18546
program. Any legal fees, court costs, or other costs associated 18547
with any cause of action relating to the student may not be 18548
included in the amount. 18549

(F) Each fiscal year, the department shall pay each joint 18550
vocational school district an amount for adult technical and 18551
vocational education and specialized consultants. 18552

(G)(1) A joint vocational school district's local share of 18553
special education and related services additional weighted costs 18554
equals: 18555

(1 - state share percentage) X 18556
Total special education weight X 18557
the formula amount 18558

(2) For each handicapped student receiving special education 18559

and related services under an individualized education program, as 18560
defined in section 3323.01 of the Revised Code, at a joint 18561
vocational district, the resident district or, if the student is 18562
enrolled in a community school, the community school shall be 18563
responsible for the amount of any costs of providing those special 18564
education and related services to that student that exceed the sum 18565
of the amount calculated for those services attributable to that 18566
student under divisions (B), (D), (E), and (G)(1) of this section. 18567

Those excess costs shall be calculated by subtracting the sum 18568
of the following from the actual cost to provide special education 18569
and related services to the student: 18570

(a) ~~The product of the formula amount times the~~ 18571
~~cost-of-doing-business-factor;~~ 18572

(b) The product of the formula amount times the applicable 18573
multiple specified in section 3317.013 of the Revised Code; 18574

(c) Any funds paid under division (E) of this section for the 18575
student; 18576

(d) Any other funds received by the joint vocational school 18577
district under this chapter to provide special education and 18578
related services to the student, not including the amount 18579
calculated under division (G)(2) of this section. 18580

(3) The board of education of the joint vocational school 18581
district ~~shall~~ may report the excess costs calculated under 18582
division (G)(2) of this section to the department of education. 18583

(4) ~~The~~ If the board of education of the joint vocational 18584
school district reports excess costs under division (G)(3) of this 18585
section, the department shall pay the amount of excess cost 18586
calculated under division (G)(2) of this section to the joint 18587
vocational school district and shall deduct that amount as 18588
provided in division (G)(4)(a) or (b) of this section, as 18589

applicable: 18590

(a) If the student is not enrolled in a community school, the 18591
department shall deduct the amount from the account of the 18592
student's resident district pursuant to division (M) of section 18593
3317.023 of the Revised Code. 18594

(b) If the student is enrolled in a community school, the 18595
department shall deduct the amount from the account of the 18596
community school pursuant to section 3314.083 of the Revised Code. 18597

(H) ~~It~~ No payments shall be made under this division for any 18598
fiscal year after fiscal year 2006. 18599

In any fiscal year prior to fiscal year 2007, if the total of 18600
all payments made to a joint vocational school district under 18601
divisions (B) to (D) of this section and division (R) of section 18602
3317.024 of the Revised Code is less than the amount that district 18603
received in fiscal year 1999 under the version of this section in 18604
effect that year, plus the amount that district received under the 18605
version of section 3317.162 of the Revised Code in effect that 18606
year and minus the amounts received that year for driver education 18607
and adult education, the department shall pay the district an 18608
additional amount equal to the following: 18609

(1) In any fiscal year prior to fiscal year 2006, the 18610
difference between those two amounts; 18611

(2) In fiscal year 2006, the difference between those two 18612
amounts X 0.50. 18613

Sec. 3317.20. This section does not apply to handicapped 18614
preschool children. 18615

(A) As used in this section: 18616

(1) "Applicable weight" means the multiple specified in 18617
section 3317.013 of the Revised Code for a handicap described in 18618
that section. 18619

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) "State share percentage" means the state share percentage of the child's school district as defined in section 3317.022 of the Revised Code.

(B) Except as provided in division (C) of this section, the department shall annually pay each county MR/DD board ~~an amount calculated under the following formula~~ the greater of the amount calculated under division (B)(1) or (2) of this section for each handicapped child, other than a handicapped preschool child, for whom the county MR/DD board provides special education and related services:

~~(formula amount X the cost-of-doing-business factor for the child's school district) + (state share percentage X formula amount X the applicable weight)~~

(1) (The formula amount for fiscal year 2005 X the cost-of-doing-business factor for the child's school district for fiscal year 2005) + (state share percentage for fiscal year 2005 X formula amount for fiscal year 2005 X the applicable weight);

(2) The formula amount + (state share percentage X formula amount X the applicable weight).

(C) If any school district places with a county MR/DD board more handicapped children than it had placed with a county MR/DD board in fiscal year 1998, the department shall not make a payment under division (B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter, and pay to the county MR/DD board, an amount calculated in accordance with the formula prescribed in division (B) of this

section for each child over the number of children placed in 18651
fiscal year 1998. 18652

(D) The department shall calculate for each county MR/DD 18653
board receiving payments under divisions (B) and (C) of this 18654
section the following amounts: 18655

(1) The amount received by the county MR/DD board for 18656
approved special education and related services units, other than 18657
preschool handicapped units, in fiscal year 1998, divided by the 18658
total number of children served in the units that year; 18659

(2) The product of the quotient calculated under division 18660
(D)(1) of this section times the number of children for whom 18661
payments are made under divisions (B) and (C) of this section. 18662

If the amount calculated under division (D)(2) of this 18663
section is greater than the total amount calculated under 18664
divisions (B) and (C) of this section, the department shall pay 18665
the county MR/DD board one hundred per cent of the difference in 18666
addition to the payments under divisions (B) and (C) of this 18667
section. 18668

Sec. 3317.201. This section does not apply to handicapped 18669
preschool children. 18670

(A) As used in this section, the "total special education 18671
weight" for an institution means the sum of the following amounts: 18672

(1) The number of children reported by the institution under 18673
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 18674
receiving services for a handicap described in division (A) of 18675
section 3317.013 of the Revised Code multiplied by the multiple 18676
specified in that division; 18677

(2) The number of children reported by the institution under 18678
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 18679
receiving services for a handicap described in division (B) of 18680

<u>section 3317.013 of the Revised Code multiplied by the multiple</u>	18681
<u>specified in that division;</u>	18682
<u>(3) The number of children reported by the institution under</u>	18683
<u>division (G)(1)(a)(i) of section 3317.03 of the Revised Code as</u>	18684
<u>receiving services for a handicap described in division (C) of</u>	18685
<u>section 3317.013 of the Revised Code multiplied by the multiple</u>	18686
<u>specified in that division;</u>	18687
<u>(4) The number of children reported by the institution under</u>	18688
<u>division (G)(1)(a)(i) of section 3317.03 of the Revised Code as</u>	18689
<u>receiving services for a handicap described in division (D) of</u>	18690
<u>section 3317.013 of the Revised Code multiplied by the multiple</u>	18691
<u>specified in that division;</u>	18692
<u>(5) The number of children reported by the institution under</u>	18693
<u>division (G)(1)(a)(i) of section 3317.03 of the Revised Code as</u>	18694
<u>receiving services for a handicap described in division (E) of</u>	18695
<u>section 3317.013 of the Revised Code multiplied by the multiple</u>	18696
<u>specified in that division;</u>	18697
<u>(6) The number of children reported by the institution under</u>	18698
<u>division (G)(1)(a)(i) of section 3317.03 of the Revised Code as</u>	18699
<u>receiving services for a handicap described in division (F) of</u>	18700
<u>section 3317.013 of the Revised Code multiplied by the multiple</u>	18701
<u>specified in that division.</u>	18702
<u>(B) The department of education annually shall pay each state</u>	18703
<u>institution required to provide special education services under</u>	18704
<u>division (A) of section 3323.091 of the Revised Code an amount</u>	18705
<u>equal to the greater of:</u>	18706
<u>(1) The formula amount times the institution's total special</u>	18707
<u>education weight;</u>	18708
<u>(2) The aggregate amount of special education and related</u>	18709
<u>services unit funding the institution received for all handicapped</u>	18710

children other than handicapped preschool children in fiscal year 18711
2005 under sections 3317.052 and 3317.053 of the Revised Code, as 18712
those sections existed prior to the effective date of this 18713
section. 18714

Sec. 3317.50. The ~~Ohio schoolnet~~ telecommunity education fund 18715
is hereby created in the state treasury. The fund shall consist of 18716
certain excess local exchange telephone company contributions 18717
transferred from the reserve fund of the Ohio telecommunications 18718
advisory board pursuant to an agreement between the public 18719
utilities commission of Ohio and the Ohio department of education. 18720
The fund shall be used to finance technology grants to 18721
state-chartered elementary and secondary schools. Investment 18722
earnings of the fund shall be credited to the fund. 18723

Sec. 3317.51. (A) The distance learning fund is hereby 18724
created in the state treasury. The fund shall consist of moneys 18725
paid to the agency designated by the governor to assume the 18726
functions of the Ohio SchoolNet commission by any telephone 18727
company as a part of a settlement agreement between such company 18728
and the public utilities commission in fiscal year 1995 in part to 18729
establish distance learning throughout the state. The ~~authority~~ 18730
agency shall administer the fund and expend moneys from it to 18731
finance technology grants to eligible schools chartered by the 18732
state board of education to establish distance learning in those 18733
schools. Chartered schools are eligible for funds if they are 18734
within the service area of the telephone company. Investment 18735
earnings of the fund shall be credited to the fund. 18736

(B) For purposes of this section, "distance learning" means 18737
the creation of a learning environment involving a school setting 18738
and at least one other location outside of the school which allows 18739
for information available at one site to be accessed at the other 18740

through the use of such educational applications as one-way or 18741
two-way transmission of data, voice, and video, singularly or in 18742
appropriate combinations. 18743

Sec. 3318.111. (A) As used in this section: 18744

(1) "Valuation" of a school district means the sum of the 18745
amounts described in divisions (A)(1) and (2) of section 3317.021 18746
of the Revised Code as most recently certified for the district 18747
before the annual computation is made under division (B) of this 18748
section. 18749

(2) "One-half-mill yield" of a school district means the 18750
amount of taxes that would be charged and payable against the 18751
district's valuation from a tax of one-half mill per dollar of 18752
that valuation. 18753

(3) "One-half-mill yield per pupil" of a school district 18754
means the district's one-half-mill yield divided by the district's 18755
formula ADM as most recently reported under section 3317.03 of the 18756
Revised Code before the annual computation is made under division 18757
(B) of this section. 18758

(4) "Statewide average yield per pupil" means the amount of 18759
taxes that would be charged and payable from a tax levied on the 18760
valuation of all school districts at the rate of one-half mill per 18761
dollar of that valuation divided by the total of the formula ADMs 18762
of all school districts as most recently reported under section 18763
3317.03 of the Revised Code before the annual computation is made 18764
under division (C) of this section. 18765

(5) "Maintenance levy requirement" means the tax required to 18766
be levied pursuant to division (C)(2)(a) of section 3318.08 and 18767
division (B) of section 3318.05 of the Revised Code or the 18768
application of proceeds of another levy to paying the costs of 18769
maintaining classroom facilities pursuant to division (A)(2) of 18770

section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 18771
or division (D)(2) of section 3318.36 of the Revised Code, or a 18772
combination thereof. 18773

(6) "Project agreement" means an agreement between a school 18774
district and the Ohio school facilities commission under section 18775
3318.08 or division (B)(1) of section 3318.36 of the Revised Code. 18776

(B) On or before July 1, 2006, the department of education 18777
shall compute the statewide average yield per pupil and the 18778
one-half-mill yield per pupil of each school district, and provide 18779
them to the Ohio school facilities commission. On or before the 18780
first day of July each year beginning in 2007, the department of 18781
education shall compute the statewide average yield per pupil and 18782
the one-half-mill yield per pupil of each school district that has 18783
already entered into a project agreement, and provide the results 18784
of those computations to the commission. 18785

(C)(1) At the time the Ohio school facilities commission 18786
enters into a project agreement with a school district, the 18787
commission shall compute the difference between the district's 18788
one-half-mill yield per pupil and the statewide average yield per 18789
pupil as most recently provided to the commission under division 18790
(B) of this section. If the school district's one-half-mill yield 18791
per pupil is less than the average statewide yield per pupil, the 18792
commission shall multiply the difference between those amounts by 18793
the formula ADM of the district as most recently reported to the 18794
department of education under division (A) of section 3317.03 of 18795
the Revised Code. The commission shall certify the resulting 18796
product to the department of education, along with the date on 18797
which the maintenance levy requirement terminates as provided in 18798
the project agreement between the school district board and the 18799
commission. 18800

(2) In the case of a school district that entered into a 18801

project agreement after July 1, 1997, but before July 1, 2006, the 18802
commission shall make the computation described in division (C)(1) 18803
of this section on the basis of the district's one-half-mill yield 18804
per pupil and the statewide average yield per pupil computed as of 18805
September 1, 2006. 18806

(3) The amount computed for a school district under division 18807
(C)(1) or (2) of this section shall not change for the period 18808
during which payments are made to the district under division (D) 18809
of this section. 18810

(4) A computation need not be made under division (C)(1) or 18811
(2) of this section for a school district that certified a 18812
resolution to the commission under division (D)(3) of section 18813
3318.36 of the Revised Code until the district becomes eligible 18814
for state assistance as provided in that division. 18815

(D) In the fourth quarter of each fiscal year, for each 18816
school district for which a computation has been made under 18817
division (C) of this section, the department of education shall 18818
pay the amount computed to each such school district. Payments 18819
shall be made to a school district each year until and including 18820
the tax year in which the district's maintenance levy requirement 18821
terminates. Payments shall be paid from the half-mill equalization 18822
fund, subject to appropriation by the general assembly. 18823

(E) Payments made to a school district under this section 18824
shall be credited to the district's classroom facilities 18825
maintenance fund and shall be used only for the purpose of 18826
maintaining facilities constructed or renovated under the project 18827
agreement. 18828

(F) There is hereby created in the state treasury the 18829
half-mill equalization fund. The fund shall receive transfers 18830
pursuant to section 5727.85 of the Revised Code. The fund shall be 18831
used first to make annual payments under division (D) of this 18832

section. If a balance remains in the fund after such payments are 18833
made in full for a year, the Ohio school facilities commission may 18834
request the controlling board to transfer a reasonable amount from 18835
such remaining balance to the public school building fund created 18836
under section 3318.15 of the Revised Code for the purposes of this 18837
chapter. 18838

All investment earnings arising from investment of money in 18839
the half-mill equalization fund shall be credited to the fund. 18840

Sec. 3318.33. (A) There is hereby created in the state 18841
treasury the Ohio school facilities commission fund, which shall 18842
consist of transfers of moneys authorized by the general assembly 18843
and revenues received by the Ohio school facilities commission 18844
under section 3318.31 of the Revised Code. Investment earnings on 18845
moneys in the fund shall be credited to the fund. Moneys in the 18846
fund may be used by the commission to pay personnel and other 18847
administrative expenses, to pay the cost of conducting evaluations 18848
of classroom facilities, to pay the cost of preparing building 18849
design specifications, to pay the cost of providing project 18850
management services, and for other purposes determined by the 18851
commission to be necessary to fulfill its duties under ~~Chapter~~ 18852
~~3318. of the Revised Code~~ this chapter. 18853

(B) The director of budget and management may transfer to the 18854
Ohio school facilities commission fund the investment earnings on 18855
the public school building fund~~7~~, created in section 3318.15 of the 18856
Revised Code, the investment earnings on the education facilities 18857
trust fund created in section 183.26 of the Revised Code, or both. 18858
The director of budget and management may transfer to the Ohio 18859
school facilities commission fund the investment earnings on the 18860
school building program assistance fund, created under section 18861
3318.25 of the Revised Code, in excess of the amounts needed to 18862
meet estimated federal arbitrage rebate requirements. 18863

Sec. ~~3317.21~~ 3318.47. There is hereby created in the state 18864
treasury the ~~vocational~~ career-technical school building 18865
assistance fund. Money in the fund shall be used solely to provide 18866
interest-free loans to school districts, including joint 18867
vocational school districts, under sections ~~3317.22~~ 3318.48 and 18868
~~3317.23~~ 3318.49 of the Revised Code to assist in financing the 18869
construction of new vocational classroom facilities, the 18870
renovation of existing vocational classroom facilities, or the 18871
purchase of vocational education equipment or facilities. Moneys 18872
in the fund shall consist of transfers made to the fund, any 18873
interest earned by the fund, and repayments of loans made under 18874
sections ~~3317.22~~ 3318.48 and ~~3317.23~~ 3318.49 of the Revised Code. 18875
Investment earnings of the fund shall be credited to the fund. 18876

Sec. ~~3317.22~~ 3318.48. The ~~state board of education~~ Ohio 18877
school facilities commission shall adopt rules in accordance with 18878
Chapter 119. of the Revised Code under which, in any fiscal year 18879
that funds are appropriated from the ~~vocational~~ career-technical 18880
school building assistance fund for such purpose, the ~~state board~~ 18881
commission may make interest-free loans to school districts. The 18882
rules shall include all of the following: 18883

(A) Application procedures, including the date by which 18884
applications shall be made; 18885

(B) Eligibility criteria, which shall include at least the 18886
following provisions: 18887

(1) A requirement that an applicant district demonstrate 18888
financial need for the loan. Indicators of need may include, but 18889
need not be limited to, levels of assessed valuation, enrollment 18890
levels and enrollment changes, ability of the district to maintain 18891
minimum educational standards, and demonstrated good faith efforts 18892
by the district to secure funds from sources other than the state. 18893

(2) A requirement that an applicant district demonstrate the ability to repay the loan within the maximum period permitted by division (D) of this section;

(3) A requirement that an applicant district is not eligible for a loan, other than a loan for the purchase of any vocational education equipment that is not an approved project cost under this chapter, if the district, on the date of application for the loan, has at any time received any state assistance under sections 3318.01 to 3318.20, section 3318.37 or 3318.38, or sections 3318.40 to 3318.45 of the Revised Code or is reasonably expected to receive state assistance under any of those sections within three fiscal years;

(4) A requirement that an applicant district agree to comply with all applicable design specifications and policies of the commission established pursuant to this chapter in the construction, renovation, or purchase of facilities or equipment paid for with the loan, unless such specifications or policies are waived by the commission.

(C) Loan approval procedures and criteria, including criteria for prioritizing eligible applications. Criteria for such prioritization shall include:

(1) Preference for applicant districts that demonstrate commitment and innovative approaches to the implementation of the department of education's vocational education modernization plan pursuant to section 3313.901 of the Revised Code;

(2) Preference for applicant districts that have entered into or are in the process of entering into cooperative agreements with technical colleges or other institutions of higher education either to coordinate secondary vocational education and post-secondary technical education programs, or to share facilities and equipment.

(D) Provisions governing the repayment of loans, including a provision that loans for construction, acquisition, or renovation of facilities shall be repaid within a maximum of fifteen years and loans for vocational education equipment shall be repaid within a maximum of five years;

(E) A requirement that no loan shall be applied to the local resources a district expends as a condition of participation in a program established under section 3318.36 or 3318.46 of the Revised Code.

Sec. ~~3317.23~~ 3318.49. The ~~state board of education~~ Ohio school facilities commission shall enter into a loan agreement with each school district it approves for a loan under section ~~3317.22~~ 3318.48 of the Revised Code. The agreement shall specify the amount of the loan, the purposes for which it is to be used, the duration of the loan, and the repayment schedule. Every such agreement shall contain a provision ~~authorizing~~ directing the state board of education, upon the request of the executive director of the commission, to deduct from payments due to the district under Chapter 3317. of the Revised Code or from any other funds appropriated to the district by the general assembly, the amount of any scheduled loan payment due but not paid by the district and, within ten days, to transfer that amount to the commission.

A copy of each loan agreement shall be furnished to the controlling board. No money shall be released from the ~~vocational~~ career-technical school building assistance fund without the approval of the controlling board.

Sec. 3319.22. (A)(1) The state board of education shall adopt rules establishing the standards and requirements for obtaining temporary, associate, provisional, and professional educator

licenses of any categories, types, and levels the board elects to provide. However, no educator license shall be required for teaching children two years old or younger.

(2) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the Ohio board of regents, in the manner and to the extent permitted by state and federal law.

(B) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering teacher preparation programs that are approved by the state board of education under section 3319.23 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section 3319.23 of the Revised Code.

(2) Notwithstanding the authority to adopt, amend, or rescind emergency rules in division (F) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(C)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered

nonpublic school to establish local professional development 18986
committees. In a nonpublic school, the chief administrative 18987
officer shall establish the committees in any manner acceptable to 18988
such officer. The committees established under this division shall 18989
determine whether coursework that a district or chartered 18990
nonpublic school teacher proposes to complete meets the 18991
requirement of the rules. The department of education shall 18992
provide technical assistance and support to committees as the 18993
committees incorporate the professional development standards 18994
adopted by the state board of education pursuant to section 18995
3319.61 of the Revised Code into their review of coursework that 18996
is appropriate for license renewal. The rules shall establish a 18997
procedure by which a teacher may appeal the decision of a local 18998
professional development committee. 18999

(2) In any school district in which there is no exclusive 19000
representative established under Chapter 4117. of the Revised 19001
Code, the professional development committees shall be established 19002
as described in division (C)(2) of this section. 19003

Not later than the effective date of the rules adopted under 19004
this section, the board of education of each school district shall 19005
establish the structure for one or more local professional 19006
development committees to be operated by such school district. The 19007
committee structure so established by a district board shall 19008
remain in effect unless within thirty days prior to an anniversary 19009
of the date upon which the current committee structure was 19010
established, the board provides notice to all affected district 19011
employees that the committee structure is to be modified. 19012
Professional development committees may have a district-level or 19013
building-level scope of operations, and may be established with 19014
regard to particular grade or age levels for which an educator 19015
license is designated. 19016

Each professional development committee shall consist of at 19017

least three classroom teachers employed by the district, one 19018
principal employed by the district, and one other employee of the 19019
district appointed by the district superintendent. For committees 19020
with a building-level scope, the teacher and principal members 19021
shall be assigned to that building, and the teacher members shall 19022
be elected by majority vote of the classroom teachers assigned to 19023
that building. For committees with a district-level scope, the 19024
teacher members shall be elected by majority vote of the classroom 19025
teachers of the district, and the principal member shall be 19026
elected by a majority vote of the principals of the district, 19027
unless there are two or fewer principals employed by the district, 19028
in which case the one or two principals employed shall serve on 19029
the committee. If a committee has a particular grade or age level 19030
scope, the teacher members shall be licensed to teach such grade 19031
or age levels, and shall be elected by majority vote of the 19032
classroom teachers holding such a license and the principal shall 19033
be elected by all principals serving in buildings where any such 19034
teachers serve. The district superintendent shall appoint a 19035
replacement to fill any vacancy that occurs on a professional 19036
development committee, except in the case of vacancies among the 19037
elected classroom teacher members, which shall be filled by vote 19038
of the remaining members of the committee so selected. 19039

Terms of office on professional development committees shall 19040
be prescribed by the district board establishing the committees. 19041
The conduct of elections for members of professional development 19042
committees shall be prescribed by the district board establishing 19043
the committees. A professional development committee may include 19044
additional members, except that the majority of members on each 19045
such committee shall be classroom teachers employed by the 19046
district. Any member appointed to fill a vacancy occurring prior 19047
to the expiration date of the term for which a predecessor was 19048
appointed shall hold office as a member for the remainder of that 19049

term. 19050

The initial meeting of any professional development 19051
committee, upon election and appointment of all committee members, 19052
shall be called by a member designated by the district 19053
superintendent. At this initial meeting, the committee shall 19054
select a chairperson and such other officers the committee deems 19055
necessary, and shall adopt rules for the conduct of its meetings. 19056
Thereafter, the committee shall meet at the call of the 19057
chairperson or upon the filing of a petition with the district 19058
superintendent signed by a majority of the committee members 19059
calling for the committee to meet. 19060

(3) In the case of a school district in which an exclusive 19061
representative has been established pursuant to Chapter 4117. of 19062
the Revised Code, professional development committees shall be 19063
established in accordance with any collective bargaining agreement 19064
in effect in the district that includes provisions for such 19065
committees. 19066

If the collective bargaining agreement does not specify a 19067
different method for the selection of teacher members of the 19068
committees, the exclusive representative of the district's 19069
teachers shall select the teacher members. 19070

If the collective bargaining agreement does not specify a 19071
different structure for the committees, the board of education of 19072
the school district shall establish the structure, including the 19073
number of committees and the number of teacher and administrative 19074
members on each committee; the specific administrative members to 19075
be part of each committee; whether the scope of the committees 19076
will be district levels, building levels, or by type of grade or 19077
age levels for which educator licenses are designated; the lengths 19078
of terms for members; the manner of filling vacancies on the 19079
committees; and the frequency and time and place of meetings. 19080

However, in all cases, except as provided in division (C)(4) of
this section, there shall be a majority of teacher members of any
professional development committee, there shall be at least five
total members of any professional development committee, and the
exclusive representative shall designate replacement members in
the case of vacancies among teacher members, unless the collective
bargaining agreement specifies a different method of selecting
such replacements.

(4) Whenever an administrator's coursework plan is being
discussed or voted upon, the local professional development
committee shall, at the request of one of its administrative
members, cause a majority of the committee to consist of
administrative members by reducing the number of teacher members
voting on the plan.

(D)(1) The department of education, educational service
centers, county boards of mental retardation and developmental
disabilities, regional professional development centers, special
education regional resource centers, college and university
departments of education, head start programs, the agency
designated by the governor to assume the functions of the Ohio
SchoolNet commission, and the Ohio education computer network may
establish local professional development committees to determine
whether the coursework proposed by their employees who are
licensed or certificated under this section or section 3319.222 of
the Revised Code meet the requirements of the rules adopted under
this section. They may establish local professional development
committees on their own or in collaboration with a school district
or other agency having authority to establish them.

Local professional development committees established by
county boards of mental retardation and developmental disabilities
shall be structured in a manner comparable to the structures
prescribed for school districts in divisions (C)(2) and (3) of

this section, as shall the committees established by any other
entity specified in division (D)(1) of this section that provides
educational services by employing or contracting for services of
classroom teachers licensed or certificated under this section or
section 3319.222 of the Revised Code. All other entities specified
in division (D)(1) of this section shall structure their
committees in accordance with guidelines which shall be issued by
the state board.

(2) Any public agency that is not specified in division
(D)(1) of this section but provides educational services and
employs or contracts for services of classroom teachers licensed
or certificated under this section or section 3319.222 of the
Revised Code may establish a local professional development
committee, subject to the approval of the department of education.
The committee shall be structured in accordance with guidelines
issued by the state board.

Sec. 3319.235. (A) The standards for the preparation of
teachers adopted under section 3319.23 of the Revised Code shall
require any institution that provides a course of study for the
training of teachers to ensure that graduates of such course of
study are skilled at integrating educational technology in the
instruction of children, as evidenced by the graduate having
either demonstrated proficiency in such skills in a manner
prescribed by the department of education or completed a course
that includes training in such skills.

(B) The agency designated by the governor to assume the
functions of the Ohio SchoolNet commission, established pursuant
to section 3301.80 of the Revised Code, shall establish model
professional development programs to assist teachers who completed
their teacher preparation prior to the effective date of division
(A) of this section to become skilled at integrating educational

technology in the instruction of children. The ~~commission~~ agency 19144
shall provide technical assistance to school districts wishing to 19145
establish such programs. 19146

Sec. 3323.021. As used in this section, "participating county 19147
MR/DD board" means a county board of mental retardation and 19148
developmental disabilities electing to participate in the 19149
provision of or contracting for educational services for children 19150
under division (D) of section 5126.05 of the Revised Code. 19151

(A) When a school district, educational service center, or 19152
participating county MR/DD board enters into an agreement or 19153
contract with another school district, educational service center, 19154
or participating county MR/DD board to provide educational 19155
services to a disabled child during a school year, both of the 19156
following shall apply: 19157

(1) Beginning with fiscal year 1999, if the provider of the 19158
services intends to increase the amount it charges for some or all 19159
of those services during the next school year or if the provider 19160
intends to cease offering all or part of those services during the 19161
next school year, the provider shall notify the entity for which 19162
the services are provided of these intended changes no later than 19163
the first day of March of the current fiscal year. 19164

(2) Beginning with fiscal year 1999, if the entity for which 19165
services are provided intends to cease obtaining those services 19166
from the provider for the next school year or intends to change 19167
the type or amount of services it obtains from the provider for 19168
the next school year, the entity shall notify the service provider 19169
of these intended changes no later than the first day of March of 19170
the current fiscal year. 19171

(B) School districts, educational service centers, 19172
participating county MR/DD boards, and other applicable 19173
governmental entities shall collaborate where possible to maximize 19174

federal sources of revenue, ~~including the community alternative~~ 19175
~~funding system of the medical assistance program established under~~ 19176
~~Chapter 5111. of the Revised Code,~~ to provide additional funds for 19177
special education related services for disabled children. 19178
Annually, each school district shall report to the department of 19179
education any amounts of money the district received through such 19180
medical assistance program. 19181

(C) The state board of education, the department of mental 19182
retardation and developmental disabilities, and the department of 19183
job and family services shall develop working agreements for 19184
pursuing additional funds for services for disabled children. 19185

Sec. 3323.091. (A) The department of mental health, the 19186
department of mental retardation and developmental disabilities, 19187
the department of youth services, and the department of 19188
rehabilitation and correction shall establish and maintain special 19189
education programs for handicapped children in institutions under 19190
their jurisdiction according to standards adopted by the state 19191
board of education. ~~The~~ 19192

(B) The superintendent of each state institution required to 19193
provide services under division (A) of this section, and each 19194
county MR/DD board, providing special education for handicapped 19195
preschool children under this chapter may apply to the state 19196
department of education for unit funding, which shall be paid in 19197
accordance with sections 3317.052 and 3317.053 of the Revised 19198
Code. 19199

~~(B) On~~ The superintendent of each state institution required 19200
to provide services under division (A) of this section may apply 19201
to the department of education for special education and related 19202
services weighted funding for handicapped children other than 19203
handicapped preschool children, calculated in accordance with 19204
section 3317.201 of the Revised Code. 19205

Each county MR/DD board providing special education for 19206
handicapped children other than handicapped preschool children may 19207
apply to the department of education for base cost and special 19208
education and related services weighted funding calculated in 19209
accordance with section 3317.20 of the Revised Code. 19210

(C) In addition to the authorization to apply for state 19211
funding described in division (B) of this section, each state 19212
institution required to provide services under division (A) of 19213
this section is entitled to tuition payments calculated in the 19214
manner described in division (C) of this section. 19215

On or before the thirtieth day of June of each year, the 19216
superintendent of each institution that during the school year 19217
provided special education pursuant to this section shall prepare 19218
a statement for each handicapped child under twenty-two years of 19219
age who has received special education. The statement shall 19220
contain the child's name and the name of the child's school 19221
district of residence. Within sixty days after receipt of such 19222
statement, the department of education shall perform one of the 19223
following: 19224

(1) For any child except a handicapped preschool child 19225
described in division ~~(B)~~(C)(2) of this section, pay to the 19226
institution submitting the statement an amount equal to the 19227
tuition calculated under division (A) of section 3317.08 of the 19228
Revised Code for the period covered by the statement, and deduct 19229
the same from the amount of state funds, if any, payable under 19230
sections 3317.022 and 3317.023 of the Revised Code, to the child's 19231
school district of residence or, if the amount of such state funds 19232
is insufficient, require the child's school district of residence 19233
to pay the institution submitting the statement an amount equal to 19234
the amount determined under this division. 19235

(2) For any handicapped preschool child not included in a 19236

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 under sections 3317.022 and 3317.023 of the Revised Code to the child's school district of residence an amount equal to the amount paid under division ~~(B)~~(C)(2)(a) of this section.

Sec. 3323.14. This section does not apply to any handicapped preschool child except if included in a unit approved under division (B) of section 3317.05 of the Revised Code.

(A) Where a child who is a school resident of one school district receives special education from another district and the per capita cost to the educating district for that child exceeds the sum of the amount received by the educating district for that child under division (A) of section 3317.08 of the Revised Code and the amount received by the district from the state board of education for that child, then the board of education of the district of residence shall pay ~~directly~~ to the board of the school district that is providing the special education such excess cost as is determined by using a formula approved by the department of education and agreed upon in contracts entered into by the boards of the district concerned at the time the district providing such special education accepts the child for enrollment. The department of education shall certify the amount of the payments under Chapter 3317. of the Revised Code for such

handicapped pupils for each school year ending on the thirtieth 19268
day of July. 19269

(B) In the case of a child described in division (A) of this 19270
section who has been placed in a home, as defined in section 19271
3313.64 of the Revised Code, pursuant to the order of a court and 19272
who is not subject to section 3323.141 of the Revised Code, the 19273
district providing the child with special education and related 19274
services may charge to the child's district of residence the 19275
excess cost determined by formula approved by the department, 19276
regardless of whether the district of residence has entered into a 19277
contract with the district providing the services. If the district 19278
providing the services chooses to charge excess costs, the 19279
district may report the amount calculated under this division to 19280
the department. 19281

(C) If a district providing special education for a child 19282
reports an amount for the excess cost of those services, as 19283
authorized and calculated under division (A) or (B) of this 19284
section, the department shall pay that amount of excess cost to 19285
the district providing the services and shall deduct that amount 19286
from the child's district of residence in accordance with division 19287
(N) of section 3317.023 of the Revised Code. 19288

Sec. 3323.16. No unit for deaf children shall be disapproved 19289
for funding under division (B) ~~or (D)(1)~~ of section 3317.05 of the 19290
Revised Code on the basis of the methods of instruction used in 19291
educational programs in the school district or institution to 19292
teach deaf children to communicate, and no preference in approving 19293
units for funding shall be given for teaching deaf children by the 19294
oral, manual, total communication, or other method of instruction. 19295

Sec. 3325.10. The state school for the blind may receive and 19296
administer any federal funds relating to the education of blind or 19297

visually impaired students. The school for the blind also may 19298
accept and administer any gifts, donations, or bequests made to it 19299
for programs or services relating to the education of blind or 19300
visually impaired students. 19301

Sec. 3325.11. There is hereby created in the state treasury 19302
the state school for the blind student activity and work-study 19303
fund. Moneys received from donations, bequests, the school 19304
vocational program, and any other moneys designated for deposit in 19305
the fund by the superintendent of the state school for the blind 19306
shall be credited to the fund. Notwithstanding section 3325.01 of 19307
the Revised Code, the approval of the state board of education is 19308
not required to designate money for deposit into the fund. The 19309
school for the blind shall use money in the fund for school 19310
operating expenses, including, but not limited to, personal 19311
services, maintenance, and equipment related to student support, 19312
activities, and vocational programs, and for providing 19313
scholarships to students for further training upon graduation. 19314

Sec. 3325.12. There is hereby created the state school for 19315
the blind student account fund, which shall be in the custody of 19316
the treasurer of state but shall not be part of the state 19317
treasury. The fund shall consist of all moneys received from the 19318
parents or guardians of students attending the state school for 19319
the blind that are designated for use by the respective students 19320
in activities of their choice. The treasurer of state may invest 19321
any portion of the fund not needed for immediate use in the same 19322
manner as, and subject to laws regarding the investment of, state 19323
funds. The treasurer of state shall disburse money from the fund 19324
on order of the superintendent of the state school for the blind 19325
or the superintendent's designee. All investment earnings of the 19326
fund shall be credited to the fund and allocated among the student 19327

accounts in proportion to the amount invested from each student's 19328
account. 19329

Sec. 3325.15. The state school for the deaf may receive and 19330
administer any federal funds relating to the education of deaf or 19331
hearing-impaired students. The school for the deaf also may accept 19332
and administer any gifts, donations, or bequests given to it for 19333
programs or services relating to the education of deaf or 19334
hearing-impaired students. 19335

Sec. 3325.16. There is hereby created in the state treasury 19336
the state school for the deaf educational program expenses fund. 19337
Moneys received by the school from donations, bequests, student 19338
fundraising activities, fees charged for camps and workshops, gate 19339
receipts from athletic contests, and the student work experience 19340
program operated by the school, and any other moneys designated 19341
for deposit in the fund by the superintendent of the school, shall 19342
be credited to the fund. Notwithstanding section 3325.01 of the 19343
Revised Code, the approval of the state board of education is not 19344
required to designate money for deposit into the fund. The state 19345
school for the deaf shall use moneys in the fund for educational 19346
programs, after-school activities, and expenses associated with 19347
student activities and clubs. 19348

Sec. 3325.17. There is hereby created the state school for 19349
the deaf student account fund, which shall be in the custody of 19350
the treasurer of state but shall not be part of the state 19351
treasury. The fund shall consist of all moneys received from the 19352
parents or guardians of students attending the state school for 19353
the deaf that are designated for use by the respective students in 19354
activities of their choice. The treasurer of state may invest any 19355
portion of the fund not needed for immediate use in the same 19356

manner as, and subject to laws regarding the investment of, state 19357
funds. The treasurer of state shall disburse money from the fund 19358
on order of the superintendent of the state school for the deaf or 19359
the superintendent's designee. All investment earnings of the fund 19360
shall be credited to the fund and allocated among the student 19361
accounts in proportion to the amount invested from each student's 19362
account. 19363

Sec. 3332.092. Any school subject to this chapter receiving 19364
money under section 3333.12 or 3333.122 of the Revised Code on 19365
behalf of a student who is determined by the state board of career 19366
colleges and schools to be ineligible under such section because 19367
the program in which the student is enrolled does not lead to an 19368
associate or baccalaureate degree, shall be liable to the state 19369
for the amount specified in section 3333.12 or 3333.122 of the 19370
Revised Code. The state board of career colleges and schools shall 19371
suspend the certificate of registration of a school receiving 19372
money under section 3333.12 or 3333.122 of the Revised Code for 19373
such ineligible student until such time as the money is repaid to 19374
the Ohio board of regents. 19375

Sec. 3333.04. The Ohio board of regents shall: 19376

(A) Make studies of state policy in the field of higher 19377
education and formulate a master plan for higher education for the 19378
state, considering the needs of the people, the needs of the 19379
state, and the role of individual public and private institutions 19380
within the state in fulfilling these needs; 19381

(B)(1) Report annually to the governor and the general 19382
assembly on the findings from its studies and the master plan for 19383
higher education for the state; 19384

(2) Report at least semiannually to the general assembly and 19385

the governor the enrollment numbers at each state-assisted institution of higher education. 19386
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(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities; 19388
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(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education; 19390
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(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel; 19393
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(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this section, or for other good and sufficient cause. For purposes of determining the amounts of any state instructional subsidies paid to these colleges, universities, and institutions, the board may exclude students enrolled in any program that the board has recommended for elimination pursuant to this division except that the board shall not exclude any such student who enrolled in the program prior to the date on which the board initially commences to exclude students under this division. The board of regents and these colleges, universities, and institutions shall jointly develop a process for determining which existing graduate or professional programs constitute unnecessary duplication. 19399
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(G) Recommend to the state colleges, universities, and other state-assisted institutions of higher education programs which should be added to their present programs; 19417
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(H) Conduct studies for the state colleges, universities, and other state-assisted institutions of higher education to assist them in making the best and most efficient use of their existing facilities and personnel; 19420
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(I) Make recommendations to the governor and general assembly concerning the development of state-financed capital plans for higher education; the establishment of new state colleges, universities, and other state-assisted institutions of higher education; and the establishment of new programs at the existing state colleges, universities, and other institutions of higher education; 19424
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(J) Review the appropriation requests of the public community colleges and the state colleges and universities and submit to the office of budget and management and to the chairpersons of the finance committees of the house of representatives and of the senate its recommendations in regard to the biennial higher education appropriation for the state, including appropriations for the individual state colleges and universities and public community colleges. For the purpose of determining the amounts of instructional subsidies to be paid to state-assisted colleges and universities, the board shall define "full-time equivalent student" by program per academic year. The definition may take into account the establishment of minimum enrollment levels in technical education programs below which support allowances will not be paid. Except as otherwise provided in this section, the board shall make no change in the definition of "full-time equivalent student" in effect on November 15, 1981, which would increase or decrease the number of subsidy-eligible full-time equivalent students, without first submitting a fiscal impact 19431
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statement to the president of the senate, the speaker of the house 19449
of representatives, ~~the legislative budget office of the~~ 19450
legislative service commission, and the director of budget and 19451
management. The board shall work in close cooperation with the 19452
director of budget and management in this respect and in all other 19453
matters concerning the expenditures of appropriated funds by state 19454
colleges, universities, and other institutions of higher 19455
education. 19456

(K) Seek the cooperation and advice of the officers and 19457
trustees of both public and private colleges, universities, and 19458
other institutions of higher education in the state in performing 19459
its duties and making its plans, studies, and recommendations; 19460

(L) Appoint advisory committees consisting of persons 19461
associated with public or private secondary schools, members of 19462
the state board of education, or personnel of the state department 19463
of education; 19464

(M) Appoint advisory committees consisting of college and 19465
university personnel, or other persons knowledgeable in the field 19466
of higher education, or both, in order to obtain their advice and 19467
assistance in defining and suggesting solutions for the problems 19468
and needs of higher education in this state; 19469

(N) Approve or disapprove all new degrees and new degree 19470
programs at all state colleges, universities, and other 19471
state-assisted institutions of higher education; 19472

(O) Adopt such rules as are necessary to carry out its duties 19473
and responsibilities; 19474

(P) Establish and submit to the governor and the general 19475
assembly a clear and measurable set of goals and timetables for 19476
their achievement for each program under the supervision of the 19477
board that is designed to accomplish any of the following: 19478

(1) Increased access to higher education;	19479
(2) Job training;	19480
(3) Adult literacy;	19481
(4) Research;	19482
(5) Excellence in higher education;	19483
(6) Reduction in the number of graduate programs within the same subject area.	19484 19485
In July of each odd-numbered year, the board of regents shall submit to the governor and the general assembly a report on progress made toward these goals.	19486 19487 19488
(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, <u>3333.122</u> , 3333.21 to 3333.27, and 5910.02 of the Revised Code;	19489 19490 19491 19492
(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	19493 19494 19495 19496
(S) Adopt rules for student financial aid programs as required by sections 3333.12, <u>3333.122</u> , 3333.21 to 3333.27, 3333.28, 3333.29, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the board by those sections;	19497 19498 19499 19500 19501
(T) Administer contracts under sections 3702.74 and 3702.75 of the Revised Code in accordance with rules adopted by the director of health under section 3702.79 of the Revised Code;	19502 19503 19504
(U) Conduct enrollment audits of state-supported institutions of higher education;	19505 19506
(V) Appoint consortiums of college and university personnel	19507

to participate in the development and operation of statewide 19508
collaborative efforts, including the Ohio supercomputer center, 19509
the Ohio academic resources network, OhioLink, and the Ohio 19510
learning network. For each consortium, the board shall designate a 19511
college or university to serve as that consortium's fiscal agent, 19512
financial officer, and employer. Any funds appropriated to the 19513
board for consortiums shall be distributed to the fiscal agents 19514
for the operation of the consortiums. A consortium shall follow 19515
the rules of the college or university that serves as its fiscal 19516
agent. 19517

Sec. 3333.044. (A) The Ohio board of regents may contract 19518
with any consultants that are necessary for the discharge of the 19519
board's duties under this chapter. 19520

(B) The Ohio board of regents may purchase, upon the terms 19521
that the board determines to be advisable, one or more policies of 19522
insurance from insurers authorized to do business in this state 19523
that insure consultants who have contracted with the board under 19524
division (A) of this section or members of an advisory committee 19525
appointed under section 3333.04 of the Revised Code, with respect 19526
to the activities of the consultants or advisory committee members 19527
in the course of the performance of their responsibilities as 19528
consultants or advisory committee members. 19529

(C) Subject to the approval of the controlling board, the 19530
Ohio board of regents may contract with any entities for the 19531
discharge of the board's duties and responsibilities under any of 19532
the programs established pursuant to sections 3333.12, 3333.122, 19533
3333.21 to 3333.28, 3702.71 to 3702.81, and 5120.55, and Chapter 19534
5910. of the Revised Code. The board shall not enter into a 19535
contract under this division unless the proposed contractor 19536
demonstrates that its primary purpose is to promote access to 19537
higher education by providing student financial assistance through 19538

loans, grants, or scholarships, and by providing high quality support services and information to students and their families with regard to such financial assistance.

Chapter 125. of the Revised Code does not apply to contracts entered into pursuant to this section. In awarding contracts under this division, the board shall consider factors such as the cost of the administration of the contract, the experience of the contractor, and the contractor's ability to properly execute the contract.

Sec. 3333.047. With regard to any state student financial aid program established in this chapter, Chapter 5910., or section 5919.34 of the Revised Code, the Ohio board of regents shall conduct audits to:

(A) Determine the validity of information provided by students and parents regarding eligibility for state student financial aid. If the board determines that eligibility data has been reported incorrectly or inaccurately, and where the board determines an adjustment to be appropriate, the institution of higher education shall adjust the financial aid awarded to the student.

(B) Ensure that institutions of higher education are in compliance with the board's rules governing state student financial aid programs. An institution that fails to comply with the board's rules in the administration of any state student financial aid program shall be fully liable to reimburse the board for the unauthorized use of student financial aid funds.

Sec. 3333.12. (A) As used in this section:

(1) "Eligible student" means an undergraduate student who is:

(a) An Ohio resident enrolled in an undergraduate program before July 1, 2006;

(b) Enrolled in either of the following: 19569

(i) An accredited institution of higher education in this 19570
state that meets the requirements of Title VI of the Civil Rights 19571
Act of 1964 and is state-assisted, is nonprofit and has a 19572
certificate of authorization from the Ohio board of regents 19573
pursuant to Chapter 1713. of the Revised Code, has a certificate 19574
of registration from the state board of career colleges and 19575
schools and program authorization to award an associate or 19576
bachelor's degree, or is a private institution exempt from 19577
regulation under Chapter 3332. of the Revised Code as prescribed 19578
in section 3333.046 of the Revised Code. Students who attend an 19579
institution that holds a certificate of registration shall be 19580
enrolled in a program leading to an associate or bachelor's degree 19581
for which associate or bachelor's degree program the institution 19582
has program authorization issued under section 3332.05 of the 19583
Revised Code. 19584

(ii) A technical education program of at least two years 19585
duration sponsored by a private institution of higher education in 19586
this state that meets the requirements of Title VI of the Civil 19587
Rights Act of 1964. 19588

(c) Enrolled as a full-time student or enrolled as a less 19589
than full-time student for the term expected to be the student's 19590
final term of enrollment and is enrolled for the number of credit 19591
hours necessary to complete the requirements of the program in 19592
which the student is enrolled. 19593

(2) "Gross income" includes all taxable and nontaxable income 19594
of the parents, the student, and the student's spouse, except 19595
income derived from an Ohio academic scholarship, income earned by 19596
the student between the last day of the spring term and the first 19597
day of the fall term, and other income exclusions designated by 19598
the board. Gross income may be verified to the board by the 19599

institution in which the student is enrolled using the federal 19600
financial aid eligibility verification process or by other means 19601
satisfactory to the board. 19602

(3) "Resident," "full-time student," "dependent," 19603
"financially independent," and "accredited" shall be defined by 19604
rules adopted by the board. 19605

(B) The Ohio board of regents shall establish and administer 19606
an instructional grant program and may adopt rules to carry out 19607
this section. The general assembly shall support the instructional 19608
grant program by such sums and in such manner as it may provide, 19609
but the board may also receive funds from other sources to support 19610
the program. If the amounts available for support of the program 19611
are inadequate to provide grants to all eligible students, 19612
preference in the payment of grants shall be given in terms of 19613
income, beginning with the lowest income category of gross income 19614
and proceeding upward by category to the highest gross income 19615
category. 19616

An instructional grant shall be paid to an eligible student 19617
through the institution in which the student is enrolled, except 19618
that no instructional grant shall be paid to any person serving a 19619
term of imprisonment. Applications for such grants shall be made 19620
as prescribed by the board, and such applications may be made in 19621
conjunction with and upon the basis of information provided in 19622
conjunction with student assistance programs funded by agencies of 19623
the United States government or from financial resources of the 19624
institution of higher education. The institution shall certify 19625
that the student applicant meets the requirements set forth in 19626
divisions (A)(1)(b) and (c) of this section. Instructional grants 19627
shall be provided to an eligible student only as long as the 19628
student is making appropriate progress toward a nursing diploma or 19629
an associate or bachelor's degree. No student shall be eligible to 19630
receive a grant for more than ten semesters, fifteen quarters, or 19631

the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by the board. No student shall receive more than one grant on the basis of less than full-time enrollment.

An instructional grant shall not exceed the total instructional and general charges of the institution.

(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section.

For a full-time student who is a dependent and enrolled in a nonprofit educational institution that is not a state-assisted institution and that has a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Private Institution							19652
Table of Grants							19653
Maximum Grant \$5,466							19654
Gross Income	Number of Dependents						19655
	1	2	3	4	5 or more		19656
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	19657
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	5,466	19658
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	5,466	19659
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	5,466	19660
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	5,466	19661
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	4,920	19662

\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	19663
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	19664
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	19665
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	19666
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	19667
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	19668
\$34,001 - \$35,000	444	888	984	1,080	1,344	19669
\$35,001 - \$36,000	--	444	888	984	1,080	19670
\$36,001 - \$37,000	--	--	444	888	984	19671
\$37,001 - \$38,000	--	--	--	444	888	19672
\$38,001 - \$39,000	--	--	--	--	444	19673

For a full-time student who is financially independent and enrolled in a nonprofit educational institution that is not a state-assisted institution and that has a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Private Institution							19674
Table of Grants							19675
Maximum Grant \$5,466							19676
Gross Income	Number of Dependents						19677
	0	1	2	3	4	5 or more	19678
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	19679
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	19680
\$5,301 - \$5,800	4,362	5,196	5,466	5,466	5,466	5,466	19681
\$5,801 - \$6,300	3,828	4,914	5,196	5,466	5,466	5,466	19682
\$6,301 - \$6,800	3,288	4,650	4,914	5,196	5,466	5,466	19683
\$6,801 - \$7,300	2,736	4,380	4,650	4,914	5,196	5,466	19684
\$7,301 - \$8,300	2,178	4,104	4,380	4,650	4,914	5,196	19685
\$8,301 - \$9,300	1,626	3,822	4,104	4,380	4,650	4,914	19686
\$9,301 - \$10,300	1,344	3,546	3,822	4,104	4,380	4,650	19687

\$10,301 - \$11,800	1,080	3,408	3,546	3,822	4,104	4,380	19695
\$11,801 - \$13,300	984	3,276	3,408	3,546	3,822	4,104	19696
\$13,301 - \$14,800	888	3,228	3,276	3,408	3,546	3,822	19697
\$14,801 - \$16,300	444	2,904	3,228	3,276	3,408	3,546	19698
\$16,301 - \$19,300	--	2,136	2,628	2,952	3,276	3,408	19699
\$19,301 - \$22,300	--	1,368	1,866	2,358	2,676	3,000	19700
\$22,301 - \$25,300	--	1,092	1,368	1,866	2,358	2,676	19701
\$25,301 - \$30,300	--	816	1,092	1,368	1,866	2,358	19702
\$30,301 - \$35,300	--	492	540	672	816	1,314	19703

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution							
Table of Grants							
		Maximum Grant \$4,632					
Gross Income		Number of Dependents					
		1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	19716
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	4,632	19717
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	4,632	19718
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	4,632	19719
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	4,632	19720
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	4,632	19721
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	4,632	19722
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	4,632	19723
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	4,632	19724
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	4,632	19725

\$32,001 - \$33,000	852	906	1,134	1,416	1,854	19727
\$33,001 - \$34,000	750	852	906	1,134	1,416	19728
\$34,001 - \$35,000	372	750	852	906	1,134	19729
\$35,001 - \$36,000	--	372	750	852	906	19730
\$36,001 - \$37,000	--	--	372	750	852	19731
\$37,001 - \$38,000	--	--	--	372	750	19732
\$38,001 - \$39,000	--	--	--	--	372	19733

For a full-time student who is financially independent and 19734
enrolled in an educational institution that holds a certificate of 19735
registration from the state board of career colleges and schools 19736
or a private institution exempt from regulation under Chapter 19737
3332. of the Revised Code as prescribed in section 3333.046 of the 19738
Revised Code, the amount of the instructional grant for two 19739
semesters, three quarters, or a comparable portion of the academic 19740
year shall be determined in accordance with the following table: 19741

Career Institution 19742

Table of Grants 19743

Maximum Grant \$4,632 19744

Gross Income

Number of Dependents 19745

	Number of Dependents						19746
	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	19747
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	19748
\$5,301 - \$5,800	3,684	4,410	4,632	4,632	4,632	4,632	19749
\$5,801 - \$6,300	3,222	4,158	4,410	4,632	4,632	4,632	19750
\$6,301 - \$6,800	2,790	3,930	4,158	4,410	4,632	4,632	19751
\$6,801 - \$7,300	2,292	3,714	3,930	4,158	4,410	4,632	19752
\$7,301 - \$8,300	1,854	3,462	3,714	3,930	4,158	4,410	19753
\$8,301 - \$9,300	1,416	3,246	3,462	3,714	3,930	4,158	19754
\$9,301 - \$10,300	1,134	3,024	3,246	3,462	3,714	3,930	19755
\$10,301 - \$11,800	906	2,886	3,024	3,246	3,462	3,714	19756
\$11,801 - \$13,300	852	2,772	2,886	3,024	3,246	3,462	19757
\$13,301 - \$14,800	750	2,742	2,772	2,886	3,024	3,246	19758

\$14,801 - \$16,300	372	2,466	2,742	2,772	2,886	3,024	19759
\$16,301 - \$19,300	--	1,800	2,220	2,520	2,772	2,886	19760
\$19,301 - \$22,300	--	1,146	1,584	1,986	2,268	2,544	19761
\$22,301 - \$25,300	--	930	1,146	1,584	1,986	2,268	19762
\$25,301 - \$30,300	--	708	930	1,146	1,584	1,986	19763
\$30,301 - \$35,300	--	426	456	570	708	1,116	19764

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution							19770
Table of Grants							19771
Maximum Grant \$2,190							19772
Gross Income	Number of Dependents						19773
	1	2	3	4	5 or more		19774
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	19775
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	2,190	19776
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	2,190	19777
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	2,190	19778
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	2,190	19779
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	1,974	19780
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	1,740	19781
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	1,542	19782
\$28,001 - \$31,000	522	648	864	1,080	1,320	1,320	19783
\$31,001 - \$32,000	420	522	648	864	1,080	1,080	19784
\$32,001 - \$33,000	384	420	522	648	864	864	19785
\$33,001 - \$34,000	354	384	420	522	648	648	19786
\$34,001 - \$35,000	174	354	384	420	522	522	19787
\$35,001 - \$36,000	--	174	354	384	420	420	19788
\$36,001 - \$37,000	--	--	174	354	384	384	19789
\$37,001 - \$38,000	--	--	--	174	354	354	19790

\$38,001 - \$39,000 -- -- -- -- 174 19791

For a full-time student who is financially independent and 19792
enrolled in a state-assisted educational institution, the amount 19793
of the instructional grant for two semesters, three quarters, or a 19794
comparable portion of the academic year shall be determined in 19795
accordance with the following table: 19796

Public Institution 19797

Table of Grants 19798

Maximum Grant \$2,190 19799

Gross Income Number of Dependents 19800

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	19801
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	19802
\$5,301 - \$5,800	1,740	2,082	2,190	2,190	2,190	2,190	19803
\$5,801 - \$6,300	1,542	1,968	2,082	2,190	2,190	2,190	19804
\$6,301 - \$6,800	1,320	1,866	1,968	2,082	2,190	2,190	19805
\$6,801 - \$7,300	1,080	1,758	1,866	1,968	2,082	2,190	19806
\$7,301 - \$8,300	864	1,638	1,758	1,866	1,968	2,082	19807
\$8,301 - \$9,300	648	1,530	1,638	1,758	1,866	1,968	19808
\$9,301 - \$10,300	522	1,422	1,530	1,638	1,758	1,866	19809
\$10,301 - \$11,800	420	1,356	1,422	1,530	1,638	1,758	19810
\$11,801 - \$13,300	384	1,308	1,356	1,422	1,530	1,638	19811
\$13,301 - \$14,800	354	1,290	1,308	1,356	1,422	1,530	19812
\$14,801 - \$16,300	174	1,164	1,290	1,308	1,356	1,422	19813
\$16,301 - \$19,300	--	858	1,050	1,182	1,308	1,356	19814
\$19,301 - \$22,300	--	540	750	948	1,062	1,200	19815
\$22,301 - \$25,300	--	432	540	750	948	1,062	19816
\$25,301 - \$30,300	--	324	432	540	750	948	19817
\$30,301 - \$35,300	--	192	210	264	324	522	19818

(D) For a full-time student enrolled in an eligible 19820
institution for a semester or quarter in addition to the portion 19821

of the academic year covered by a grant determined under division 19822
(C) of this section, the maximum grant amount shall be a 19823
percentage of the maximum prescribed in the applicable table of 19824
that division. The maximum grant for a fourth quarter shall be 19825
one-third of the maximum amount prescribed under that division. 19826
The maximum grant for a third semester shall be one-half of the 19827
maximum amount prescribed under that division. 19828

(E) No grant shall be made to any student in a course of 19829
study in theology, religion, or other field of preparation for a 19830
religious profession unless such course of study leads to an 19831
accredited bachelor of arts, bachelor of science, associate of 19832
arts, or associate of science degree. 19833

(F)(1) Except as provided in division (F)(2) of this section, 19834
no grant shall be made to any student for enrollment during a 19835
fiscal year in an institution with a cohort default rate 19836
determined by the United States secretary of education pursuant to 19837
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 19838
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 19839
preceding the fiscal year, equal to or greater than thirty per 19840
cent for each of the preceding two fiscal years. 19841

(2) Division (F)(1) of this section does not apply to the 19842
following: 19843

(a) Any student enrolled in an institution that under the 19844
federal law appeals its loss of eligibility for federal financial 19845
aid and the United States secretary of education determines its 19846
cohort default rate after recalculation is lower than the rate 19847
specified in division (F)(1) of this section or the secretary 19848
determines due to mitigating circumstances the institution may 19849
continue to participate in federal financial aid programs. The 19850
board shall adopt rules requiring institutions to provide 19851
information regarding an appeal to the board. 19852

(b) Any student who has previously received a grant under 19853
this section who meets all other requirements of this section. 19854

(3) The board shall adopt rules for the notification of all 19855
institutions whose students will be ineligible to participate in 19856
the grant program pursuant to division (F)(1) of this section. 19857

(4) A student's attendance at an institution whose students 19858
lose eligibility for grants under division (F)(1) of this section 19859
shall not affect that student's eligibility to receive a grant 19860
when enrolled in another institution. 19861

(G) Institutions of higher education that enroll students 19862
receiving instructional grants under this section shall report to 19863
the board all students who have received instructional grants but 19864
are no longer eligible for all or part of such grants and shall 19865
refund any moneys due the state within thirty days after the 19866
beginning of the quarter or term immediately following the quarter 19867
or term in which the student was no longer eligible to receive all 19868
or part of the student's grant. There shall be an interest charge 19869
of one per cent per month on all moneys due and payable after such 19870
thirty-day period. The board shall immediately notify the office 19871
of budget and management and the legislative service commission of 19872
all refunds so received. 19873

Sec. 3333.121. There is hereby established in the state 19874
treasury the ~~instructional grant~~ state need-based financial aid 19875
reconciliation fund, which shall consist of refunds of 19876
instructional grant payments made pursuant to section 3333.12 of 19877
the Revised Code and refunds of state need-based financial aid 19878
payments made pursuant to section 3333.122 of the Revised Code. 19879
Revenues credited to the fund shall be used by the Ohio board of 19880
regents to pay to higher education institutions any outstanding 19881
obligations from the prior year owed for the Ohio instructional 19882
grant program and the Ohio college opportunity grant program that 19883

are identified through the annual reconciliation and financial 19884
audit. Any amount in the fund that is in excess of the amount 19885
certified to the director of budget and management by the board of 19886
regents as necessary to reconcile prior year payments under the 19887
program shall be transferred to the general revenue fund. 19888

Sec. 3333.122. (A) As used in this section: 19889

(1) "Eligible student" means a student who is: 19890

(a) An Ohio resident who first enrolls in an undergraduate 19891
program after July 1, 2006; 19892

(b) Enrolled in either of the following: 19893

(i) An accredited institution of higher education in this 19894
state that meets the requirements of Title VI of the Civil Rights 19895
Act of 1964 and is state-assisted, is nonprofit and has a 19896
certificate of authorization from the Ohio board of regents 19897
pursuant to Chapter 1713. of the Revised Code, has a certificate 19898
of registration from the state board of career colleges and 19899
schools and program authorization to award an associate or 19900
bachelor's degree, or is a private institution exempt from 19901
regulation under Chapter 3332. of the Revised Code as prescribed 19902
in section 3333.046 of the Revised Code. Students who attend an 19903
institution that holds a certificate of registration shall be 19904
enrolled in a program leading to an associate or bachelor's degree 19905
for which associate or bachelor's degree program the institution 19906
has program authorization issued under section 3332.05 of the 19907
Revised Code. 19908

(ii) A technical education program of at least two years 19909
duration sponsored by a private institution of higher education in 19910
this state that meets the requirements of Title VI of the Civil 19911
Rights Act of 1964. 19912

(2) A student who participated in either the early college 19913

high school program administered by the department of education or 19914
in the post-secondary enrollment options program pursuant to 19915
Chapter 3365. of the Revised Code before July 1, 2006, shall not 19916
be excluded from eligibility for a need based grant under this 19917
section. 19918

(3) "Resident," "expected family contribution" or "EFC," 19919
"full-time student," "three-quarters-time student," "half-time 19920
student," "one-quarter-time student," and "accredited" shall be 19921
defined by rules adopted by the board. 19922

(B) The Ohio board of regents shall establish and administer 19923
a needs-based financial aid program based on the United States 19924
department of education's method of determining financial need and 19925
may adopt rules to carry out this section. The program shall be 19926
known as the Ohio college opportunity grant program. The general 19927
assembly shall support the needs-based financial aid program by 19928
such sums and in such manner as it may provide, but the board may 19929
also receive funds from other sources to support the program. If 19930
the amounts available for support of the program are inadequate to 19931
provide grants to all eligible students, preference in the payment 19932
of grants shall be given in terms of expected family contribution, 19933
beginning with the lowest expected family contribution category 19934
and proceeding upward by category to the highest expected family 19935
contribution category. 19936

A needs-based financial aid grant shall be paid to an 19937
eligible student through the institution in which the student is 19938
enrolled, except that no needs-based financial aid grant shall be 19939
paid to any person serving a term of imprisonment. Applications 19940
for such grants shall be made as prescribed by the board, and such 19941
applications may be made in conjunction with and upon the basis of 19942
information provided in conjunction with student assistance 19943
programs funded by agencies of the United States government or 19944
from financial resources of the institution of higher education. 19945

The institution shall certify that the student applicant meets the requirements set forth in divisions (A)(1)(a) and (b) of this section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by the board. No student shall receive more than one grant on the basis of less than full-time enrollment.

A needs-based financial aid grant shall not exceed the total instructional and general charges of the institution.

(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section.

As used in the tables in division (C) of this section:

(1) "Private institution" means an institution that is nonprofit and has a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised Code.

(2) "Career college" means either an institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

Full-time students shall be eligible to receive awards according to the following table:

<u>Full-Time Enrollment</u>					19977
<u>If the EFC</u>	<u>And if the</u>	<u>If the</u>	<u>If the</u>	<u>If the</u>	19978
<u>is equal</u>	<u>EFC is no</u>	<u>student</u>	<u>student</u>	<u>student</u>	
<u>to or</u>	<u>more than:</u>	<u>attends a</u>	<u>attends a</u>	<u>attends a</u>	
<u>greater</u>		<u>public</u>	<u>private</u>	<u>career</u>	
<u>than:</u>		<u>institution,</u>	<u>institution,</u>	<u>college,</u>	
		<u>the annual</u>	<u>the annual</u>	<u>the annual</u>	
		<u>award</u>	<u>award</u>	<u>award</u>	
		<u>shall be:</u>	<u>shall be:</u>	<u>shall be:</u>	
<u>\$2,101</u>	<u>\$2,190</u>	<u>\$300</u>	<u>\$600</u>	<u>\$480</u>	19979
<u>2,001</u>	<u>2,100</u>	<u>402</u>	<u>798</u>	<u>642</u>	19980
<u>1,901</u>	<u>2,000</u>	<u>498</u>	<u>1,002</u>	<u>798</u>	19981
<u>1,801</u>	<u>1,900</u>	<u>600</u>	<u>1,200</u>	<u>960</u>	19982
<u>1,701</u>	<u>1,800</u>	<u>702</u>	<u>1,398</u>	<u>1,122</u>	19983
<u>1,601</u>	<u>1,700</u>	<u>798</u>	<u>1,602</u>	<u>1,278</u>	19984
<u>1,501</u>	<u>1,600</u>	<u>900</u>	<u>1,800</u>	<u>1,440</u>	19985
<u>1,401</u>	<u>1,500</u>	<u>1,002</u>	<u>1,998</u>	<u>1,602</u>	19986
<u>1,301</u>	<u>1,400</u>	<u>1,098</u>	<u>2,202</u>	<u>1,758</u>	19987
<u>1,201</u>	<u>1,300</u>	<u>1,200</u>	<u>2,400</u>	<u>1,920</u>	19988
<u>1,101</u>	<u>1,200</u>	<u>1,302</u>	<u>2,598</u>	<u>2,082</u>	19989
<u>1,001</u>	<u>1,100</u>	<u>1,398</u>	<u>2,802</u>	<u>2,238</u>	19990
<u>901</u>	<u>1,000</u>	<u>1,500</u>	<u>3,000</u>	<u>2,400</u>	19991
<u>801</u>	<u>900</u>	<u>1,602</u>	<u>3,198</u>	<u>2,562</u>	19992
<u>701</u>	<u>800</u>	<u>1,698</u>	<u>3,402</u>	<u>2,718</u>	19993
<u>601</u>	<u>700</u>	<u>1,800</u>	<u>3,600</u>	<u>2,280</u>	19994
<u>501</u>	<u>600</u>	<u>1,902</u>	<u>3,798</u>	<u>3,042</u>	19995
<u>401</u>	<u>500</u>	<u>1,998</u>	<u>4,002</u>	<u>3,198</u>	19996
<u>301</u>	<u>400</u>	<u>2,100</u>	<u>4,200</u>	<u>3,360</u>	19997
<u>201</u>	<u>300</u>	<u>2,202</u>	<u>4,398</u>	<u>3,522</u>	19998
<u>101</u>	<u>200</u>	<u>2,298</u>	<u>4,602</u>	<u>3,678</u>	19999
<u>1</u>	<u>100</u>	<u>2,400</u>	<u>4,800</u>	<u>3,840</u>	20000
<u>0</u>	<u>0</u>	<u>2,496</u>	<u>4,992</u>	<u>3,996</u>	20001
<u>Three-quarters-time students shall be eligible to receive</u>					20002

<u>awards according to the following table:</u>					20003
<u>Three-Quarters-Time Enrollment</u>					20004
<u>If the EFC</u>	<u>And the</u>	<u>If the</u>	<u>If the</u>	<u>If the</u>	20005
<u>is equal</u>	<u>EFC is no</u>	<u>student</u>	<u>student</u>	<u>student</u>	
<u>to or</u>	<u>more than:</u>	<u>attends a</u>	<u>attends a</u>	<u>attends a</u>	
<u>greater</u>		<u>public</u>	<u>private</u>	<u>career</u>	
<u>than:</u>		<u>institution,</u>	<u>institution,</u>	<u>college,</u>	
		<u>the annual</u>	<u>the annual</u>	<u>the annual</u>	
		<u>award</u>	<u>award</u>	<u>award</u>	
		<u>shall be:</u>	<u>shall be:</u>	<u>shall be:</u>	
<u>\$2,101</u>	<u>\$2,190</u>	<u>\$228</u>	<u>\$450</u>	<u>\$360</u>	20006
<u>2,001</u>	<u>2,100</u>	<u>300</u>	<u>600</u>	<u>480</u>	20007
<u>1,901</u>	<u>2,000</u>	<u>372</u>	<u>750</u>	<u>600</u>	20008
<u>1,801</u>	<u>1,900</u>	<u>450</u>	<u>900</u>	<u>720</u>	20009
<u>1,701</u>	<u>1,800</u>	<u>528</u>	<u>1,050</u>	<u>840</u>	20010
<u>1,601</u>	<u>1,700</u>	<u>600</u>	<u>1,200</u>	<u>960</u>	20011
<u>1,501</u>	<u>1,600</u>	<u>678</u>	<u>1,350</u>	<u>1,080</u>	20012
<u>1,401</u>	<u>1,500</u>	<u>750</u>	<u>1,500</u>	<u>1,200</u>	20013
<u>1,301</u>	<u>1,400</u>	<u>822</u>	<u>1,650</u>	<u>1,320</u>	20014
<u>1,201</u>	<u>1,300</u>	<u>900</u>	<u>1,800</u>	<u>1,440</u>	20015
<u>1,101</u>	<u>1,200</u>	<u>978</u>	<u>1,950</u>	<u>1,560</u>	20016
<u>1,001</u>	<u>1,100</u>	<u>1,050</u>	<u>2,100</u>	<u>1,680</u>	20017
<u>901</u>	<u>1,000</u>	<u>1,128</u>	<u>2,250</u>	<u>1,800</u>	20018
<u>801</u>	<u>900</u>	<u>1,200</u>	<u>2,400</u>	<u>1,920</u>	20019
<u>701</u>	<u>800</u>	<u>1,272</u>	<u>2,550</u>	<u>2,040</u>	20020
<u>601</u>	<u>700</u>	<u>1,350</u>	<u>2,700</u>	<u>2,160</u>	20021
<u>501</u>	<u>600</u>	<u>1,428</u>	<u>2,850</u>	<u>2,280</u>	20022
<u>401</u>	<u>500</u>	<u>1,500</u>	<u>3,000</u>	<u>2,400</u>	20023
<u>301</u>	<u>400</u>	<u>1,578</u>	<u>3,150</u>	<u>2,520</u>	20024
<u>201</u>	<u>300</u>	<u>1,650</u>	<u>3,300</u>	<u>2,640</u>	20025
<u>101</u>	<u>200</u>	<u>1,722</u>	<u>3,450</u>	<u>2,760</u>	20026
<u>1</u>	<u>100</u>	<u>1,800</u>	<u>3,600</u>	<u>2,880</u>	20027
<u>0</u>	<u>0</u>	<u>1,872</u>	<u>3,744</u>	<u>3,000</u>	20028

Half-time students shall be eligible to receive awards 20029
according to the following table: 20030

Half-Time Enrollment 20031

<u>If the EFC</u> <u>is equal</u> <u>to or</u> <u>greater</u> <u>than:</u>	<u>And if the</u> <u>EFC is no</u> <u>more than:</u>	<u>If the</u> <u>student</u> <u>attends a</u> <u>public</u> <u>institution,</u> <u>the annual</u> <u>award</u> <u>shall be:</u>	<u>If the</u> <u>student</u> <u>attends a</u> <u>private</u> <u>institution,</u> <u>the annual</u> <u>award</u> <u>shall be:</u>	<u>If the</u> <u>student</u> <u>attends a</u> <u>career</u> <u>college,</u> <u>the annual</u> <u>award</u> <u>shall be:</u>	
<u>\$2,101</u>	<u>\$2,190</u>	<u>\$150</u>	<u>\$300</u>	<u>\$240</u>	20033
<u>2,001</u>	<u>2,100</u>	<u>204</u>	<u>402</u>	<u>324</u>	20034
<u>1,901</u>	<u>2,000</u>	<u>252</u>	<u>504</u>	<u>402</u>	20035
<u>1,801</u>	<u>1,900</u>	<u>300</u>	<u>600</u>	<u>480</u>	20036
<u>1,701</u>	<u>1,800</u>	<u>354</u>	<u>702</u>	<u>564</u>	20037
<u>1,601</u>	<u>1,700</u>	<u>402</u>	<u>804</u>	<u>642</u>	20038
<u>1,501</u>	<u>1,600</u>	<u>450</u>	<u>900</u>	<u>720</u>	20039
<u>1,401</u>	<u>1,500</u>	<u>504</u>	<u>1,002</u>	<u>804</u>	20040
<u>1,301</u>	<u>1,400</u>	<u>552</u>	<u>1,104</u>	<u>882</u>	20041
<u>1,201</u>	<u>1,300</u>	<u>600</u>	<u>1,200</u>	<u>960</u>	20042
<u>1,101</u>	<u>1,200</u>	<u>654</u>	<u>1,302</u>	<u>1,044</u>	20043
<u>1,001</u>	<u>1,100</u>	<u>702</u>	<u>1,404</u>	<u>1,122</u>	20044
<u>901</u>	<u>1,000</u>	<u>750</u>	<u>1,500</u>	<u>1,200</u>	20045
<u>801</u>	<u>900</u>	<u>804</u>	<u>1,602</u>	<u>1,284</u>	20046
<u>701</u>	<u>800</u>	<u>852</u>	<u>1,704</u>	<u>1,362</u>	20047
<u>601</u>	<u>700</u>	<u>900</u>	<u>1,800</u>	<u>1,440</u>	20048
<u>501</u>	<u>600</u>	<u>954</u>	<u>1,902</u>	<u>1,524</u>	20049
<u>401</u>	<u>500</u>	<u>1,002</u>	<u>2,004</u>	<u>1,602</u>	20050
<u>301</u>	<u>400</u>	<u>1,050</u>	<u>2,100</u>	<u>1,680</u>	20051
<u>201</u>	<u>300</u>	<u>1,104</u>	<u>2,202</u>	<u>1,764</u>	20052
<u>101</u>	<u>200</u>	<u>1,152</u>	<u>2,304</u>	<u>1,842</u>	20053
<u>1</u>	<u>100</u>	<u>1,200</u>	<u>2,400</u>	<u>1,920</u>	20054

0 0 1,248 2,496 1,998 20055

One-quarter-time students shall be eligible to receive awards 20056
according to the following table: 20057

One-Quarter-Time Enrollment 20058

<u>If the EFC</u>	<u>And if the</u>	<u>If the</u>	<u>If the</u>	<u>If the</u>	
<u>is equal</u>	<u>EFC is no</u>	<u>student</u>	<u>student</u>	<u>student</u>	
<u>to or</u>	<u>more than:</u>	<u>attends a</u>	<u>attends a</u>	<u>attends a</u>	
<u>greater</u>		<u>public</u>	<u>private</u>	<u>career</u>	
<u>than:</u>		<u>institution,</u>	<u>institution,</u>	<u>college,</u>	
		<u>the annual</u>	<u>the annual</u>	<u>the annual</u>	
		<u>award</u>	<u>award</u>	<u>award</u>	
		<u>shall be:</u>	<u>shall be:</u>	<u>shall be:</u>	
<u>\$2,101</u>	<u>\$2,190</u>	<u>\$78</u>	<u>\$150</u>	<u>\$120</u>	20060
<u>2,001</u>	<u>2,100</u>	<u>102</u>	<u>198</u>	<u>162</u>	20061
<u>1,901</u>	<u>2,000</u>	<u>126</u>	<u>252</u>	<u>198</u>	20062
<u>1,801</u>	<u>1,900</u>	<u>150</u>	<u>300</u>	<u>240</u>	20063
<u>1,701</u>	<u>1,800</u>	<u>174</u>	<u>348</u>	<u>282</u>	20064
<u>1,601</u>	<u>1,700</u>	<u>198</u>	<u>402</u>	<u>318</u>	20065
<u>1,501</u>	<u>1,600</u>	<u>228</u>	<u>450</u>	<u>360</u>	20066
<u>1,401</u>	<u>1,500</u>	<u>252</u>	<u>498</u>	<u>402</u>	20067
<u>1,301</u>	<u>1,400</u>	<u>276</u>	<u>552</u>	<u>438</u>	20068
<u>1,201</u>	<u>1,300</u>	<u>300</u>	<u>600</u>	<u>480</u>	20069
<u>1,101</u>	<u>1,200</u>	<u>324</u>	<u>648</u>	<u>522</u>	20070
<u>1,001</u>	<u>1,100</u>	<u>348</u>	<u>702</u>	<u>558</u>	20071
<u>901</u>	<u>1,000</u>	<u>378</u>	<u>750</u>	<u>600</u>	20072
<u>801</u>	<u>900</u>	<u>402</u>	<u>798</u>	<u>642</u>	20073
<u>701</u>	<u>800</u>	<u>426</u>	<u>852</u>	<u>678</u>	20074
<u>601</u>	<u>700</u>	<u>450</u>	<u>900</u>	<u>720</u>	20075
<u>501</u>	<u>600</u>	<u>474</u>	<u>948</u>	<u>762</u>	20076
<u>401</u>	<u>500</u>	<u>498</u>	<u>1,002</u>	<u>798</u>	20077
<u>301</u>	<u>400</u>	<u>528</u>	<u>1,050</u>	<u>840</u>	20078
<u>201</u>	<u>300</u>	<u>552</u>	<u>1,098</u>	<u>882</u>	20079
<u>101</u>	<u>200</u>	<u>576</u>	<u>1,152</u>	<u>918</u>	20080

<u>1</u>	<u>100</u>	<u>600</u>	<u>1,200</u>	<u>960</u>	20081
<u>0</u>	<u>0</u>	<u>624</u>	<u>1,248</u>	<u>1,002</u>	20082

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division. 20083
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(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree. 20092
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(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years. 20097
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(2) Division (F)(1) of this section does not apply to the following: 20105
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(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary 20107
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determines due to mitigating circumstances the institution may 20112
continue to participate in federal financial aid programs. The 20113
board shall adopt rules requiring institutions to provide 20114
information regarding an appeal to the board. 20115

(b) Any student who has previously received a grant under 20116
this section who meets all other requirements of this section. 20117

(3) The board shall adopt rules for the notification of all 20118
institutions whose students will be ineligible to participate in 20119
the grant program pursuant to division (F)(1) of this section. 20120

(4) A student's attendance at an institution whose students 20121
lose eligibility for grants under division (F)(1) of this section 20122
shall not affect that student's eligibility to receive a grant 20123
when enrolled in another institution. 20124

(G) Institutions of higher education that enroll students 20125
receiving needs-based financial aid grants under this section 20126
shall report to the board all students who have received 20127
needs-based financial aid grants but are no longer eligible for 20128
all or part of such grants and shall refund any moneys due the 20129
state within thirty days after the beginning of the quarter or 20130
term immediately following the quarter or term in which the 20131
student was no longer eligible to receive all or part of the 20132
student's grant. There shall be an interest charge of one per cent 20133
per month on all moneys due and payable after such thirty-day 20134
period. The board shall immediately notify the office of budget 20135
and management and the legislative service commission of all 20136
refunds so received. 20137

Sec. 3333.162. (A) As used in this section, "state 20138
institution of higher education" means an institution of higher 20139
education as defined in section 3345.12 of the Revised Code. 20140

(B) By April 15, 2007, the Ohio board of regents, in 20141

consultation with the department of education, public adult 20142
career-technical education institutions, and institutions of 20143
higher education, shall establish policies and procedures that 20144
ensure that students can transfer technical courses completed 20145
through an adult career-technical education institution to any 20146
state institution of higher education without unnecessary 20147
duplication or institutional barriers. The courses to which the 20148
policies and procedures apply shall reflect recognized industry 20149
standards and equivalent coursework common to the secondary and 20150
adult career-technical education system and regionally accredited 20151
state institutions of higher education that shall be recognized by 20152
all state institutions of higher education. Where applicable, the 20153
policies and procedures shall build upon the articulation 20154
agreement and transfer initiative course equivalency system 20155
required by section 3333.16 of the Revised Code. 20156

(C) By April 15, 2006, the board shall report to the general 20157
assembly on its progress in establishing these policies and 20158
procedures. 20159

Sec. 3333.27. As used in this section: 20160

(A) "Eligible institution" means a nonprofit Ohio institution 20161
of higher education that holds a certificate of authorization 20162
issued under section 1713.02 of the Revised Code and meets the 20163
requirements of Title VI of the Civil Rights Act of 1964. 20164

(B) "Resident" and "full-time student" have the meanings 20165
established for purposes of this section by rule of the Ohio board 20166
of regents. 20167

The board shall establish and administer a student choice 20168
grant program and shall adopt rules for the administration of the 20169
program. 20170

The board may make a grant to any resident of this state who 20171

is enrolled as a full-time student in a bachelor's degree program 20172
at an eligible institution and maintains an academic record that 20173
meets or exceeds the standard established pursuant to this section 20174
by rule of the board, except that no grant shall be made to any 20175
individual who was enrolled as a student in an institution of 20176
higher education on or before July 1, 1984, or is serving a term 20177
of imprisonment. The grant shall not exceed the lesser of the 20178
total instructional and general charges of the institution in 20179
which the student is enrolled, or an amount equal to one-fourth of 20180
the total of any state instructional subsidy amount distributed by 20181
the board in the second fiscal year of the preceding biennium for 20182
all full-time students enrolled in bachelor's degree programs at 20183
four-year state-assisted institutions of higher education divided 20184
by the sum of the actual number of full-time students enrolled in 20185
bachelor's degree programs at four-year state-assisted 20186
institutions of higher education reported to the board for such 20187
year by the institutions to which the subsidy was distributed. 20188

The board shall prescribe the form and manner of application 20189
for grants including the manner of certification by eligible 20190
institutions that each applicant from such institution is enrolled 20191
in a bachelor's degree program as a full-time student and has an 20192
academic record that meets or exceeds the standard established by 20193
the board. 20194

A grant awarded to an eligible student shall be paid to the 20195
institution in which the student is enrolled, and the institution 20196
shall reduce the student's instructional and general charges by 20197
the amount of the grant. Each grant awarded shall be prorated and 20198
paid in equal installments at the time of enrollment for each term 20199
of the academic year for which the grant is awarded. No student 20200
shall be eligible to receive a grant for more than ten semesters, 20201
fifteen quarters, or the equivalent of five academic years. 20202

The receipt of an Ohio student choice grant shall not affect 20203

a student's eligibility for assistance, or the amount of such 20204
assistance, granted under section 3315.33, 3333.12, 3333.122, 20205
3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised 20206
Code. If a student receives assistance under one or more of such 20207
sections, the student choice grant made to the student shall not 20208
exceed the difference between the amount of assistance received 20209
under such sections and the total instructional and general 20210
charges of the institution in which the student is enrolled. 20211

The general assembly shall support the student choice grant 20212
program by such sums and in such manner as it may provide, but the 20213
board may also receive funds from other sources to support the 20214
program. 20215

No grant shall be made to any student enrolled in a course of 20216
study leading to a degree in theology, religion, or other field of 20217
preparation for a religious profession unless the course of study 20218
leads to an accredited bachelor of arts or bachelor of science 20219
degree. 20220

Institutions of higher education that enroll students 20221
receiving grants under this section shall report to the board the 20222
name of each student who has received such a grant but who is no 20223
longer eligible for all or part of such grant and shall refund all 20224
moneys due to the state within thirty days after the beginning of 20225
the term immediately following the term in which the student was 20226
no longer eligible to receive all or part of the grant. There 20227
shall be an interest charge of one per cent per month on all 20228
moneys due and payable after such thirty-day period. The board 20229
shall immediately notify the office of budget and management and 20230
~~the legislative budget office of~~ the legislative service 20231
commission of all refunds received. 20232

Sec. 3333.28. (A) The Ohio board of regents shall establish 20233
the nurse education assistance program, the purpose of which shall 20234

be to make loans to students enrolled in prelicensure nurse 20235
education programs at institutions approved by the board of 20236
nursing under section 4723.06 of the Revised Code and 20237
postlicensure nurse education programs approved by the board of 20238
regents under section 3333.04 of the Revised Code or offered by an 20239
institution holding a certificate of authorization issued by the 20240
board of regents under Chapter 1713. of the Revised Code. The 20241
board of nursing shall assist the board of regents in 20242
administering the program. 20243

(B) There is hereby created in the state treasury the nurse 20244
education assistance fund, which shall consist of all money 20245
transferred to it pursuant to section 4743.05 of the Revised Code. 20246
The fund shall be used by the board of regents for loans made 20247
under division (A) of this section and for expenses of 20248
administering the loan program. 20249

(C) The board of regents shall adopt rules in accordance with 20250
Chapter 119. of the Revised Code establishing: 20251

(1) Eligibility criteria for receipt of a loan; 20252

(2) Loan application procedures; 20253

(3) The amounts in which loans may be made and the total 20254
amount that may be loaned to an individual; 20255

(4) The total amount of loans that can be made each year; 20256

(5) The percentage of the money in the fund that must remain 20257
in the fund at all times as a fund balance; 20258

(6) Interest and principal repayment schedules; 20259

(7) Conditions under which a portion of principal and 20260
interest obligations incurred by an individual under the program 20261
will be forgiven; 20262

(8) Ways that the program may be used to encourage 20263
individuals who are members of minority groups to enter the 20264

nursing profession;	20265
(9) Any other matters incidental to the operation of the program.	20266 20267
(D) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by the board of regents by rule adopted under division (C)(7) of this section.	20268 20269 20270 20271 20272
(E) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.12, <u>3333.122</u> , 3333.22, 3333.26, 3333.27, 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the board of regents may provide for taking assistance received under those sections into consideration when determining a student's eligibility for a loan under this section.	20273 20274 20275 20276 20277 20278 20279
Sec. 3333.38. (A) As used in this section:	20280
(1) "Institution of higher education" includes all of the following:	20281 20282
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	20283 20284
(b) A nonprofit institution issued a certificate of authorization by the Ohio board of regents under Chapter 1713. of the Revised Code;	20285 20286 20287
(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;	20288 20289 20290
(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.	20291 20292 20293

(2) "Student financial assistance supported by state funds" 20294
includes assistance granted under sections 3315.33, 3333.12, 20295
3333.122, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 20296
5910.03, 5910.032, and 5919.34 of the Revised Code and any other 20297
post-secondary student financial assistance supported by state 20298
funds. 20299

(B) An individual who is convicted of, pleads guilty to, or 20300
is adjudicated a delinquent child for one of the following 20301
violations shall be ineligible to receive any student financial 20302
assistance supported by state funds at an institution of higher 20303
education for two calendar years from the time the individual 20304
applies for assistance of that nature: 20305

(1) A violation of section 2917.02 or 2917.03 of the Revised 20306
Code; 20307

(2) A violation of section 2917.04 of the Revised Code that 20308
is a misdemeanor of the fourth degree; 20309

(3) A violation of section 2917.13 of the Revised Code that 20310
is a misdemeanor of the fourth or first degree and occurs within 20311
the proximate area where four or more others are acting in a 20312
course of conduct in violation of section 2917.11 of the Revised 20313
Code. 20314

(C) If an individual is convicted of, pleads guilty to, or is 20315
adjudicated a delinquent child for committing a violation of 20316
section 2917.02 or 2917.03 of the Revised Code, and if the 20317
individual is enrolled in a state-supported institution of higher 20318
education, the institution in which the individual is enrolled 20319
shall immediately dismiss the individual. No state-supported 20320
institution of higher education shall admit an individual of that 20321
nature for one academic year after the individual applies for 20322
admission to a state-supported institution of higher education. 20323
This division does not limit or affect the ability of a 20324

state-supported institution of higher education to suspend or 20325
otherwise discipline its students. 20326

Sec. 3334.01. As used in this chapter: 20327

(A) "Aggregate original principal amount" means the aggregate 20328
of the initial offering prices to the public of college savings 20329
bonds, exclusive of accrued interest, if any. "Aggregate original 20330
principal amount" does not mean the aggregate accreted amount 20331
payable at maturity or redemption of such bonds. 20332

(B) "Beneficiary" means: 20333

(1) An individual designated by the purchaser under a tuition 20334
payment contract or through a scholarship program as the 20335
individual on whose behalf tuition ~~credits~~ units purchased under 20336
the contract or awarded through the scholarship program will be 20337
applied toward the payment of undergraduate, graduate, or 20338
professional tuition; or 20339

(2) An individual designated by the contributor under a 20340
variable college savings program contract as the individual whose 20341
tuition and other higher education expenses will be paid from a 20342
variable college savings program account. 20343

(C) "Capital appreciation bond" means a bond for which the 20344
following is true: 20345

(1) The principal amount is less than the amount payable at 20346
maturity or early redemption; and 20347

(2) No interest is payable on a current basis. 20348

(D) "Tuition ~~credit~~ unit" means a credit of the Ohio tuition 20349
trust authority purchased under section 3334.09 of the Revised 20350
Code. "Tuition unit" includes a tuition credit purchased prior to 20351
July 1, 1994. 20352

(E) "College savings bonds" means revenue and other 20353

obligations issued on behalf of the state or any agency or issuing authority thereof as a zero-coupon or capital appreciation bond, and designated as college savings bonds as provided in this chapter. "College savings bond issue" means any issue of bonds of which any part has been designated as college savings bonds.

(F) "Institution of higher education" means a state institution of higher education, a private college, university, or other postsecondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code, or an accredited college, university, or other postsecondary institution located outside this state that is accredited by an accrediting organization or professional association recognized by the authority. To be considered an institution of higher education, an institution shall meet the definition of an eligible educational institution under section 529 of the Internal Revenue Code.

(G) "Issuing authority" means any authority, commission, body, agency, or individual empowered by the Ohio Constitution or the Revised Code to issue bonds or any other debt obligation of the state or any agency or department thereof. "Issuer" means the issuing authority or, if so designated under division (B) of section 3334.04 of the Revised Code, the treasurer of state.

(H) "Tuition" means the charges imposed to attend an institution of higher education as an undergraduate, graduate, or professional student and all fees required as a condition of enrollment, as determined by the Ohio tuition trust authority. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(I) "Weighted average tuition" means the tuition cost 20385
resulting from the following calculation: 20386

(1) Add the products of the annual undergraduate tuition 20387
charged to Ohio residents at each four-year state university 20388
multiplied by that institution's total number of undergraduate 20389
fiscal year equated students; and 20390

(2) Divide the gross total of the products from division 20391
(I)(1) of this section by the total number of undergraduate fiscal 20392
year equated students attending four-year state universities. 20393

When making this calculation, the "annual undergraduate 20394
tuition charged to Ohio residents" shall not incorporate any 20395
tuition reductions that vary in amount among individual recipients 20396
and that are awarded to Ohio residents based upon their particular 20397
circumstances, beyond any minimum amount awarded uniformly to all 20398
Ohio residents. In addition, any tuition reductions awarded 20399
uniformly to all Ohio residents shall be incorporated into this 20400
calculation. 20401

(J) "Zero-coupon bond" means a bond which has a stated 20402
interest rate of zero per cent and on which no interest is payable 20403
until the maturity or early redemption of the bond, and is offered 20404
at a substantial discount from its original stated principal 20405
amount. 20406

(K) "State institution of higher education" includes the 20407
state universities listed in section 3345.011 of the Revised Code, 20408
community colleges created pursuant to Chapter 3354. of the 20409
Revised Code, university branches created pursuant to Chapter 20410
3355. of the Revised Code, technical colleges created pursuant to 20411
Chapter 3357. of the Revised Code, state community colleges 20412
created pursuant to Chapter 3358. of the Revised Code, the medical 20413
college of Ohio at Toledo, and the northeastern Ohio universities 20414
college of medicine. 20415

(L) "Four-year state university" means those state 20416
universities listed in section 3345.011 of the Revised Code. 20417

(M) "Principal amount" refers to the initial offering price 20418
to the public of an obligation, exclusive of the accrued interest, 20419
if any. "Principal amount" does not refer to the aggregate 20420
accrued amount payable at maturity or redemption of an 20421
obligation. 20422

(N) "Scholarship program" means a program registered with the 20423
Ohio tuition trust authority pursuant to section 3334.17 of the 20424
Revised Code. 20425

(O) "Internal Revenue Code" means the "Internal Revenue Code 20426
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 20427

(P) "Other higher education expenses" means room and board 20428
and books, supplies, equipment, and nontuition-related fees 20429
associated with the cost of attendance of a beneficiary at an 20430
institution of higher education, but only to the extent that such 20431
expenses meet the definition of "qualified higher education 20432
expenses" under section 529 of the Internal Revenue Code. "Other 20433
higher education expenses" does not include tuition as defined in 20434
division (H) of this section. 20435

(Q) "Purchaser" means the person signing the tuition payment 20436
contract, who controls the account and acquires tuition ~~credits~~ 20437
units for an account under the terms and conditions of the 20438
contract. 20439

(R) "Contributor" means a person who signs a variable college 20440
savings program contract with the Ohio tuition trust authority and 20441
contributes to and owns the account created under the contract. 20442

(S) "Contribution" means any payment directly allocated to an 20443
account for the benefit of the designated beneficiary of the 20444
account. 20445

Sec. 3334.02. (A) In order to help make higher education 20446
affordable and accessible to all citizens of Ohio, to maintain 20447
state institutions of higher education by helping to provide a 20448
stable financial base to these institutions, to provide the 20449
citizens of Ohio with financing assistance for higher education 20450
and protection against rising tuition costs, to encourage saving 20451
to enhance the ability of citizens of Ohio to obtain financial 20452
access to institutions of higher education, to encourage 20453
elementary and secondary students in this state to achieve 20454
academic excellence, and to promote a well-educated and 20455
financially secure population to the ultimate benefit of all 20456
citizens of the state of Ohio, there is hereby created the Ohio 20457
college savings program. The program shall consist of the issuance 20458
of college savings bonds and the sale of tuition ~~credits and, if~~ 20459
~~offered, supplemental credits~~ units. 20460

(B) The provisions of Chapter 1707. of the Revised Code shall 20461
not apply to tuition ~~credits~~ units or any agreement or transaction 20462
related thereto. 20463

(C) To provide the citizens of Ohio with a choice of 20464
tax-advantaged college savings programs and the opportunity to 20465
participate in more than one type of college savings program at a 20466
time, the Ohio tuition trust authority shall establish and 20467
administer a variable college savings program as a qualified state 20468
tuition program under section 529 of the Internal Revenue Code. 20469
The program shall allow contributors to make cash contributions to 20470
variable college savings program accounts created for the purpose 20471
of paying future tuition and other higher education expenses and 20472
providing variable rates of return on contributions. 20473

(D) A person may participate simultaneously in both the Ohio 20474
college savings program and the variable college savings program. 20475

Sec. 3334.03. (A) There is hereby created the Ohio tuition trust authority, which shall have the powers enumerated in this chapter and which shall operate as a qualified state tuition program within the meaning of section 529 of the Internal Revenue Code. The exercise by the authority of its powers shall be and is hereby declared an essential state governmental function. The authority is subject to all provisions of law generally applicable to state agencies which do not conflict with the provisions of this chapter.

(B) The Ohio tuition trust authority shall consist of eleven members, no more than six of whom shall be of the same political party. Six members shall be appointed by the governor with the advice and consent of the senate as follows: one shall represent state institutions of higher education, one shall represent private nonprofit colleges and universities located in Ohio, one shall have experience in the field of marketing or public relations, one shall have experience in the field of information systems design or management, and two shall have experience in the field of banking, investment banking, insurance, or law. Four members shall be appointed by the speaker of the house of representatives and the president of the senate as follows: the speaker of the house of representatives shall appoint one member of the house from each political party and the president of the senate shall appoint one member of the senate from each political party. The chancellor of the board of regents shall be an ex officio voting member; provided, however, that the chancellor may designate a vice-chancellor of the board of regents to serve as the chancellor's representative. The political party of the chancellor shall be deemed the political party of the designee for purposes of determining that no more than six members are of the same political party.

Initial gubernatorial appointees to the authority shall serve 20507
staggered terms, with two terms expiring on January 31, 1991, one 20508
term expiring on January 31, 1992, and one term expiring on 20509
January 31, 1993. The governor shall appoint two additional 20510
members to the authority no later than thirty days after ~~the~~ 20511
~~effective date of this amendment~~ March 30, 1999, and their initial 20512
terms shall expire January 31, 2002. Thereafter, terms of office 20513
for gubernatorial appointees shall be for four years. The initial 20514
terms of the four legislative members shall expire on January 31, 20515
1991. Thereafter legislative members shall serve two-year terms, 20516
provided that legislative members may continue to serve on the 20517
authority only if they remain members of the general assembly. Any 20518
vacancy on the authority shall be filled in the same manner as the 20519
original appointment, except that any person appointed to fill a 20520
vacancy shall be appointed to the remainder of the unexpired term. 20521
Any member is eligible for reappointment. 20522

(C) Any member may be removed by the appointing authority for 20523
misfeasance, malfeasance, or willful neglect of duty or for other 20524
cause after notice and a public hearing, unless the notice and 20525
hearing are waived in writing by the member. Members shall serve 20526
without compensation but shall receive their reasonable and 20527
necessary expenses incurred in the conduct of authority business. 20528

(D) The speaker of the house of representatives and the 20529
president of the senate shall each designate a member of the 20530
authority to serve as co-chairpersons. The six gubernatorial 20531
appointees and the chancellor of the board of regents or the 20532
chancellor's designee shall serve as the executive committee of 20533
the authority, and shall elect an executive chairperson from among 20534
the executive committee members. The authority and the executive 20535
committee may elect such other officers as determined by the 20536
authority or the executive committee respectively. The authority 20537
shall meet at least annually at the call of either co-chairperson 20538

and at such other times as either co-chairperson or the authority
determines necessary. In the absence of both co-chairpersons, the
executive chairperson shall serve as the presiding officer of the
authority. The executive committee shall meet at the call of the
executive chairperson or as the executive committee determines
necessary. The authority may delegate to the executive committee
such duties and responsibilities as the authority determines
appropriate, except that the authority may not delegate to the
executive committee the final determination of the annual price of
a tuition ~~credit~~ unit, the final designation of bonds as college
savings bonds, or the employment of an executive director of the
authority. Upon such delegation, the executive committee shall
have the authority to act pursuant to such delegation without
further approval or action by the authority. A majority of the
authority shall constitute a quorum of the authority, and the
affirmative vote of a majority of the members present shall be
necessary for any action taken by the authority. A majority of the
executive committee shall constitute a quorum of the executive
committee, and the affirmative vote of a majority of the members
present shall be necessary for any action taken by the executive
committee. No vacancy in the membership of the authority or the
executive committee shall impair the rights of a quorum to
exercise all rights and perform all duties of the authority or the
executive committee respectively.

Sec. 3334.07. (A) The Ohio tuition trust authority shall
develop a plan for the sale of tuition ~~credits~~ units. The Ohio
board of regents shall cooperate with the authority and provide
technical assistance upon request.

(B) Annually, the authority shall determine the weighted
average tuition of four-year state universities in the academic
year that begins on or after the first day of August of the

current calendar year, and shall establish the price of a tuition ~~credit~~ unit in the ensuing sales period. Such price shall be based on sound actuarial principles, and shall, to the extent actuarially possible, reasonably approximate one per cent of the weighted average tuition for that academic year plus the costs of administering the ~~tuition-credit~~ program that are in excess of general revenue fund appropriations for administrative costs. The sales period to which such price applies shall consist of twelve months, and the authority by rule shall establish the date on which the sales period begins. If circumstances arise during a sales period that the authority determines causes the price of tuition ~~credits~~ units to be insufficient to ensure the actuarial soundness of the Ohio tuition trust fund, the authority may adjust the price of tuition ~~credits~~ units purchased during the remainder of the sales period. To promote the purchase of tuition ~~credits~~ units and in accordance with actuarially sound principles, the authority may adjust the sales price as part of incentive programs, such as discounting for ~~lump-sum~~ lump sum purchases and multi-year installment plans at a fixed rate of purchase.

Sec. 3334.08. (A) Subject to division (B) of this section, in addition to any other powers conferred by this chapter, the Ohio tuition trust authority may do any of the following:

(1) Impose reasonable residency requirements for beneficiaries of tuition ~~credits~~ units;

(2) Impose reasonable limits on the number of tuition ~~credit~~ unit participants;

(3) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(4) Purchase insurance from insurers licensed to do business in this state providing for coverage against any loss in

connection with the authority's property, assets, or activities or 20600
to further ensure the value of tuition ~~credits~~ units; 20601

(5) Indemnify or purchase policies of insurance on behalf of 20602
members, officers, and employees of the authority from insurers 20603
licensed to do business in this state providing for coverage for 20604
any liability incurred in connection with any civil action, 20605
demand, or claim against a director, officer, or employee by 20606
reason of an act or omission by the director, officer, or employee 20607
that was not manifestly outside the scope of the employment or 20608
official duties of the director, officer, or employee or with 20609
malicious purpose, in bad faith, or in a wanton or reckless 20610
manner; 20611

(6) Make, execute, and deliver contracts, conveyances, and 20612
other instruments necessary to the exercise and discharge of the 20613
powers and duties of the authority; 20614

(7) Promote, advertise, and publicize the Ohio college 20615
savings program and the variable college savings program; 20616

(8) Adopt rules under section 111.15 of the Revised Code for 20617
the implementation of the Ohio college savings program; 20618

(9) Contract, for the provision of all or part of the 20619
services necessary for the management and operation of the Ohio 20620
college savings program and the variable college savings program, 20621
with a bank, trust company, savings and loan association, 20622
insurance company, or licensed dealer in securities if the bank, 20623
company, association, or dealer is authorized to do business in 20624
this state and information about the contract is filed with the 20625
controlling board pursuant to division (D)(6) of section 127.16 of 20626
the Revised Code; 20627

(10) Contract for other services, or for goods, needed by the 20628
authority in the conduct of its business, including but not 20629
limited to credit card services; 20630

(11) Employ an executive director and other personnel as 20631
necessary to carry out its responsibilities under this chapter, 20632
and fix the compensation of these persons. All employees of the 20633
authority shall be in the unclassified civil service and shall be 20634
eligible for membership in the public employees retirement system. 20635

(12) Contract with financial consultants, actuaries, 20636
auditors, and other consultants as necessary to carry out its 20637
responsibilities under this chapter; 20638

(13) Enter into agreements with any agency of the state or 20639
its political subdivisions or with private employers under which 20640
an employee may agree to have a designated amount deducted in each 20641
payroll period from the wages or salary due the employee for the 20642
purpose of purchasing tuition ~~credits~~ units pursuant to a tuition 20643
payment contract or making contributions pursuant to a variable 20644
college savings program contract; 20645

(14) Enter into an agreement with the treasurer of state 20646
under which the treasurer of state will receive, and credit to the 20647
Ohio tuition trust fund or variable college savings program fund, 20648
from any bank or savings and loan association authorized to do 20649
business in this state, amounts that a depositor of the bank or 20650
association authorizes the bank or association to withdraw 20651
periodically from the depositor's account for the purpose of 20652
purchasing tuition ~~credits~~ units pursuant to a tuition payment 20653
contract or making contributions pursuant to a variable college 20654
savings program contract; 20655

(15) Solicit and accept gifts, grants, and loans from any 20656
person or governmental agency and participate in any governmental 20657
program; 20658

(16) Impose limits on the number of ~~credits~~ units which may 20659
be purchased on behalf of or assigned or awarded to any 20660
beneficiary and on the total amount of contributions that may be 20661

made on behalf of a beneficiary;	20662
(17) Impose restrictions on the substitution of another individual for the original beneficiary under the Ohio college savings program;	20663 20664 20665
(18) Impose a limit on the age of a beneficiary, above which tuition credits <u>units</u> may not be purchased on behalf of that beneficiary;	20666 20667 20668
(19) Enter into a cooperative agreement with the treasurer of state to provide for the direct disbursement of payments under tuition payment or variable college savings program contracts;	20669 20670 20671
(20) Determine the other higher education expenses for which tuition credits <u>units</u> or contributions may be used;	20672 20673
(21) Terminate any tuition payment or variable college savings program contract if no purchases or contributions are made for a period of three years or more and there are fewer than a total of five tuition units or tuition credits or less than a dollar amount set by rule on account, provided that notice of a possible termination shall be provided in advance, explaining any options to prevent termination, and a reasonable amount of time shall be provided within which to act to prevent a termination;	20674 20675 20676 20677 20678 20679 20680 20681
(22) Maintain a separate account for each tuition payment or variable college savings program contract;	20682 20683
(23) Perform all acts necessary and proper to carry out the duties and responsibilities of the authority pursuant to this chapter.	20684 20685 20686
(B) The authority shall adopt rules under section 111.15 of the Revised Code for the implementation and administration of the variable college savings program. The rules shall provide taxpayers with the maximum tax advantages and flexibility consistent with section 529 of the Internal Revenue Code and	20687 20688 20689 20690 20691

regulations adopted thereunder with regard to disposition of 20692
contributions and earnings, designation of beneficiaries, and 20693
rollover of account assets to other programs. 20694

(C) Except as otherwise specified in this chapter, the 20695
provisions of Chapters 123., 125., and 4117. of the Revised Code 20696
shall not apply to the authority. The department of administrative 20697
services shall, upon the request of the authority, act as the 20698
authority's agent for the purchase of equipment, supplies, 20699
insurance, or services, or the performance of administrative 20700
services pursuant to Chapter 125. of the Revised Code. 20701

Sec. 3334.09. (A) Except in the case of a scholarship program 20702
established in accordance with section 3334.17 of the Revised 20703
Code, the Ohio tuition trust authority may enter into a tuition 20704
payment contract with any person for the purchase of tuition 20705
~~credits~~ units if either the purchaser or the beneficiary is a 20706
resident of this state at the time the contract is entered into. A 20707
tuition payment contract shall allow any person to purchase 20708
tuition ~~credits~~ units at the price determined by the authority 20709
pursuant to section 3334.07 or 3334.12 of the Revised Code for the 20710
year in which the tuition ~~credit~~ unit is purchased. The purchaser 20711
shall name in the payment contract one specific individual as the 20712
beneficiary for the tuition ~~credits~~ units. 20713

In accordance with rules of the authority, ~~credits~~ units may 20714
be transferred to the credit of another beneficiary and a new 20715
beneficiary may be substituted for the beneficiary originally 20716
named in the contract. 20717

(B) Each tuition ~~credit~~ unit shall entitle the beneficiary to 20718
an amount equal to one per cent of the weighted average tuition. 20719

(C) Nothing in this chapter or in any tuition payment 20720
contract entered into pursuant to this chapter shall be construed 20721

as a guarantee by the state, the authority, or any institution of higher education that a beneficiary will be admitted to an institution of higher education, or, upon admission to an institution of higher education, will be permitted to continue to attend or will receive a degree from an institution of higher education. Nothing in this chapter or in any tuition payment contract entered into pursuant to this chapter shall be considered a guarantee that the beneficiary's cost of tuition at an institution of higher education other than a state institution of higher education will be covered in full by the proceeds of the beneficiary's tuition ~~credits~~ units.

(D) The following information shall be disclosed in writing to each purchaser of tuition ~~credits~~ units and, where appropriate, to each entity establishing a scholarship program under section 3334.17 of the Revised Code:

(1) The terms and conditions for the purchase and use of tuition ~~credits~~ units;

(2) In the case of a contract described by division (A) of this section, any restrictions on the substitution of another individual for the original beneficiary and any restrictions on the transfer of ownership of ~~credits~~ units in the payment account;

(3) The person or entity entitled to terminate the contract;

(4) The terms and conditions under which the contract may be terminated and the amount of the refund, if any, to which the person or entity terminating the contract, or that person's or entity's designee, is entitled upon termination;

(5) The obligation of the authority to make payments to a beneficiary, or an institution of higher education on behalf of a beneficiary, under division (B) of this section based upon the number of tuition ~~credits~~ units purchased on behalf of the beneficiary or awarded to the beneficiary pursuant to a

scholarship program; 20753

(6) The method by which tuition ~~credits~~ units shall be 20754
applied toward payment of tuition and other higher education 20755
expenses if in any academic term the beneficiary is a part-time 20756
student; 20757

(7) The period of time during which a beneficiary may receive 20758
benefits under the contract; 20759

(8) The terms and conditions under which money may be wholly 20760
or partially withdrawn from the program, including, but not 20761
limited to, any reasonable charges and fees that may be imposed 20762
for withdrawal; 20763

(9) All other rights and obligations of the purchaser and the 20764
authority, including the provisions of division (A) of section 20765
3334.12 of the Revised Code, and any other terms, conditions, and 20766
provisions the authority considers necessary and appropriate. 20767

(E) A tuition payment contract may provide that the authority 20768
will pay directly to the institution of higher education in which 20769
a beneficiary is enrolled during a term the amount represented by 20770
the tuition ~~credits~~ units being used that term. 20771

(F) A tuition payment contract described by division (A) of 20772
this section may provide that if the contract has not been 20773
terminated or ~~credits~~ units purchased under the contract have not 20774
been applied toward the payment of tuition or other higher 20775
education expenses within a specified period of time, the 20776
authority may, after making a reasonable effort to locate the 20777
purchaser of the tuition ~~credits~~ units, the beneficiary, and any 20778
person designated in the contract to act on behalf of the 20779
purchaser of the ~~credits~~ units or the beneficiary, terminate the 20780
contract and retain the amounts payable under the contract. 20781

(G) If, at any time after tuition ~~credits~~ units are purchased 20782
on behalf of a beneficiary or awarded to a beneficiary or pursuant 20783

to a scholarship program, the beneficiary becomes a nonresident of 20784
this state, or, if the beneficiary was not a resident of this 20785
state at the time the tuition payment contract was entered into, 20786
the purchaser becomes a nonresident of this state, ~~credits units~~ 20787
purchased or awarded while the beneficiary was a resident may be 20788
applied on behalf of the beneficiary toward the payment of tuition 20789
at an institution of higher education and other higher education 20790
expenses in the manner specified in division (B) of this section, 20791
except that if the beneficiary enrolls in a state institution of 20792
higher education, the beneficiary shall be responsible for payment 20793
of all nonresident fees charged to out-of-state residents by the 20794
institution in which the beneficiary is enrolled. 20795

Sec. 3334.10. Divisions (A), and (B), ~~(C), and (D)~~ of this 20796
section do not apply to scholarship programs established under 20797
section 3334.17 of the Revised Code. 20798

(A) Unless otherwise provided for in the ~~contract,~~ a tuition 20799
payment contract ~~may be terminated by the purchaser under any of~~ 20800
~~the following circumstances upon the written request of the~~ 20801
~~purchaser to the authority:~~ 20802

~~(1) Upon the death or permanent disability of the~~ 20803
~~beneficiary;~~ 20804

~~(2) Upon notification to the Ohio tuition trust authority in~~ 20805
~~writing that the beneficiary is age eighteen or older, has decided~~ 20806
~~not to attend an institution of higher education, and requests~~ 20807
~~that the contract be terminated;~~ 20808

~~(3) Upon the beneficiary's completion of the degree~~ 20809
~~requirements at an institution of higher education;~~ 20810

~~(4) Upon the rollover of all amounts in a tuition credit~~ 20811
~~account to an equivalent account in another state;~~ 20812

~~(5) Upon the occurrence of other circumstances determined by~~ 20813

the authority to be grounds for termination. 20814

~~(B) The authority shall determine the method and schedule for~~ 20815
~~payment of refunds upon termination of a tuition payment contract.~~ 20816
, the purchaser may rollover amounts to another qualified tuition 20817
program under section 529 of the Internal Revenue Code or 20818
terminate the contract for any reason by filing written notice 20819
with the Ohio tuition trust authority. 20820

~~(1) In cases described by division (A)(2) or (3) of this~~ 20821
~~section,~~ If the contract is terminated and the beneficiary is 20822
under eighteen years of age, the authority shall use actuarially 20823
sound principles to determine the amount of the refund ~~shall be~~ 20824
equal to not less than one per cent of the weighted average 20825
tuition in the academic year the refund is paid, multiplied by the 20826
number of tuition credits purchased and not used, minus any 20827
reasonable charges and fees provided for by the authority, or such 20828
other lesser sum as shall be determined by the authority but only 20829
to the extent that such a lesser sum is necessary to meet the 20830
refund penalty requirements for qualified state tuition programs 20831
under section 529 of the Internal Revenue Code. 20832

~~(2) In cases described by division (A)(1) of this section~~ If 20833
the contract is terminated because of the death or permanent 20834
disability of the beneficiary, the amount of the refund shall be 20835
equal to the greater of the following: 20836

(a) One per cent of the weighted average tuition in the 20837
academic year the refund is paid, multiplied by the number of 20838
tuition ~~credits~~ units purchased and not used; 20839

(b) The total purchase price of all tuition ~~credits~~ units 20840
purchased for the beneficiary and not used. 20841

~~(3) In cases described by division (A)(5) of this section,~~ 20842
the amount of the refund shall be either of the following as 20843
determined by the authority: 20844

~~(a) The refund provided by division (B)(1) of this section;~~ 20845

~~(b) The refund provided by division (B)(2) of this section,~~ 20846
~~or such other lesser sum as shall be determined by the authority~~ 20847
~~but only to the extent that such a lesser sum is necessary to meet~~ 20848
~~the refund penalty requirements for qualified state tuition~~ 20849
~~programs under section 529 of the Internal Revenue Code If all or~~ 20850
~~part of the amount accrued under the contract is liquidated for a~~ 20851
~~rollover to another qualified tuition program under section 529 of~~ 20852
~~the Internal Revenue Code, the rollover amount shall be determined~~ 20853
~~in an actuarially sound manner.~~ 20854

~~(C) Unless otherwise provided for in the contract, a (B) The~~ 20855
~~contributor of a variable college savings program account may be~~ 20856
~~terminated by rollover amounts to another qualified tuition~~ 20857
~~program under section 529 of the Internal Revenue Code or~~ 20858
~~terminate the contributor account for any reason upon the written~~ 20859
~~request of the contributor to the authority. Termination of a~~ 20860
~~variable college savings program account shall occur no earlier~~ 20861
~~than a maturity period set by the authority after the first~~ 20862
~~contribution is made to the account.~~ 20863

~~(D) The authority shall determine the method and schedule for~~ 20864
~~payment of refunds upon termination of a variable savings program~~ 20865
~~account by filing written notice with the Ohio tuition trust~~ 20866
~~authority.~~ 20867

~~(1) The contributor under a variable savings program contract~~ 20868
~~may receive a refund of the an amount equal to the account balance~~ 20869
~~in an account, less any applicable administrative fees, if the~~ 20870
~~account is terminated upon the death or permanent disability of~~ 20871
~~the beneficiary or, to the extent allowed under rules of the~~ 20872
~~authority, upon the rollover of all amounts in a variable college~~ 20873
~~savings program account to an equivalent account in another state.~~ 20874

~~(2) If a variable college savings program account is~~ 20875

~~terminated for any reason other than those set forth in division
(D)(1) of this section, the contributor may receive a refund of
the balance in the account, less any administrative fees, and less
any additional amount necessary to meet the minimum refund penalty
requirements for a qualified state tuition program under section
529 of the Internal Revenue Code.~~ 20876
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~~(3) Earnings shall be calculated as the total value of the
variable savings program account less the aggregate contributions,
or in such other manner as prescribed by section 529 of the
Internal Revenue Code.~~ 20882
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~~(E) In the case of a (C) A scholarship program, may request a
refund of tuition credits units in the program's account may be
made only for just cause with the approval of by filing a written
request with the authority. The refund shall be paid to the entity
that established the scholarship program or, with that entity's
approval, to the authority if this is authorized by federal tax
law. The amount of any refund shall be determined by the authority
and shall meet the requirements for refunds made on account of
scholarships under section 529 of the Internal Revenue Code.~~ 20886
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~~(F) If a beneficiary is awarded a scholarship other than
under a scholarship program, a waiver of tuition, or similar
subvention that the authority determines cannot be converted into
money by the beneficiary, the authority shall, during each
academic term that the beneficiary furnishes the authority such
information about the scholarship, waiver, or similar subvention
as the authority requires, refund to the person designated in the
contract, or, in the case of a beneficiary under a scholarship
program, to the beneficiary an amount equal to the value that the
tuition credits or the amounts in the variable college savings
program account that are not needed on account of the scholarship,
waiver, or similar subvention would otherwise have to the
beneficiary that term at the institution of higher education where~~ 20895
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~~the beneficiary is enrolled. The authority may, at its sole
option, designate the institution of higher education at which the
beneficiary is enrolled as the agent of the authority for purposes
of refunds pursuant to this division.~~

~~(G) If, in any academic term for which tuition credits or any
amounts in a variable college savings program account have been
used to pay all or part of a beneficiary's tuition, the
beneficiary withdraws from the institution of higher education at
which the beneficiary is enrolled prior to the end of the academic
term, a pro rata share of any refund of tuition as a result of the
withdrawal equal to that portion of the tuition paid with tuition
credits or the amounts in a variable college savings program
account shall be made to the authority, unless the authority
designates a different procedure. The authority shall credit any
refund received, less any reasonable charges and fees provided for
by the authority, to the appropriate account established under
division (F)(1) or (2) of section 3334.11 of the Revised Code or
division (H) of this section.~~

~~(H)(D) The authority shall maintain a separate account for
each variable college savings contract entered into pursuant to
division (A) of section 3334.18 of the Revised Code for
contributions made on behalf of a beneficiary, showing the name of
the beneficiary of that contract and the amount of contributions
made pursuant to that contract. Upon request of any beneficiary or
contributor, the authority shall provide a statement indicating,
in the case of a beneficiary, the amount of contributions made
pursuant to that contract on behalf of the beneficiary, or, in the
case of a contributor, contributions made, disbursed, or refunded
pursuant to that contract.~~

Sec. 3334.11. (A) The assets of the Ohio tuition trust
authority reserved for payment of the obligations of the authority

pursuant to tuition payment contracts shall be placed in a fund, 20939
which is hereby created and shall be known as the Ohio tuition 20940
trust fund. The fund shall be in the custody of the treasurer of 20941
state, but shall not be part of the state treasury. That portion 20942
of payments received by the authority or the treasurer of state 20943
from persons purchasing tuition ~~credits~~ units under tuition 20944
payment contracts that the authority determines is actuarially 20945
necessary for the payment of obligations of the authority pursuant 20946
to tuition payment contracts, all interest and investment income 20947
earned by the fund, and all other receipts of the authority from 20948
any other source that the authority determines appropriate, shall 20949
be deposited in the fund. No purchaser or beneficiary of tuition 20950
~~credits~~ units shall have any claim against the funds of any state 20951
institution of higher education. All investment fees and other 20952
costs incurred in connection with the exercise of the investment 20953
powers of the authority pursuant to divisions (D) and (E) of this 20954
section shall be paid from the assets of the fund. 20955

(B) Unless otherwise provided by the authority, the assets of 20956
the Ohio tuition trust fund shall be expended in the following 20957
order: 20958

(1) To make payments to beneficiaries, or institutions of 20959
higher education on behalf of beneficiaries, under division (B) of 20960
section 3334.09 of the Revised Code; 20961

(2) To make refunds as provided in divisions ~~(B), (E), (A)~~ and 20962
~~(F)~~ (C) of section 3334.10 of the Revised Code; 20963

(3) To pay the investment fees and other costs of 20964
administering the fund. 20965

(C)(1) Except as may be provided in an agreement under 20966
division (A)(19) of section 3334.08 of the Revised Code, all 20967
disbursements from the Ohio tuition trust fund shall be made by 20968
the treasurer of state on order of a designee of the authority. 20969

(2) The treasurer of state shall deposit any portion of the Ohio tuition trust fund not needed for immediate use in the same manner as state funds are deposited.

(D) The authority is the trustee of the Ohio tuition trust fund. The authority shall have full power to invest the assets of the fund and in exercising this power shall be subject to the limitations and requirements contained in divisions (K) to (M) of this section and sections 145.112 and 145.113 of the Revised Code. The evidences of title of all investments shall be delivered to the treasurer of state or to a qualified trustee designated by the treasurer of state as provided in section 135.18 of the Revised Code. Assets of the fund shall be administered by the authority in a manner designed to be actuarially sound so that the assets of the fund will be sufficient to satisfy the obligations of the authority pursuant to tuition payment contracts and defray the reasonable expenses of administering the fund.

(E) The public employees retirement board shall, with the approval of the authority, exercise the investment powers of the authority as set forth in division (D) of this section until the authority determines that assumption and exercise by the authority of the investment powers is financially and administratively feasible. The investment powers shall be exercised by the public employees retirement board in a manner agreed upon by the authority that maximizes the return on investment and minimizes the administrative expenses.

(F)(1) The authority shall maintain a separate account for each tuition payment contract entered into pursuant to division (A) of section 3334.09 of the Revised Code for the purchase of tuition ~~credits~~ units on behalf of a beneficiary or beneficiaries showing the beneficiary or beneficiaries of that contract and the number of tuition ~~credits~~ units purchased pursuant to that contract. Upon request of any beneficiary or person who has

entered into a tuition payment contract, the authority shall 21002
provide a statement indicating, in the case of a beneficiary, the 21003
number of tuition ~~credits~~ units purchased on behalf of the 21004
beneficiary, or in the case of a person who has entered into a 21005
tuition payment contract, the number of tuition ~~credits~~ units 21006
purchased, used, or refunded pursuant to that contract. A 21007
beneficiary and person that have entered into a tuition payment 21008
contract each may file only one request under this division in any 21009
year. 21010

(2) The authority shall maintain an account for each 21011
scholarship program showing the number of tuition ~~credits~~ units 21012
that have been purchased for or donated to the program and the 21013
number of tuition ~~credits~~ units that have been used. Upon the 21014
request of the entity that established the scholarship program, 21015
the authority shall provide a statement indicating these numbers. 21016

(G) In addition to the Ohio tuition trust fund, there is 21017
hereby established a reserve fund that shall be in the custody of 21018
the treasurer of state but shall not be part of the state 21019
treasury, and shall be known as the Ohio tuition trust reserve 21020
fund, and an operating fund that shall be part of the state 21021
treasury, and shall be known as the Ohio tuition trust operating 21022
fund. That portion of payments received by the authority or the 21023
treasurer of state from persons purchasing tuition ~~credits~~ units 21024
under tuition payment contracts that the authority determines is 21025
not actuarially necessary for the payment of obligations of the 21026
authority pursuant to tuition payment contracts, any interest and 21027
investment income earned by the reserve fund, any administrative 21028
charges and fees imposed by the authority on transactions under 21029
this chapter or on purchasers or beneficiaries of tuition ~~credits~~ 21030
units, and all other receipts from any other source that the 21031
authority determines appropriate, shall be deposited in the 21032
reserve fund to pay the operating expenses of the authority and 21033

the costs of administering the program. The assets of the reserve 21034
fund may be invested in the same manner and subject to the same 21035
limitations set forth in divisions (D), (E), and (K) to (M) of 21036
this section and sections 145.112 and 145.113 of the Revised Code. 21037
All investment fees and other costs incurred in connection with 21038
the exercise of the investment powers shall be paid from the 21039
assets of the reserve fund. Except as otherwise provided for in 21040
this chapter, all operating expenses of the authority and costs of 21041
administering the program shall be paid from the operating fund. 21042
The treasurer shall, upon request of the authority, transfer funds 21043
from the reserve fund to the operating fund as the authority 21044
determines appropriate to pay those current operating expenses of 21045
the authority and costs of administering the program as the 21046
authority designates. Any interest or investment income earned on 21047
the assets of the operating fund shall be deposited in the 21048
operating fund. 21049

(H) In January of each year the authority shall report to 21050
each person who received any payments or refunds from the 21051
authority during the preceding year information relative to the 21052
value of the payments or refunds to assist in determining that 21053
person's tax liability. 21054

(I) The authority shall report to the tax commissioner any 21055
information, and at the times, as the tax commissioner requires to 21056
determine any tax liability that a person may have incurred during 21057
the preceding year as a result of having received any payments or 21058
refunds from the authority. 21059

(J) All records of the authority indicating the identity of 21060
purchasers and beneficiaries of tuition ~~credits~~ units or college 21061
savings bonds, the number of tuition ~~credits~~ units purchased, 21062
used, or refunded under a tuition payment contract, and the number 21063
of college savings bonds purchased, held, or redeemed are not 21064
public records within the meaning of section 149.43 of the Revised 21065

Code. 21066

(K) The authority and other fiduciaries shall discharge their 21067
duties with respect to the funds with care, skill, prudence, and 21068
diligence under the circumstances then prevailing that a prudent 21069
person acting in a like capacity and familiar with such matters 21070
would use in the conduct of an enterprise of a like character and 21071
with like aims; and by diversifying the investments of the assets 21072
of the funds so as to minimize the risk of large losses, unless 21073
under the circumstances it is clearly prudent not to do so. 21074

To facilitate investment of the funds, the authority may 21075
establish a partnership, trust, limited liability company, 21076
corporation, including a corporation exempt from taxation under 21077
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 21078
amended, or any other legal entity authorized to transact business 21079
in this state. 21080

(L) In exercising its fiduciary responsibility with respect 21081
to the investment of the assets of the funds, it shall be the 21082
intent of the authority to give consideration to investments that 21083
enhance the general welfare of the state and its citizens where 21084
the investments offer quality, return, and safety comparable to 21085
other investments currently available to the authority. In 21086
fulfilling this intent, equal consideration shall also be given to 21087
investments otherwise qualifying under this section that involve 21088
minority owned and controlled firms and firms owned and controlled 21089
by women, either alone or in joint venture with other firms. 21090

The authority shall adopt, in regular meeting, policies, 21091
objectives, or criteria for the operation of the investment 21092
program that include asset allocation targets and ranges, risk 21093
factors, asset class benchmarks, time horizons, total return 21094
objectives, and performance evaluation guidelines. In adopting 21095
policies and criteria for the selection of agents with whom the 21096
authority may contract for the administration of the assets of the 21097

funds, the authority shall give equal consideration to minority
owned and controlled firms, firms owned and controlled by women,
and ventures involving minority owned and controlled firms and
firms owned and controlled by women that otherwise meet the
policies and criteria established by the authority. Amendments and
additions to the policies and criteria shall be adopted in regular
meeting. The authority shall publish its policies, objectives, and
criteria under this provision no less often than annually and
shall make copies available to interested parties.

When reporting on the performance of investments, the
authority shall comply with the performance presentation standards
established by the association for investment management and
research.

(M) All investments shall be purchased at current market
prices and the evidences of title of the investments shall be
placed in the hands of the treasurer of state, who is hereby
designated as custodian thereof, or in the hands of the treasurer
of state's authorized agent. The treasurer of state or the agent
shall collect the principal, dividends, distributions, and
interest thereon as they become due and payable and place them
when so collected into the custodial funds.

The treasurer of state shall pay for investments purchased by
the authority on receipt of written or electronic instructions
from the authority or the authority's designated agent authorizing
the purchase and pending receipt of the evidence of title of the
investment by the treasurer of state or the treasurer of state's
authorized agent. The authority may sell investments held by the
authority, and the treasurer of state or the treasurer of state's
authorized agent shall accept payment from the purchaser and
deliver evidence of title of the investment to the purchaser on
receipt of written or electronic instructions from the authority
or the authority's designated agent authorizing the sale, and

pending receipt of the moneys for the investments. The amount 21130
received shall be placed in the custodial funds. The authority and 21131
the treasurer of state may enter into agreements to establish 21132
procedures for the purchase and sale of investments under this 21133
division and the custody of the investments. 21134

No purchase or sale of any investment shall be made under 21135
this section except as authorized by the authority. 21136

Any statement of financial position distributed by the 21137
authority shall include fair value, as of the statement date, of 21138
all investments held by the authority under this section. 21139

Sec. 3334.12. Notwithstanding anything to the contrary in 21140
sections 3334.07 and 3334.09 of the Revised Code: 21141

(A) Annually, the Ohio tuition trust authority shall have the 21142
actuarial soundness of the Ohio tuition trust fund evaluated by a 21143
nationally recognized actuary and shall determine whether 21144
additional assets are necessary to defray the obligations of the 21145
authority. If, after the authority sets the price for tuition 21146
~~credits~~ units, circumstances arise that the executive director 21147
determines necessitate an additional evaluation of the actuarial 21148
soundness of the fund, the executive director shall have a 21149
nationally recognized actuary conduct the necessary evaluation. If 21150
the assets of the fund are insufficient to ensure the actuarial 21151
soundness of the fund, the authority shall adjust the price of 21152
subsequent purchases of tuition ~~credits~~ units to the extent 21153
necessary to help restore the actuarial soundness of the fund. If, 21154
at any time, the adjustment is likely, in the opinion of the 21155
authority, to diminish the marketability of tuition ~~credits~~ units 21156
to an extent that the continued sale of the ~~credits~~ units likely 21157
would not restore the actuarial soundness of the fund and external 21158
economic factors continue to negatively impact the soundness of 21159
the program, the authority may suspend sales, either permanently 21160

or temporarily, of tuition ~~credits~~ units. During any suspension, 21161
the authority shall continue to service existing college savings 21162
program accounts. 21163

(B) Upon termination of the program or liquidation of the 21164
Ohio tuition trust fund, the Ohio tuition trust reserve fund, and 21165
the Ohio tuition trust operating fund, any remaining assets of the 21166
funds after all obligations of the funds have been satisfied 21167
pursuant to division (B) of section 3334.11 of the Revised Code 21168
shall be transferred to the general revenue fund of the state. 21169

(C) The authority shall prepare and cause to have audited an 21170
annual financial report on all financial activity of the Ohio 21171
tuition trust authority within ninety days of the end of the 21172
fiscal year. The authority shall transmit a copy of the audited 21173
financial report to the governor, the president of the senate, the 21174
speaker of the house of representatives, and the minority leaders 21175
of the senate and the house of representatives. Copies of the 21176
audited financial report also shall be made available, upon 21177
request, to the persons entering into contracts with the authority 21178
and to prospective purchasers of tuition ~~credits~~ units and 21179
prospective contributors to variable college savings program 21180
accounts. 21181

Sec. 3334.15. (A) The right of a person to a tuition ~~credit~~ 21182
unit or a payment under section 3334.09 of the Revised Code 21183
pursuant to a tuition ~~credit~~ payment contract, a scholarship 21184
program, or a variable college savings program account shall not 21185
be subject to execution, garnishment, attachment, the operation of 21186
bankruptcy or the insolvency laws, or other process of law. 21187

(B) The right of a person to a tuition ~~credit~~ unit or a 21188
payment under section 3334.09 of the Revised Code pursuant to a 21189
tuition ~~credit~~ payment contract, a scholarship program, or a 21190
variable college savings program account shall not be used as 21191

security or collateral for a loan. 21192

Sec. 3334.16. The general assembly hereby finds that the 21193
prepaid tuition program providing for the sale of tuition credits 21194
units by the Ohio tuition trust authority is an official state 21195
function, offered through an agency of this state, which agency 21196
receives state appropriations. Therefore, the authority is 21197
directed by the state of Ohio to assume it is exempt from federal 21198
tax liability. 21199

Sec. 3334.17. (A) The state, any political subdivision of the 21200
state, and any organization that is exempt from federal income 21201
taxation under section 501 (a) and described in section 501 (c)(3) 21202
of the Internal Revenue Code, including the Ohio tuition trust 21203
authority if this is authorized under federal tax law, may 21204
establish a scholarship program to award scholarships consisting 21205
of contributions made to any college savings program for students. 21206
Any scholarship program established under this section shall be 21207
registered with the authority. The authority shall be notified of 21208
the name and address of each scholarship beneficiary under the 21209
program, the amounts awarded, and the institution of higher 21210
education in which the beneficiary is enrolled. Scholarship 21211
beneficiaries shall be selected by the entity establishing the 21212
scholarship program, in accordance with criteria established by 21213
the entity. 21214

(B) Any person or governmental entity may purchase tuition 21215
~~credits~~ units on behalf of a scholarship program that is or is to 21216
be established in accordance with division (A) of this section at 21217
the same price as is established for the purchase of ~~credits~~ units 21218
for named beneficiaries pursuant to this chapter. Tuition ~~credits~~ 21219
units shall have the same value to the beneficiary of a 21220
scholarship awarded pursuant to this section as they would have to 21221
any other beneficiary pursuant to division (B) of section 3334.09 21222

of the Revised Code. 21223

(C) The entity establishing and maintaining a scholarship 21224
program shall specify whether a scholarship beneficiary may 21225
receive a refund or payment for the amount awarded under the 21226
scholarship program directly from the authority, or whether the 21227
amount awarded shall be paid by the authority only to the 21228
institution of higher education in which the student is enrolled. 21229

(D) If a scholarship beneficiary does not use the amount 21230
awarded within a length of time specified under the scholarship 21231
program, the amount may be awarded to another beneficiary. 21232

Sec. 3334.18. (A) A variable college savings program 21233
established by the Ohio tuition trust authority shall include 21234
provisions for a contract to be entered into between a contributor 21235
and the authority that will authorize the contributor to open an 21236
account for a beneficiary and authorize the contributor to 21237
substitute a new beneficiary for one originally named in the 21238
contract, to the extent permitted by section 529 of the Internal 21239
Revenue Code. 21240

(B) The authority shall provide adequate safeguards to 21241
prevent total contributions to a variable college savings program 21242
account or purchases of tuition ~~credits~~ units, either separately 21243
or combined, that are made on behalf of a beneficiary from 21244
exceeding the amount necessary to provide for the tuition and 21245
other higher education expenses of the beneficiary, consistent 21246
with the maximum contributions permitted by section 529 of the 21247
Internal Revenue Code. However, in no event shall contributions or 21248
purchases exceed the allowable limit for a qualified ~~state~~ tuition 21249
program under section 529 of the Internal Revenue Code. 21250

(C)(1) Participation in the variable college savings program 21251
does not guarantee that contributions and the investment return on 21252
contributions, if any, will be adequate to cover future tuition 21253

and other higher education expenses or that a beneficiary will be admitted to or permitted to continue to attend an institution of higher education.

(2) Returns on contributors' investments in the variable college savings program are not guaranteed by the state and the contributors to the variable college savings program assume all investment risk, including the potential loss of principal and liability for penalties such as those levied for noneducational withdrawals.

(3) The state shall have no debt or obligation to any contributor, beneficiary, or any other person as a result of the establishment of the program, and the state assumes no risk or liability for funds invested in the variable college savings program.

(4) Informational materials about the variable college savings program prepared by the authority or its agents and provided to prospective contributors shall state clearly the information set forth in division (C) of this section.

Sec. 3345.32. (A) As used in this section:

(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code, the northeastern Ohio universities college of medicine, and the medical college of Ohio at Toledo.

(2) "Resident" has the meaning specified by rule of the Ohio board of regents.

(3) "Statement of selective service status" means a statement certifying one of the following:

(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as

amended; 21284

(b) That the individual filing the statement is not required 21285
to register with the selective service for one of the following 21286
reasons: 21287

(i) The individual is under eighteen or over twenty-six years 21288
of age; 21289

(ii) The individual is on active duty with the armed forces 21290
of the United States other than for training in a reserve or 21291
national guard unit; 21292

(iii) The individual is a nonimmigrant alien lawfully in the 21293
United States in accordance with section 101 (a)(15) of the 21294
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended; 21295

(iv) The individual is not a citizen of the United States and 21296
is a permanent resident of the Trust Territory of the Pacific 21297
Islands or the Northern Mariana Islands. 21298

(4) "Institution of higher education" means any eligible 21299
institution approved by the United States department of education 21300
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 21301
amended, or any institution whose students are eligible for 21302
financial assistance under any of the programs described by 21303
division (E) of this section. 21304

(B) The Ohio board of regents shall, by rule, specify the 21305
form of statements of selective service status to be filed in 21306
compliance with divisions (C) to (F) of this section. Each 21307
statement of selective service status shall contain a section 21308
wherein a male student born after December 31, 1959, certifies 21309
that the student has registered with the selective service system 21310
in accordance with the "Military Selective Service Act," 62 Stat. 21311
604, 50 U.S.C. App. 453, as amended. For those students not 21312
required to register with the selective service, as specified in 21313

divisions (A)(2)(b)(i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The board of regents may require that such statements be accompanied by documentation specified by rule of the board.

(C) A state university or college that enrolls in any course, class, or program a male student born after December 31, 1959, who has not filed a statement of selective service status with the university or college shall, regardless of the student's residency, charge the student any tuition surcharge charged students who are not residents of this state.

(D) No male born after December 31, 1959, shall be eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses under section 3315.33, 3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.27, 5910.03, 5910.032, or 5919.34 of the Revised Code unless that person has filed a statement of selective service status with that person's institution of higher education.

(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan

guarantee or for any form of financial assistance for educational 21346
expenses, until it receives a statement certifying that the 21347
individual has registered with the selective service system or is 21348
exempt from registration for a reason other than that the 21349
individual is under eighteen years of age. 21350

Sec. 3353.01. As used in ~~sections 3353.01 to 3353.05 of the~~ 21351
~~Revised Code~~ this chapter: 21352

(A) "Educational television or radio" means television or 21353
radio programs which serve the educational needs of the community 21354
and which meet the requirements of the federal communications 21355
commission for noncommercial educational television or radio. 21356

~~(B) "Educational telecommunications network" means a system 21357
of connected educational television, radio, or radio reading 21358
service facilities and coordinated programs established and 21359
operated or controlled by the Ohio educational telecommunications 21360
network commission, pursuant to sections 3353.01 to 3353.04 of the 21361
Revised Code. 21362~~

~~(C)~~ "Transmission" means the sending out of television, 21363
radio, or radio reading service programs, either directly to the 21364
public, or to broadcasting stations or services for simultaneous 21365
broadcast or rebroadcast. 21366

~~(D) "Transmission facilities" means structures, equipment, 21367
material, and services used in the transmission of educational 21368
television, radio, or radio reading service programs. 21369~~

~~(E) "Interconnection facilities" means the equipment, 21370
material, and services used to link one location to another 21371
location or to several locations by means of telephone line, 21372
coaxial cable, microwave relays, or other available technologies. 21373~~

~~(F)~~(C) "Broadcasting station" means a properly licensed 21374
noncommercial educational television or radio station, 21375

appropriately staffed and equipped to produce programs or lessons 21376
and to broadcast programs. 21377

~~(G) "Production center" means a television, radio, or radio 21378
reading service production studio, staffed and equipped with 21379
equipment, material, and supplies necessary to produce a program 21380
or a lesson for broadcast or for recording on film, video tape, or 21381
audio tape. 21382~~

~~(H)~~(D) "Radio reading service" means a nonprofit organization 21383
that disseminates news and other information to blind and 21384
physically handicapped persons. 21385

Sec. 3353.06. (A) The affiliates services fund is hereby 21386
created in the state treasury. The agency designated by the 21387
governor to assume the functions of the Ohio educational 21388
telecommunications network commission shall deposit any money it 21389
receives to the credit of the fund, including: 21390

(1) Reimbursements for services provided to stations; 21391

(2) Charges levied for maintenance of telecommunications, 21392
broadcasting, or transmission equipment; 21393

(3) Contract or grant payments. 21394

(B) The ~~commission~~ agency shall use money credited to the 21395
affiliates services fund for any ~~commission~~ agency operating 21396
purposes, including: 21397

(1) The purchase, repair, or maintenance of 21398
telecommunications, broadcasting, or transmission equipment; 21399

(2) The purchase or lease of educational programming; 21400

(3) The purchase of tape and maintenance of a media library; 21401

(4) Professional development programs and services; 21402

(5) Administrative expenses and legal fees. 21403

Sec. 3353.07. (A) ~~As used in this section, "broadcasting station" has the same meaning as in section 3353.01 of the Revised Code.~~ 21404
21405
21406

~~(B)~~ Ohio government telecommunications shall be funded 21407
through the agency designated by the governor to assume the 21408
functions of the Ohio educational telecommunications network 21409
commission and shall be managed by a broadcasting station under a 21410
contract. The contract shall not take effect until the program 21411
committee of Ohio government telecommunications approves the 21412
contract. The broadcasting station shall manage the staff of Ohio 21413
government telecommunications. 21414

~~(C)~~(B)(1) There is hereby created the program committee of 21415
Ohio government telecommunications that shall consist of the 21416
president of the senate, speaker of the house of representatives, 21417
minority leader of the senate, and minority leader of the house of 21418
representatives, or their designees. By a vote of a majority of 21419
its members, the program committee may add additional members to 21420
the committee. 21421

(2) The program committee shall adopt rules that govern the 21422
operation of Ohio government telecommunications and the coverage 21423
and distribution of official governmental activities by Ohio 21424
government telecommunications. 21425

Sec. 3365.01. As used in sections 3365.01 to 3365.10 of the 21426
Revised Code: 21427

(A) "College" means any state-assisted college or university 21428
described in section 3333.041 of the Revised Code, any nonprofit 21429
institution holding a certificate of authorization pursuant to 21430
Chapter 1713. of the Revised Code, any private institution exempt 21431
from regulation under Chapter 3332. of the Revised Code as 21432
prescribed in section 3333.046 of the Revised Code, and any 21433

institution holding a certificate of registration from the state 21434
board of career colleges and schools and program authorization for 21435
an associate or bachelor's degree program issued under section 21436
3332.05 of the Revised Code. 21437

(B) "School district," except as specified in division (G) of 21438
this section, means any school district to which a student is 21439
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 21440
the Revised Code and does not include a joint vocational or 21441
cooperative education school district. 21442

(C) "Parent" has the same meaning as in section 3313.64 of 21443
the Revised Code. 21444

(D) "Participant" means a student enrolled in a college under 21445
the post-secondary enrollment options program established by this 21446
chapter. 21447

(E) "Secondary grade" means the ninth through twelfth grades. 21448

(F) "School foundation payments" means the amount required to 21449
be paid to a school district for a fiscal year under Chapter 3317. 21450
of the Revised Code. 21451

(G) "Tuition base" means, with respect to a participant's 21452
school district, the greater of the following: 21453

(1) The fiscal year 2005 formula amount defined in ~~division~~ 21454
~~(B)~~ of section 3317.02 of the Revised Code multiplied by the 21455
district's fiscal year 2005 cost-of-doing-business factor defined 21456
in ~~division (N)~~ of that section ~~3317.02~~ of the Revised Code. ~~The;~~ 21457

(2) The sum of the current formula amount defined in section 21458
3317.02 of the Revised Code plus the per pupil amount of the base 21459
funding supplements specified in divisions (B)(3)(a) to (d) of 21460
section 3317.012 of the Revised Code. 21461

The participant's "school district" in the case of a 21462
participant enrolled in a community school shall be the school 21463

district in which the student is entitled to attend school under 21464
section 3313.64 or 3313.65 of the Revised Code. 21465

(H) "Educational program" means enrollment in one or more 21466
school districts, in a nonpublic school, or in a college under 21467
division (B) of section 3365.04 of the Revised Code. 21468

(I) "Nonpublic school" means a chartered or nonchartered 21469
school for which minimum standards are prescribed by the state 21470
board of education pursuant to division (D) of section 3301.07 of 21471
the Revised Code. 21472

(J) "School year" means the year beginning on the first day 21473
of July and ending on the thirtieth day of June. 21474

(K) "Community school" means any school established pursuant 21475
to Chapter 3314. of the Revised Code that includes secondary 21476
grades. 21477

(L) "Community school payments" means payments made by the 21478
department of education to a community school pursuant to division 21479
(D) of section 3314.08 of the Revised Code. 21480

Sec. 3365.02. There is hereby established the post-secondary 21481
enrollment options program under which a secondary grade student 21482
who is a resident of this state may enroll at a college, on a 21483
full- or part-time basis, and complete nonsectarian courses for 21484
high school and college credit. 21485

Secondary grade students in a nonpublic school may 21486
participate in the post-secondary enrollment options program if 21487
the chief administrator of such school notifies the department of 21488
education by the first day of April prior to the school year in 21489
which the school's students will participate. 21490

The state board of education, after consulting with the board 21491
of regents, shall adopt rules governing the program. The rules 21492
shall include: 21493

(A) Requirements for school districts, community schools, or participating nonpublic schools to provide information about the program prior to the first day of March of each year to all students enrolled in grades eight through eleven;

(B) A requirement that a student or the student's parent inform the district board of education, the governing authority of a community school, or the nonpublic school administrator by the thirtieth day of March of the student's intent to participate in the program during the following school year. The rule shall provide that any student who fails to notify a district board, the governing authority of a community school, or the nonpublic school administrator by the required date may not participate in the program during the following school year without the written consent of the district superintendent, the governing authority of a community school, or the nonpublic school administrator.

(C) Requirements that school districts and community schools provide counseling services to students in grades eight through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible risks and consequences of participation. Counseling information shall include without limitation:

- (1) Program eligibility;
- (2) The process for granting academic credits;
- (3) Financial arrangements for tuition, books, materials, and fees;
- (4) Criteria for any transportation aid;
- (5) Available support services;
- (6) Scheduling;
- (7) The consequences of failing or not completing a course in

which the student enrolls and the effect of the grade attained in 21524
the course being included in the student's grade point average, if 21525
applicable; 21526

(8) The effect of program participation on the student's 21527
ability to complete the district's, community school's, or 21528
nonpublic school's graduation requirements; 21529

(9) The academic and social responsibilities of students and 21530
parents under the program; 21531

(10) Information about and encouragement to use the 21532
counseling services of the college in which the student intends to 21533
enroll. 21534

(D) A requirement that the student and the student's parent 21535
sign a form, provided by the school district or school, stating 21536
that they have received the counseling required by division (C) of 21537
this section and that they understand the responsibilities they 21538
must assume in the program; 21539

(E) The options required by section 3365.04 of the Revised 21540
Code; 21541

(F) A requirement that a student may not enroll in any 21542
specific college course through the program if the student has 21543
taken high school courses in the same subject area as that college 21544
course and has failed to attain a cumulative grade point average 21545
of at least 3.0 on a 4.0 scale, or the equivalent, in such 21546
completed high school courses. 21547

~~Section Sec. 3375.48. The judges of the court of common pleas~~ 21548
~~of any county in which there is a~~ A law library association which 21549
~~furnishes that receives fines and penalties, and moneys arising~~ 21550
~~from forfeited bail, under sections 3375.50 to 3375.53 of the~~ 21551
Revised Code shall furnish to all of the members of the ~~Ohio~~ 21552
general assembly, the ~~county~~ officers of the county in which the 21553

association is located, and the judges of the several courts in 21554
the that county admission to its the associations's law library 21555
and the use of its books, materials, and equipment free of charge, 21556
upon the appointment by the. The association's board of trustees 21557
of such association of may appoint a person to act as librarian 21558
thereof, or of a person to act as librarian and not more than two 21559
additional persons to act as assistant law librarians thereof, of 21560
the law library. The board shall fix be responsible for fixing and 21561
paying the compensation of such those persons, which shall be paid 21562
from the county treasury subject to section 3375.49 of the Revised 21563
Code. 21564

Sec. 3375.49. For (A) Subject to divisions (B) and (C) of 21565
this section, for the use of the law library referred to in 21566
section 3375.48 of the Revised Code, the board of county 21567
commissioners shall provide, at the expense of the county, 21568
suitable rooms with sufficient and suitable bookcases space in the 21569
county courthouse or, if there are no suitable rooms in the 21570
courthouse, any other suitable rooms at in any other building 21571
located in the county seat with sufficient, and suitable bookcases 21572
utilities for that space. The 21573

(B)(1) Subject to division (C) of this section, in fiscal 21574
year 2005, the board of county commissioners shall be responsible 21575
for paying the compensation of the librarian and up to two 21576
assistant librarians of the law library appointed by the board of 21577
trustees of the law library association under section 3375.48 of 21578
the Revised Code and the costs of the space in the county 21579
courthouse or other building that the board provides for the use 21580
of the law library under division (A) of this section, the 21581
utilities for that space, and furniture and fixtures for the law 21582
library. 21583

(2) In fiscal years 2006 through 2009, the board of county 21584

commissioners and the board of trustees shall be responsible for 21585
paying the compensation of the librarian and up to two assistant 21586
librarians appointed under section 3375.48 of the Revised Code and 21587
the costs of the space in the county courthouse or other building 21588
that the board of county commissioners provides for the use of the 21589
law library under division (A) of this section, the utilities for 21590
that space, and furniture and fixtures for the law library as 21591
follows: 21592

(a) In fiscal year 2006, the board of county commissioners 21593
shall pay eighty per cent, and the board of trustees shall pay 21594
twenty per cent. 21595

(b) In fiscal year 2007, the board of county commissioners 21596
shall pay sixty per cent, and the board of trustees shall pay 21597
forty per cent. 21598

(c) In fiscal year 2008, the board of county commissioners 21599
shall pay forty per cent, and the board of trustees shall pay 21600
sixty per cent. 21601

(d) In fiscal year 2009, the board of county commissioners 21602
shall pay twenty per cent, and the board of trustees shall pay 21603
eighty per cent. 21604

(3) Beginning in fiscal year 2010 and thereafter, the board 21605
of trustees shall be responsible for paying the compensation of 21606
the librarian and all assistant librarians appointed under section 21607
3375.48 of the Revised Code as well as the costs of the space in 21608
the county courthouse or other building that the board of county 21609
commissioners provides for the use of the law library under 21610
division (A) of this section, the utilities for that space, and 21611
the law library's furniture and fixtures. 21612

(C) If the board of trustees of a law library association 21613
referred to in section 3375.48 of the Revised Code rents, leases, 21614
lease-purchases, or otherwise acquires space for the use of the 21615

law library, or constructs, enlarges, renovates, or otherwise 21616
modifies buildings or other structures to provide space for the 21617
use of the law library, the board of county commissioners of the 21618
county in which the association is located has no further 21619
obligation under division (A) of this section to provide space in 21620
the county courthouse or any other building located in the county 21621
seat for the use of the law library and utilities for that space, 21622
and has no further obligation under division (B) of this section 21623
to make payments for the compensation of the librarian and up to 21624
two assistant librarians of the law library appointed under 21625
section 3375.48 of the Revised Code and for the costs of space in 21626
the county courthouse or an other building for the use of the law 21627
library, the utilities for that space, and the law library's 21628
furniture and fixtures. 21629

(D) The librarian ~~or person in charge~~ of the law library 21630
shall receive and safely keep in ~~these rooms~~ the law library the 21631
law reports and other books furnished by the state for use of the 21632
court and bar. ~~The board of county commissioners shall heat and~~ 21633
~~light any such rooms. The~~ 21634

(E) The books, computer communications console that is a 21635
means of access to a system of computerized legal research, 21636
microform materials and equipment, videotape materials and 21637
equipment, audio or visual materials and equipment, other 21638
materials and equipment utilized in conducting legal research, ~~and~~ 21639
furniture, and fixtures of the law library association that are 21640
owned by, and used exclusively in, the law library are exempt from 21641
taxation. 21642

Sec. 3375.54. The money that is paid to the board of trustees 21643
of a law library association under sections 3375.50 to 3375.53 of 21644
the Revised Code shall be expended in the support and operation of 21645
the law library association ~~and~~; in the purchase, lease, or rental 21646

of lawbooks, a computer communications console that is a means of 21647
access to a system of computerized legal research, microform 21648
materials and equipment, videotape materials and equipment, audio 21649
or visual materials and equipment, ~~and other services,~~ materials, 21650
and equipment ~~that provide legal information or facilitate~~ 21651
utilized in conducting legal research, furniture, and fixtures 21652
used in the association's law library; and to pay the compensation 21653
of any librarian and assistant librarians of the law library 21654
appointed under section 3375.48 of the Revised Code. 21655

Sec. 3375.55. ~~Judges of the county court in the county and~~ 21656
~~officers~~ Officers of the townships and municipal corporations 21657
~~therein~~ in a county in which a law library association that 21658
receives fines and penalties, and moneys arising from forfeited 21659
bail, under sections 3375.50 to 3375.53 of the Revised Code is 21660
located shall have the same free use of the books, materials, and 21661
equipment of the association's law library ~~receiving moneys under~~ 21662
~~sections 3375.50 to 3375.53, inclusive, of the Revised Code, as~~ 21663
general assembly members and the judges and county officers 21664
mentioned in section 3375.48 of the Revised Code. 21665

Sec. 3377.03. The Ohio higher educational facility commission 21666
shall be comprised of nine members, one of whom shall be the 21667
chancellor of the Ohio board of regents or ~~his~~ the chancellor's 21668
designee. The remaining members shall be appointed by the governor 21669
with the advice and consent of the senate. ~~Of the members first~~ 21670
~~appointed, one shall serve for a term ending on the first Monday~~ 21671
~~in January, 1970; one for a term ending on the first Monday in~~ 21672
~~January, 1971; one for a term ending on the first Monday in~~ 21673
~~January, 1972; one for a term ending on the first Monday in~~ 21674
~~January, 1973; one for a term ending on the first Monday in~~ 21675
~~January, 1974; one for a term ending on the first Monday in~~ 21676
~~January, 1975; one for a term ending on the first Monday in~~ 21677

January, 1976; and one for a term ending on the first Monday in 21678
January, 1977. Each succeeding term of office shall be for eight 21679
years, commencing on the second day of January and ending on the 21680
first day of January, ~~except that upon expiration of the term~~ 21681
~~ending January 7, 1974, the new term which succeeds it shall~~ 21682
~~commence on January 8, 1974, and end on January 1, 1982; upon~~ 21683
~~expiration of the term ending January 6, 1975, the new term which~~ 21684
~~succeeds it shall commence on January 7, 1975, and end on January~~ 21685
~~1, 1983; upon expiration of the term ending January 5, 1976, the~~ 21686
~~new term which succeeds it shall commence on January 6, 1976, and~~ 21687
~~end on January 1, 1984; upon expiration of the term ending January~~ 21688
~~3, 1977, the new term which succeeds it shall commence on January~~ 21689
~~4, 1977, and end on January 1, 1985; upon expiration of the term~~ 21690
~~ending January 5, 1978, the new term which succeeds it shall~~ 21691
~~commence on January 6, 1978, and end on January 1, 1986; upon~~ 21692
~~expiration of the term ending January 4, 1979, the new term which~~ 21693
~~succeeds it shall commence on January 5, 1979, and end on January~~ 21694
~~1, 1987; and upon expiration of the term ending January 3, 1980,~~ 21695
~~the new term which succeeds it shall commence on January 4, 1980,~~ 21696
~~and end on January 1, 1988. Each member shall hold office from the~~ 21697
date of ~~his~~ appointment until the end of the term for which ~~he was~~ 21698
appointed. Vacancies shall be filled by gubernatorial appointment. 21699
Any member appointed to fill a vacancy occurring prior to the 21700
expiration of the term for which ~~his~~ the member's predecessor was 21701
appointed shall hold office for the remainder of such term. Any 21702
member shall continue in office subsequent to the expiration date 21703
of ~~his~~ the member's term until ~~his~~ the member's successor takes 21704
office, or until a period of sixty days has elapsed, whichever 21705
occurs first. 21706

The governor shall designate the ~~chairman~~ chairperson of the 21707
commission. The commission shall elect from its own members each 21708
year, a ~~vice-chairman~~ vice-chairperson and such other officers as 21709
it deems necessary. Members of the commission shall receive no 21710

compensation for their services but shall be reimbursed for their 21711
necessary and actual expenses actually incurred in the conduct of 21712
the commission's business. 21713

The commission shall provide for the holding of regular and 21714
special meetings. A majority of the commissioners shall constitute 21715
a quorum for the transaction of any business and the approval of a 21716
majority of the members is necessary to undertake any act of the 21717
commission. The meetings are subject to section 121.22 of the 21718
Revised Code, except that one or more members may be present at a 21719
meeting by interactive video teleconference or teleconference if 21720
public attendance is allowed at the meeting's location. In that 21721
case, members present at a meeting by interactive video 21722
teleconference or teleconference may be considered present for 21723
determining whether a quorum exists and may vote, notwithstanding 21724
the requirement of division (C) of that section that members be 21725
present in person for those purposes. 21726

The commission shall adopt rules for the conduct of business, 21727
may appoint such officers and employees as necessary, and may fix 21728
their compensation and prescribe their duties. All expenses 21729
incurred in carrying out Chapter 3377. of the Revised Code are 21730
payable solely from funds of the commission available therefor, 21731
and no liability or obligation shall be incurred by the commission 21732
beyond the extent to which such funds are available. 21733

Within ninety days after the close of each fiscal year, the 21734
commission shall make a report of its activities for the preceding 21735
fiscal year to the governor. Such report shall be filed with the 21736
clerk of each house of the general assembly. 21737

Sec. 3383.02. (A) There is hereby created the Ohio cultural 21738
facilities commission. Notwithstanding any provision to the 21739
contrary contained in Chapter 152. of the Revised Code, the 21740
commission shall engage in and provide for the development, 21741

performance, and presentation or making available of culture and 21742
professional sports and athletics to the public in this state, and 21743
the provision of training or education in culture, by the exercise 21744
of its powers under this chapter, including the provision, 21745
operation, management, and cooperative use of Ohio cultural 21746
facilities and Ohio sports facilities. The commission is a body 21747
corporate and politic, an agency of state government and an 21748
instrumentality of the state, performing essential governmental 21749
functions of this state. The carrying out of the purposes and the 21750
exercise by the commission of its powers conferred by this chapter 21751
are essential public functions and public purposes of the state 21752
and of state government. The commission may, in its own name, sue 21753
and be sued, enter into contracts, and perform all the powers and 21754
duties given to it by this chapter; however, it does not have and 21755
shall not exercise the power of eminent domain. 21756

(B) The commission shall consist of ~~ten~~ twelve members, ~~seven~~ 21757
nine of whom shall be voting members and three of whom shall be 21758
nonvoting members. The ~~seven~~ nine voting members shall be 21759
appointed by the governor, with the advice and consent of the 21760
senate, from different geographical regions of the state. In 21761
addition, one of the voting members shall represent the state 21762
architect. Not more than ~~four~~ five of the members appointed by the 21763
governor shall be affiliated with the same political party. The 21764
nonvoting members shall be the staff director of the Ohio arts 21765
council, a member of the senate appointed by the president of the 21766
senate, and a member of the house of representatives appointed by 21767
the speaker of the house. 21768

(C) Of the five initial appointments made by the governor, 21769
one shall be for a term expiring December 31, 1989, two shall be 21770
for terms expiring December 31, 1990, and two shall be for terms 21771
expiring December 31, 1991. Of the initial appointments of the 21772
sixth and seventh voting members made by the governor, one shall 21773

be for a term expiring December 31, 2003, and one shall be for a
term expiring December 31, 2004. Of the initial appointments of
the eighth and ninth voting members made by the governor, one
shall be for a term expiring December 31, 2007, and one shall be
for a term expiring December 31, 2008. These voting members shall
be appointed within sixty days after the effective date of this
amendment. Thereafter, each such term shall be for three years,
commencing on the first day of January and ending on the
thirty-first day of December. Each appointment by the president of
the senate and by the speaker of the house of representatives
shall be for the balance of the then legislative biennium. 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
expiration of the term for which the member's predecessor was
appointed shall hold office for the remainder of such term. Any
member shall continue in office subsequent to the expiration date
of the member's term until the member's successor takes office, or
until a period of sixty days has elapsed, whichever occurs first.

(D) Members of the commission shall serve without
compensation.

(E) Organizational meetings of the commission shall be held
at the first meeting of each calendar year. At each organizational
meeting, the commission shall elect from among its voting members
a chairperson, a vice-chairperson, and a secretary-treasurer, who
shall serve until the next annual meeting. The commission shall
adopt rules pursuant to section 111.15 of the Revised Code for the
conduct of its internal business and shall keep a journal of its
proceedings.

(F) ~~Four~~ Five voting members of the commission constitute a
quorum, and the affirmative vote of ~~four~~ five members is necessary
for approval of any action taken by the commission. A vacancy in

the membership of the commission does not impair a quorum from 21806
exercising all the rights and performing all the duties of the 21807
commission. Meetings of the commission may be held anywhere in the 21808
state, and shall be held in compliance with section 121.22 of the 21809
Revised Code. 21810

(G) All expenses incurred in carrying out this chapter are 21811
payable solely from money accrued under this chapter or 21812
appropriated for these purposes by the general assembly, and the 21813
commission shall incur no liability or obligation beyond such 21814
money. 21815

(H) The commission shall file an annual report of its 21816
activities and finances with the governor, director of budget and 21817
management, speaker of the house of representatives, president of 21818
the senate, and chairpersons of the house and senate finance 21819
committees. 21820

(I) There is hereby established in the state treasury the 21821
Ohio cultural facilities commission administration fund. All 21822
revenues of the commission shall be credited to that fund and to 21823
any accounts created in ~~the~~ that fund with the commission's 21824
approval. All expenses of the commission, including reimbursement 21825
of, or payment to, any other fund or any governmental agency for 21826
advances made or services rendered to or on behalf of the 21827
commission, shall be paid from ~~the Ohio cultural facilities~~ 21828
~~commission administration~~ that fund as determined by or pursuant 21829
to directions of the commission. All investment earnings of ~~the~~ 21830
~~administration~~ that fund shall be credited to ~~the fund~~ it and 21831
shall be allocated among any accounts created in the fund in the 21832
manner determined by the commission. 21833

(J) Title to all real property and lesser interests in real 21834
property acquired by the commission, including leasehold and other 21835
interests, pursuant to this chapter shall be taken in the name of 21836
the state and shall be held for the use and benefit of the 21837

commission. The commission shall not mortgage such real property 21838
and interests in real property. Title to other property and 21839
interests in it acquired by the commission pursuant to this 21840
chapter shall be taken in its name. 21841

Sec. 3701.146. (A) In taking actions regarding tuberculosis, 21842
the director of health has all of the following duties and powers: 21843

~~(1) The director shall make payments to boards of county 21844
commissioners in accordance with section 339.77 of the Revised 21845
Code. 21846~~

~~(2)~~ The director shall maintain registries of hospitals, 21847
clinics, physicians, or other care providers to whom the director 21848
shall refer persons who make inquiries to the department of health 21849
regarding possible exposure to tuberculosis. 21850

~~(3)~~(2) The director shall engage in tuberculosis surveillance 21851
activities, including the collection and analysis of 21852
epidemiological information relative to the frequency of 21853
tuberculosis infection, demographic and geographic distribution of 21854
tuberculosis cases, and trends pertaining to tuberculosis. 21855

~~(4)~~(3) The director shall maintain a tuberculosis registry to 21856
record the incidence of tuberculosis in this state. 21857

~~(5)~~(4) The director may appoint physicians to serve as 21858
tuberculosis consultants for geographic regions of the state 21859
specified by the director. Each tuberculosis consultant shall act 21860
in accordance with rules the director establishes and shall be 21861
responsible for advising and assisting physicians and other health 21862
care practitioners who participate in tuberculosis control 21863
activities and for reviewing medical records pertaining to the 21864
treatment provided to individuals with tuberculosis. 21865

(B)(1) The public health council shall adopt rules 21866
establishing standards for the following: 21867

(a) Performing tuberculosis screenings;	21868
(b) Performing examinations of individuals who have been exposed to tuberculosis and individuals who are suspected of having tuberculosis;	21869 21870 21871
(c) Providing treatment to individuals with tuberculosis;	21872
(d) Preventing individuals with communicable tuberculosis from infecting other individuals;	21873 21874
(e) Performing laboratory tests for tuberculosis and studies of the resistance of tuberculosis to one or more drugs;	21875 21876
(f) Selecting laboratories that provide in a timely fashion the results of a laboratory test for tuberculosis. The standards shall include a requirement that first consideration be given to laboratories located in this state.	21877 21878 21879 21880
(2) Rules adopted pursuant to this section shall be adopted in accordance with Chapter 119. of the Revised Code and may be consistent with any recommendations or guidelines on tuberculosis issued by the United States centers for disease control and prevention or by the American thoracic society. The rules shall apply to county or district tuberculosis control units, physicians who examine and treat individuals for tuberculosis, and laboratories that perform tests for tuberculosis.	21881 21882 21883 21884 21885 21886 21887 21888
Sec. 3702.141. (A) As used in this section:	21889
(1) <u>"existing Existing health care facility" has means a health care facility that is licensed or otherwise approved to practice in this state, in accordance with applicable law, is staffed and equipped to provide health care services, and actively provides health services or has not been actively providing health services for less than twelve consecutive months.</u>	21890 21891 21892 21893 21894 21895
(2) <u>"Health care facility" and "health service" have the same</u>	21896

~~meaning~~ meanings as in section 3702.51 of the Revised Code. 21897

(B) Section 3702.14 of the Revised Code shall not be 21898
construed to require any existing health care facility that is 21899
conducting an activity specified in section 3702.11 of the Revised 21900
Code, which activity was initiated on or before March 20, 1997, to 21901
alter, upgrade, or otherwise improve the structure or fixtures of 21902
the facility in order to comply with any rule adopted under 21903
section 3702.11 of the Revised Code relating to that activity, 21904
unless one of the following applies: 21905

(1) The facility initiates a construction, renovation, or 21906
reconstruction project that involves a capital expenditure of at 21907
least fifty thousand dollars, not including expenditures for 21908
equipment or staffing or operational costs, and that directly 21909
involves the area in which the existing service is conducted. 21910

(2) The facility initiates another activity specified in 21911
section 3702.11 of the Revised Code. 21912

(3) The facility initiates a service level designation change 21913
for obstetric and newborn care. 21914

(4) The facility proposes to add a cardiac catheterization 21915
laboratory to an existing cardiac catheterization service. 21916

(5) The facility proposes to add an open-heart operating room 21917
to an existing open-heart surgery service. 21918

(6) The director of health determines, by clear and 21919
convincing evidence, that failure to comply with the rule would 21920
create an imminent risk to the health and welfare of any patient. 21921

(C) If division (B)(4) or (5) of this section applies, any 21922
alteration, upgrade, or other improvement required shall apply 21923
only to the proposed addition to the existing service if the cost 21924
of the addition is less than the capital expenditure threshold set 21925
forth in division (B)(1) of this section. 21926

(D) No person or government entity shall divide or otherwise
segment a construction, renovation, or reconstruction project in
order to evade application of the capital expenditure threshold
set forth in division (B)(1) of this section.

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the
Revised Code:

(A) "Applicant" means any person that submits an application
for a certificate of need and who is designated in the application
as the applicant.

(B) "Person" means any individual, corporation, business
trust, estate, firm, partnership, association, joint stock
company, insurance company, government unit, or other entity.

(C) "Certificate of need" means a written approval granted by
the director of health to an applicant to authorize conducting a
reviewable activity.

(D) "Health service area" means a geographic region
designated by the director of health under section 3702.58 of the
Revised Code.

(E) "Health service" means a clinically related service, such
as a diagnostic, treatment, rehabilitative, or preventive service.

(F) "Health service agency" means an agency designated to
serve a health service area in accordance with section 3702.58 of
the Revised Code.

(G) "Health care facility" means:

(1) A hospital registered under section 3701.07 of the
Revised Code;

(2) A nursing home licensed under section 3721.02 of the
Revised Code, or by a political subdivision certified under
section 3721.09 of the Revised Code;

(3) A county home or a county nursing home as defined in section 5155.31 of the Revised Code that is certified under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(4) A freestanding dialysis center;

(5) A freestanding inpatient rehabilitation facility;

(6) An ambulatory surgical facility;

(7) A freestanding cardiac catheterization facility;

(8) A freestanding birthing center;

(9) A freestanding or mobile diagnostic imaging center;

(10) A freestanding radiation therapy center.

A health care facility does not include the offices of private physicians and dentists whether for individual or group practice, residential facilities licensed under section 5123.19 of the Revised Code, ~~or habilitation centers certified by the director of mental retardation and developmental disabilities under section 5123.041 of the Revised Code,~~ or an institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and providing twenty-four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.

(H) "Medical equipment" means a single unit of medical equipment or a single system of components with related functions that is used to provide health services.

(I) "Third-party payer" means a health insuring corporation

licensed under Chapter 1751. of the Revised Code, a health
maintenance organization as defined in division (K) of this
section, an insurance company that issues sickness and accident
insurance in conformity with Chapter 3923. of the Revised Code, a
state-financed health insurance program under Chapter 3701.,
4123., or 5111. of the Revised Code, or any self-insurance plan.

(J) "Government unit" means the state and any county,
municipal corporation, township, or other political subdivision of
the state, or any department, division, board, or other agency of
the state or a political subdivision.

(K) "Health maintenance organization" means a public or
private organization organized under the law of any state that is
qualified under section 1310(d) of Title XIII of the "Public
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9.

(L) "Existing health care facility" means a either of the
following:

(1) A health care facility that is licensed or otherwise
approved authorized to practice operate in this state, in
accordance with applicable law, is staffed and equipped to provide
health care services, and is actively provides providing health
services ~~or has not been actively providing health services for~~
~~less than twelve consecutive months;~~

(2) Is licensed or has beds registered under section 3701.07
of the Revised Code as skilled nursing beds or long-term care beds
and has provided services for at least three hundred sixty-five
consecutive days within the twenty-four months immediately
preceding the date a certificate of need application is filed with
the director of health.

(M) "State" means the state of Ohio, including, but not
limited to, the general assembly, the supreme court, the offices
of all elected state officers, and all departments, boards,

offices, commissions, agencies, institutions, and other 22017
instrumentalities of the state of Ohio. "State" does not include 22018
political subdivisions. 22019

(N) "Political subdivision" means a municipal corporation, 22020
township, county, school district, and all other bodies corporate 22021
and politic responsible for governmental activities only in 22022
geographic areas smaller than that of the state to which the 22023
sovereign immunity of the state attaches. 22024

(O) "Affected person" means: 22025

(1) An applicant for a certificate of need, including an 22026
applicant whose application was reviewed comparatively with the 22027
application in question; 22028

(2) The person that requested the reviewability ruling in 22029
question; 22030

(3) Any person that resides or regularly uses health care 22031
facilities within the geographic area served or to be served by 22032
the health care services that would be provided under the 22033
certificate of need or reviewability ruling in question; 22034

(4) Any health care facility that is located in the health 22035
service area where the health care services would be provided 22036
under the certificate of need or reviewability ruling in question; 22037

(5) Third-party payers that reimburse health care facilities 22038
for services in the health service area where the health care 22039
services would be provided under the certificate of need or 22040
reviewability ruling in question; 22041

(6) Any other person who testified at a public hearing held 22042
under division (B) of section 3702.52 of the Revised Code or 22043
submitted written comments in the course of review of the 22044
certificate of need application in question. 22045

(P) "Osteopathic hospital" means a hospital registered under 22046

section 3701.07 of the Revised Code that advocates osteopathic 22047
principles and the practice and perpetuation of osteopathic 22048
medicine by doing any of the following: 22049

(1) Maintaining a department or service of osteopathic 22050
medicine or a committee on the utilization of osteopathic 22051
principles and methods, under the supervision of an osteopathic 22052
physician; 22053

(2) Maintaining an active medical staff, the majority of 22054
which is comprised of osteopathic physicians; 22055

(3) Maintaining a medical staff executive committee that has 22056
osteopathic physicians as a majority of its members. 22057

(Q) "Ambulatory surgical facility" has the same meaning as in 22058
section 3702.30 of the Revised Code. 22059

(R) Except as otherwise provided in division (T) of this 22060
section, and until the termination date specified in section 22061
3702.511 of the Revised Code, "reviewable activity" means any of 22062
the following: 22063

(1) The addition by any person of any of the following health 22064
services, regardless of the amount of operating costs or capital 22065
expenditures: 22066

(a) A heart, heart-lung, lung, liver, kidney, bowel, 22067
pancreas, or bone marrow transplantation service, a stem cell 22068
harvesting and reinfusion service, or a service for 22069
transplantation of any other organ unless transplantation of the 22070
organ is designated by public health council rule not to be a 22071
reviewable activity; 22072

(b) A cardiac catheterization service; 22073

(c) An open-heart surgery service; 22074

(d) Any new, experimental medical technology that is 22075
designated by rule of the public health council. 22076

(2) The acceptance of high-risk patients, as defined in rules 22077
adopted under section 3702.57 of the Revised Code, by any cardiac 22078
catheterization service that was initiated without a certificate 22079
of need pursuant to division (R)(3)(b) of the version of this 22080
section in effect immediately prior to April 20, 1995; 22081

(3)(a) The establishment, development, or construction of a 22082
new health care facility other than a new long-term care facility 22083
or a new hospital; 22084

(b) The establishment, development, or construction of a new 22085
hospital or the relocation of an existing hospital; 22086

(c) The relocation of hospital beds, other than long-term 22087
care, perinatal, or pediatric intensive care beds, into or out of 22088
a rural area. 22089

(4)(a) The replacement of an existing hospital; 22090

(b) The replacement of an existing hospital obstetric or 22091
newborn care unit or freestanding birthing center. 22092

(5)(a) The renovation of a hospital that involves a capital 22093
expenditure, obligated on or after ~~the effective date of this~~ 22094
~~amendment~~ June 30, 1995, of five million dollars or more, not 22095
including expenditures for equipment, staffing, or operational 22096
costs. For purposes of division (R)(5)(a) of this section, a 22097
capital expenditure is obligated: 22098

(i) When a contract enforceable under Ohio law is entered 22099
into for the construction, acquisition, lease, or financing of a 22100
capital asset; 22101

(ii) When the governing body of a hospital takes formal 22102
action to commit its own funds for a construction project 22103
undertaken by the hospital as its own contractor; 22104

(iii) In the case of donated property, on the date the gift 22105
is completed under applicable Ohio law. 22106

(b) The renovation of a hospital obstetric or newborn care unit or freestanding birthing center that involves a capital expenditure of five million dollars or more, not including expenditures for equipment, staffing, or operational costs.

(6) Any change in the health care services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, if the change is made prior to the date the activity for which the certificate was issued ceases to be a reviewable activity;

(7) Any of the following changes in perinatal bed capacity or pediatric intensive care bed capacity:

(a) An increase in bed capacity;

(b) A change in service or service-level designation of newborn care beds or obstetric beds in a hospital or freestanding birthing center, other than a change of service that is provided within the service-level designation of newborn care or obstetric beds as registered by the department of health;

(c) A relocation of perinatal or pediatric intensive care beds from one physical facility or site to another, excluding the relocation of beds within a hospital or freestanding birthing center or the relocation of beds among buildings of a hospital or freestanding birthing center at the same site.

(8) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need;

(9) Any transfer of a certificate of need issued prior to April 20, 1995, from the person to whom it was issued to another person before the project that constitutes a reviewable activity is completed, any agreement that contemplates the transfer of a certificate of need issued prior to that date upon completion of

the project, and any transfer of the controlling interest in an
entity that holds a certificate of need issued prior to that date.
However, the transfer of a certificate of need issued prior to
that date or agreement to transfer such a certificate of need from
the person to whom the certificate of need was issued to an
affiliated or related person does not constitute a reviewable
transfer of a certificate of need for the purposes of this
division, unless the transfer results in a change in the person
that holds the ultimate controlling interest in the certificate of
need.

(10)(a) The acquisition by any person of any of the following
medical equipment, regardless of the amount of operating costs or
capital expenditure:

- (i) A cobalt radiation therapy unit;
- (ii) A linear accelerator;
- (iii) A gamma knife unit.

(b) The acquisition by any person of medical equipment with a
cost of two million dollars or more. The cost of acquiring medical
equipment includes the sum of the following:

- (i) The greater of its fair market value or the cost of its
lease or purchase;
- (ii) The cost of installation and any other activities
essential to the acquisition of the equipment and its placement
into service.

(11) The addition of another cardiac catheterization
laboratory to an existing cardiac catheterization service.

(S) Except as provided in division (T) of this section,
"reviewable activity" also means any of the following activities,
none of which are subject to a termination date:

- (1) The establishment, development, or construction of a new

long-term care facility;	22167
(2) The replacement of an existing long-term care facility;	22168
(3) The renovation of a long-term care facility that involves a capital expenditure of two million dollars or more, not including expenditures for equipment, staffing, or operational costs;	22169 22170 22171 22172
(4) Any of the following changes in long-term care bed capacity:	22173 22174
(a) An increase in bed capacity;	22175
(b) A relocation of beds from one physical facility or site to another, excluding the relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;	22176 22177 22178 22179
(c) A recategorization of hospital beds registered under section 3701.07 of the Revised Code from another registration category to skilled nursing beds or long-term care beds.	22180 22181 22182
(5) Any change in the health services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need concerning long-term care beds was granted, if the change is made within five years after the implementation of the reviewable activity for which the certificate was granted;	22183 22184 22185 22186 22187 22188
(6) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;	22189 22190 22191
(7) Any transfer of a certificate of need that concerns long-term care beds and was issued prior to April 20, 1995, from the person to whom it was issued to another person before the project that constitutes a reviewable activity is completed, any agreement that contemplates the transfer of such a certificate of	22192 22193 22194 22195 22196

need upon completion of the project, and any transfer of the
controlling interest in an entity that holds such a certificate of
need. However, the transfer of a certificate of need that concerns
long-term care beds and was issued prior to April 20, 1995, or
agreement to transfer such a certificate of need from the person
to whom the certificate was issued to an affiliated or related
person does not constitute a reviewable transfer of a certificate
of need for purposes of this division, unless the transfer results
in a change in the person that holds the ultimate controlling
interest in the certificate of need.

(T) "Reviewable activity" does not include any of the
following activities:

- (1) Acquisition of computer hardware or software;
- (2) Acquisition of a telephone system;
- (3) Construction or acquisition of parking facilities;
- (4) Correction of cited deficiencies that are in violation of
federal, state, or local fire, building, or safety laws and rules
and that constitute an imminent threat to public health or safety;
- (5) Acquisition of an existing health care facility that does
not involve a change in the number of the beds, by service, or in
the number or type of health services;
- (6) Correction of cited deficiencies identified by
accreditation surveys of the joint commission on accreditation of
healthcare organizations or of the American osteopathic
association;
- (7) Acquisition of medical equipment to replace the same or
similar equipment for which a certificate of need has been issued
if the replaced equipment is removed from service;
- (8) Mergers, consolidations, or other corporate
reorganizations of health care facilities that do not involve a

change in the number of beds, by service, or in the number or type of health services;	22227 22228
(9) Construction, repair, or renovation of bathroom facilities;	22229 22230
(10) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;	22231 22232 22233 22234
(11) Acquisition of medical equipment to conduct research required by the United States food and drug administration or clinical trials sponsored by the national institute of health. Use of medical equipment that was acquired without a certificate of need under division (T)(11) of this section and for which premarket approval has been granted by the United States food and drug administration to provide services for which patients or reimbursement entities will be charged shall be a reviewable activity.	22235 22236 22237 22238 22239 22240 22241 22242 22243
(12) Removal of asbestos from a health care facility.	22244
Only that portion of a project that meets the requirements of division (T) of this section is not a reviewable activity.	22245 22246
(U) "Small rural hospital" means a hospital that is located within a rural area, has fewer than one hundred beds, and to which fewer than four thousand persons were admitted during the most recent calendar year.	22247 22248 22249 22250
(V) "Children's hospital" means any of the following:	22251
(1) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;	22252 22253 22254 22255 22256

(2) A distinct portion of a hospital registered under section 22257
3701.07 of the Revised Code that provides general pediatric 22258
medical and surgical care, has a total of at least one hundred 22259
fifty registered pediatric special care and pediatric acute care 22260
beds, and in which at least seventy-five per cent of annual 22261
inpatient discharges for the preceding two calendar years were 22262
individuals less than eighteen years of age; 22263

(3) A distinct portion of a hospital, if the hospital is 22264
registered under section 3701.07 of the Revised Code as a 22265
children's hospital and the children's hospital meets all the 22266
requirements of division (V)(1) of this section. 22267

(W) "Long-term care facility" means any of the following: 22268

(1) A nursing home licensed under section 3721.02 of the 22269
Revised Code or by a political subdivision certified under section 22270
3721.09 of the Revised Code; 22271

(2) The portion of any facility, including a county home or 22272
county nursing home, that is certified as a skilled nursing 22273
facility or a nursing facility under Title XVIII or XIX of the 22274
"Social Security Act"; 22275

(3) The portion of any hospital that contains beds registered 22276
under section 3701.07 of the Revised Code as skilled nursing beds 22277
or long-term care beds. 22278

(X) "Long-term care bed" means a bed in a long-term care 22279
facility. 22280

(Y) "Perinatal bed" means a bed in a hospital that is 22281
registered under section 3701.07 of the Revised Code as a newborn 22282
care bed or obstetric bed, or a bed in a freestanding birthing 22283
center. 22284

(Z) "Freestanding birthing center" means any facility in 22285
which deliveries routinely occur, regardless of whether the 22286

facility is located on the campus of another health care facility, 22287
and which is not licensed under Chapter 3711. of the Revised Code 22288
as a level one, two, or three maternity unit or a limited 22289
maternity unit. 22290

(AA)(1) "Reviewability ruling" means a ruling issued by the 22291
director of health under division (A) of section 3702.52 of the 22292
Revised Code as to whether a particular proposed project is or is 22293
not a reviewable activity. 22294

(2) "Nonreviewability ruling" means a ruling issued under 22295
that division that a particular proposed project is not a 22296
reviewable activity. 22297

(BB)(1) "Metropolitan statistical area" means an area of this 22298
state designated a metropolitan statistical area or primary 22299
metropolitan statistical area in United States office of 22300
management and budget bulletin No. 93-17, June 30, 1993, and its 22301
attachments. 22302

(2) "Rural area" means any area of this state not located 22303
within a metropolitan statistical area. 22304

Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 22305
of the Revised Code, this section applies to the review of 22306
certificate of need applications during the period beginning July 22307
1, 1993, and ending June 30, ~~2005~~ 2007. 22308

As used in this section, "existing health care facility" has 22309
the same meaning as in section 3702.51 of the Revised Code. 22310

(B)(1) Except as provided in division (B)(2) of this section, 22311
the director of health shall neither grant nor deny any 22312
application for a certificate of need submitted prior to July 1, 22313
1993, if the application was for any of the following and the 22314
director had not issued a written decision concerning the 22315
application prior to that date: 22316

(a) Approval of beds in a new health care facility or an increase of beds in an existing health care facility, if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;

(b) Approval of beds in a new county home or new county nursing home as defined in section 5155.31 of the Revised Code, or an increase of beds in an existing county home or existing county nursing home, if the beds are proposed to be certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(c) Recategorization of hospital beds as described in section 3702.522 of the Revised Code, an increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long-term care beds or skilled nursing facility beds, or a recategorization of hospital beds that would result in an increase of beds registered pursuant to that section as long-term care beds or skilled nursing facility beds.

On July 1, 1993, the director shall return each such application to the applicant and, notwithstanding section 3702.52 of the Revised Code regarding the uses of the certificate of need fund, shall refund to the applicant the application fee paid under that section. Applications returned under division (B)(1) of this section may be resubmitted in accordance with section 3702.52 of the Revised Code no sooner than July 1, ~~2005~~ 2007.

(2) The director shall continue to review and shall issue a decision regarding any application submitted prior to July 1, 1993, to increase beds for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds within the same county. The director shall authorize

under such an application no additional beds beyond those being replaced or relocated. 22348
22349

(C)(1) Except as provided in division (C)(2) of this section, 22350
the director, during the period beginning July 1, 1993, and ending 22351
June 30, ~~2005~~ 2007, shall not accept for review under section 22352
3702.52 of the Revised Code any application for a certificate of 22353
need for any of the purposes described in divisions (B)(1)(a) to 22354
(c) of this section. 22355

(2)(a) The director shall accept for review any application 22356
for either of the purposes described in division (B)(1)(a) or (b) 22357
of this section if the proposed increase in beds is attributable 22358
solely to a replacement or relocation of existing beds from an 22359
existing health care facility within the same county. The director 22360
shall authorize under such an application no additional beds 22361
beyond those being replaced or relocated. ~~The~~ 22362

The director shall not approve an application for a 22363
certificate of need for addition of long-term care beds to an 22364
existing health care facility by relocation of beds or for the 22365
development of a new health care facility by relocation of beds 22366
unless all of the following conditions are met: 22367

(i) The existing health care facility to which the beds are 22368
being relocated has no life safety code waivers, no state fire 22369
code violations, and no state building code violations; 22370

(ii) During the sixty month period preceding the filing of 22371
the application, no notice of proposed revocation of the 22372
facility's license was issued under section 3721.03 of the Revised 22373
Code to the operator of the existing facility to which the beds 22374
are being relocated or to any health care facility owned or 22375
operated by the applicant or any principal participant in the 22376
applicant; 22377

(iii) Neither the existing health care facility to which the 22378

beds are being relocated nor any health care facility owned or 22379
operated by the applicant or any principal participant in the same 22380
corporation or other business has had a long-standing pattern of 22381
violations of this chapter or deficiencies that caused one or more 22382
residents physical, emotional, mental, or psychosocial harm. 22383

(b) The director also shall accept for review any application 22384
that seeks certificate of need approval for existing the 22385
conversion of infirmary beds located in an to long-term care beds 22386
if the infirmary that is meets all of the following conditions: 22387

(i) Is operated exclusively by a religious order, provides; 22388

(ii) Provides care exclusively to members of religious orders 22389
who take vows of celibacy and live by virtue of their vows within 22390
the orders as if related, ~~and was;~~ 22391

(iii) Was providing care exclusively to members of such a 22392
religious order on January 1, 1994. 22393

(D) The director shall issue a decision regarding any case 22394
remanded by a court as the result of a decision issued by the 22395
director prior to July 1, 1993, to grant, deny, or withdraw a 22396
certificate of need for any of the purposes described in divisions 22397
(B)(1)(a) to (c) of this section. 22398

(E) The director shall not project the need for beds listed 22399
in division (B)(1) of this section for the period beginning July 22400
1, 1993, and ending June 30, ~~2005~~ 2007. 22401

This section is an interim section effective until July 1, 22402
~~2005~~ 2007. 22403

Sec. 3702.74. (A) A primary care physician who has signed a 22404
letter of intent under section 3702.73 of the Revised Code, the 22405
director of health, and the Ohio board of regents may enter into a 22406
contract for the physician's participation in the physician loan 22407
repayment program. A lending institution may also be a party to 22408

the contract. 22409

(B) The contract shall include all of the following 22410
obligations: 22411

(1) The primary care physician agrees to provide primary care 22412
services in the health resource shortage area identified in the 22413
letter of intent for at least two years or one year per twenty 22414
thousand dollars of repayment agreed to under division (B)(3) of 22415
this section, whichever is greater; 22416

(2) When providing primary care services in the health 22417
resource shortage area, the primary care physician agrees to do 22418
all of the following: 22419

(a) Provide primary care services for a minimum of forty 22420
hours per week; 22421

(b) Provide primary care services without regard to a 22422
patient's ability to pay; 22423

(c) Meet the conditions prescribed by the "Social Security 22424
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 22425
department of job and family services for participation in the 22426
medical assistance program established under Chapter 5111. of the 22427
Revised Code and enter into a contract with the department to 22428
provide primary care services to recipients of the medical 22429
assistance program; 22430

~~(d) Meet the conditions established by the department of job 22431
and family services for participation in the disability medical 22432
assistance program established under Chapter 5115. of the Revised 22433
Code and enter into a contract with the department to provide 22434
primary care services to recipients of disability medical 22435
assistance. 22436~~

(3) The Ohio board of regents agrees, as provided in section 22437
3702.75 of the Revised Code, to repay, so long as the primary care 22438

physician performs the service obligation agreed to under division 22439
(B)(1) of this section, all or part of the principal and interest 22440
of a government or other educational loan taken by the primary 22441
care physician for expenses described in section 3702.75 of the 22442
Revised Code; 22443

(4) The primary care physician agrees to pay the board the 22444
following as damages if the physician fails to complete the 22445
service obligation agreed to under division (B)(1) of this 22446
section: 22447

(a) If the failure occurs during the first two years of the 22448
service obligation, three times the total amount the board has 22449
agreed to repay under division (B)(3) of this section; 22450

(b) If the failure occurs after the first two years of the 22451
service obligation, three times the amount the board is still 22452
obligated to repay under division (B)(3) of this section. 22453

(C) The contract may include any other terms agreed upon by 22454
the parties, including an assignment to the Ohio board of regents 22455
of the physician's duty to pay the principal and interest of a 22456
government or other educational loan taken by the physician for 22457
expenses described in section 3702.75 of the Revised Code. If the 22458
board assumes the physician's duty to pay a loan, the contract 22459
shall set forth the total amount of principal and interest to be 22460
paid, an amortization schedule, and the amount of each payment to 22461
be made under the schedule. 22462

Sec. 3702.83. The department of health shall administer a 22463
program, to be known as the J-1 visa waiver program, for 22464
recruiting physicians who received graduate medical education or 22465
training in the United States but are not citizens of the United 22466
States to serve in areas of the state designated by the United 22467
States secretary of health and human services as health 22468

professional shortage areas under the "Public Health Service Act," 22469
88 Stat. 682 (1944), 42 U.S.C. 254(e), as amended. Under the 22470
program, the department of health shall accept and review 22471
applications for placement of persons seeking to remain in the 22472
United States pursuant to the "Immigration and Nationality Act," 22473
66 Stat. 163 (1952), 8 U.S.C. 1182(J)(1) and 1184(l), as amended, 22474
by obtaining a waiver of the federal requirement that they return 22475
to their home countries for a minimum of two years after 22476
completing the graduate medical education or training for which 22477
they were admitted to the United States. The department shall 22478
administer the program in accordance with the "Immigration and 22479
Nationality Act" and the regulations adopted under it. 22480

For each application accepted for review under this section, 22481
the department shall charge a fee of three thousand five hundred 22482
seventy-one dollars. The fee is nonrefundable. All fees collected 22483
shall be deposited into the state treasury to the credit of 22484
general operations fund created in section 3701.83 of the Revised 22485
Code. 22486

Sec. 3703.01. (A) The division of industrial compliance in 22487
the department of commerce shall: 22488

~~(A)(1)~~ Inspect all buildings within the meaning of section 22489
3781.06 of the Revised Code; 22490

~~(B)(2)~~ Condemn all unsanitary or defective plumbing that is 22491
found in connection with such places; 22492

~~(C)(3)~~ Order such changes in plumbing as are necessary to 22493
insure the safety of the public health. 22494

(B) The division of industrial compliance and boards of 22495
health of city and general health districts shall not inspect 22496
plumbing or collect fees for inspecting plumbing in particular 22497
types of buildings in any municipal corporation that has been 22498

certified by the board of building standards under section 3781.10 22499
of the Revised Code to exercise enforcement authority for plumbing 22500
in such types of buildings. 22501

(C) The division shall not inspect plumbing or collect fees 22502
for inspecting plumbing in particular types of buildings in any 22503
health district that has employed one or more approved plumbing 22504
inspectors to enforce Chapters 3781. and 3791. of the Revised Code 22505
and the regulations adopted pursuant thereto relating to plumbing 22506
in such types of buildings. 22507

(D) A municipal corporation does not have jurisdiction to 22508
inspect plumbing or collect fees for the inspection of plumbing in 22509
types of buildings for which it has not been certified by the 22510
board of building standards under section 3781.10 of the Revised 22511
Code to exercise enforcement authority for plumbing in such types 22512
of buildings. A board of health of a health district does not have 22513
jurisdiction to inspect plumbing or collect fees for the 22514
inspection of plumbing in types of buildings for which it does not 22515
have an approved plumbing inspector for such types of buildings. 22516

(E) The superintendent of industrial compliance shall adopt 22517
rules prescribing minimum qualifications based on education, 22518
training, experience, or demonstrated ability, which the ~~director~~ 22519
superintendent shall use in ~~approving~~ certifying or recertifying 22520
plumbing inspectors to do plumbing inspections for health 22521
districts and for the continuing education of plumbing inspectors. 22522
Such minimum qualifications shall be related to the types of 22523
buildings for which a person seeks approval. 22524

(F) The superintendent may enter into reciprocal 22525
registration, licensure, or certification agreements with other 22526
states and other agencies of this state relative to plumbing 22527
inspectors if both of the following apply: 22528

(1) The requirements for registration, licensure, or 22529

<u>certification of plumbing inspectors under the laws of the other</u>	22530
<u>state or laws administered by the other agency are substantially</u>	22531
<u>equal to the requirements the superintendent adopts under division</u>	22532
<u>(E) of this section for certifying plumbing inspectors.</u>	22533
<u>(2) The other state or agency extends similar reciprocity to</u>	22534
<u>persons certified under this chapter.</u>	22535
<u>(G) The superintendent may select and contract with one or</u>	22536
<u>more persons to do all of the following regarding examinations for</u>	22537
<u>certification of plumbing inspectors:</u>	22538
<u>(1) Prepare, administer, score, and maintain the</u>	22539
<u>confidentiality of the examination;</u>	22540
<u>(2) Maintain responsibility for all expenses required to</u>	22541
<u>comply with division (G)(1) of this section;</u>	22542
<u>(3) Charge each applicant a fee for administering the</u>	22543
<u>examination in an amount the superintendent authorizes;</u>	22544
<u>(4) Design the examination for certification of plumbing</u>	22545
<u>inspectors to determine an applicant's competence to inspect</u>	22546
<u>plumbing.</u>	22547
<u>(H) Standards and methods prescribed in local plumbing</u>	22548
regulations shall not be less than those prescribed in Chapters	22549
3781. and 3791. of the Revised Code and the regulations adopted	22550
thereunder.	22551
<u>(I) The division shall make a plumbing inspection of any</u>	22552
building or other place that there is reason to believe is in such	22553
a condition as to be a menace to the public health.	22554
Sec. 3703.03. In the administration of sections 3703.01 to	22555
3703.09 of the Revised Code, the division of industrial compliance	22556
in the department of commerce shall enforce rules governing	22557
plumbing adopted by the board of building standards under	22558

authority of sections 3781.10 and 3781.11 of the Revised Code, and 22559
register those persons engaged in or at the plumbing business. 22560

Plans and specifications for all plumbing to be installed in 22561
or for buildings coming within such sections shall be submitted to 22562
and approved by the division before the contract for plumbing is 22563
let. 22564

Sec. 3703.04. The ~~director~~ superintendent of ~~commerce~~ 22565
industrial compliance shall appoint such number of plumbing 22566
inspectors as is required. The inspectors shall be practical 22567
plumbers with at least seven years' experience, and skilled and 22568
well-trained in matters pertaining to sanitary regulations 22569
concerning plumbing work. 22570

~~No plumbing inspector employed by the department and assigned 22571
to the enforcement of this chapter shall be engaged or interested 22572
in the plumbing business or the sale of any plumbing supplies, nor 22573
shall the inspector act as agent, directly or indirectly, for any 22574
person so engaged.~~ 22575

Sec. 3703.05. Plumbing inspectors employed by the ~~department~~ 22576
division of commerce industrial compliance assigned to the 22577
enforcement of sections 3703.01 to 3703.09 of the Revised Code, 22578
may, between sunrise and sunset, enter any building where there is 22579
good and sufficient reason to believe that the sanitary condition 22580
of the premises endangers the public health, for the purpose of 22581
making an inspection to ascertain the condition of the premises. 22582

Sec. 3703.06. When any building is found to be in a sanitary 22583
condition or when changes which are ordered, under authority of 22584
this chapter, in the plumbing, drainage, or ventilation have been 22585
made, and after a thorough inspection and approval by the ~~division~~ 22586
superintendent of industrial compliance ~~in the department of~~ 22587
~~commerce~~, the ~~division~~ superintendent shall issue a certificate 22588

~~signed by the superintendent of the division of industrial~~ 22589
~~compliance~~, which ~~must~~ shall be posted in a conspicuous place for 22590
the benefit of the public at large. Upon notification by the 22591
superintendent, the certificate shall be revoked for any violation 22592
of those sections. 22593

Sec. 3703.07. No plumbing work shall be done in any building 22594
or place coming within the jurisdiction of the ~~department~~ division 22595
of ~~commerce~~ industrial compliance, except in cases of repairs or 22596
leaks in existing plumbing, until a permit has been issued by the 22597
~~department~~ division. 22598

Before granting such permit, an application shall be made by 22599
the owner of the property or by the person, firm, or corporation 22600
which is to do the work. The application shall be made on a form 22601
prepared by the ~~department~~ division for the purpose, and each 22602
application shall be accompanied by a fee of twenty-seven dollars, 22603
and an additional fee of seven dollars for each trap, vented 22604
fixture, appliance, or device. Each application also shall be 22605
accompanied by a plan approval fee of eighteen dollars for work 22606
containing one through twenty fixtures; thirty-six dollars for 22607
work containing twenty-one through forty fixtures; and fifty-four 22608
dollars for work containing forty-one or more fixtures. 22609

Whenever a reinspection is made necessary by the failure of 22610
the applicant or plumbing contractor to have the work ready for 22611
inspection when so reported, or by reason of faulty or improper 22612
installation, the person shall pay a fee of forty-five dollars for 22613
each reinspection. 22614

All fees collected pursuant to this section shall be paid 22615
into the state treasury to the credit of the industrial compliance 22616
operating fund created in section 121.084 of the Revised Code. 22617

The ~~director~~ superintendent of ~~commerce~~ industrial 22618
compliance, by rule adopted in accordance with Chapter 119. of the 22619

Revised Code, may increase the fees required by this section and 22620
may establish fees to pay the costs of the division to fulfill its 22621
duties established by this chapter, including, but not limited to, 22622
fees for administering a program for continuing education for, and 22623
certifying and recertifying plumbing inspectors. The fees shall 22624
bear some reasonable relationship to the cost of administering and 22625
enforcing the provisions of this chapter. 22626

Sec. 3703.08. Any owner, agent, or manager, of a building in 22627
which an inspection is made by the ~~department~~ division of ~~commerce~~ 22628
industrial compliance, a board of health of a health district, or 22629
a certified department of building inspection of a municipal 22630
corporation, shall have the entire system of drainage and 22631
ventilation repaired, as the ~~department of commerce~~ division, 22632
board of health, or department of building inspection directs by 22633
its order. After due notice to repair such work is given, the 22634
owner, agent, or manager shall notify the public authority that 22635
issued the order when the work is ready for its inspection. No 22636
person shall fail to have the work ready for inspection at the 22637
time specified in the notice. 22638

Sec. 3703.10. All prosecutions and proceedings by the 22639
~~department~~ division of ~~commerce~~ industrial compliance for the 22640
violation of sections 3703.01 to 3703.09 of the Revised Code, or 22641
for the violation of any of the orders or rules of the ~~department~~ 22642
division under those sections, shall be instituted by the ~~director~~ 22643
superintendent of ~~commerce~~ industrial compliance. All fines or 22644
judgments collected by the ~~department~~ division shall be paid into 22645
the state treasury to the credit of the industrial compliance 22646
operating fund created by section 121.084 of the Revised Code. 22647

The ~~director~~ superintendent, the board of health of a general 22648
or city health district, or any person charged with enforcing the 22649
rules of the ~~department~~ division adopted under sections 3703.01 to 22650

3703.09 of the Revised Code may petition the court of common pleas 22651
for injunctive or other appropriate relief requiring any person 22652
violating a rule adopted or order issued by the ~~director~~ 22653
superintendent under those sections to comply with the rule or 22654
order. The court of common pleas of the county in which the 22655
offense is alleged to be occurring may grant injunctive or other 22656
appropriate relief. 22657

The superintendent may do all of the following: 22658

(A) Deny an applicant certification as a plumbing inspector; 22659

(B) Suspend or revoke the certification of a plumbing 22660
inspector; 22661

(C) Examine any certified plumbing inspector under oath; 22662

(D) Examine the records and books of any certified plumbing 22663
inspector if the superintendent finds the material to be examined 22664
relevant to a determination described in division (A), (B), or (C) 22665
of this section. 22666

Sec. 3703.99. Whoever violates sections 3703.01 to 3703.09 of 22667
the Revised Code, or any rule the ~~department~~ division of ~~commerce~~ 22668
industrial compliance is required to enforce under such sections, 22669
shall be fined not less than ten nor more than one hundred dollars 22670
or imprisoned for not less than ten nor more than ninety days, or 22671
both. No person shall be imprisoned under this section for the 22672
first offense, and the prosecution always shall be as for a first 22673
offense unless the affidavit upon which the prosecution is 22674
instituted contains the allegation that the offense is a second or 22675
repeated offense. 22676

Sec. 3705.24. (A)(1) The public health council shall, in 22677
accordance with section 111.15 of the Revised Code, adopt rules 22678
prescribing fees for the following services provided by the state 22679
office of vital statistics: 22680

(a) Except as provided in division (A)(4) of this section:	22681
(i) A certified copy of a vital record or a certification of birth;	22682 22683
(ii) A search by the office of vital statistics of its files and records pursuant to a request for information, regardless of whether a copy of a record is provided;	22684 22685 22686
(iii) A copy of a record provided pursuant to a request;	22687
(b) Replacement of a birth certificate following an adoption, legitimation, paternity determination or acknowledgement, or court order;	22688 22689 22690
(c) Filing of a delayed registration of a vital record;	22691
(d) Amendment of a vital record that is requested later than one year after the filing date of the vital record;	22692 22693
(e) Any other documents or services for which the public health council considers the charging of a fee appropriate.	22694 22695
(2) Fees prescribed under division (A)(1)(a) of this section shall not be less than seven dollars.	22696 22697
(3) Fees prescribed under division (A)(1) of this section shall be collected in addition to any fee <u>fees</u> required by section <u>sections 3109.14 and 3705.242</u> of the Revised Code.	22698 22699 22700
(4) Fees prescribed under division (A) of this section shall not apply to certifications issued under division (H) of this section or copies provided under section 3705.241 of the Revised Code.	22701 22702 22703 22704
(B) In addition to the fees prescribed under division (A) of this section or section 3709.09 of the Revised Code, the office of vital statistics or the board of health of a city or general health district shall charge a five-dollar fee for each certified copy of a vital record and each certification of birth. This fee	22705 22706 22707 22708 22709

shall be deposited in the general operations fund created under 22710
section 3701.83 of the Revised Code and be used solely toward the 22711
modernization and automation of the system of vital records in 22712
this state. A board of health shall forward all fees collected 22713
under this division to the department of health not later than 22714
thirty days after the end of each calendar quarter. 22715

(C) Except as otherwise provided in division (H) of this 22716
section, and except as provided in section 3705.241 of the Revised 22717
Code, fees collected by the director of health under sections 22718
3705.01 to 3705.29 of the Revised Code shall be paid into the 22719
state treasury to the credit of the general operations fund 22720
created by section 3701.83 of the Revised Code. Except as provided 22721
in division (B) of this section, money generated by the fees shall 22722
be used only for administration and enforcement of this chapter 22723
and the rules adopted under it. Amounts submitted to the 22724
department of health for copies of vital records or services in 22725
excess of the fees imposed by this section shall be dealt with as 22726
follows: 22727

(1) An overpayment of two dollars or less shall be retained 22728
by the department and deposited in the state treasury to the 22729
credit of the general operations fund created by section 3701.83 22730
of the Revised Code. 22731

(2) An overpayment in excess of two dollars shall be returned 22732
to the person who made the overpayment. 22733

(D) If a local registrar is a salaried employee of a city or 22734
a general health district, any fees the local registrar receives 22735
pursuant to section 3705.23 of the Revised Code shall be paid into 22736
the general fund of the city or the health fund of the general 22737
health district. 22738

Each local registrar of vital statistics, or each health 22739
district where the local registrar is a salaried employee of the 22740

district, shall be entitled to a fee for each birth, fetal death, 22741
death, or military service certificate properly and completely 22742
made out and registered with the local registrar or district and 22743
correctly copied and forwarded to the office of vital statistics 22744
in accordance with the population of the primary registration 22745
district at the last federal census. The fee for each birth, fetal 22746
death, death, or military service certificate shall be: 22747

(1) In primary registration districts of over two hundred 22748
fifty thousand, twenty cents; 22749

(2) In primary registration districts of over one hundred 22750
twenty-five thousand and less than two hundred fifty thousand, 22751
sixty cents; 22752

(3) In primary registration districts of over fifty thousand 22753
and less than one hundred twenty-five thousand, eighty cents; 22754

(4) In primary registration districts of less than fifty 22755
thousand, one dollar. 22756

(E) The director of health shall annually certify to the 22757
county treasurers of the several counties the number of birth, 22758
fetal death, death, and military service certificates registered 22759
from their respective counties with the names of the local 22760
registrars and the amounts due each registrar and health district 22761
at the rates fixed in this section. Such amounts shall be paid by 22762
the treasurer of the county in which the registration districts 22763
are located. No fees shall be charged or collected by registrars 22764
except as provided by this chapter and section 3109.14 of the 22765
Revised Code. 22766

(F) A probate judge shall be paid a fee of fifteen cents for 22767
each certified abstract of marriage prepared and forwarded by the 22768
probate judge to the department of health pursuant to section 22769
3705.21 of the Revised Code. The fee shall be in addition to the 22770
fee paid for a marriage license and shall be paid by the 22771

applicants for the license.

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(G) The clerk of a court of common pleas shall be paid a fee of one dollar for each certificate of divorce, dissolution, and annulment of marriage prepared and forwarded by the clerk to the department pursuant to section 3705.21 of the Revised Code. The fee for the certified abstract of divorce, dissolution, or annulment of marriage shall be added to the court costs allowed in these cases.

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(H) The fee for an heirloom certification of birth issued pursuant to division (B)(2) of section 3705.23 of the Revised Code shall be an amount prescribed by rule by the director of health plus any fee required by section 3109.14 of the Revised Code. In setting the amount of the fee, the director shall establish a surcharge in addition to an amount necessary to offset the expense of processing heirloom certifications of birth. The fee prescribed by the director of health pursuant to this division shall be deposited into the state treasury to the credit of the heirloom certification of birth fund which is hereby created. Money credited to the fund shall be used by the office of vital statistics to offset the expense of processing heirloom certifications of birth. However, the money collected for the surcharge, subject to the approval of the controlling board, shall be used for the purposes specified by the family and children first council pursuant to section 121.37 of the Revised Code.

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Sec. 3705.242. (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

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commissioner of health or local registrar of vital statistics may 22803
retain an amount of each additional fee collected, not to exceed 22804
three per cent of the amount of the additional fee, to be used for 22805
costs directly related to the collection of the fee and the 22806
forwarding of the fee to the treasurer of state. 22807

(2) On the filing of a divorce decree under section 3105.10 22808
or a decree of dissolution under section 3105.65 of the Revised 22809
Code, a court of common pleas shall charge and collect a fee of 22810
five dollars and fifty cents. The fee is in addition to any other 22811
court costs or fees. The county clerk of courts may retain an 22812
amount of each additional fee collected, not to exceed three per 22813
cent of the amount of the additional fee, to be used for costs 22814
directly related to the collection of the fee and the forwarding 22815
of the fee to the treasurer of state. 22816

(B) The additional fees collected, but not retained, under 22817
this section during each month shall be forwarded not later than 22818
the tenth day of the immediately following month to the treasurer 22819
of state, who shall deposit the fees in the state treasury to the 22820
credit of the family violence prevention fund, which is hereby 22821
created. A person or government entity that fails to forward the 22822
fees in a timely manner, as determined by the treasurer of state, 22823
shall forward to the treasurer of state, in addition to the fees, 22824
a penalty equal to ten per cent of the fees. 22825

The treasurer of state shall invest the moneys in the fund. 22826
All earnings resulting from investment of the fund shall be 22827
credited to the fund, except that actual administration costs 22828
incurred by the treasurer of state in administering the fund may 22829
be deducted from the earnings resulting from investments. The 22830
amount that may be deducted shall not exceed three per cent of the 22831
total amount of fees credited to the fund in each fiscal year. The 22832
balance of the investment earnings shall be credited to the fund. 22833

(C) The director of public safety shall use money credited to 22834
the fund to provide grants to family violence shelters in Ohio. 22835

Sec. 3709.29. If the estimated amount of money necessary to 22836
meet the expenses of a general health district program will not be 22837
forthcoming to the board of health of ~~such~~ the district out of the 22838
district health fund because the taxes within the ten-mill 22839
limitation will be insufficient, the board of health shall certify 22840
~~the fact of such~~ that there is an insufficiency of funds for the 22841
program to the board of county commissioners of the county in 22842
which ~~such~~ the district is located. ~~Such~~ The board of county 22843
commissioners is ~~hereby ordained~~ considered to be a special taxing 22844
authority for the purposes of this section only, and, 22845
notwithstanding any other law to the contrary, the board of county 22846
commissioners of any county in which a general health district is 22847
located is the taxing authority for ~~such~~ a special levy under this 22848
section outside the ten-mill limitation. ~~The~~ 22849

Upon receipt of the board of health's certification, the 22850
board of county commissioners ~~shall thereupon~~, in the year 22851
preceding that in which ~~such~~ the general health district program 22852
will be effective, by vote of two-thirds of all the members of 22853
that body, shall declare by resolution that the amount of taxes 22854
~~which that~~ may be raised within the ten-mill limitation will be 22855
insufficient to provide an adequate amount for the necessary 22856
requirements of ~~such~~ the district within the county, and that it 22857
is necessary to levy a tax in excess of ~~such~~ the limitation in 22858
order to provide the board of health with sufficient funds to 22859
carry out ~~such health~~ the program, including its costs of office 22860
space and utilities. ~~Such~~ The resolution shall be filed with the 22861
board of elections not later than four p.m. of the seventy-fifth 22862
day before the day of the relevant primary or general election- 22863

~~Such resolution~~ and shall specify the amount of increase in 22864

rate ~~which~~ that it is necessary to levy and the number of years 22865
during which ~~such~~ the increase ~~shall~~ will be in effect, which 22866
shall not be for a longer period than ten years. The 22867

~~The~~ resolution shall conform to section 5705.191 of the 22868
Revised Code and be certified and submitted in the manner provided 22869
in section 5705.25 of the Revised Code, provided that the proposal 22870
shall be placed on the ballot at the next primary or general 22871
election occurring more than seventy-five days after the 22872
resolution is filed with the board of elections. 22873

Sec. 3709.34. (A) ~~The board of county commissioners or the~~ 22874
legislative authority of any city may furnish suitable quarters 22875
for any board of health or health department having jurisdiction 22876
over all or a major part of ~~such county or~~ that city. 22877

(B)(1) Subject to division (B)(6) of this section, through 22878
fiscal year 2005, the board of county commissioners shall provide 22879
office space and utilities for the board of health having 22880
jurisdiction over the county's general health district. 22881
Thereafter, subject to division (B)(6) of this section, the board 22882
of county commissioners shall make payments as provided in 22883
divisions (B)(2) and (3) of this section for the office space and 22884
utilities until fiscal year 2010. Starting in fiscal year 2010, 22885
the board has no duty to provide office space or utilities, or to 22886
make payments for office space or utilities, for the board of 22887
health of the county's general health district. 22888

(2)(a) Not later than the thirtieth day of September 2005, 22889
2006, 2007, and 2008, the board of county commissioners shall make 22890
a written estimate of the total cost for the ensuing fiscal year 22891
to provide office space and utilities to the board of health of 22892
the county's general health district. The estimate of total cost 22893
shall include all of the following: 22894

(i) The total square feet of space to be used by the board of 22895

<u>health;</u>	22896
<u>(ii) The total square feet of any common areas that should be</u>	22897
<u>reasonably allocated to the board of health and the method for</u>	22898
<u>making this allocation;</u>	22899
<u>(iii) The actual cost per square foot for both the space used</u>	22900
<u>by and the common areas allocated to the board of health;</u>	22901
<u>(iv) An explanation of the method used to determine the</u>	22902
<u>actual cost per square foot;</u>	22903
<u>(v) The estimated cost of providing utilities, including an</u>	22904
<u>explanation of how this cost was determined;</u>	22905
<u>(vi) Any other estimated costs the board of county</u>	22906
<u>commissioners anticipates will be incurred to provide office space</u>	22907
<u>and utilities to the board of health, including a detailed</u>	22908
<u>explanation of those costs and the rationale used to determine</u>	22909
<u>them.</u>	22910
<u>(b) The board of county commissioners shall forward a copy of</u>	22911
<u>the estimate of total cost to the director of the board of health</u>	22912
<u>not later than the fifth day of October 2005, 2006, 2007, and</u>	22913
<u>2008. The director shall review the estimate and notify the board</u>	22914
<u>of county commissioners not later than twenty days after its</u>	22915
<u>receipt of either agreement with it or any specific objections to</u>	22916
<u>it and the reasons for the objections. If the director agrees with</u>	22917
<u>the estimate, it shall become the final estimate of total cost.</u>	22918
<u>Failure of the director to make objections to the estimate by the</u>	22919
<u>twentieth day after its receipt shall be deemed to mean that the</u>	22920
<u>director is in agreement with the estimate.</u>	22921
<u>If the director timely provides specific objections to the</u>	22922
<u>board of county commissioners, the board shall review the</u>	22923
<u>objections and may modify the original estimate and send a revised</u>	22924
<u>estimate of total cost to the director within ten days after</u>	22925

receipt of the objections. The director shall respond to a revised estimate within ten days after its receipt. If the director agrees with it, the revised estimate shall become the final estimate of total cost. If the director fails to respond within the ten-day period, the director shall be deemed to have agreed with the revised estimate. If the director disagrees with the revised estimate, the director shall send specific objections to the board of county commissioners within the ten-day period. 22926
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(c) If the director sends specific objections to a revised estimate within the required time, or if there is no revised estimate and the director timely objected to the original estimate, the probate judge of the county shall determine the final estimate of total cost and certify this amount to the director and the board of county commissioners before the first day of January 2006, 2007, 2008, or 2009, as applicable. 22934
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(3)(a) Subject to division (B)(6) of this section, a board of county commissioners shall be responsible for the following percentages of the final estimate of total cost established by division (B)(2) of this section: 22941
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(i) Eighty per cent for fiscal year 2006; 22945

(ii) Sixty per cent for fiscal year 2007; 22946

(iii) Forty per cent for fiscal year 2008; 22947

(iv) Twenty per cent for fiscal year 2009. 22948

(b) In fiscal years 2006, 2007, 2008, and 2009, the board of health of the county's general health district shall be responsible for the payment of the remainder of any costs incurred in excess of the amount payable under division (B)(3)(a)(i), (ii), (iii), or (iv) of this section, as applicable, for the provision of office space and utilities for the board of health, including any unanticipated or unexpected increases in costs beyond the 22949
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final estimate of total cost. 22956

(c) Beginning in fiscal year 2010, the board of county commissioners has no obligation to provide office space or utilities, or to make payments for office space or utilities, for the board of health. 22957
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(4) After fiscal year 2009, the board of county commissioners and the board of health of the county's general health district may enter into a contract for the board of county commissioners to provide office space for the use of the board of health and to provide utilities for that office space. The term of any such contract shall not exceed four years and may be renewed for additional periods not to exceed four years. 22961
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(5) In any fiscal year, notwithstanding any contrary provision of divisions (B)(1) to (4) of this section, the board of county commissioners, in its discretion, may provide office space and utilities for the board of health of the county's general health district free of charge. 22968
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(6) If the board of health of a general health district rents, leases, lease-purchases, or otherwise acquires office space to facilitate the performance of its functions, or constructs, enlarges, renovates, or otherwise modifies buildings or other structures to provide office space to facilitate the performance of its functions, the board of county commissioners of the county served by the general health district has no further obligation under division (B) of this section to provide office space or utilities, or to make payments for office space or utilities, for the board of health, unless the board of county commissioners enters into a contract under division (B)(4) of this section or exercises its option under division (B)(5) of this section. 22973
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Sec. 3712.03. (A) In accordance with Chapter 119. of the 22985

Revised Code, the public health council shall adopt, and may amend and rescind, rules: 22986
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(1) Providing for the licensing of persons or public agencies providing hospice care programs within this state by the department of health and for the suspension and revocation of licenses; 22988
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(2) Establishing a license fee and license renewal fee not to exceed three hundred dollars. The fees shall cover the three-year period during which an existing license is valid as provided in division (B) of section 3712.04 of the Revised Code. 22992
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(3) Establishing an inspection fee not to exceed one thousand seven hundred fifty dollars; 22996
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(4) Establishing requirements for hospice care program facilities and services; 22998
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~~(4)~~(5) Providing for a waiver of the requirement for the provision of physical, occupational, or speech or language therapy contained in division (A)(2) of section 3712.01 of the Revised Code when the requirement would create a hardship because such therapy is not readily available in the geographic area served by the provider of a hospice care program; 23000
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~~(5)~~(6) Providing for the granting of licenses to provide hospice care programs to persons and public agencies that are accredited or certified to provide such programs by an entity whose standards for accreditation or certification equal or exceed those provided for licensure under this chapter and rules adopted under it; and 23006
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~~(6)~~(7) Establishing interpretive guidelines for each rule. 23012

(B) Subject to the approval of the controlling board, the public health council may establish fees in excess of the amounts provided by sections 3712.01 and 3712.03 to 3712.06 of the Revised 23013
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Code, provided that the fees do not exceed those amounts by
greater than fifty per cent. 23016
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(C) The department of health shall: 23018

(1) Grant, suspend, and revoke licenses for hospice care 23019
programs in accordance with this chapter and rules adopted under 23020
it; 23021

(2) Make such inspections as are necessary to determine 23022
whether hospice care program facilities and services meet the 23023
requirements of this chapter and rules adopted under it; and 23024

(3) Implement and enforce this chapter and rules adopted 23025
under it. 23026

Sec. 3715.04. (A) As used in this section: 23027

(1) "Certificate of health and freesale" means a document 23028
issued by the director of agriculture that certifies to states and 23029
countries receiving products that the products have been produced 23030
and warehoused in this state under sanitary conditions at a food 23031
processing establishment or at a place of business of a 23032
manufacturer of over-the-counter drugs or cosmetics, as 23033
applicable, that has been inspected by the department of 23034
agriculture. Other names of documents that are synonymous with 23035
"certificate of health and freesale" include, but are not limited 23036
to, "sanitary certificate of health and freesale"; "certificate of 23037
origin"; "certificate of freesale"; "certificate of health and 23038
origin"; "certificate of freesale, sanitary and purity"; and 23039
"certificate of freesale, health and origin." 23040

(2) "Food processing establishment" has the same meaning as 23041
in section 3715.021 of the Revised Code. 23042

(B) Upon the request of a food processing establishment, 23043
manufacturer of over-the-counter drugs, or manufacturer of 23044
cosmetics, the director may issue a certificate of health and 23045

freesale after determining that conditions at the establishment or 23046
place of business of the manufacturer, as applicable, have been 23047
found to be sanitary through an inspection conducted pursuant to 23048
this chapter. For each certificate issued, the director shall 23049
charge the establishment or manufacturer a fee in the amount of 23050
twenty dollars. The director shall deposit all fees collected 23051
under this section to the credit of the food safety fund created 23052
in section 915.24 of the Revised Code. 23053

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 23054
3721.99 of the Revised Code: 23055

(1)(a) "Home" means an institution, residence, or facility 23056
that provides, for a period of more than twenty-four hours, 23057
whether for a consideration or not, accommodations to three or 23058
more unrelated individuals who are dependent upon the services of 23059
others, including a nursing home, residential care facility, home 23060
for the aging, and a veterans' home operated under Chapter 5907. 23061
of the Revised Code. 23062

(b) "Home" also means both of the following: 23063

(i) Any facility that a person, as defined in section 3702.51 23064
of the Revised Code, proposes for certification as a skilled 23065
nursing facility or nursing facility under Title XVIII or XIX of 23066
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 23067
as amended, and for which a certificate of need, other than a 23068
certificate to recategorize hospital beds as described in section 23069
3702.522 of the Revised Code or division (R)(7)(d) of the version 23070
of section 3702.51 of the Revised Code in effect immediately prior 23071
to April 20, 1995, has been granted to the person under sections 23072
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 23073

(ii) A county home or district home that is or has been 23074
licensed as a residential care facility. 23075

(c) "Home" does not mean any of the following:	23076
(i) Except as provided in division (A)(1)(b) of this section, a public hospital or hospital as defined in section 3701.01 or 5122.01 of the Revised Code;	23077 23078 23079
(ii) A residential facility for mentally ill persons as defined under section 5119.22 of the Revised Code;	23080 23081
(iii) A residential facility as defined in section 5123.19 of the Revised Code;	23082 23083
(iv) A habilitation center as defined in section 5123.041 of the Revised Code;	23084 23085
(v) A community alternative home as defined in section 3724.01 of the Revised Code;	23086 23087
(vi) <u>(v)</u> An adult care facility as defined in section 3722.01 of the Revised Code;	23088 23089
(vii) <u>(vi)</u> An alcohol or drug addiction program as defined in section 3793.01 of the Revised Code;	23090 23091
(viii) <u>(vii)</u> A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	23092 23093
(ix) <u>(viii)</u> A facility providing services under contract with the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	23094 23095 23096
(x) <u>(ix)</u> A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	23097 23098 23099
(xi) <u>(x)</u> A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program established under Title XVIII	23100 23101 23102 23103 23104

of the "Social Security Act" or the medical assistance program 23105
established under Chapter 5111. of the Revised Code and Title XIX 23106
of the "Social Security Act," if on January 1, 1994, the facility, 23107
infirmary, or entity was providing care exclusively to members of 23108
the religious order; 23109

~~(xii)~~(xi) A county home or district home that has never been 23110
licensed as a residential care facility. 23111

(2) "Unrelated individual" means one who is not related to 23112
the owner or operator of a home or to the spouse of the owner or 23113
operator as a parent, grandparent, child, grandchild, brother, 23114
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 23115
uncle. 23116

(3) "Mental impairment" does not mean mental illness as 23117
defined in section 5122.01 of the Revised Code or mental 23118
retardation as defined in section 5123.01 of the Revised Code. 23119

(4) "Skilled nursing care" means procedures that require 23120
technical skills and knowledge beyond those the untrained person 23121
possesses and that are commonly employed in providing for the 23122
physical, mental, and emotional needs of the ill or otherwise 23123
incapacitated. "Skilled nursing care" includes, but is not limited 23124
to, the following: 23125

(a) Irrigations, catheterizations, application of dressings, 23126
and supervision of special diets; 23127

(b) Objective observation of changes in the patient's 23128
condition as a means of analyzing and determining the nursing care 23129
required and the need for further medical diagnosis and treatment; 23130

(c) Special procedures contributing to rehabilitation; 23131

(d) Administration of medication by any method ordered by a 23132
physician, such as hypodermically, rectally, or orally, including 23133
observation of the patient after receipt of the medication; 23134

(e) Carrying out other treatments prescribed by the physician	23135
that involve a similar level of complexity and skill in	23136
administration.	23137
(5)(a) "Personal care services" means services including, but	23138
not limited to, the following:	23139
(i) Assisting residents with activities of daily living;	23140
(ii) Assisting residents with self-administration of	23141
medication, in accordance with rules adopted under section 3721.04	23142
of the Revised Code;	23143
(iii) Preparing special diets, other than complex therapeutic	23144
diets, for residents pursuant to the instructions of a physician	23145
or a licensed dietitian, in accordance with rules adopted under	23146
section 3721.04 of the Revised Code.	23147
(b) "Personal care services" does not include "skilled	23148
nursing care" as defined in division (A)(4) of this section. A	23149
facility need not provide more than one of the services listed in	23150
division (A)(5)(a) of this section to be considered to be	23151
providing personal care services.	23152
(6) "Nursing home" means a home used for the reception and	23153
care of individuals who by reason of illness or physical or mental	23154
impairment require skilled nursing care and of individuals who	23155
require personal care services but not skilled nursing care. A	23156
nursing home is licensed to provide personal care services and	23157
skilled nursing care.	23158
(7) "Residential care facility" means a home that provides	23159
either of the following:	23160
(a) Accommodations for seventeen or more unrelated	23161
individuals and supervision and personal care services for three	23162
or more of those individuals who are dependent on the services of	23163
others by reason of age or physical or mental impairment;	23164

(b) Accommodations for three or more unrelated individuals, 23165
supervision and personal care services for at least three of those 23166
individuals who are dependent on the services of others by reason 23167
of age or physical or mental impairment, and, to at least one of 23168
those individuals, any of the skilled nursing care authorized by 23169
section 3721.011 of the Revised Code. 23170

(8) "Home for the aging" means a home that provides services 23171
as a residential care facility and a nursing home, except that the 23172
home provides its services only to individuals who are dependent 23173
on the services of others by reason of both age and physical or 23174
mental impairment. 23175

The part or unit of a home for the aging that provides 23176
services only as a residential care facility is licensed as a 23177
residential care facility. The part or unit that may provide 23178
skilled nursing care beyond the extent authorized by section 23179
3721.011 of the Revised Code is licensed as a nursing home. 23180

(9) "County home" and "district home" mean a county home or 23181
district home operated under Chapter 5155. of the Revised Code. 23182

(B) The public health council may further classify homes. For 23183
the purposes of this chapter, any residence, institution, hotel, 23184
congregate housing project, or similar facility that meets the 23185
definition of a home under this section is such a home regardless 23186
of how the facility holds itself out to the public. 23187

(C) For purposes of this chapter, personal care services or 23188
skilled nursing care shall be considered to be provided by a 23189
facility if they are provided by a person employed by or 23190
associated with the facility or by another person pursuant to an 23191
agreement to which neither the resident who receives the services 23192
nor the resident's sponsor is a party. 23193

(D) Nothing in division (A)(4) of this section shall be 23194
construed to permit skilled nursing care to be imposed on an 23195

individual who does not require skilled nursing care. 23196

Nothing in division (A)(5) of this section shall be construed 23197
to permit personal care services to be imposed on an individual 23198
who is capable of performing the activity in question without 23199
assistance. 23200

(E) Division (A)(1)(c)~~(xi)~~(x) of this section does not 23201
prohibit a facility, infirmary, or other entity described in that 23202
division from seeking licensure under sections 3721.01 to 3721.09 23203
of the Revised Code or certification under Title XVIII or XIX of 23204
the "Social Security Act." However, such a facility, infirmary, or 23205
entity that applies for licensure or certification must meet the 23206
requirements of those sections or titles and the rules adopted 23207
under them and obtain a certificate of need from the director of 23208
health under section 3702.52 of the Revised Code. 23209

(F) Nothing in this chapter, or rules adopted pursuant to it, 23210
shall be construed as authorizing the supervision, regulation, or 23211
control of the spiritual care or treatment of residents or 23212
patients in any home who rely upon treatment by prayer or 23213
spiritual means in accordance with the creed or tenets of any 23214
recognized church or religious denomination. 23215

Sec. 3721.02. (A) The director of health shall license homes 23216
and establish procedures to be followed in inspecting and 23217
licensing homes. The director may inspect a home at any time. Each 23218
home shall be inspected by the director at least once prior to the 23219
issuance of a license and at least once every fifteen months 23220
thereafter. The state fire marshal or a township, municipal, or 23221
other legally constituted fire department approved by the marshal 23222
shall also inspect a home prior to issuance of a license, at least 23223
once every fifteen months thereafter, and at any other time 23224
requested by the director. A home does not have to be inspected 23225
prior to issuance of a license by the director, state fire 23226

marshal, or a fire department if ownership of the home is assigned 23227
or transferred to a different person and the home was licensed 23228
under this chapter immediately prior to the assignment or 23229
transfer. The director may enter at any time, for the purposes of 23230
investigation, any institution, residence, facility, or other 23231
structure that has been reported to the director or that the 23232
director has reasonable cause to believe is operating as a nursing 23233
home, residential care facility, or home for the aging without a 23234
valid license required by section 3721.05 of the Revised Code or, 23235
in the case of a county home or district home, is operating 23236
despite the revocation of its residential care facility license. 23237
The director may delegate the director's authority and duties 23238
under this chapter to any division, bureau, agency, or official of 23239
the department of health. 23240

(B) A single facility may be licensed both as a nursing home 23241
pursuant to this chapter and as an adult care facility pursuant to 23242
Chapter 3722. of the Revised Code if the director determines that 23243
the part or unit to be licensed as a nursing home can be 23244
maintained separate and discrete from the part or unit to be 23245
licensed as an adult care facility. 23246

(C) In determining the number of residents in a home for the 23247
purpose of licensing, the director shall consider all the 23248
individuals for whom the home provides accommodations as one group 23249
unless one of the following is the case: 23250

(1) The home is a home for the aging, in which case all the 23251
individuals in the part or unit licensed as a nursing home shall 23252
be considered as one group, and all the individuals in the part or 23253
unit licensed as a rest home shall be considered as another group. 23254

(2) The home is both a nursing home and an adult care 23255
facility. In that case, all the individuals in the part or unit 23256
licensed as a nursing home shall be considered as one group, and 23257
all the individuals in the part or unit licensed as an adult care 23258

facility shall be considered as another group. 23259

(3) The home maintains, in addition to a nursing home or 23260
residential care facility, a separate and discrete part or unit 23261
that provides accommodations to individuals who do not require or 23262
receive skilled nursing care and do not receive personal care 23263
services from the home, in which case the individuals in the 23264
separate and discrete part or unit shall not be considered in 23265
determining the number of residents in the home if the separate 23266
and discrete part or unit is in compliance with the Ohio basic 23267
building code established by the board of building standards under 23268
Chapters 3781. and 3791. of the Revised Code and the home permits 23269
the director, on request, to inspect the separate and discrete 23270
part or unit and speak with the individuals residing there, if 23271
they consent, to determine whether the separate and discrete part 23272
or unit meets the requirements of this division. 23273

(D) The director of health shall charge an application fee 23274
and an annual renewal licensing and inspection fee of one hundred 23275
~~five~~ seventy dollars for each fifty persons or part thereof of a 23276
home's licensed capacity. All fees collected by the director for 23277
the issuance or renewal of licenses shall be deposited into the 23278
state treasury to the credit of the general operations fund 23279
created in section 3701.83 of the Revised Code for use only in 23280
administering and enforcing this chapter and rules adopted under 23281
it. 23282

(E)(1) Except as otherwise provided in this section, the 23283
results of an inspection or investigation of a home that is 23284
conducted under this section, including any statement of 23285
deficiencies and all findings and deficiencies cited in the 23286
statement on the basis of the inspection or investigation, shall 23287
be used solely to determine the home's compliance with this 23288
chapter or another chapter of the Revised Code in any action or 23289
proceeding other than an action commenced under division (I) of 23290

section 3721.17 of the Revised Code. Those results of an 23291
inspection or investigation, that statement of deficiencies, and 23292
the findings and deficiencies cited in that statement shall not be 23293
used in any court or in any action or proceeding that is pending 23294
in any court and are not admissible in evidence in any action or 23295
proceeding unless that action or proceeding is an appeal of an 23296
action by the department of health under this chapter or is an 23297
action by any department or agency of the state to enforce this 23298
chapter or another chapter of the Revised Code. 23299

(2) Nothing in division (E)(1) of this section prohibits the 23300
results of an inspection or investigation conducted under this 23301
section from being used in a criminal investigation or 23302
prosecution. 23303

Sec. 3721.03. The (A) As used in this section, "person" has 23304
the same meaning as in section 1.59 of the Revised Code. 23305

(B) The director of health shall enforce the provisions of 23306
sections 3721.01 to ~~3721.09~~ 3721.13 and 3721.99 of the Revised 23307
Code and may issue orders to secure compliance with the provisions 23308
of these sections and the rules adopted under them. The director 23309
may hold hearings, issue subpoenas, compel testimony, and make 23310
adjudications. ~~In~~ 23311

The director may issue an order revoking a license in the 23312
event the director finds, upon hearing or opportunity afforded 23313
~~therefor~~ pursuant to Chapter 119. of the Revised Code, that any of 23314
the following apply to a person, firm, partnership, association, 23315
~~corporation,~~ county home, or district home licensed under section 23316
3721.07 of the Revised Code ~~is in violation of:~~ 23317

(1) Has violated any of the provisions of Chapter 3721. of 23318
the Revised Code or rules adopted by the public health council 23319
under it; ~~is in violation of~~ 23320

(2) Has violated any order issued by the director; ~~is~~ 23321

(3) Is not, or any of its principals are not suitable, 23322
morally or financially to operate such an institution; ~~or is~~ 23323

(4) Is not furnishing humane, kind, and adequate treatment 23324
and care, ~~the director may issue an order revoking the license~~ 23325
~~previously issued by the director;~~ 23326

(5) Has had a long-standing pattern of violations of this 23327
chapter or the rules adopted under it that has caused physical, 23328
emotional, mental, or psychosocial harm to one or more residents. 23329
~~Upon~~ 23330

Upon the issuance of any order of revocation, the person 23331
whose license is revoked, or the county home or district home that 23332
has its license revoked, may appeal in accordance with Chapter 23333
119. of the Revised Code. 23334

~~The state fire marshal shall enforce all statutes and rules~~ 23335
~~pertaining to fire safety in homes and shall adopt rules~~ 23336
~~pertaining to fire safety in homes as the marshal determines~~ 23337
~~necessary. The rules adopted by the marshal shall be in addition~~ 23338
~~to those fire safety rules that the board of building standards~~ 23339
~~and the public health council are empowered to adopt and shall be~~ 23340
~~adopted prior to December 31, 1972. In the event of a dispute~~ 23341
~~between the marshal and another officer having responsibilities~~ 23342
~~under sections 3721.01 to 3721.09 of the Revised Code with respect~~ 23343
~~to the interpretation or application of a specific fire safety~~ 23344
~~statute or rule, the interpretation of the marshal shall prevail.~~ 23345

~~If the ownership of a home is assigned or transferred to a~~ 23346
~~different person, the new owner is responsible and liable for~~ 23347
~~compliance with any notice of proposed action or order issued~~ 23348
~~under this section in accordance with Chapter 119. of the Revised~~ 23349
~~Code prior to the effective date of the assignment or transfer (C)~~ 23350
Once the director notifies a person, county home, or district home 23351

licensed to operate a home that the license may be revoked or 23352
issues any order under this section, the person, county home, or 23353
district home shall not assign or transfer to another person or 23354
entity the right to operate the home. This prohibition shall 23355
remain in effect until proceedings under Chapter 119. of the 23356
Revised Code concerning the order or license revocation have been 23357
concluded or the director notifies the person, county home, or 23358
district home that the prohibition has been lifted. 23359

If a license is revoked under this section, the former 23360
license holder shall not assign or transfer or consent to 23361
assignment or transfer of the right to operate the home. Any 23362
attempted assignment or transfer to another person or entity is 23363
void. 23364

On revocation of a license, the former licensee shall take 23365
all necessary steps to cease operation of the home. 23366

The director of health shall not accept a certificate of need 23367
application under section 3702.52 of the Revised Code regarding a 23368
home if the license to operate the home has been revoked under 23369
this section. 23370

Sec. 3721.032. The state fire marshal shall enforce all 23371
statutes and rules pertaining to fire safety in homes and shall 23372
adopt rules pertaining to fire safety in homes as the marshal 23373
determines necessary. The rules adopted by the marshal shall be in 23374
addition to those fire safety rules that the board of building 23375
standards and the public health council are empowered to adopt. In 23376
the event of a dispute between the marshal and another officer 23377
having responsibilities under sections 3721.01 to 3721.09 of the 23378
Revised Code with respect to the interpretation or application of 23379
a specific fire safety statute or rule, the interpretation of the 23380
marshal shall prevail. 23381

Sec. 3721.07. Every person desiring to operate a home and the superintendent or administrator of each county home or district home for which a license as a residential care facility is sought shall apply for a license to the director of health. The director shall issue a license for the home, if after investigation of the applicant and, if required by section 3721.02 of the Revised Code, inspection of the home, the following requirements or conditions are satisfied or complied with:

(A) The applicant has not been convicted of a felony or a crime involving moral turpitude;

(B) The applicant is not violating any of the rules made by the public health council or any order issued by the director of health;

(C) The applicant has not had a license to operate the home revoked pursuant to section 3721.03 of the Revised Code because of any act or omission that jeopardized a resident's health, welfare, or safety nor has the applicant had a long-standing pattern of violations of this chapter or rules adopted under it that caused physical, emotional, mental, or psychosocial harm to one or more residents.

(D) The buildings in which the home is housed have been approved by the state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal. In the approval of a home such agencies shall apply standards prescribed by the board of building standards, and by the state fire marshal, and by section 3721.071 of the Revised Code.

~~(D)~~(E) The applicant, if it is an individual, or the principal participants, if it is an association or a corporation, is or are suitable financially and morally to operate a home;

~~(E)~~(F) The applicant is equipped to furnish humane, kind, and

adequate treatment and care;	23412
(F) (G) The home does not maintain or contain:	23413
(1) Facilities for the performance of major surgical procedures;	23414 23415
(2) Facilities for providing therapeutic radiation;	23416
(3) An emergency ward;	23417
(4) A clinical laboratory unless it is under the supervision of a clinical pathologist who is a licensed physician in this state;	23418 23419 23420
(5) Facilities for radiological examinations unless such examinations are performed only by a person licensed to practice medicine, surgery, or dentistry in this state.	23421 23422 23423
(G) (H) The home does not accept or treat outpatients, except upon the written orders of a physician licensed in this state, maternity cases, boarding children, and does not house transient guests, other than participants in an adult day-care program, for twenty-four hours or less;	23424 23425 23426 23427 23428
(H) (I) The home is in compliance with sections 3721.28 and 3721.29 of the Revised Code.	23429 23430
When the director issues a license, the license shall remain in effect until revoked by the director or voided at the request of the applicant; provided, there shall be an annual renewal fee payable during the month of January of each calendar year. Any licensed home that does not pay its renewal fee in January shall pay, beginning the first day of February, a late fee of one hundred dollars for each week or part thereof that the renewal fee is not paid. If either the renewal fee or the late fee is not paid by the fifteenth day of February, the director may, in accordance with Chapter 119. of the Revised Code, revoke the home's license.	23431 23432 23433 23434 23435 23436 23437 23438 23439 23440
<u>If, under division (B)(5) of section 3721.03 of the Revised</u>	23441

Code, the license of a person has been revoked or the license of a 23442
county home or district home to operate as a residential care 23443
facility has been revoked, the director of health shall not issue 23444
a license to the person or home at any time. A person whose 23445
license is revoked, and a county home or district home that has 23446
its license as a residential care facility revoked other than 23447
under division (B)(5) of section 3721.03 of the Revised Code, for 23448
any reason other than nonpayment of the license renewal fee or 23449
late fees ~~may shall~~ not ~~apply for~~ be issued a new license under 23450
this chapter until a period of one year following the date of 23451
revocation has elapsed. 23452

Any applicant who is denied a license may appeal in 23453
accordance with Chapter 119. of the Revised Code. 23454

Sec. 3721.15. (A) Authorization from a resident or a sponsor 23455
with a power of attorney for a home to manage the resident's 23456
financial affairs shall be in writing and shall be attested to by 23457
a witness who is not connected in any manner whatsoever with the 23458
home or its administrator. The home shall maintain accounts 23459
pursuant to division (A)(27) of section 3721.13 of the Revised 23460
Code. Upon the resident's transfer, discharge, or death, the 23461
account shall be closed and a final accounting made. All remaining 23462
funds shall be returned to the resident or resident's sponsor, 23463
except in the case of death, when all remaining funds shall be 23464
transferred or used in accordance with section ~~5111.112~~ 5111.113 23465
of the Revised Code. 23466

(B) A home that manages a resident's financial affairs shall 23467
deposit the resident's funds in excess of one hundred dollars, and 23468
may deposit the resident's funds that are one hundred dollars or 23469
less, in an interest-bearing account separate from any of the 23470
home's operating accounts. Interest earned on the resident's funds 23471
shall be credited to the resident's account. A resident's funds 23472

that are one hundred dollars or less and have not been deposited 23473
in an interest-bearing account may be deposited in a 23474
noninterest-bearing account or petty cash fund. 23475

(C) Each resident whose financial affairs are managed by a 23476
home shall be promptly notified by the home when the total of the 23477
amount of funds in the resident's accounts and the petty cash fund 23478
plus other nonexempt resources reaches two hundred dollars less 23479
than the maximum amount permitted a recipient of medicaid. The 23480
notice shall include an explanation of the potential effect on the 23481
resident's eligibility for medicaid if the amount in the 23482
resident's accounts and the petty cash fund, plus the value of 23483
other nonexempt resources, exceeds the maximum assets a medicaid 23484
recipient may retain. 23485

(D) Each home that manages the financial affairs of residents 23486
shall purchase a surety bond or otherwise provide assurance 23487
satisfactory to the director of health, or, in the case of a home 23488
that participates in the medicaid program, to the director of job 23489
and family services, to assure the security of all residents' 23490
funds managed by the home. 23491

Sec. 3721.19. (A) As used in this section: 23492

(1) "Home" and "residential care facility" have the same 23493
meanings as in section 3721.01 of the Revised Code; 23494

(2) "Sponsor" and "residents' rights advocate" have the same 23495
meanings as in section 3721.10 of the Revised Code. 23496

A home licensed under this chapter that is not a party to a 23497
provider agreement, as defined in section 5111.20 of the Revised 23498
Code, shall provide each prospective resident, before admission, 23499
with the following information, orally and in a separate written 23500
notice on which is printed in a conspicuous manner: "This home is 23501
not a participant in the medical assistance program administered 23502

by the Ohio department of job and family services. Consequently, 23503
you may be discharged from this home if you are unable to pay for 23504
the services provided by this home." 23505

If the prospective resident has a sponsor whose identity is 23506
made known to the home, the home shall also inform the sponsor, 23507
before admission of the resident, of the home's status relative to 23508
the medical assistance program. Written acknowledgement of the 23509
receipt of the information shall be provided by the resident and, 23510
if the prospective resident has a sponsor who has been identified 23511
to the home, by the sponsor. The written acknowledgement shall be 23512
made part of the resident's record by the home. 23513

No home shall terminate its status as a provider under the 23514
~~medical assistance~~ medicaid program unless it has complied with 23515
section 5111.66 of the Revised Code and, at least ninety days 23516
prior to such termination, provided written notice to the 23517
~~department of job and family services and~~ residents of the home 23518
and their sponsors of such action. This requirement shall not 23519
apply in cases where the department of job and family services 23520
terminates a home's provider agreement or provider status. 23521

(B) A home licensed under this chapter as a residential care 23522
facility shall provide notice to each prospective resident or the 23523
individual's sponsor of the services offered by the facility and 23524
the types of skilled nursing care that the facility may provide. A 23525
residential care facility that, pursuant to section 3721.012 of 23526
the Revised Code, has a policy of entering into risk agreements 23527
with residents or their sponsors shall provide each prospective 23528
resident or the individual's sponsor a written explanation of the 23529
policy and the provisions that may be contained in a risk 23530
agreement. At the time the information is provided, the facility 23531
shall obtain a statement signed by the individual receiving the 23532
information acknowledging that the individual received the 23533
information. The facility shall maintain on file the individual's 23534

signed statement. 23535

(C) A resident has a cause of action against a home for 23536
breach of any duty imposed by this section. The action may be 23537
commenced by the resident, or on the resident's behalf by the 23538
resident's sponsor or a residents' rights advocate, by the filing 23539
of a civil action in the court of common pleas of the county in 23540
which the home is located, or in the court of common pleas of 23541
Franklin county. 23542

If the court finds that a breach of any duty imposed by this 23543
section has occurred, the court shall enjoin the home from 23544
discharging the resident from the home until arrangements 23545
satisfactory to the court are made for the orderly transfer of the 23546
resident to another mode of health care including, but not limited 23547
to, another home, and may award the resident and a person or 23548
public agency that brings an action on behalf of a resident 23549
reasonable attorney's fees. If a home discharges a resident to 23550
whom or to whose sponsor information concerning its status 23551
relative to the medical assistance program was not provided as 23552
required under this section, the court shall grant any appropriate 23553
relief including, but not limited to, actual damages, reasonable 23554
attorney's fees, and costs. 23555

Sec. 3721.50. As used in sections 3721.50 to 3721.58 of the 23556
Revised Code: 23557

(A) "Hospital" has the same meaning as in section 3727.01 of 23558
the Revised Code. 23559

(B) "Inpatient days" means all days during which a resident 23560
of a nursing facility, regardless of payment source, occupies a 23561
bed in the nursing facility that is included in the facility's 23562
certified capacity under Title XIX. Therapeutic or hospital leave 23563
days for which payment is made under section 5111.26 of the 23564

Revised Code are considered inpatient days proportionate to the 23565
percentage of the facility's per resident per day rate paid for 23566
those days. 23567

(C) "Medicaid" has the same meaning as in section 5111.01 of 23568
the Revised Code. 23569

(D) "Medicaid day" means all days during which a resident who 23570
is a medicaid recipient occupies a bed in a nursing facility that 23571
is included in the facility's certified capacity under Title XIX. 23572
Therapeutic or hospital leave days for which payment is made under 23573
section 5111.26 of the Revised Code are considered medicaid days 23574
proportionate to the percentage of the nursing facility's per 23575
resident per day rate for those days. 23576

(E) "Nursing facility" has the same meaning as in section 23577
5111.20 of the Revised Code. 23578

(F)(1) "Nursing home" means all of the following: 23579

(a) A nursing home licensed under section 3721.02 or 3721.09 23580
of the Revised Code, including any part of a home for the aging 23581
licensed as a nursing home; 23582

(b) A facility or part of a facility, other than a hospital, 23583
that is certified as a skilled nursing facility under Title XVIII 23584
~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 23585
~~301, as amended;~~ 23586

(c) A nursing facility ~~as defined in section 5111.20 of the~~ 23587
~~Revised Code,~~ other than a portion of a hospital certified as a 23588
nursing facility. 23589

(2) "Nursing home" does not include a any of the following: 23590

(a) A county home, county nursing home, or district home 23591
operated pursuant to Chapter 5155. of the Revised Code ~~or a;~~ 23592

(b) A nursing home maintained and operated by the Ohio 23593
veterans' home agency under section 5907.01 of the Revised Code; 23594

(c) A nursing home or part of a nursing home licensed under section 3721.02 or 3721.09 of the Revised Code that is certified as an intermediate care facility for the mentally retarded under Title XIX ~~of the "Social Security Act."~~

~~(B) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.~~

(G) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.

(H) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.

Sec. 3721.51. The department of job and family services shall do all of the following:

(A) ~~For~~ Subject to division (C) of this section and for the purposes specified in ~~section~~ sections 3721.56 and 3721.561 of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to ~~three dollars and thirty cents for fiscal year 2002,~~ four dollars and thirty cents for fiscal years 2003 through ~~2005,~~ 2007 and one dollar for each fiscal year thereafter, multiplied by the product of the following:

(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX ~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ on July 1, 1993, and, ~~for each subsequent year,~~ the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) ~~The number of days in fiscal year 1994 and, for each subsequent year,~~ the number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the

Revised Code. 23625

(B) ~~For~~ Subject to division (C) of this section and for the 23626
purposes specified in ~~section~~ sections 3721.56 and 3721.561 of the 23627
Revised Code, determine an annual franchise permit fee on each 23628
hospital in an amount equal to ~~three dollars and thirty cents for~~ 23629
~~fiscal year 2002,~~ four dollars and thirty cents for fiscal years 23630
2003 through ~~2005,~~ 2007 and one dollar for each fiscal year 23631
thereafter, multiplied by the product of the following: 23632

(1) The number of beds registered pursuant to section 3701.07 23633
of the Revised Code as skilled nursing facility beds or long-term 23634
care beds, plus any other beds licensed as nursing home beds under 23635
section 3721.02 or 3721.09 of the Revised Code, on ~~July 1, 1993,~~ 23636
~~and, for each subsequent year,~~ the first day of May of the 23637
calendar year in which the fee is determined pursuant to division 23638
(A) of section 3721.53 of the Revised Code; 23639

(2) ~~The number of days in fiscal year 1994 and, for each~~ 23640
~~subsequent year,~~ the number of days in the fiscal year beginning 23641
on the first day of July of the calendar year in which the fee is 23642
determined pursuant to division (A) of section 3721.53 of the 23643
Revised Code. 23644

(C) If the United States centers for medicare and medicaid 23645
services determines that the franchise permit fee established by 23646
sections 3721.50 to 3721.58 of the Revised Code ~~would be~~ is an 23647
impermissible health care related tax under section 1903(w) of the 23648
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 23649
amended, ~~the department of job and family services shall~~ take all 23650
necessary actions to cease implementation of ~~those~~ sections 23651
3721.50 to 3721.58 of the Revised Code in accordance with rules 23652
adopted under section 3721.58 of the Revised Code. 23653

Sec. 3721.52. (A) For the purpose of the fee under division 23654
(A) of section 3721.51 of the Revised Code, the department of 23655

health shall, ~~not later than August 1, 1993, and, for each~~ 23656
~~subsequent year,~~ not later than the first day of each June, report 23657
to the department of job and family services the number of beds in 23658
each nursing home licensed on ~~July 1, 1993, and, for each~~ 23659
~~subsequent year,~~ the preceding first day of May under section 23660
3721.02 or 3721.09 of the Revised Code or certified on that date 23661
under Title XVIII or XIX ~~of the "Social Security Act," 49 Stat.~~ 23662
~~620 (1935), 42 U.S.C.A. 301, as amended.~~ 23663

(B) For the purpose of the fee under division (B) of section 23664
3721.51 of the Revised Code, the department of health shall, ~~not~~ 23665
~~later than August 1, 1993, and, for each subsequent year,~~ not 23666
later than the first day of each June, report to the department of 23667
job and family services the number of beds in each hospital 23668
registered on ~~July 1, 1993, and, for each subsequent year,~~ the 23669
preceding first day of May pursuant to section 3701.07 of the 23670
Revised Code as skilled nursing facility or long-term care beds or 23671
licensed on that date under section 3721.02 or 3721.09 of the 23672
Revised Code as nursing home beds. 23673

Sec. 3721.541. (A) In addition to assessing a penalty 23674
pursuant to section 3721.54 of the Revised Code, the department of 23675
job and family services may do either of the following if a 23676
nursing facility or hospital fails to pay the full amount of a 23677
franchise permit fee installment when due: 23678

(1) Withhold an amount equal to the installment and penalty 23679
assessed under section 3721.54 of the Revised Code from a medicaid 23680
payment due the nursing facility or hospital until the nursing 23681
facility or hospital pays the installment and penalty; 23682

(2) Terminate the nursing facility or hospital's medicaid 23683
provider agreement. 23684

(B) The department may withhold a medicaid payment under 23685
division (A)(1) of this section without providing notice to the 23686

nursing facility or hospital and without conducting an 23687
adjudication under Chapter 119. of the Revised Code. 23688

Sec. 3721.56. ~~(A) Thirty and three tenths~~ There is hereby 23689
created in the state treasury the home- and community-based 23690
services for the aged fund. Twenty-three and twenty-six-hundredths 23691
per cent of all payments and penalties paid by nursing homes and 23692
hospitals under sections 3721.53 and 3721.54 of the Revised Code 23693
for fiscal year 2002, ~~twenty three and twenty six hundredths per~~ 23694
~~cent of such payments and penalties paid for fiscal years 2003~~ 23695
through ~~2005~~ 2007, and all such payments and penalties paid for 23696
subsequent fiscal years, shall be deposited into the "~~home and~~ 23697
~~community-based services for the aged fund,~~" which is hereby 23698
~~created in the state treasury.~~ The departments of job and family 23699
services and aging shall use the moneys in the fund to fund the 23700
following in accordance with rules adopted under section 3721.58 23701
of the Revised Code: 23702

~~(1)~~(A) The ~~medical assistance~~ medicaid program established 23703
under Chapter 5111. of the Revised Code; 23704

~~(2)~~(B) The PASSPORT program established under section 173.40 23705
of the Revised Code; 23706

~~(3)~~(C) The residential state supplement program established 23707
under section 173.35 of the Revised Code. 23708

~~(B) Sixty nine and seven tenths per cent of all payments and~~ 23709
~~penalties paid by nursing homes and hospitals under sections~~ 23710
~~3721.53 and 3721.54 of the Revised Code for fiscal year 2002, and~~ 23711
~~seventy six and seventy four hundredths per cent of such payments~~ 23712
~~and penalties paid for fiscal years 2003 through 2005, shall be~~ 23713
~~deposited into the nursing facility stabilization fund, which is~~ 23714
~~hereby created in the state treasury. The department of job and~~ 23715
~~family services shall use the money in the fund in the manner~~ 23716

~~provided by Am. Sub. H.B. 94 and Am. Sub. S.B. 261 of the 124th
general assembly.~~ 23717
23718

Sec. 3721.561. (A) There is hereby created in the state 23719
treasury the nursing facility stabilization fund. Seventy-six and 23720
seventy-four-hundredths per cent of all payments and penalties 23721
paid by nursing homes and hospitals under sections 3721.53 and 23722
3721.54 of the Revised Code for fiscal years 2003 through 2007 23723
shall be deposited into the fund. The department of job and family 23724
services shall use the money in the fund to do all of the 23725
following: 23726

(1) Make medicaid payments to nursing facilities; 23727

(2) Beginning with medicaid payments made to nursing 23728
facilities in August 2005, make payments to each nursing facility 23729
for each medicaid day in fiscal years 2006 and 2007 in an amount 23730
equal to seventy-six and seventy-four-hundredths per cent of the 23731
fee the nursing facility pays under section 3721.53 of the Revised 23732
Code for the fiscal year the department makes the payment divided 23733
by the nursing facility's inpatient days for the calendar year 23734
preceding the calendar year in which that fiscal year begins; 23735

(3) Beginning with medicaid payments made to nursing 23736
facilities in August 2005, make payments to each nursing facility 23737
for fiscal years 2006 and 2007 in an amount equal to two dollars 23738
and twenty-five cents per medicaid day for the purpose of 23739
enhancing quality of care. 23740

(B) Any money remaining in the nursing facility stabilization 23741
fund after payments specified in division (A) of this section are 23742
made for fiscal year 2007 shall be retained in the fund. Any 23743
interest or other investment proceeds earned on money in the fund 23744
shall be credited to the fund and used to make medicaid payments 23745
in accordance with division (A)(1) of this section. 23746

Sec. 3721.58. The director of job and family services shall 23747
adopt rules in accordance with Chapter 119. of the Revised Code to 23748
do ~~both~~ all of the following: 23749

(A) Prescribe the actions the department of job and family 23750
services will take to cease implementation of sections 3721.50 23751
through 3721.57 of the Revised Code if the United States ~~health~~ 23752
~~care financing administration~~ centers for medicare and medicaid 23753
services determines that the franchise permit fee established by 23754
those sections is an impermissible health-care related tax under 23755
section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935), 23756
42 U.S.C. ~~1396(b)(w)~~ 1396b(w), as amended; 23757

(B) Establish the method of distributing moneys in the home 23758
and community-based services for the aged fund created under 23759
section 3721.56 of the Revised Code; 23760

(C) Establish any requirements or procedures the director 23761
considers necessary to implement sections 3721.50 to 3721.58 of 23762
the Revised Code. 23763

Sec. 3722.01. (A) As used in this chapter: 23764

(1) "Owner" means the person who owns the business of and who 23765
ultimately controls the operation of an adult care facility and to 23766
whom the manager, if different from the owner, is responsible. 23767

(2) "Manager" means the person responsible for the daily 23768
operation of an adult care facility. The manager and the owner of 23769
a facility may be the same person. 23770

(3) "Adult" means an individual eighteen years of age or 23771
older. 23772

(4) "Unrelated" means that an adult resident is not related 23773
to the owner or manager of an adult care facility or to the 23774
owner's or manager's spouse as a parent, grandparent, child, 23775

stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.	23776 23777
(5) "Skilled nursing care" means skilled nursing care as defined in section 3721.01 of the Revised Code.	23778 23779
(6)(a) "Personal care services" means services including, but not limited to, the following:	23780 23781
(i) Assisting residents with activities of daily living;	23782
(ii) Assisting residents with self-administration of medication, in accordance with rules adopted by the public health council pursuant to this chapter;	23783 23784 23785
(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted by the public health council pursuant to this chapter.	23786 23787 23788 23789
(b) "Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(6)(a) of this section to be considered to be providing personal care services.	23790 23791 23792 23793 23794
(7) "Adult family home" means a residence or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults.	23795 23796 23797 23798
(8) "Adult group home" means a residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.	23799 23800 23801 23802
(9) "Adult care facility" means an adult family home or an adult group home. For the purposes of this chapter, any residence, facility, institution, hotel, congregate housing project, or	23803 23804 23805

similar facility that provides accommodations and supervision to 23806
three to sixteen unrelated adults, at least three of whom are 23807
provided personal care services, is an adult care facility 23808
regardless of how the facility holds itself out to the public. 23809
"Adult care facility" does not include: 23810

(a) A facility operated by a hospice care program licensed 23811
under section 3712.04 of the Revised Code that is used exclusively 23812
for care of hospice patients; 23813

(b) A nursing home, residential care facility, or home for 23814
the aging as defined in section 3721.01 of the Revised Code; 23815

(c) A community alternative home as defined in section 23816
3724.01 of the Revised Code; 23817

(d) An alcohol and drug addiction program as defined in 23818
section 3793.01 of the Revised Code; 23819

(e) ~~A habilitation center as defined in section 5123.041 of~~ 23820
~~the Revised Code;~~ 23821

~~(f)~~ A residential facility for the mentally ill licensed by 23822
the department of mental health under section 5119.22 of the 23823
Revised Code; 23824

~~(g)~~(f) A facility licensed to provide methadone treatment 23825
under section 3793.11 of the Revised Code; 23826

~~(h)~~(g) A residential facility licensed under section 5123.19 23827
of the Revised Code or otherwise regulated by the department of 23828
mental retardation and developmental disabilities; 23829

~~(i)~~(h) Any residence, institution, hotel, congregate housing 23830
project, or similar facility that provides personal care services 23831
to fewer than three residents or that provides, for any number of 23832
residents, only housing, housekeeping, laundry, meal preparation, 23833
social or recreational activities, maintenance, security, 23834
transportation, and similar services that are not personal care 23835

services or skilled nursing care; 23836

~~(j)~~(i) Any facility that receives funding for operating costs 23837
from the department of development under any program established 23838
to provide emergency shelter housing or transitional housing for 23839
the homeless; 23840

~~(k)~~(j) A terminal care facility for the homeless that has 23841
entered into an agreement with a hospice care program under 23842
section 3712.07 of the Revised Code; 23843

~~(l)~~(k) A facility approved by the veterans administration 23844
under section 104(a) of the "Veterans Health Care Amendments of 23845
1983," 97 Stat. 993, 38 U.S.C.A. 630, as amended, and used 23846
exclusively for the placement and care of veterans; 23847

~~(m)~~(l) Until January 1, 1994, the portion of a facility in 23848
which care is provided exclusively to members of a religious order 23849
if the facility is owned by or part of a nonprofit institution of 23850
higher education authorized to award degrees by the Ohio board of 23851
regents under Chapter 1713. of the Revised Code. 23852

(10) "Residents' rights advocate" means: 23853

(a) An employee or representative of any state or local 23854
government entity that has a responsibility for residents of adult 23855
care facilities and has registered with the department of health 23856
under section 3701.07 of the Revised Code; 23857

(b) An employee or representative, other than a manager or 23858
employee of an adult care facility or nursing home, of any private 23859
nonprofit corporation or association that qualifies for tax-exempt 23860
status under section 501(a) of the "Internal Revenue Code of 23861
1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has 23862
registered with the department of health under section 3701.07 of 23863
the Revised Code, and whose purposes include educating and 23864
counseling residents, assisting residents in resolving problems 23865
and complaints concerning their care and treatment, and assisting 23866

them in securing adequate services. 23867

(11) "Sponsor" means an adult relative, friend, or guardian 23868
of a resident of an adult care facility who has an interest in or 23869
responsibility for the resident's welfare. 23870

(12) "Ombudsperson" means a "representative of the office of 23871
the state long-term care ombudsperson program" as defined in 23872
section 173.14 of the Revised Code. 23873

(13) "Mental health agency" means a community mental health 23874
agency, as defined in section 5119.22 of the Revised Code, under 23875
contract with a board of alcohol, drug addiction, and mental 23876
health services pursuant to division (A)(8)(a) of section 340.03 23877
of the Revised Code. 23878

(B) For purposes of this chapter, personal care services or 23879
skilled nursing care shall be considered to be provided by a 23880
facility if they are provided by a person employed by or 23881
associated with the facility or by another person pursuant to an 23882
agreement to which neither the resident who receives the services 23883
nor the resident's sponsor is a party. 23884

(C) Nothing in division (A)(6) of this section shall be 23885
construed to permit personal care services to be imposed upon a 23886
resident who is capable of performing the activity in question 23887
without assistance. 23888

Sec. 3722.02. A person seeking a license to operate an adult 23889
care facility shall submit to the director of health an 23890
application on a form prescribed by the director and the 23891
following: 23892

(A) In the case of an adult group home seeking licensure as 23893
an adult care facility, evidence that the home has been inspected 23894
and approved by a local certified building department or by the 23895
division of industrial compliance in the department of commerce as 23896

meeting the applicable requirements of sections 3781.06 to 23897
3781.18, 3781.181, 3781.182, and 3791.04 of the Revised Code and 23898
any rules adopted under those sections and evidence that the home 23899
has been inspected by the state fire marshal or fire prevention 23900
officer of a municipal, township, or other legally constituted 23901
fire department approved by the state fire marshal and found to be 23902
in compliance with rules adopted under section 3737.83 of the 23903
Revised Code regarding fire prevention and safety in adult group 23904
homes; 23905

(B) Valid approvals of the facility's water and sewage 23906
systems issued by the responsible governmental entity, if 23907
applicable; 23908

(C) A statement of ownership containing the following 23909
information: 23910

(1) If the owner is an individual, the owner's name, address, 23911
telephone number, business address, business telephone number, and 23912
occupation. If the owner is an association, corporation, or 23913
partnership, the business activity, address, and telephone number 23914
of the entity and the name of every person who has an ownership 23915
interest of five per cent or more in the entity. 23916

(2) If the owner does not own the building or if the owner 23917
owns only part of the building in which the facility is housed, 23918
the name of each person who has an ownership interest of five per 23919
cent or more in the building; 23920

(3) The address of any adult care facility and any facility 23921
described in divisions (A)(9)(a) to ~~(i)~~(h) of section 3722.01 of 23922
the Revised Code in which the owner has an ownership interest of 23923
five per cent or more; 23924

(4) The identity of the manager of the adult care facility, 23925
if different from the owner; 23926

(5) The name and address of any adult care facility and any facility described in divisions (A)(9)(a) to ~~(i)~~(h) of section 3722.01 of the Revised Code with which either the owner or manager has been affiliated through ownership or employment in the five years prior to the date of the application;

(6) The names and addresses of three persons not employed by or associated in business with the owner who will provide information about the character, reputation, and competence of the owner and the manager and the financial responsibility of the owner;

(7) Information about any arrest of the owner or manager for, or adjudication or conviction of, a criminal offense related to the provision of care in an adult care facility or any facility described in divisions (A)(9)(a) to ~~(i)~~(h) of section 3722.01 of the Revised Code or the ability to operate a facility;

(8) Any other information the director may require regarding the owner's ability to operate the facility.

(D) If the facility is an adult group home, a balance sheet showing the assets and liabilities of the owner and a statement projecting revenues and expenses for the first twelve months of the facility's operation;

(E) Proof of insurance in an amount and type determined in rules adopted by the public health council pursuant to this chapter to be adequate;

(F) A nonrefundable license application fee in an amount established in rules adopted by the public health council pursuant to this chapter.

Sec. 3722.04. (A)(1) The director of health shall inspect, license, and regulate adult care facilities. Except as otherwise provided in division (D) of this section, the director shall issue

a license to an adult care facility that meets the requirements of 23957
section 3722.02 of the Revised Code and that the director 23958
determines to be in substantial compliance with the rules adopted 23959
by the public health council pursuant to this chapter. The 23960
director shall consider the past record of the owner and manager 23961
and any individuals who are principal participants in an entity 23962
that is the owner or manager in operating facilities providing 23963
care to adults. The director may, in accordance with Chapter 119. 23964
of the Revised Code, deny a license if the past record indicates 23965
that the owner or manager is not suitable to own or manage an 23966
adult care facility. 23967

The license shall contain the name and address of the 23968
facility for which it was issued, the date of expiration of the 23969
license, and the maximum number of residents that may be 23970
accommodated by the facility. A license for an adult care facility 23971
shall be valid for a period of two years after the date of 23972
issuance. No single facility may be licensed to operate as more 23973
than one adult care facility. 23974

(2) Notwithstanding division (A)(1) of this section and 23975
sections 3722.02 and 3722.041 of the Revised Code, the director 23976
may issue a temporary license if the requirements of divisions 23977
(C), (D), and (F) of section 3722.02 of the Revised Code have been 23978
met. A temporary license shall be valid for a period of ninety 23979
days and, except as otherwise provided in division (A)(3) of 23980
section 3722.05 of the Revised Code, may be renewed, without 23981
payment of an additional application fee, for an additional ninety 23982
days. 23983

(B) The director shall renew a license for a two-year period 23984
if the facility continues to be in compliance with the 23985
requirements of this chapter and in substantial compliance with 23986
the rules adopted under this chapter. The owner shall submit a 23987
nonrefundable license renewal application fee in an amount 23988

established in rules adopted by the public health council pursuant 23989
to this chapter. Before the license of an adult group home is 23990
renewed, if any alterations have been made to the buildings, a 23991
certificate of occupancy for the facility shall have been issued 23992
by the division of industrial compliance in the department of 23993
commerce or a local certified building department. The facility 23994
shall have water and sewage system approvals, if required by law, 23995
and, in the case of an adult group home, documentation of 23996
continued compliance with the rules adopted by the state fire 23997
marshal under division (F) of section 3737.83 of the Revised Code. 23998

(C) The director shall make at least one unannounced 23999
inspection of an adult care facility during each licensure period 24000
in addition to inspecting the facility to determine whether a 24001
license should be issued or renewed, and may make additional 24002
unannounced inspections as the director considers necessary. Other 24003
inspections may be made at any time that the director considers 24004
appropriate. The director shall take all reasonable actions to 24005
avoid giving notice of an inspection by the manner in which the 24006
inspection is scheduled or performed. Not later than sixty days 24007
after the date of an inspection of a facility, the director shall 24008
send a report of the inspection to the ombudsperson in whose 24009
region the facility is located. The state fire marshal or fire 24010
prevention officer of a municipal, township, or other legally 24011
constituted fire department approved by the state fire marshal 24012
shall inspect an adult group home seeking a license or renewal 24013
under this chapter as an adult care facility prior to issuance of 24014
a license or renewal, at least once annually thereafter, and at 24015
any other time at the request of the director, to determine 24016
compliance with the rules adopted under division (F) of section 24017
3737.83 of the Revised Code. 24018

(D) The director may waive any of the licensing requirements 24019
having to do with fire and safety requirements or building 24020

standards established by rule adopted by the public health council 24021
pursuant to this chapter upon written request of the facility. The 24022
director may grant a waiver if the director determines that the 24023
strict application of the licensing requirement would cause undue 24024
hardship to the facility and that granting the waiver would not 24025
jeopardize the health or safety of any resident. The director may 24026
provide a facility with an informal hearing concerning the denial 24027
of a waiver request, but the facility shall not be entitled to a 24028
hearing under Chapter 119. of the Revised Code unless the director 24029
takes an action that requires a hearing to be held under section 24030
3722.05 of the Revised Code. 24031

(E)(1) Not later than thirty days after ~~the issuance or~~ 24032
~~renewal of the license, other than a temporary license, of an~~ 24033
~~adult care facility under this section~~ each of the following, the 24034
owner of an adult care facility shall submit an inspection fee of 24035
~~ten~~ twenty dollars for each bed for which the facility is 24036
licensed: 24037

(a) Issuance or renewal of a license, other than a temporary 24038
license; 24039

(b) The unannounced inspection required by division (C) of 24040
this section; 24041

(c) If, during an inspection conducted in addition to the two 24042
inspections required by division (C) of this section, the facility 24043
was found to be in violation of this chapter or the rules adopted 24044
under it, receipt by the facility of the report of that 24045
investigation. The 24046

(2) The director may revoke the license of any adult care 24047
facility that fails to submit the fee within the thirty-day 24048
period. ~~All~~ 24049

(3) All inspection fees received by the director, all civil 24050
penalties assessed under section 3722.08 of the Revised Code, all 24051

24052 fines imposed under section 3722.99 of the Revised Code, and all
24053 license application and renewal application fees received under
24054 division (F) of section 3722.02 of the Revised Code or under
24055 division (B) of this section shall be deposited into the general
24056 operations fund created in section 3701.83 of the Revised Code and
24057 shall be used only to pay the costs of administering and enforcing
24058 the requirements of this chapter and rules adopted under it.

24059 (F)(1) An owner shall inform the director in writing of any
24060 changes in the information contained in the statement of ownership
24061 made pursuant to division (C) of section 3722.02 of the Revised
24062 Code or in the identity of the manager, not later than ten days
24063 after the change occurs.

24064 (2) An owner who sells or transfers an adult care facility
24065 shall be responsible and liable for the following:

24066 (a) Any civil penalties imposed against the facility under
24067 section 3722.08 of the Revised Code for violations that occur
24068 before the date of transfer of ownership or during any period in
24069 which the seller or the seller's agent operates the facility;

24070 (b) Any outstanding liability to the state, unless the buyer
24071 or transferee has agreed, as a condition of the sale or transfer,
24072 to accept the outstanding liabilities and to guarantee their
24073 payment, except that if the buyer or transferee fails to meet
24074 these obligations the seller or transferor shall remain
24075 responsible for the outstanding liability.

24076 (G) The director shall annually publish a list of licensed
24077 adult care facilities, facilities whose licenses have been revoked
24078 or not renewed, any facilities under an order suspending
24079 admissions pursuant to section 3722.07 of the Revised Code, and
24080 any facilities that have been assessed a civil penalty pursuant to
24081 section 3722.08 of the Revised Code. The director shall furnish
24082 information concerning the status of licensure of any facility to

any person upon request. The director shall annually send a copy 24083
of the list to the department of job and family services, to the 24084
department of mental health, and to the department of aging. 24085

Sec. 3722.16. (A) No person shall: 24086

(1) Operate an adult care facility unless the facility is 24087
validly licensed by the director of health under section 3722.04 24088
of the Revised Code; 24089

(2) Admit to an adult care facility more residents than the 24090
number authorized in the facility's license; 24091

(3) Admit a resident to an adult care facility after the 24092
director has issued an order pursuant to section 3722.07 of the 24093
Revised Code suspending admissions to the facility. Violation of 24094
division (A)(3) of this section is cause for revocation of the 24095
facility's license. 24096

(4) Interfere with any authorized inspection of an adult care 24097
facility conducted pursuant to section 3722.02 or 3722.04 of the 24098
Revised Code; 24099

(5) Violate any of the provisions of this chapter or any of 24100
the rules adopted pursuant to it. 24101

(B) No adult care facility shall provide, or admit or retain 24102
any resident in need of, skilled nursing care unless all of the 24103
following are the case: 24104

(1) The care will be provided on a part-time, intermittent 24105
basis for not more than a total of one hundred twenty days in any 24106
twelve-month period by one or more of the following: 24107

(a) A home health agency certified under Title XVIII of the 24108
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 24109
amended: 24110

(b) A hospice care program licensed under Chapter 3712. of 24111

the Revised Code;	24112
(c) A nursing home licensed under Chapter 3721. of the Revised Code and owned and operated by the same person and located on the same site as the adult care facility;	24113 24114 24115
(d) A mental health agency or, pursuant to division (A)(8)(b) of section 340.03 of the Revised Code, a board of alcohol, drug addiction, and mental health services.	24116 24117 24118
(2) The staff of the home health agency, hospice care program, nursing home, mental health agency, or board of alcohol, drug addiction, and mental health services does not train facility staff to provide the skilled nursing care;	24119 24120 24121 24122
(3) The individual to whom the skilled nursing care is provided is suffering from a short-term illness;	24123 24124
(4) If the skilled nursing care is to be provided by the nursing staff of a nursing home, all of the following are the case:	24125 24126 24127
(a) The adult care facility evaluates the individual receiving the skilled nursing care at least once every seven days to determine whether the individual should be transferred to a nursing home;	24128 24129 24130 24131
(b) The adult care facility meets at all times staffing requirements established by rules adopted under section 3722.10 of the Revised Code;	24132 24133 24134
(c) The nursing home does not include the cost of providing skilled nursing care to the adult care facility residents in a cost report filed under section 5111.26 <u>5111.23</u> of the Revised Code;	24135 24136 24137 24138
(d) The nursing home meets at all times the nursing home licensure staffing ratios established by rules adopted under section 3721.04 of the Revised Code;	24139 24140 24141

(e) The nursing home staff providing skilled nursing care to 24142
adult care facility residents are registered nurses or licensed 24143
practical nurses licensed under Chapter 4723. of the Revised Code 24144
and meet the personnel qualifications for nursing home staff 24145
established by rules adopted under section 3721.04 of the Revised 24146
Code; 24147

(f) The skilled nursing care is provided in accordance with 24148
rules established for nursing homes under section 3721.04 of the 24149
Revised Code; 24150

(g) The nursing home meets the skilled nursing care needs of 24151
the adult care facility residents; 24152

(h) Using the nursing home's nursing staff does not prevent 24153
the nursing home or adult care facility from meeting the needs of 24154
the nursing home and adult care facility residents in a quality 24155
and timely manner. 24156

Notwithstanding section 3721.01 of the Revised Code, an adult 24157
care facility in which residents receive skilled nursing care as 24158
described in division (B) of this section is not a nursing home. 24159
No adult care facility shall provide skilled nursing care. 24160

(C) A home health agency or hospice care program that 24161
provides skilled nursing care pursuant to division (B) of this 24162
section may not be associated with the adult care facility unless 24163
the facility is part of a home for the aged as defined in section 24164
5701.13 of the Revised Code or the adult care facility is owned 24165
and operated by the same person and located on the same site as a 24166
nursing home licensed under Chapter 3721. of the Revised Code that 24167
is associated with the home health agency or hospice care program. 24168
In addition, the following requirements shall be met: 24169

(1) The adult care facility shall evaluate the individual 24170
receiving the skilled nursing care not less than once every seven 24171
days to determine whether the individual should be transferred to 24172

a nursing home; 24173

(2) If the costs of providing the skilled nursing care are 24174
included in a cost report filed pursuant to section ~~5111.26~~ 24175
5111.23 of the Revised Code by the nursing home that is part of 24176
the same home for the aged, the home health agency or hospice care 24177
program shall not seek reimbursement for the care under the 24178
~~medical assistance~~ medicaid program established under Chapter 24179
5111. of the Revised Code. 24180

(D)(1) No person knowingly shall place or recommend placement 24181
of any person in an adult care facility that is operating without 24182
a license. 24183

(2) No employee of a unit of local or state government, board 24184
of alcohol, drug addiction, and mental health services, mental 24185
health agency, or PASSPORT administrative agency shall place or 24186
recommend placement of any person in an adult care facility if the 24187
employee knows that the facility cannot meet the needs of the 24188
potential resident. 24189

(3) No person who has reason to believe that an adult care 24190
facility is operating without a license shall fail to report this 24191
information to the director of health. 24192

(E) In accordance with Chapter 119. of the Revised Code, the 24193
public health council shall adopt rules that define a short-term 24194
illness for purposes of division (B)(3) of this section and 24195
specify, consistent with rules pertaining to home health care 24196
adopted by the director of job and family services under ~~the~~ 24197
~~medical assistance program established under Chapter 5111. section~~ 24198
5111.02 of the Revised Code and Title XIX of the "Social Security 24199
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, what 24200
constitutes a part-time, intermittent basis for purposes of 24201
division (B)(1) of this section. 24202

Sec. 3734.01. As used in this chapter:	24203
(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.	24204 24205 24206 24207
(B) "Director" means the director of environmental protection.	24208 24209
(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.	24210 24211 24212
(D) "Agency" means the environmental protection agency.	24213
(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.	24214 24215 24216 24217 24218 24219 24220 24221 24222 24223 24224 24225 24226 24227 24228
(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air, except if the disposition or placement	24229 24230 24231 24232

constitutes storage or treatment or, if the solid wastes consist 24233
of scrap tires, the disposition or placement constitutes a 24234
beneficial use or occurs at a scrap tire recovery facility 24235
licensed under section 3734.81 of the Revised Code. 24236

(G) "Person" includes the state, any political subdivision 24237
and other state or local body, the United States and any agency or 24238
instrumentality thereof, and any legal entity defined as a person 24239
under section 1.59 of the Revised Code. 24240

(H) "Open burning" means the burning of solid wastes in an 24241
open area or burning of solid wastes in a type of chamber or 24242
vessel that is not approved or authorized in rules adopted by the 24243
director under section 3734.02 of the Revised Code or, if the 24244
solid wastes consist of scrap tires, in rules adopted under 24245
division (V) of this section or section 3734.73 of the Revised 24246
Code, or the burning of treated or untreated infectious wastes in 24247
an open area or in a type of chamber or vessel that is not 24248
approved in rules adopted by the director under section 3734.021 24249
of the Revised Code. 24250

(I) "Open dumping" means the depositing of solid wastes into 24251
a body or stream of water or onto the surface of the ground at a 24252
site that is not licensed as a solid waste facility under section 24253
3734.05 of the Revised Code or, if the solid wastes consist of 24254
scrap tires, as a scrap tire collection, storage, monocell, 24255
monofill, or recovery facility under section 3734.81 of the 24256
Revised Code; the depositing of solid wastes that consist of scrap 24257
tires onto the surface of the ground at a site or in a manner not 24258
specifically identified in divisions (C)(2) to (5), (7), or (10) 24259
of section 3734.85 of the Revised Code; the depositing of 24260
untreated infectious wastes into a body or stream of water or onto 24261
the surface of the ground; or the depositing of treated infectious 24262
wastes into a body or stream of water or onto the surface of the 24263
ground at a site that is not licensed as a solid waste facility 24264

under section 3734.05 of the Revised Code. 24265

(J) "Hazardous waste" means any waste or combination of 24266
wastes in solid, liquid, semisolid, or contained gaseous form that 24267
in the determination of the director, because of its quantity, 24268
concentration, or physical or chemical characteristics, may do 24269
either of the following: 24270

(1) Cause or significantly contribute to an increase in 24271
mortality or an increase in serious irreversible or incapacitating 24272
reversible illness; 24273

(2) Pose a substantial present or potential hazard to human 24274
health or safety or to the environment when improperly stored, 24275
treated, transported, disposed of, or otherwise managed. 24276

"Hazardous waste" includes any substance identified by 24277
regulation as hazardous waste under the "Resource Conservation and 24278
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 24279
amended, and does not include any substance that is subject to the 24280
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 24281
amended. 24282

(K) "Treat" or "treatment," when used in connection with 24283
hazardous waste, means any method, technique, or process designed 24284
to change the physical, chemical, or biological characteristics or 24285
composition of any hazardous waste; to neutralize the waste; to 24286
recover energy or material resources from the waste; to render the 24287
waste nonhazardous or less hazardous, safer to transport, store, 24288
or dispose of, or amenable for recovery, storage, further 24289
treatment, or disposal; or to reduce the volume of the waste. When 24290
used in connection with infectious wastes, "treat" or "treatment" 24291
means any method, technique, or process designed to render the 24292
wastes noninfectious, including, without limitation, steam 24293
sterilization and incineration, or, in the instance of wastes 24294
identified in division (R)(7) of this section, to substantially 24295

reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds. 24296
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(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage. 24298
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(M) "Storage," when used in connection with hazardous waste, means the holding of hazardous waste for a temporary period in such a manner that it remains retrievable and substantially unchanged physically and chemically and, at the end of the period, is treated; disposed of; stored elsewhere; or reused, recycled, or reclaimed in a beneficial manner. When used in connection with solid wastes that consist of scrap tires, "storage" means the holding of scrap tires for a temporary period in such a manner that they remain retrievable and, at the end of that period, are beneficially used; stored elsewhere; placed in a scrap tire monocell or monofill facility licensed under section 3734.81 of the Revised Code; processed at a scrap tire recovery facility licensed under that section or a solid waste incineration or energy recovery facility subject to regulation under this chapter; or transported to a scrap tire monocell, monofill, or recovery facility, any other solid waste facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state and is operating in compliance with the laws of the state in which the facility is located. 24302
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(N) "Facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; 24322
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or for the storage, treatment, or disposal of hazardous waste. 24328

(O) "Closure" means the time at which a hazardous waste 24329
facility will no longer accept hazardous waste for treatment, 24330
storage, or disposal, the time at which a solid waste facility 24331
will no longer accept solid wastes for transfer or disposal or, if 24332
the solid wastes consist of scrap tires, for storage or 24333
processing, or the effective date of an order revoking the permit 24334
for a hazardous waste facility or the registration certificate, 24335
permit, or license for a solid waste facility, as applicable. 24336

"Closure" includes measures performed to protect public health or 24337
safety, to prevent air or water pollution, or to make the facility 24338
suitable for other uses, if any, including, but not limited to, 24339
the removal of processing residues resulting from solid wastes 24340
that consist of scrap tires; the establishment and maintenance of 24341
a suitable cover of soil and vegetation over cells in which 24342
hazardous waste or solid wastes are buried; minimization of 24343
erosion, the infiltration of surface water into such cells, the 24344
production of leachate, and the accumulation and runoff of 24345
contaminated surface water; the final construction of facilities 24346
for the collection and treatment of leachate and contaminated 24347
surface water runoff, except as otherwise provided in this 24348
division; the final construction of air and water quality 24349
monitoring facilities, except as otherwise provided in this 24350
division; the final construction of methane gas extraction and 24351
treatment systems; or the removal and proper disposal of hazardous 24352
waste or solid wastes from a facility when necessary to protect 24353
public health or safety or to abate or prevent air or water 24354
pollution. With regard to a solid waste facility that is a scrap 24355
tire facility, "closure" includes the final construction of 24356
facilities for the collection and treatment of leachate and 24357
contaminated surface water runoff and the final construction of 24358
air and water quality monitoring facilities only if those actions 24359

are determined to be necessary. 24360

(P) "Premises" means either of the following: 24361

(1) Geographically contiguous property owned by a generator; 24362

(2) Noncontiguous property that is owned by a generator and 24363
connected by a right-of-way that the generator controls and to 24364
which the public does not have access. Two or more pieces of 24365
property that are geographically contiguous and divided by public 24366
or private right-of-way or rights-of-way are a single premises. 24367

(Q) "Post-closure" means that period of time following 24368
closure during which a hazardous waste facility is required to be 24369
monitored and maintained under this chapter and rules adopted 24370
under it, including, without limitation, operation and maintenance 24371
of methane gas extraction and treatment systems, or the period of 24372
time after closure during which a scrap tire monocell or monofill 24373
facility licensed under section 3734.81 of the Revised Code is 24374
required to be monitored and maintained under this chapter and 24375
rules adopted under it. 24376

(R) "Infectious wastes" includes all of the following 24377
substances or categories of substances: 24378

(1) Cultures and stocks of infectious agents and associated 24379
biologicals, including, without limitation, specimen cultures, 24380
cultures and stocks of infectious agents, wastes from production 24381
of biologicals, and discarded live and attenuated vaccines; 24382

(2) Laboratory wastes that were, or are likely to have been, 24383
in contact with infectious agents that may present a substantial 24384
threat to public health if improperly managed; 24385

(3) Pathological wastes, including, without limitation, human 24386
and animal tissues, organs, and body parts, and body fluids and 24387
excreta that are contaminated with or are likely to be 24388
contaminated with infectious agents, removed or obtained during 24389

surgery or autopsy or for diagnostic evaluation, provided that, 24390
with regard to pathological wastes from animals, the animals have 24391
or are likely to have been exposed to a zoonotic or infectious 24392
agent; 24393

(4) Waste materials from the rooms of humans, or the 24394
enclosures of animals, that have been isolated because of 24395
diagnosed communicable disease that are likely to transmit 24396
infectious agents. Such waste materials from the rooms of humans 24397
do not include any wastes of patients who have been placed on 24398
blood and body fluid precautions under the universal precaution 24399
system established by the centers for disease control in the 24400
public health service of the United States department of health 24401
and human services, except to the extent specific wastes generated 24402
under the universal precautions system have been identified as 24403
infectious wastes by rules adopted under division (R)(8) of this 24404
section. 24405

(5) Human and animal blood specimens and blood products that 24406
are being disposed of, provided that, with regard to blood 24407
specimens and blood products from animals, the animals were or are 24408
likely to have been exposed to a zoonotic or infectious agent. 24409
"Blood products" does not include patient care waste such as 24410
bandages or disposable gowns that are lightly soiled with blood or 24411
other body fluids unless those wastes are soiled to the extent 24412
that the generator of the wastes determines that they should be 24413
managed as infectious wastes. 24414

(6) Contaminated carcasses, body parts, and bedding of 24415
animals that were intentionally exposed to infectious agents from 24416
zoonotic or human diseases during research, production of 24417
biologicals, or testing of pharmaceuticals, and carcasses and 24418
bedding of animals otherwise infected by zoonotic or infectious 24419
agents that may present a substantial threat to public health if 24420
improperly managed; 24421

(7) Sharp wastes used in the treatment, diagnosis, or 24422
inoculation of human beings or animals or that have, or are likely 24423
to have, come in contact with infectious agents in medical, 24424
research, or industrial laboratories, including, without 24425
limitation, hypodermic needles ~~and~~, syringes, scalpel blades, 24426
culture slides, broken culture dishes, broken rigid plastic, 24427
exposed ends of dental wires, broken capillary tubes, and glass 24428
articles that have been broken; 24429

(8) Any other waste materials generated in the diagnosis, 24430
treatment, or immunization of human beings or animals, in research 24431
pertaining thereto, or in the production or testing of 24432
biologicals, that the public health council created in section 24433
3701.33 of the Revised Code, by rules adopted in accordance with 24434
Chapter 119. of the Revised Code, identifies as infectious wastes 24435
after determining that the wastes present a substantial threat to 24436
human health when improperly managed because they are contaminated 24437
with, or are likely to be contaminated with, infectious agents. 24438

(S) "Infectious agent" means a type of microorganism, 24439
helminth, proteinaceous particle or prion, virus, plasmid, or 24440
other genetic element that causes, or significantly contributes to 24441
the cause of, increased morbidity or mortality of human beings. 24442

(T) "Zoonotic agent" means a type of microorganism, helminth, 24443
or virus that causes disease in vertebrate animals and that is 24444
transmissible to human beings and causes or significantly 24445
contributes to the cause of increased morbidity or mortality of 24446
human beings. 24447

(U) "Solid waste transfer facility" means any site, location, 24448
tract of land, installation, or building that is used or intended 24449
to be used primarily for the purpose of transferring solid wastes 24450
that were generated off the premises of the facility from vehicles 24451
or containers into other vehicles for transportation to a solid 24452

waste disposal facility. "Solid waste transfer facility" does not
include any facility that consists solely of portable containers
that have an aggregate volume of fifty cubic yards or less nor any
facility where legitimate recycling activities are conducted.

(V) "Beneficially use" means to use a scrap tire in a manner
that results in a commodity for sale or exchange or in any other
manner authorized as a beneficial use in rules adopted by the
director in accordance with Chapter 119. of the Revised Code.

(W) "Commercial car," "commercial tractor," "farm machinery,"
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have
the same meanings as in section 4501.01 of the Revised Code.

(X) "Construction equipment" means road rollers, traction
engines, power shovels, power cranes, and other equipment used in
construction work, or in mining or producing or processing
aggregates, and not designed for or used in general highway
transportation.

(Y) "Motor vehicle salvage dealer" has the same meaning as in
section 4738.01 of the Revised Code.

(Z) "Scrap tire" means an unwanted or discarded tire.

(AA) "Scrap tire collection facility" means any facility that
meets all of the following qualifications:

(1) The facility is used for the receipt and storage of whole
scrap tires from the public prior to their transportation to a
scrap tire storage, monocell, monofill, or recovery facility
licensed under section 3734.81 of the Revised Code; a solid waste
incineration or energy recovery facility subject to regulation
under this chapter; a premises within the state where the scrap
tires will be beneficially used; or a scrap tire storage,
monocell, monofill, or recovery facility, any other solid waste
disposal facility authorized to dispose of scrap tires, or a

facility that will beneficially use the scrap tires, that is 24483
located in another state, and that is operating in compliance with 24484
the laws of the state in which the facility is located+ 24485

(2) The facility exclusively stores scrap tires in portable 24486
containers+ 24487

(3) The aggregate storage of the portable containers in which 24488
the scrap tires are stored does not exceed five thousand cubic 24489
feet. 24490

(BB) "Scrap tire monocell facility" means an individual site 24491
within a solid waste landfill that is used exclusively for the 24492
environmentally sound storage or disposal of whole scrap tires or 24493
scrap tires that have been shredded, chipped, or otherwise 24494
mechanically processed. 24495

(CC) "Scrap tire monofill facility" means an engineered 24496
facility used or intended to be used exclusively for the storage 24497
or disposal of scrap tires, including at least facilities for the 24498
submergence of whole scrap tires in a body of water. 24499

(DD) "Scrap tire recovery facility" means any facility, or 24500
portion thereof, for the processing of scrap tires for the purpose 24501
of extracting or producing usable products, materials, or energy 24502
from the scrap tires through a controlled combustion process, 24503
mechanical process, or chemical process. "Scrap tire recovery 24504
facility" includes any facility that uses the controlled 24505
combustion of scrap tires in a manufacturing process to produce 24506
process heat or steam or any facility that produces usable heat or 24507
electric power through the controlled combustion of scrap tires in 24508
combination with another fuel, but does not include any solid 24509
waste incineration or energy recovery facility that is designed, 24510
constructed, and used for the primary purpose of incinerating 24511
mixed municipal solid wastes and that burns scrap tires in 24512
conjunction with mixed municipal solid wastes, or any tire 24513

retreading business, tire manufacturing finishing center, or tire
adjustment center having on the premises of the business a single,
covered scrap tire storage area at which not more than four
thousand scrap tires are stored.

(EE) "Scrap tire storage facility" means any facility where
whole scrap tires are stored prior to their transportation to a
scrap tire monocell, monofill, or recovery facility licensed under
section 3734.81 of the Revised Code; a solid waste incineration or
energy recovery facility subject to regulation under this chapter;
a premises within the state where the scrap tires will be
beneficially used; or a scrap tire storage, monocell, monofill, or
recovery facility, any other solid waste disposal facility
authorized to dispose of scrap tires, or a facility that will
beneficially use the scrap tires, that is located in another
state, and that is operating in compliance with the laws of the
state in which the facility is located.

(FF) "Used oil" means any oil that has been refined from
crude oil, or any synthetic oil, that has been used and, as a
result of that use, is contaminated by physical or chemical
impurities. "Used oil" includes only those substances identified
as used oil by the United States environmental protection agency
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42
U.S.C.A. 6901a, as amended.

Sec. 3734.02. (A) The director of environmental protection,
in accordance with Chapter 119. of the Revised Code, shall adopt
and may amend, suspend, or rescind rules having uniform
application throughout the state governing solid waste facilities
and the inspections of and issuance of permits and licenses for
all solid waste facilities in order to ensure that the facilities
will be located, maintained, and operated, and will undergo
closure and post-closure care, in a sanitary manner so as not to

create a nuisance, cause or contribute to water pollution, create 24545
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 24546
257.3-8, as amended. The rules may include, without limitation, 24547
financial assurance requirements for closure and post-closure care 24548
and corrective action and requirements for taking corrective 24549
action in the event of the surface or subsurface discharge or 24550
migration of explosive gases or leachate from a solid waste 24551
facility, or of ground water contamination resulting from the 24552
transfer or disposal of solid wastes at a facility, beyond the 24553
boundaries of any area within a facility that is operating or is 24554
undergoing closure or post-closure care where solid wastes were 24555
disposed of or are being disposed of. The rules shall not concern 24556
or relate to personnel policies, salaries, wages, fringe benefits, 24557
or other conditions of employment of employees of persons owning 24558
or operating solid waste facilities. The director, in accordance 24559
with Chapter 119. of the Revised Code, shall adopt and may amend, 24560
suspend, or rescind rules governing the issuance, modification, 24561
revocation, suspension, or denial of variances from the director's 24562
solid waste rules, including, without limitation, rules adopted 24563
under this chapter governing the management of scrap tires. 24564

Variances shall be issued, modified, revoked, suspended, or 24565
rescinded in accordance with this division, rules adopted under 24566
it, and Chapter 3745. of the Revised Code. The director may order 24567
the person to whom a variance is issued to take such action within 24568
such time as the director may determine to be appropriate and 24569
reasonable to prevent the creation of a nuisance or a hazard to 24570
the public health or safety or the environment. Applications for 24571
variances shall contain such detail plans, specifications, and 24572
information regarding objectives, procedures, controls, and other 24573
pertinent data as the director may require. The director shall 24574
grant a variance only if the applicant demonstrates to the 24575
director's satisfaction that construction and operation of the 24576
solid waste facility in the manner allowed by the variance and any 24577

terms or conditions imposed as part of the variance will not
create a nuisance or a hazard to the public health or safety or
the environment. In granting any variance, the director shall
state the specific provision or provisions whose terms are to be
varied and also shall state specific terms or conditions imposed
upon the applicant in place of the provision or provisions. The
director may hold a public hearing on an application for a
variance or renewal of a variance at a location in the county
where the operations that are the subject of the application for
the variance are conducted. The director shall give not less than
twenty days' notice of the hearing to the applicant by certified
mail and shall publish at least one notice of the hearing in a
newspaper with general circulation in the county where the hearing
is to be held. The director shall make available for public
inspection at the principal office of the environmental protection
agency a current list of pending applications for variances and a
current schedule of pending variance hearings. The director shall
make a complete stenographic record of testimony and other
evidence submitted at the hearing. Within ten days after the
hearing, the director shall make a written determination to issue,
renew, or deny the variance and shall enter the determination and
the basis for it into the record of the hearing. The director
shall issue, renew, or deny an application for a variance or
renewal of a variance within six months of the date upon which the
director receives a complete application with all pertinent
information and data required. No variance shall be issued,
revoked, modified, or denied until the director has considered the
relative interests of the applicant, other persons and property
affected by the variance, and the general public. Any variance
granted under this division shall be for a period specified by the
director and may be renewed from time to time on such terms and
for such periods as the director determines to be appropriate. No
application shall be denied and no variance shall be revoked or

modified without a written order stating the findings upon which 24611
the denial, revocation, or modification is based. A copy of the 24612
order shall be sent to the applicant or variance holder by 24613
certified mail. 24614

(B) The director shall prescribe and furnish the forms 24615
necessary to administer and enforce this chapter. The director may 24616
cooperate with and enter into agreements with other state, local, 24617
or federal agencies to carry out the purposes of this chapter. The 24618
director may exercise all incidental powers necessary to carry out 24619
the purposes of this chapter. 24620

The director may use moneys in the infectious waste 24621
management fund created in section 3734.021 of the Revised Code 24622
exclusively for administering and enforcing the provisions of this 24623
chapter governing the management of infectious wastes. Of each 24624
registration and renewal fee collected under rules adopted under 24625
division (A)~~(2)~~(4)(a) of section 3734.021 or under section 24626
3734.022 of the Revised Code, the director, within forty-five days 24627
of its receipt, shall remit from the fund one-half of the fee 24628
received to the board of health of the health district in which 24629
the registered premises is located, or, in the instance of an 24630
infectious wastes transporter, to the board of health of the 24631
health district in which the transporter's principal place of 24632
business is located. However, if the board of health having 24633
jurisdiction over a registrant's premises or principal place of 24634
business is not on the approved list under section 3734.08 of the 24635
Revised Code, the director shall not make that payment to the 24636
board of health. 24637

(C) Except as provided in this division and divisions (N)(2) 24638
and (3) of this section, no person shall establish a new solid 24639
waste facility or infectious waste treatment facility, or modify 24640
an existing solid waste facility or infectious waste treatment 24641
facility, without submitting an application for a permit with 24642

accompanying detail plans, specifications, and information 24643
regarding the facility and method of operation and receiving a 24644
permit issued by the director, except that no permit shall be 24645
required under this division to install or operate a solid waste 24646
facility for sewage sludge treatment or disposal when the 24647
treatment or disposal is authorized by a current permit issued 24648
under Chapter 3704. or 6111. of the Revised Code. 24649

No person shall continue to operate a solid waste facility 24650
for which the director has denied a permit for which an 24651
application was required under division (A)(3) of section 3734.05 24652
of the Revised Code, or for which the director has disapproved 24653
plans and specifications required to be filed by an order issued 24654
under division (A)(5) of that section, after the date prescribed 24655
for commencement of closure of the facility in the order issued 24656
under division (A)(6) of section 3734.05 of the Revised Code 24657
denying the permit application or approval. 24658

On and after the effective date of the rules adopted under 24659
division (A) of this section and division (D) of section 3734.12 24660
of the Revised Code governing solid waste transfer facilities, no 24661
person shall establish a new, or modify an existing, solid waste 24662
transfer facility without first submitting an application for a 24663
permit with accompanying engineering detail plans, specifications, 24664
and information regarding the facility and its method of operation 24665
to the director and receiving a permit issued by the director. 24666

No person shall establish a new compost facility or continue 24667
to operate an existing compost facility that accepts exclusively 24668
source separated yard wastes without submitting a completed 24669
registration for the facility to the director in accordance with 24670
rules adopted under divisions (A) and (N)(3) of this section. 24671

This division does not apply to an infectious waste treatment 24672
facility that meets any of the following conditions: 24673

(1) Is owned or operated by the generator of the wastes and 24674
exclusively treats, by methods, techniques, and practices 24675
established by rules adopted under division (C)(1) or (3) of 24676
section 3734.021 of the Revised Code, wastes that are generated at 24677
any premises owned or operated by that generator regardless of 24678
whether the wastes are generated on the premises where the 24679
generator's treatment facility is located or, if the generator is 24680
a hospital as defined in section 3727.01 of the Revised Code, 24681
infectious wastes that are described in division (A)~~(1)(g)~~, 24682
~~(h)~~, (2) or ~~(i)~~ (3) of section 3734.021 of the Revised Code; 24683

(2) Holds a license or renewal of a license to operate a 24684
crematory facility issued under Chapter 4717. and a permit issued 24685
under Chapter 3704. of the Revised Code; 24686

(3) Treats or disposes of dead animals or parts thereof, or 24687
the blood of animals, and is subject to any of the following: 24688

(a) Inspection under the "Federal Meat Inspection Act," 81 24689
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 24690

(b) Chapter 918. of the Revised Code; 24691

(c) Chapter 953. of the Revised Code. 24692

(D) Neither this chapter nor any rules adopted under it apply 24693
to single-family residential premises; to infectious wastes 24694
generated by individuals for purposes of their own care or 24695
treatment that are disposed of with solid wastes from the 24696
individual's residence; to the temporary storage of solid wastes, 24697
other than scrap tires, prior to their collection for disposal; to 24698
the storage of one hundred or fewer scrap tires unless they are 24699
stored in such a manner that, in the judgment of the director or 24700
the board of health of the health district in which the scrap 24701
tires are stored, the storage causes a nuisance, a hazard to 24702
public health or safety, or a fire hazard; or to the collection of 24703
solid wastes, other than scrap tires, by a political subdivision 24704

or a person holding a franchise or license from a political
subdivision of the state; to composting, as defined in section
1511.01 of the Revised Code, conducted in accordance with section
1511.022 of the Revised Code; or to any person who is licensed to
transport raw rendering material to a compost facility pursuant to
section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats,
or disposes of hazardous waste that is generated on the premises
of the facility.

(b) "Off-site facility" means a facility that stores, treats,
or disposes of hazardous waste that is generated off the premises
of the facility and includes such a facility that is also an
on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste
from other premises owned by the same person who generates the
waste on the facility premises;

(ii) An off-site facility operated so that all of the
hazardous waste it receives is generated on one or more premises
owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste
that is transported uninterruptedly and directly to the facility
through a pipeline from a generator who is not the owner of the
facility.

(2) Except as provided in division (E)(3) of this section, no
person shall establish or operate a hazardous waste facility, or
use a solid waste facility for the storage, treatment, or disposal
of any hazardous waste, without a hazardous waste facility
installation and operation permit issued in accordance with

section 3734.05 of the Revised Code and subject to the payment of 24735
an application fee not to exceed one thousand five hundred 24736
dollars, payable upon application for a hazardous waste facility 24737
installation and operation permit and upon application for a 24738
renewal permit issued under division (H) of section 3734.05 of the 24739
Revised Code, to be credited to the hazardous waste facility 24740
management fund created in section 3734.18 of the Revised Code. 24741
The term of a hazardous waste facility installation and operation 24742
permit shall not exceed five years. 24743

In addition to the application fee, there is hereby levied an 24744
annual permit fee to be paid by the permit holder upon the 24745
anniversaries of the date of issuance of the hazardous waste 24746
facility installation and operation permit and of any subsequent 24747
renewal permits and to be credited to the hazardous waste facility 24748
management fund. Annual permit fees totaling forty thousand 24749
dollars or more for any one facility may be paid on a quarterly 24750
basis with the first quarterly payment each year being due on the 24751
anniversary of the date of issuance of the hazardous waste 24752
facility installation and operation permit and of any subsequent 24753
renewal permits. The annual permit fee shall be determined for 24754
each permit holder by the director in accordance with the 24755
following schedule: 24756

TYPE OF BASIC				24757
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	24758
Storage facility using:				24759
Containers	On-site, off-site, and			24760
	satellite		\$ 500	24761
Tanks	On-site, off-site, and			24762
	satellite		500	24763
Waste pile	On-site, off-site, and			24764
	satellite		3,000	24765
Surface impoundment	On-site and satellite		8,000	24766

	Off-site	10,000	24767
Disposal facility using:			24768
Deep well injection	On-site and satellite	15,000	24769
	Off-site	25,000	24770
Landfill	On-site and satellite	25,000	24771
	Off-site	40,000	24772
Land application	On-site and satellite	2,500	24773
	Off-site	5,000	24774
Surface impoundment	On-site and satellite	10,000	24775
	Off-site	20,000	24776
Treatment facility using:			24777
Tanks	On-site, off-site, and		24778
	satellite	700	24779
Surface impoundment	On-site and satellite	8,000	24780
	Off-site	10,000	24781
Incinerator	On-site and satellite	5,000	24782
	Off-site	10,000	24783
Other forms			24784
of treatment	On-site, off-site, and		24785
	satellite	1,000	24786

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage

and treatment. A facility using more than one method of storage, 24799
treatment, or disposal shall pay the permit fee indicated by the 24800
schedule for each such method. 24801

The director shall not require the payment of that portion of 24802
an annual permit fee of any permit holder that would apply to a 24803
hazardous waste management unit for which a permit has been 24804
issued, but for which construction has not yet commenced. Once 24805
construction has commenced, the director shall require the payment 24806
of a part of the appropriate fee indicated by the schedule that 24807
bears the same relationship to the total fee that the number of 24808
days remaining until the next anniversary date at which payment of 24809
the annual permit fee is due bears to three hundred sixty-five. 24810

The director, by rules adopted in accordance with Chapters 24811
119. and 3745. of the Revised Code, shall prescribe procedures for 24812
collecting the annual permit fee established by this division and 24813
may prescribe other requirements necessary to carry out this 24814
division. 24815

(3) The prohibition against establishing or operating a 24816
hazardous waste facility without a hazardous waste facility 24817
installation and operation permit does not apply to either of the 24818
following: 24819

(a) A facility that is operating in accordance with a permit 24820
renewal issued under division (H) of section 3734.05 of the 24821
Revised Code, a revision issued under division (I) of that section 24822
as it existed prior to August 20, 1996, or a modification issued 24823
by the director under division (I) of that section on and after 24824
August 20, 1996; 24825

(b) Except as provided in division (J) of section 3734.05 of 24826
the Revised Code, a facility that will operate or is operating in 24827
accordance with a permit by rule, or that is not subject to permit 24828
requirements, under rules adopted by the director. In accordance 24829

with Chapter 119. of the Revised Code, the director shall adopt, 24830
and subsequently may amend, suspend, or rescind, rules for the 24831
purposes of division (E)(3)(b) of this section. Any rules so 24832
adopted shall be consistent with and equivalent to regulations 24833
pertaining to interim status adopted under the "Resource 24834
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 24835
6921, as amended, except as otherwise provided in this chapter. 24836

If a modification is requested or proposed for a facility 24837
described in division (E)(3)(a) or (b) of this section, division 24838
(I)(7) of section 3734.05 of the Revised Code applies. 24839

(F) No person shall store, treat, or dispose of hazardous 24840
waste identified or listed under this chapter and rules adopted 24841
under it, regardless of whether generated on or off the premises 24842
where the waste is stored, treated, or disposed of, or transport 24843
or cause to be transported any hazardous waste identified or 24844
listed under this chapter and rules adopted under it to any other 24845
premises, except at or to any of the following: 24846

(1) A hazardous waste facility operating under a permit 24847
issued in accordance with this chapter; 24848

(2) A facility in another state operating under a license or 24849
permit issued in accordance with the "Resource Conservation and 24850
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 24851
amended; 24852

(3) A facility in another nation operating in accordance with 24853
the laws of that nation; 24854

(4) A facility holding a permit issued pursuant to Title I of 24855
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 24856
Stat. 1052, 33 U.S.C.A. 1401, as amended; 24857

(5) A hazardous waste facility as described in division 24858
(E)(3)(a) or (b) of this section. 24859

(G) The director, by order, may exempt any person generating, 24860
collecting, storing, treating, disposing of, or transporting solid 24861
wastes or hazardous waste, or processing solid wastes that consist 24862
of scrap tires, in such quantities or under such circumstances 24863
that, in the determination of the director, are unlikely to 24864
adversely affect the public health or safety or the environment 24865
from any requirement to obtain a registration certificate, permit, 24866
or license or comply with the manifest system or other 24867
requirements of this chapter. Such an exemption shall be 24868
consistent with and equivalent to any regulations adopted by the 24869
administrator of the United States environmental protection agency 24870
under the "Resource Conservation and Recovery Act of 1976," 90 24871
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 24872
provided in this chapter. 24873

(H) No person shall engage in filling, grading, excavating, 24874
building, drilling, or mining on land where a hazardous waste 24875
facility, or a solid waste facility, was operated without prior 24876
authorization from the director, who shall establish the procedure 24877
for granting such authorization by rules adopted in accordance 24878
with Chapter 119. of the Revised Code. 24879

A public utility that has main or distribution lines above or 24880
below the land surface located on an easement or right-of-way 24881
across land where a solid waste facility was operated may engage 24882
in any such activity within the easement or right-of-way without 24883
prior authorization from the director for purposes of performing 24884
emergency repair or emergency replacement of its lines; of the 24885
poles, towers, foundations, or other structures supporting or 24886
sustaining any such lines; or of the appurtenances to those 24887
structures, necessary to restore or maintain existing public 24888
utility service. A public utility may enter upon any such easement 24889
or right-of-way without prior authorization from the director for 24890
purposes of performing necessary or routine maintenance of those 24891

portions of its existing lines; of the existing poles, towers, 24892
foundations, or other structures sustaining or supporting its 24893
lines; or of the appurtenances to any such supporting or 24894
sustaining structure, located on or above the land surface on any 24895
such easement or right-of-way. Within twenty-four hours after 24896
commencing any such emergency repair, replacement, or maintenance 24897
work, the public utility shall notify the director or the 24898
director's authorized representative of those activities and shall 24899
provide such information regarding those activities as the 24900
director or the director's representative may request. Upon 24901
completion of the emergency repair, replacement, or maintenance 24902
activities, the public utility shall restore any land of the solid 24903
waste facility disturbed by those activities to the condition 24904
existing prior to the commencement of those activities. 24905

(I) No owner or operator of a hazardous waste facility, in 24906
the operation of the facility, shall cause, permit, or allow the 24907
emission therefrom of any particulate matter, dust, fumes, gas, 24908
mist, smoke, vapor, or odorous substance that, in the opinion of 24909
the director, unreasonably interferes with the comfortable 24910
enjoyment of life or property by persons living or working in the 24911
vicinity of the facility, or that is injurious to public health. 24912
Any such action is hereby declared to be a public nuisance. 24913

(J) Notwithstanding any other provision of this chapter, in 24914
the event the director finds an imminent and substantial danger to 24915
public health or safety or the environment that creates an 24916
emergency situation requiring the immediate treatment, storage, or 24917
disposal of hazardous waste, the director may issue a temporary 24918
emergency permit to allow the treatment, storage, or disposal of 24919
the hazardous waste at a facility that is not otherwise authorized 24920
by a hazardous waste facility installation and operation permit to 24921
treat, store, or dispose of the waste. The emergency permit shall 24922
not exceed ninety days in duration and shall not be renewed. The 24923

director shall adopt, and may amend, suspend, or rescind, rules in 24924
accordance with Chapter 119. of the Revised Code governing the 24925
issuance, modification, revocation, and denial of emergency 24926
permits. 24927

(K) No owner or operator of a sanitary landfill shall 24928
knowingly accept for disposal, or dispose of, any infectious 24929
wastes, other than those subject to rules adopted under division 24930
(A)(1)(c) of section 3734.021 of the Revised Code, that have not 24931
been treated to render them noninfectious. For the purposes of 24932
this division, certification by the owner or operator of the 24933
treatment facility where the wastes were treated on the shipping 24934
paper required by rules adopted under division (D)(2) of that 24935
section creates a rebuttable presumption that the wastes have been 24936
so treated. 24937

(L) The director, in accordance with Chapter 119. of the 24938
Revised Code, shall adopt, and may amend, suspend, or rescind, 24939
rules having uniform application throughout the state establishing 24940
a training and certification program that shall be required for 24941
employees of boards of health who are responsible for enforcing 24942
the solid waste and infectious waste provisions of this chapter 24943
and rules adopted under them and for persons who are responsible 24944
for the operation of solid waste facilities or infectious waste 24945
treatment facilities. The rules shall provide all of the 24946
following, without limitation: 24947

(1) The program shall be administered by the director and 24948
shall consist of a course on new solid waste and infectious waste 24949
technologies, enforcement procedures, and rules; 24950

(2) The course shall be offered on an annual basis; 24951

(3) Those persons who are required to take the course under 24952
division (L) of this section shall do so triennially; 24953

(4) Persons who successfully complete the course shall be 24954

certified by the director; 24955

(5) Certification shall be required for all employees of 24956
boards of health who are responsible for enforcing the solid waste 24957
or infectious waste provisions of this chapter and rules adopted 24958
under them and for all persons who are responsible for the 24959
operation of solid waste facilities or infectious waste treatment 24960
facilities; 24961

(6)(a) All employees of a board of health who, on the 24962
effective date of the rules adopted under this division, are 24963
responsible for enforcing the solid waste or infectious waste 24964
provisions of this chapter and the rules adopted under them shall 24965
complete the course and be certified by the director not later 24966
than January 1, 1995; 24967

(b) All employees of a board of health who, after the 24968
effective date of the rules adopted under division (L) of this 24969
section, become responsible for enforcing the solid waste or 24970
infectious waste provisions of this chapter and rules adopted 24971
under them and who do not hold a current and valid certification 24972
from the director at that time shall complete the course and be 24973
certified by the director within two years after becoming 24974
responsible for performing those activities. 24975

No person shall fail to obtain the certification required 24976
under this division. 24977

(M) The director shall not issue a permit under section 24978
3734.05 of the Revised Code to establish a solid waste facility, 24979
or to modify a solid waste facility operating on December 21, 24980
1988, in a manner that expands the disposal capacity or geographic 24981
area covered by the facility, that is or is to be located within 24982
the boundaries of a state park established or dedicated under 24983
Chapter 1541. of the Revised Code, a state park purchase area 24984
established under section 1541.02 of the Revised Code, any unit of 24985

the national park system, or any property that lies within the
boundaries of a national park or recreation area, but that has not
been acquired or is not administered by the secretary of the
United States department of the interior, located in this state,
or any candidate area located in this state and identified for
potential inclusion in the national park system in the edition of
the "national park system plan" submitted under paragraph (b) of
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16
U.S.C.A. 1a-5, as amended, current at the time of filing of the
application for the permit, unless the facility or proposed
facility is or is to be used exclusively for the disposal of solid
wastes generated within the park or recreation area and the
director determines that the facility or proposed facility will
not degrade any of the natural or cultural resources of the park
or recreation area. The director shall not issue a variance under
division (A) of this section and rules adopted under it, or issue
an exemption order under division (G) of this section, that would
authorize any such establishment or expansion of a solid waste
facility within the boundaries of any such park or recreation
area, state park purchase area, or candidate area, other than a
solid waste facility exclusively for the disposal of solid wastes
generated within the park or recreation area when the director
determines that the facility will not degrade any of the natural
or cultural resources of the park or recreation area.

(N)(1) The rules adopted under division (A) of this section,
other than those governing variances, do not apply to scrap tire
collection, storage, monocell, monofill, and recovery facilities.
Those facilities are subject to and governed by rules adopted
under sections 3734.70 to 3734.73 of the Revised Code, as
applicable.

(2) Division (C) of this section does not apply to scrap tire
collection, storage, monocell, monofill, and recovery facilities.

The establishment and modification of those facilities are subject 25018
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 25019
Code, as applicable. 25020

(3) The director may adopt, amend, suspend, or rescind rules 25021
under division (A) of this section creating an alternative system 25022
for authorizing the establishment, operation, or modification of a 25023
solid waste compost facility in lieu of the requirement that a 25024
person seeking to establish, operate, or modify a solid waste 25025
compost facility apply for and receive a permit under division (C) 25026
of this section and section 3734.05 of the Revised Code and a 25027
license under division (A)(1) of that section. The rules may 25028
include requirements governing, without limitation, the 25029
classification of solid waste compost facilities, the submittal of 25030
operating records for solid waste compost facilities, and the 25031
creation of a registration or notification system in lieu of the 25032
issuance of permits and licenses for solid waste compost 25033
facilities. The rules shall specify the applicability of divisions 25034
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 25035
Code to a solid waste compost facility. 25036

Sec. 3734.021. Infectious wastes shall be segregated, 25037
packaged, treated, transported, and disposed of in accordance with 25038
rules adopted under this section. 25039

The director of environmental protection, in accordance with 25040
Chapter 119. of the Revised Code, shall adopt, and may amend and 25041
rescind, rules necessary or appropriate to protect human health or 25042
safety or the environment+ as specified in divisions (A) to (D) of 25043
this section. 25044

(A) ~~Establishing~~ The director shall adopt rules establishing 25045
standards for generators of infectious wastes that ~~include~~ are 25046
substantively equivalent to the standards established in 49 U.S.C. 25047
subtitle III, chapter 51, and regulations adopted or orders issued 25048

under it, including, without limitation, the following 25049
requirements and authorizations that: 25050

(1) ~~All generators~~ Each generator of infectious wastes shall: 25051

(a) Place all infectious wastes ~~identified in division (R)(7)~~ 25052
~~of section 3734.01 of the Revised Code, and all unused, discarded~~ 25053
~~hypodermic needles, syringes, and scalpel blades, in rigid,~~ 25054
~~tightly closed, puncture resistant containers on the premises~~ 25055
~~where they are generated before they are transported off that~~ 25056
~~premises. Containers containing such wastes shall be labeled~~ 25057
~~"sharps" and, if the wastes have not been treated to render them~~ 25058
~~noninfectious, shall be conspicuously labeled with the~~ 25059
international biohazard symbol. in packaging that is consistent 25060
with federal standards governing hazardous materials; 25061

(b) Either treat all specimen cultures and cultures of viable 25062
infectious agents on the premises where they are generated to 25063
render them noninfectious by methods, techniques, or practices 25064
prescribed by rules adopted under division (C)(1) of this section 25065
before they are transported off that premises for disposal or 25066
ensure that such wastes are treated to render them noninfectious 25067
at an infectious waste treatment facility off that premises that 25068
is owned or operated by the generator, an infectious waste 25069
treatment facility that holds a license issued under division (B) 25070
of section 3734.05 of the Revised Code, an infectious waste 25071
treatment facility that is located in another state that is in 25072
compliance with applicable state and federal laws, or a treatment 25073
facility that is authorized by rules adopted under division (C)(6) 25074
of this section, prior to disposal of the wastes-; 25075

(c) ~~Except as otherwise provided in division (A)(1)(c) of~~ 25076
~~this section, wastes generated by a generator who~~ If the generator 25077
produces fewer than fifty pounds of infectious wastes during any 25078
one month that are subject to and packaged and labeled in 25079
accordance with rules adopted under division (A)(1)(a) of this 25080

section ~~shall be transported,~~ transport the wastes in accordance 25081
with federal standards governing hazardous materials and disposed 25082
dispose of them in the same manner as solid wastes. Such 25083
generators who treat specimen cultures and cultures of viable 25084
infectious agents on the premises where they are generated shall 25085
not be considered treatment facilities as "treatment" and 25086
"facility" are defined in section 3734.01 of the Revised Code. 25087

(d) ~~Wastes~~ Transport and dispose of wastes that are subject 25088
to and treated in accordance with rules adopted under division 25089
(A)(1)(b) of this section ~~shall be transported and disposed of~~ in 25090
the same manner as solid wastes-i 25091

(e) For the purposes of this section and rules adopted under 25092
it, ~~ne~~ not consider wastes consisting of dead animals or parts 25093
thereof ~~shall be considered~~ when determining the quantity of 25094
infectious wastes produced by ~~any~~ that generator if the dead 25095
animals or parts meet either of the following: 25096

(i) Were not intentionally exposed to infectious agents 25097
during research, production of biologicals, or testing of 25098
pharmaceuticals; 25099

(ii) Either were produced by a veterinarian holding a license 25100
issued under Chapter 4741. of the Revised Code or were treated or 25101
disposed of by a person holding a license issued under Chapter 25102
953. of the Revised Code. 25103

(f) For the purposes of this section and rules adopted under 25104
it, ~~ne~~ not consider blood, blood products, other body fluids, or 25105
embalming fluids that are discharged on the site of their 25106
generation into a disposal system, as defined in section 6111.01 25107
of the Revised Code, by a facility that holds a license or renewal 25108
of a license issued under Chapter 4717. of the Revised Code ~~shall~~ 25109
~~be considered~~ when determining the quantity of infectious wastes 25110
produced by that generator. 25111

~~(g) Wastes generated by a generator who produces fewer than fifty pounds of infectious wastes during any one month that are subject to and packaged in accordance with rules adopted under division (A)(1)(a) of this section may be transported to a treatment facility owned or operated by a hospital with which the generator has staff privileges, as "hospital" is defined in section 3727.01 of the Revised Code. Such a generator who so transports infectious wastes, other than untreated specimen cultures and cultures and stocks of viable infectious agents, that are generated on the generator's premises is not a transporter for the purposes of this section or section 3734.022 of the Revised Code.~~

~~(h)(2) Wastes generated in providing care to a patient by an emergency medical services organization, as defined in section 4765.01 of the Revised Code, may be taken to and left at a hospital, as defined in section 3727.01 of the Revised Code, for treatment at a treatment facility owned or operated by the hospital or, in conjunction with infectious wastes generated by the hospital, at another treatment facility regardless of whether the wastes were generated in providing care to the patient at the scene of an emergency or during the transportation of the patient to a hospital. An emergency medical services organization that transports infectious wastes that are so generated to a hospital for that purpose is not a transporter for the purposes of this section or section 3734.022 of the Revised Code.~~

~~(i)(3) Wastes generated by an individual for purposes of the individual's own care or treatment may be taken to and left at a hospital, as defined in section 3727.01 of the Revised Code, for treatment at a treatment facility owned or operated by the hospital or, in conjunction with infectious wastes generated by the hospital, at another treatment facility. An individual or member of an individual's household who transports wastes so~~

generated by the individual to a hospital for that purpose is not 25144
a transporter for the purposes of this section or section 3734.022 25145
of the Revised Code. 25146

~~(2)~~(4) Each generator of fifty pounds or more of infectious 25147
wastes during any one month: 25148

(a) ~~Register~~ Shall register with the environmental protection 25149
agency as a generator of infectious wastes and obtain a 25150
registration certificate. The fee for issuance of a generator 25151
registration certificate is three hundred dollars payable at the 25152
time of application. The registration certificate applies to all 25153
the premises owned or operated by the generator in this state 25154
where infectious wastes are generated and shall list the address 25155
of each such premises. If a generator owns or operates facilities 25156
for the treatment of infectious wastes it generates, the 25157
certificate shall list the address and method of treatment used at 25158
each such facility. 25159

A generator registration certificate is valid for three years 25160
from the date of issuance and shall be renewed for a term of three 25161
years upon the generator's submission of an application for 25162
renewal and payment of a three hundred dollar renewal fee. 25163

The rules may establish a system of staggered renewal dates 25164
with approximately one-third of such certificates subject to 25165
renewal each year. The applicable renewal date shall be prescribed 25166
on each registration certificate. Registration fees shall be 25167
prorated according to the time remaining in the registration cycle 25168
to the nearest year. 25169

The registration and renewal fees shall be credited to the 25170
infectious wastes management fund, hereby created in the state 25171
treasury. 25172

(b) ~~Segregate~~ Shall segregate infectious wastes from other 25173
wastes at the point of generation. Nothing in this section and 25174

rules adopted under it prohibits a generator of infectious wastes 25175
from designating and managing wastes, in addition to those defined 25176
as infectious wastes under section 3734.01 of the Revised Code, as 25177
infectious wastes when, in the judgment of the generator, those 25178
other wastes should be managed as infectious wastes because they 25179
are, or are likely to be, contaminated with infectious agents. 25180
After designating any such other wastes as infectious, the 25181
generator shall manage those wastes in compliance with the 25182
requirements of this chapter and rules adopted under it applicable 25183
to the management of infectious wastes. 25184

(c) For purposes of containment, shall place infectious 25185
~~wastes, other than those subject to rules adopted under division~~ 25186
~~(A)(1)(a) of this section, in plastic bags that are impervious to~~ 25187
~~moisture and are sufficiently strong to preclude ripping, tearing,~~ 25188
~~or bursting under normal conditions of handling and ensure that~~ 25189
~~the filled bags are securely tied to prevent leakage or expulsion~~ 25190
~~of the wastes from them during storage, handling, or transport.~~ 25191
~~The generator shall ensure that, prior to transportation off the~~ 25192
~~premises where generated, infectious wastes that have not been~~ 25193
~~treated to render them noninfectious, other than those subject to~~ 25194
~~division (A)(1)(a) of this section, are contained in bags that~~ 25195
~~either are red in color or conspicuously labeled with the~~ 25196
~~international biohazard symbol. in packaging that is consistent~~ 25197
~~with federal standards governing hazardous materials;~~ 25198

(d) ~~Either~~ Shall either treat the infectious wastes that it 25199
generates at a facility owned or operated by the generator by 25200
methods, techniques, or practices prescribed by rules adopted 25201
under division (C)(1) of this section to render them 25202
noninfectious, or designate the wastes for treatment off that 25203
premises at an infectious waste treatment facility holding a 25204
license issued under division (B) of section 3734.05 of the 25205
Revised Code, at an infectious waste treatment facility that is 25206

located in another state that is in compliance with applicable 25207
state and federal laws, or at a treatment facility authorized by 25208
rules adopted under division (C)(6) of this section, prior to 25209
disposal of the wastes. After being treated to render them 25210
noninfectious, the wastes shall be disposed of at a solid waste 25211
disposal facility holding a license issued under division (A) of 25212
section 3734.05 of the Revised Code or at a disposal facility in 25213
another state that is in compliance with applicable state and 25214
federal laws. 25215

(e) ~~Not~~ Shall not grind any infectious wastes identified in 25216
division (R)(7) of section 3734.01 of the Revised Code, not 25217
compact any such wastes until after the wastes have been treated 25218
in accordance with rules adopted under divisions (C)(1) and (3) of 25219
this section, and not compact or grind any other type of 25220
infectious wastes until after the wastes have been treated in 25221
accordance with rules adopted under division (C)(1) of this 25222
section; 25223

(f) May discharge untreated liquid or semiliquid infectious 25224
wastes consisting of blood, blood products, body fluids, and 25225
excreta into a disposal system, as defined in section 6111.01 of 25226
the Revised Code, unless the discharge of those wastes into a 25227
disposal system is inconsistent with the terms and conditions of 25228
the permit for the system issued under Chapter 6111. of the 25229
Revised Code; 25230

(g) ~~Employ~~ Shall employ only transporters who are registered 25231
under section 3734.022 of the Revised Code to transport off the 25232
premises where they were generated infectious wastes that have not 25233
been treated to render them noninfectious; 25234

(h) ~~Cause~~ Shall cause all infectious wastes that have not 25235
been treated to render them noninfectious, and those subject to 25236
rules adopted under division (A)(1)(a) of this section that have 25237
not also been treated in accordance with rules adopted under 25238

division (C)(3) of this section, to be transported in shipments 25239
consisting only of untreated infectious wastes; 25240

(i) May transport or cause to be transported infectious 25241
wastes that have been treated to render them noninfectious, and 25242
those wastes subject to rules adopted under division (A)(1)(a) of 25243
this section that have also been treated in accordance with rules 25244
adopted under division (C)(3) of this section, in the same manner 25245
as solid wastes are transported; 25246

(j) ~~Provide~~ Shall provide information on the composition of 25247
its infectious wastes, the treatment of the wastes to render them 25248
noninfectious, and the generator's system for distinguishing 25249
between waste packages that contain treated and untreated wastes 25250
to persons with whom the generator has entered into a contract or 25251
agreement to transport, treat, or dispose of the wastes upon 25252
receiving a written request from those persons; 25253

(k) ~~Ensure~~ Shall ensure that all infectious wastes, whether 25254
treated or untreated, that are transported off the premises where 25255
they are generated are accompanied by a shipping paper that ~~meets~~ 25256
~~the requirements of rules adopted under division (D)(1) or (2) of~~ 25257
~~this section, as appropriate~~ is consistent with federal standards 25258
governing hazardous materials shipping papers. 25259

(B) ~~Establishing~~ The director shall adopt rules establishing 25260
standards for transporters of infectious wastes that ~~include,~~ 25261
~~without limitation, the following requirements that the~~ 25262
~~transporters:~~ 25263

~~(1) Transport only properly packaged and labeled wastes;~~ 25264

~~(2) Transport wastes that have not been treated to render 25265
them noninfectious only in a leak resistant, fully covered vehicle 25266
compartment;~~ 25267

~~(3) Not compact infectious wastes that have not been treated 25268
to render them noninfectious and not compact any infectious wastes 25269~~

~~subject to rules adopted under division (A)(1)(a) of this section 25270
that have not also been treated in accordance with rules adopted 25271
under division (C)(3) of this section; 25272~~

~~(4) Transport infectious wastes that have not been treated to 25273
render them noninfectious and infectious wastes subject to rules 25274
adopted under division (A)(1)(a) of this section, that have not 25275
also been treated in accordance with rules adopted under division 25276
(C)(3) of this section, in shipments consisting only of untreated 25277
infectious wastes; 25278~~

~~(5) Transport infectious wastes that have been treated to 25279
render them noninfectious, and, in the case of wastes subject to 25280
rules adopted under division (A)(1)(a) of this section, have also 25281
been treated in accordance with rules adopted under division 25282
(C)(3) of this section, in the same manner as solid wastes; 25283~~

~~(6) Promptly disinfect surfaces of transport vehicles that 25284
have had untreated infectious wastes leaked or spilled onto them, 25285
in accordance with methods prescribed by the director by rule; 25286~~

~~(7) Transport infectious wastes that have not been treated to 25287
render them noninfectious only to an infectious waste treatment 25288
facility holding an operating license issued under division (B) of 25289
section 3734.05 of the Revised Code, to an infectious waste 25290
treatment facility that is located in another state that is in 25291
compliance with applicable state and federal laws, to a treatment 25292
facility authorized by rules adopted under division (C)(6) of this 25293
section, or to an infectious waste treatment facility owned or 25294
operated by the generator of the wastes. If the generator 25295
designates a treatment facility on the shipping paper accompanying 25296
the wastes, the transporter shall deliver the wastes to that 25297
treatment facility. 25298~~

~~(8) Comply with the shipping paper system established by 25299
rules adopted under division (D) of this section are substantively 25300~~

equivalent to the standards established in 49 U.S.C. subtitle III, 25301
chapter 51, and regulations adopted or orders issued under it. 25302

(C) ~~Establishing~~ The director shall adopt rules establishing 25303
standards for owners and operators of infectious waste treatment 25304
facilities that include, without limitation, the following 25305
requirements and authorizations that: 25306

(1) Treatment of all wastes received be performed in 25307
accordance with methods, techniques, and practices approved by the 25308
director; 25309

(2) Govern the location, design, construction, and operation 25310
of infectious waste treatment facilities. The rules adopted under 25311
division (C)(2) of this section shall require that a new 25312
infectious waste incineration facility be located so that the 25313
incinerator unit and all areas where infectious wastes are handled 25314
on the premises where the facility is proposed to be located are 25315
at least three hundred feet inside the property line of the tract 25316
of land on which the facility is proposed to be located and are at 25317
least one thousand feet from any domicile, school, prison, or jail 25318
that is in existence on the date on which the application for the 25319
permit to establish the incinerator is submitted under division 25320
(B)(2)(b) of section 3734.05 of the Revised Code. 25321

(3) Establish methods, techniques, and practices for 25322
treatment of wastes subject to rules adopted under division 25323
(A)(1)(a) of this section that may be used to substantially reduce 25324
or eliminate the potential of those wastes to cause lacerations or 25325
puncture wounds during handling, transportation, and disposal; 25326

(4) Establish quality control and testing procedures to 25327
ensure compliance with the rules adopted under divisions (C)(2) 25328
and (3) of this section; 25329

(5) Owners and operators of such facilities comply with the 25330
shipping paper system established by rules adopted under division 25331

(D) of this section;

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(6) Infectious wastes may be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its terms and conditions. The rules adopted under divisions (C)(2) and (4) of this section do not apply to a facility holding such a license and permit.

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In adopting the rules required by divisions (C)(1) to (4) of this section, the director shall consider and, to the maximum feasible extent, utilize existing standards and guidelines established by professional and governmental organizations having expertise in the fields of infection control and infectious wastes management.

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(D) ~~Establishing~~ The director shall adopt rules establishing standards for a system of shipping papers to accompany shipments of infectious wastes that are transported off the premises where they are generated, ~~including the following requirements:~~

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~~(1) Shipping papers that accompany shipments of wastes that have not been treated to render them noninfectious shall include the following elements:~~

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~~(a) The name of the generator and address of the premises where the wastes were generated;~~

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~~(b) A brief, general description of the nature of the wastes being shipped;~~

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~~(c) A method by which the person causing the transportation of a shipment of wastes may designate the treatment or disposal facility, as appropriate, to which the transporter shall deliver the wastes;~~

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~~(d) The requirement that when a shipment of wastes is transported off the premises where generated to a treatment facility owned or operated by the generator, the shipment need not be accompanied by a shipping paper and that, after treatment, the generator shall prepare a shipping paper that meets the requirements of rules adopted under division (D)(2) of this section to accompany the further shipment of the treated wastes to a solid waste disposal facility. When a shipment of untreated wastes is transported to a treatment facility not owned or operated by the generator of the waste, the owner or operator of the treatment facility shall prepare a separate shipping paper that meets the requirements of rules adopted under division (D)(2) of this section to accompany the shipment of the treated wastes from the owner's or operator's premises to a solid waste disposal facility.~~ 25362
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~~(e) A certification by the person causing the wastes to be transported that the wastes are packaged and labeled in accordance with the rules adopted under this section and that the description of the wastes is accurate.~~ 25377
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~~(2) Shipping papers that accompany shipments of wastes that have been treated to render them noninfectious shall include only the following elements:~~ 25381
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~~(a) The name of the owner or operator of the facility where the wastes were treated and the address of the treatment facility;~~ 25384
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~~(b) A certification by the owner or operator of the treatment facility where the wastes were treated that the wastes have been treated by methods, techniques, and practices prescribed by rules adopted under division (C)(1) of this section. If the treated wastes are to be compacted prior to transportation and contain any wastes subject to rules adopted under division (A)(1)(a) of this section, the shipping paper shall include an additional~~ 25386
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~~certification by the owner or operator of the treatment facility~~ 25393
~~where the wastes were treated that they also have been treated in~~ 25394
~~accordance with rules adopted under division (C)(3) of this~~ 25395
~~section that are substantively equivalent to the standards~~ 25396
~~established in 49 U.S.C. subtitle III, chapter 51, and regulations~~ 25397
~~adopted or orders issued under it.~~ 25398

(E) This section and rules adopted under it do not apply to 25399
the treatment or disposal of wastes consisting of dead animals or 25400
parts thereof, or the blood of animals under any of the following 25401
circumstances: 25402

(1) By the owner of the animal after slaughter by the owner 25403
on the owner's premises to obtain meat for consumption by the 25404
owner and the members of the owner's household; 25405

(2) In accordance with Chapter 941. of the Revised Code; ~~or~~ 25406

(3) By persons who are subject to any of the following: 25407

(a) Inspection under the "Federal Meat Inspection Act," 81 25408
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 25409

(b) Chapter 918. of the Revised Code; 25410

(c) Chapter 953. of the Revised Code. 25411

(F) As used in this section and section 3734.022 of the 25412
Revised Code, "generator" means a person who produces infectious 25413
wastes. 25414

(G) Rules adopted under this section shall not concern or 25415
relate to personnel policies, salaries, wages, fringe benefits, or 25416
other conditions of employment of employees of persons owning or 25417
operating infectious waste treatment facilities. 25418

(H) The director shall not issue any variance from the rules 25419
adopted under this section. 25420

Sec. 3734.022. (A) No person shall transport infectious 25421

wastes that have not been treated to render them noninfectious, 25422
other than those disposed of with residential solid waste from a 25423
single-family residential premises or single-family dwelling unit 25424
and those subject to rules adopted under division (A)(1)(c) of 25425
section 3734.021 of the Revised Code, unless the business entity 25426
that employs the person first registers with and obtains a 25427
registration certificate from the director of environmental 25428
protection or, in the instance of infectious wastes consisting of 25429
dead animals or parts thereof subject to Chapter 953. of the 25430
Revised Code, unless the business entity that employs the person 25431
holds a valid license issued under that chapter. No more than one 25432
registration certificate shall be required of any single business 25433
entity. An applicant shall file an application with the director 25434
containing such information in such form as the director 25435
prescribes. Each application for a registration certificate shall 25436
be accompanied by a registration fee equal to the product of three 25437
hundred dollars times the number of motor vehicles the transporter 25438
uses to transport untreated infectious wastes in shipments that 25439
originate or terminate in the state. However, a generator of 25440
infectious wastes holding a valid registration certificate as a 25441
generator of those wastes issued under rules adopted under 25442
division (A)~~(2)~~(4)(a) of section 3734.021 of the Revised Code who 25443
transports only infectious wastes generated at premises owned or 25444
operated by the generator is exempt from payment of the fee for 25445
registration as a transporter. 25446

Except as otherwise provided in rules adopted under this 25447
division, a registered transporter shall obtain an amended 25448
registration certificate from the director whenever the 25449
composition of the fleet of motor vehicles used by the transporter 25450
to transport infectious wastes changes. If the number of motor 25451
vehicles in the fleet decreases, the director shall not refund to 25452
the transporter any portion of a registration or renewal fee 25453
applicable to a motor vehicle transferred or otherwise removed 25454

from use for transporting such wastes. If the number of motor
vehicles in the transporter's fleet increases, the application for
the amended registration certificate shall be accompanied by a fee
of three hundred dollars for each motor vehicle that is in excess
of the number of motor vehicles set forth in the existing
certificate. If the director has established a system of staggered
renewal dates for the registration certificates, the fee
applicable to each additional motor vehicle under an amended
certificate shall be prorated according to the time remaining in
the registration cycle, to the nearest year.

A registration certificate issued under this section is valid
for three years from the date of issuance and may be renewed for a
term of three years by submission of a renewal application on a
form prescribed by the director and payment of a renewal fee
calculated in the same manner as the fee for a registration
certificate. The registration and renewal fees shall be credited
to the infectious wastes management fund created in section
3734.021 of the Revised Code.

The director, by rules adopted in accordance with Chapter
119. of the Revised Code, may establish a system of staggered
renewal dates with approximately one-third of the certificates
subject to renewal each year. The applicable renewal date shall be
prescribed on each registration certificate. Registration fees
shall be prorated according to the time remaining in the
registration cycle to the nearest year.

The director, by rules adopted in accordance with Chapter
119. of the Revised Code, shall establish a system of emergency
registration of temporary vehicles for use by a business entity
holding a valid registration certificate issued under this
section, in order to prevent the creation of a nuisance or hazard
to the public health or safety or the environment.

(B) A Unless prohibited pursuant to 49 U.S.C. subtitle III, chapter 51, and regulations adopted or orders issued under it, a 25486
registered transporter is liable for the safe delivery of any 25487
infectious wastes from the time ~~he~~ the registered transporter 25488
obtains the wastes until ~~he~~ the registered transporter delivers 25489
them to an infectious waste treatment facility holding a license 25490
issued under division (B) of section 3734.05 of the Revised Code, 25491
to an infectious waste treatment facility that is located in 25492
another state and is in compliance with applicable state and 25493
federal laws, to a treatment facility authorized by rules adopted 25494
under division (C)(6) of section 3734.021 of the Revised Code, to 25495
an infectious waste treatment facility owned or operated by the 25496
generator of the waste, or, in the instance of wastes that have 25497
been treated to render them noninfectious, to a solid waste 25498
disposal facility holding a license issued under division (A) of 25499
section 3734.05 of the Revised Code or to a disposal facility that 25500
is located in another state and is in compliance with applicable 25501
state and federal laws. ~~If the generator of the wastes has~~ 25502
~~designated in the shipping paper accompanying the wastes required~~ 25503
~~by rules adopted under division (D)(1) of section 3734.021 of the~~ 25504
~~Revised Code a particular treatment facility, the registered~~ 25505
~~transporter is liable for the safe delivery of the wastes to the~~ 25506
~~facility so designated.~~ 25507
25508

If the director has reason to believe that a person who is 25509
registered under this section or is employed by a business entity 25510
registered under this section has violated this chapter or any 25511
rule adopted under it while transporting infectious wastes, the 25512
director may issue an order in accordance with Chapter 119. of the 25513
Revised Code suspending, revoking, or denying the transporter's 25514
registration certificate or the registration certificate of the 25515
business entity employing ~~him~~ the person as a transporter. A 25516
transporter whose registration certificate has been suspended, 25517

revoked, or denied shall immediately notify each of ~~his~~ the 25518
transporter's customers by certified mail of that fact. 25519

(C)(1) No person who generates infectious wastes that have 25520
not been treated to render them noninfectious shall cause any such 25521
wastes, other than those subject to rules adopted under division 25522
(A)(1)(c) of section 3734.021 or Chapter 953. of the Revised Code, 25523
to be transported by any person who is not registered as a 25524
transporter under this section. 25525

(2) No person who generates infectious wastes subject to 25526
Chapter 953. of the Revised Code shall cause those wastes to be 25527
transported by any person who is neither licensed under that 25528
chapter nor registered as a transporter under this section. 25529

(D) A generator ~~of infectious wastes~~ who has complied with 25530
this section and section 3734.021 of the Revised Code and with 25531
rules adopted under those sections is not liable under statute or 25532
common law for the actions or inactions of any transporter or 25533
treatment facility with respect to those wastes and is not liable 25534
for violations of any provision of this chapter or rules adopted 25535
under it governing the transportation, treatment, or disposal of 25536
infectious wastes. 25537

(E) As used in this section, "motor vehicle" means any 25538
automobile, automobile truck, tractor, or self-propelled vehicle 25539
not operated or driven on fixed rails or track. 25540

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 25541
(8), and (9) of this section, no person shall operate or maintain 25542
a solid waste facility without a license issued under this 25543
division by the board of health of the health district in which 25544
the facility is located or by the director of environmental 25545
protection when the health district in which the facility is 25546
located is not on the approved list under section 3734.08 of the 25547
Revised Code. 25548

During the month of December, but before the first day of 25549
January of the next year, every person proposing to continue to 25550
operate an existing solid waste facility shall procure a license 25551
under this division to operate the facility for that year from the 25552
board of health of the health district in which the facility is 25553
located or, if the health district is not on the approved list 25554
under section 3734.08 of the Revised Code, from the director. The 25555
application for such a license shall be submitted to the board of 25556
health or to the director, as appropriate, on or before the last 25557
day of September of the year preceding that for which the license 25558
is sought. In addition to the application fee prescribed in 25559
division (A)(2) of this section, a person who submits an 25560
application after that date shall pay an additional ten per cent 25561
of the amount of the application fee for each week that the 25562
application is late. Late payment fees accompanying an application 25563
submitted to the board of health shall be credited to the special 25564
fund of the health district created in division (B) of section 25565
3734.06 of the Revised Code, and late payment fees accompanying an 25566
application submitted to the director shall be credited to the 25567
general revenue fund. A person who has received a license, upon 25568
sale or disposition of a solid waste facility, and upon consent of 25569
the board of health and the director, may have the license 25570
transferred to another person. The board of health or the director 25571
may include such terms and conditions in a license or revision to 25572
a license as are appropriate to ensure compliance with this 25573
chapter and rules adopted under it. The terms and conditions may 25574
establish the authorized maximum daily waste receipts for the 25575
facility. Limitations on maximum daily waste receipts shall be 25576
specified in cubic yards of volume for the purpose of regulating 25577
the design, construction, and operation of solid waste facilities. 25578
Terms and conditions included in a license or revision to a 25579
license by a board of health shall be consistent with, and pertain 25580
only to the subjects addressed in, the rules adopted under 25581

division (A) of section 3734.02 and division (D) of section 25582
3734.12 of the Revised Code. 25583

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 25584
(9) of this section, each person proposing to open a new solid 25585
waste facility or to modify an existing solid waste facility shall 25586
submit an application for a permit with accompanying detail plans 25587
and specifications to the environmental protection agency for 25588
required approval under the rules adopted by the director pursuant 25589
to division (A) of section 3734.02 of the Revised Code and 25590
applicable rules adopted under division (D) of section 3734.12 of 25591
the Revised Code at least two hundred seventy days before proposed 25592
operation of the facility and shall concurrently make application 25593
for the issuance of a license under division (A)(1) of this 25594
section with the board of health of the health district in which 25595
the proposed facility is to be located. 25596

(b) On and after the effective date of the rules adopted 25597
under division (A) of section 3734.02 of the Revised Code and 25598
division (D) of section 3734.12 of the Revised Code governing 25599
solid waste transfer facilities, each person proposing to open a 25600
new solid waste transfer facility or to modify an existing solid 25601
waste transfer facility shall submit an application for a permit 25602
with accompanying engineering detail plans, specifications, and 25603
information regarding the facility and its method of operation to 25604
the environmental protection agency for required approval under 25605
those rules at least two hundred seventy days before commencing 25606
proposed operation of the facility and concurrently shall make 25607
application for the issuance of a license under division (A)(1) of 25608
this section with the board of health of the health district in 25609
which the facility is located or proposed. 25610

(c) Each application for a permit under division (A)(2)(a) or 25611
(b) of this section shall be accompanied by a nonrefundable 25612
application fee of four hundred dollars that shall be credited to 25613

the general revenue fund. Each application for an annual license 25614
under division (A)(1) or (2) of this section shall be accompanied 25615
by a nonrefundable application fee of one hundred dollars. If the 25616
application for an annual license is submitted to a board of 25617
health on the approved list under section 3734.08 of the Revised 25618
Code, the application fee shall be credited to the special fund of 25619
the health district created in division (B) of section 3734.06 of 25620
the Revised Code. If the application for an annual license is 25621
submitted to the director, the application fee shall be credited 25622
to the general revenue fund. If a permit or license is issued, the 25623
amount of the application fee paid shall be deducted from the 25624
amount of the permit fee due under division (Q) of section 3745.11 25625
of the Revised Code or the amount of the license fee due under 25626
division (A)(1), (2), (3), or (4) of section 3734.06 of the 25627
Revised Code. 25628

(d) As used in divisions (A)(2)(d), (e), and (f) of this 25629
section, "modify" means any of the following: 25630

(i) Any increase of more than ten per cent in the total 25631
capacity of a solid waste facility; 25632

(ii) Any expansion of the limits of solid waste placement at 25633
a solid waste facility; 25634

(iii) Any increase in the depth of excavation at a solid 25635
waste facility; 25636

(iv) Any change in the technique of waste receipt or type of 25637
waste received at a solid waste facility that may endanger human 25638
health, as determined by the director by rules adopted in 25639
accordance with Chapter 119. of the Revised Code. 25640

Not later than thirty-five days after submitting an 25641
application under division (A)(2)(a) or (b) of this section for a 25642
permit to open a new or modify an existing solid waste facility, 25643
the applicant, in conjunction with an officer or employee of the 25644

environmental protection agency, shall hold a public meeting on 25645
the application within the county in which the new or modified 25646
solid waste facility is or is proposed to be located or within a 25647
contiguous county. Not less than thirty days before holding the 25648
public meeting on the application, the applicant shall publish 25649
notice of the meeting in each newspaper of general circulation 25650
that is published in the county in which the facility is or is 25651
proposed to be located. If no newspaper of general circulation is 25652
published in the county, the applicant shall publish the notice in 25653
a newspaper of general circulation in the county. The notice shall 25654
contain the date, time, and location of the public meeting and a 25655
general description of the proposed new or modified facility. Not 25656
later than five days after publishing the notice, the applicant 25657
shall send by certified mail a copy of the notice and the date the 25658
notice was published to the director and the legislative authority 25659
of each municipal corporation, township, and county, and to the 25660
chief executive officer of each municipal corporation, in which 25661
the facility is or is proposed to be located. At the public 25662
meeting, the applicant shall provide information and describe the 25663
application and respond to comments or questions concerning the 25664
application, and the officer or employee of the agency shall 25665
describe the permit application process. At the public meeting, 25666
any person may submit written or oral comments on or objections to 25667
the application. Not more than thirty days after the public 25668
meeting, the applicant shall provide the director with a copy of a 25669
transcript of the full meeting, copies of any exhibits, displays, 25670
or other materials presented by the applicant at the meeting, and 25671
the original copy of any written comments submitted at the 25672
meeting. 25673

(e) Except as provided in division (A)(2)(f) of this section, 25674
prior to taking an action, other than a proposed or final denial, 25675
upon an application submitted under division (A)(2)(a) of this 25676

section for a permit to open a new or modify an existing solid waste facility, the director shall hold a public information session and a public hearing on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. If the application is for a permit to open a new solid waste facility, the director shall hold the hearing not less than fourteen days after the information session. If the application is for a permit to modify an existing solid waste facility, the director may hold both the information session and the hearing on the same day unless any individual affected by the application requests in writing that the information session and the hearing not be held on the same day, in which case the director shall hold the hearing not less than fourteen days after the information session. The director shall publish notice of the public information session or public hearing not less than thirty days before holding the information session or hearing, as applicable. The notice shall be published in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the director shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the information session or hearing, as applicable, and a general description of the proposed new or modified facility. At the public information session, an officer or employee of the environmental protection agency shall describe the status of the permit application and be available to respond to comments or questions concerning the application. At the public hearing, any person may submit written or oral comments on or objections to the approval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the information session and public hearing to respond to comments or

questions concerning the facility directed to the applicant or
representative by the officer or employee of the environmental
protection agency presiding at the information session and
hearing.

(f) The solid waste management policy committee of a county
or joint solid waste management district may adopt a resolution
requesting expeditious consideration of a specific application
submitted under division (A)(2)(a) of this section for a permit to
modify an existing solid waste facility within the district. The
resolution shall make the finding that expedited consideration of
the application without the public information session and public
hearing under division (A)(2)(e) of this section is in the public
interest and will not endanger human health, as determined by the
director by rules adopted in accordance with Chapter 119. of the
Revised Code. Upon receiving such a resolution, the director, at
the director's discretion, may issue a final action upon the
application without holding a public information session or public
hearing pursuant to division (A)(2)(e) of this section.

(3) Except as provided in division (A)(10) of this section,
and unless the owner or operator of any solid waste facility,
other than a solid waste transfer facility or a compost facility
that accepts exclusively source separated yard wastes, that
commenced operation on or before July 1, 1968, has obtained an
exemption from the requirements of division (A)(3) of this section
in accordance with division (G) of section 3734.02 of the Revised
Code, the owner or operator shall submit to the director an
application for a permit with accompanying engineering detail
plans, specifications, and information regarding the facility and
its method of operation for approval under rules adopted under
division (A) of section 3734.02 of the Revised Code and applicable
rules adopted under division (D) of section 3734.12 of the Revised
Code in accordance with the following schedule:

(a) Not later than September 24, 1988, if the facility is 25742
located in the city of Garfield Heights or Parma in Cuyahoga 25743
county; 25744

(b) Not later than December 24, 1988, if the facility is 25745
located in Delaware, Greene, Guernsey, Hamilton, Madison, 25746
Mahoning, Ottawa, or Vinton county; 25747

(c) Not later than March 24, 1989, if the facility is located 25748
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 25749
Washington county, or is located in the city of Brooklyn or 25750
Cuyahoga Heights in Cuyahoga county; 25751

(d) Not later than June 24, 1989, if the facility is located 25752
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 25753
Summit county or is located in Cuyahoga county outside the cities 25754
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 25755

(e) Not later than September 24, 1989, if the facility is 25756
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 25757
county; 25758

(f) Not later than December 24, 1989, if the facility is 25759
located in a county not listed in divisions (A)(3)(a) to (e) of 25760
this section; 25761

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 25762
section, not later than December 31, 1990, if the facility is a 25763
solid waste facility owned by a generator of solid wastes when the 25764
solid waste facility exclusively disposes of solid wastes 25765
generated at one or more premises owned by the generator 25766
regardless of whether the facility is located on a premises where 25767
the wastes are generated and if the facility disposes of more than 25768
one hundred thousand tons of solid wastes per year, provided that 25769
any such facility shall be subject to division (A)(5) of this 25770
section. 25771

(4) Except as provided in divisions (A)(8), (9), and (10) of 25772
this section, unless the owner or operator of any solid waste 25773
facility for which a permit was issued after July 1, 1968, but 25774
before January 1, 1980, has obtained an exemption from the 25775
requirements of division (A)(4) of this section under division (G) 25776
of section 3734.02 of the Revised Code, the owner or operator 25777
shall submit to the director an application for a permit with 25778
accompanying engineering detail plans, specifications, and 25779
information regarding the facility and its method of operation for 25780
approval under those rules. 25781

(5) The director may issue an order in accordance with 25782
Chapter 3745. of the Revised Code to the owner or operator of a 25783
solid waste facility requiring the person to submit to the 25784
director updated engineering detail plans, specifications, and 25785
information regarding the facility and its method of operation for 25786
approval under rules adopted under division (A) of section 3734.02 25787
of the Revised Code and applicable rules adopted under division 25788
(D) of section 3734.12 of the Revised Code if, in the director's 25789
judgment, conditions at the facility constitute a substantial 25790
threat to public health or safety or are causing or contributing 25791
to or threatening to cause or contribute to air or water pollution 25792
or soil contamination. Any person who receives such an order shall 25793
submit the updated engineering detail plans, specifications, and 25794
information to the director within one hundred eighty days after 25795
the effective date of the order. 25796

(6) The director shall act upon an application submitted 25797
under division (A)(3) or (4) of this section and any updated 25798
engineering plans, specifications, and information submitted under 25799
division (A)(5) of this section within one hundred eighty days 25800
after receiving them. If the director denies any such permit 25801
application, the order denying the application or disapproving the 25802
plans shall include the requirements that the owner or operator 25803

submit a plan for closure and post-closure care of the facility to 25804
the director for approval within six months after issuance of the 25805
order, cease accepting solid wastes for disposal or transfer at 25806
the facility, and commence closure of the facility not later than 25807
one year after issuance of the order. If the director determines 25808
that closure of the facility within that one-year period would 25809
result in the unavailability of sufficient solid waste management 25810
facility capacity within the county or joint solid waste 25811
management district in which the facility is located to dispose of 25812
or transfer the solid waste generated within the district, the 25813
director in the order of denial or disapproval may postpone 25814
commencement of closure of the facility for such period of time as 25815
the director finds necessary for the board of county commissioners 25816
or directors of the district to secure access to or for there to 25817
be constructed within the district sufficient solid waste 25818
management facility capacity to meet the needs of the district, 25819
provided that the director shall certify in the director's order 25820
that postponing the date for commencement of closure will not 25821
endanger ground water or any property surrounding the facility, 25822
allow methane gas migration to occur, or cause or contribute to 25823
any other type of environmental damage. 25824

If an emergency need for disposal capacity that may affect 25825
public health and safety exists as a result of closure of a 25826
facility under division (A)(6) of this section, the director may 25827
issue an order designating another solid waste facility to accept 25828
the wastes that would have been disposed of at the facility to be 25829
closed. 25830

(7) If the director determines that standards more stringent 25831
than those applicable in rules adopted under division (A) of 25832
section 3734.02 of the Revised Code and division (D) of section 25833
3734.12 of the Revised Code, or standards pertaining to subjects 25834
not specifically addressed by those rules, are necessary to ensure 25835

that a solid waste facility constructed at the proposed location 25836
will not cause a nuisance, cause or contribute to water pollution, 25837
or endanger public health or safety, the director may issue a 25838
permit for the facility with such terms and conditions as the 25839
director finds necessary to protect public health and safety and 25840
the environment. If a permit is issued, the director shall state 25841
in the order issuing it the specific findings supporting each such 25842
term or condition. 25843

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 25844
not apply to a solid waste compost facility that accepts 25845
exclusively source separated yard wastes and that is registered 25846
under division (C) of section 3734.02 of the Revised Code or, 25847
unless otherwise provided in rules adopted under division (N)(3) 25848
of section 3734.02 of the Revised Code, to a solid waste compost 25849
facility if the director has adopted rules establishing an 25850
alternative system for authorizing the establishment, operation, 25851
or modification of a solid waste compost facility under that 25852
division. 25853

(9) Divisions (A)(1) to (7) of this section do not apply to 25854
scrap tire collection, storage, monocell, monofill, and recovery 25855
facilities. The approval of plans and specifications, as 25856
applicable, and the issuance of registration certificates, 25857
permits, and licenses for those facilities are subject to sections 25858
3734.75 to 3734.78 of the Revised Code, as applicable, and section 25859
3734.81 of the Revised Code. 25860

(10) Divisions (A)(3) and (4) of this section do not apply to 25861
a solid waste incinerator that was placed into operation on or 25862
before October 12, 1994, and that is not authorized to accept and 25863
treat infectious wastes pursuant to division (B) of this section. 25864

(B)(1) Each person who is engaged in the business of treating 25865
infectious wastes for profit at a treatment facility located off 25866

the premises where the wastes are generated that is in operation 25867
on August 10, 1988, and who proposes to continue operating the 25868
facility shall submit to the board of health of the health 25869
district in which the facility is located an application for a 25870
license to operate the facility. 25871

Thereafter, no person shall operate or maintain an infectious 25872
waste treatment facility without a license issued by the board of 25873
health of the health district in which the facility is located or 25874
by the director when the health district in which the facility is 25875
located is not on the approved list under section 3734.08 of the 25876
Revised Code. 25877

(2)(a) During the month of December, but before the first day 25878
of January of the next year, every person proposing to continue to 25879
operate an existing infectious waste treatment facility shall 25880
procure a license to operate the facility for that year from the 25881
board of health of the health district in which the facility is 25882
located or, if the health district is not on the approved list 25883
under section 3734.08 of the Revised Code, from the director. The 25884
application for such a license shall be submitted to the board of 25885
health or to the director, as appropriate, on or before the last 25886
day of September of the year preceding that for which the license 25887
is sought. In addition to the application fee prescribed in 25888
division (B)(2)(c) of this section, a person who submits an 25889
application after that date shall pay an additional ten per cent 25890
of the amount of the application fee for each week that the 25891
application is late. Late payment fees accompanying an application 25892
submitted to the board of health shall be credited to the special 25893
infectious waste fund of the health district created in division 25894
(C) of section 3734.06 of the Revised Code, and late payment fees 25895
accompanying an application submitted to the director shall be 25896
credited to the general revenue fund. A person who has received a 25897
license, upon sale or disposition of an infectious waste treatment 25898

facility and upon consent of the board of health and the director, 25899
may have the license transferred to another person. The board of 25900
health or the director may include such terms and conditions in a 25901
license or revision to a license as are appropriate to ensure 25902
compliance with the infectious waste provisions of this chapter 25903
and rules adopted under them. 25904

(b) Each person proposing to open a new infectious waste 25905
treatment facility or to modify an existing infectious waste 25906
treatment facility shall submit an application for a permit with 25907
accompanying detail plans and specifications to the environmental 25908
protection agency for required approval under the rules adopted by 25909
the director pursuant to section 3734.021 of the Revised Code two 25910
hundred seventy days before proposed operation of the facility and 25911
concurrently shall make application for a license with the board 25912
of health of the health district in which the facility is or is 25913
proposed to be located. Not later than ninety days after receiving 25914
a completed application under division (B)(2)(b) of this section 25915
for a permit to open a new infectious waste treatment facility or 25916
modify an existing infectious waste treatment facility to expand 25917
its treatment capacity, or receiving a completed application under 25918
division (A)(2)(a) of this section for a permit to open a new 25919
solid waste incineration facility, or modify an existing solid 25920
waste incineration facility to also treat infectious wastes or to 25921
increase its infectious waste treatment capacity, that pertains to 25922
a facility for which a notation authorizing infectious waste 25923
treatment is included or proposed to be included in the solid 25924
waste incineration facility's license pursuant to division (B)(3) 25925
of this section, the director shall hold a public hearing on the 25926
application within the county in which the new or modified 25927
infectious waste or solid waste facility is or is proposed to be 25928
located or within a contiguous county. Not less than thirty days 25929
before holding the public hearing on the application, the director 25930

shall publish notice of the hearing in each newspaper that has
general circulation and that is published in the county in which
the facility is or is proposed to be located. If there is no
newspaper that has general circulation and that is published in
the county, the director shall publish the notice in a newspaper
of general circulation in the county. The notice shall contain the
date, time, and location of the public hearing and a general
description of the proposed new or modified facility. At the
public hearing, any person may submit written or oral comments on
or objections to the approval or disapproval of the application.
The applicant, or a representative of the applicant who has
knowledge of the location, construction, and operation of the
facility, shall attend the public hearing to respond to comments
or questions concerning the facility directed to the applicant or
representative by the officer or employee of the environmental
protection agency presiding at the hearing.

(c) Each application for a permit under division (B)(2)(b) of
this section shall be accompanied by a nonrefundable application
fee of four hundred dollars that shall be credited to the general
revenue fund. Each application for an annual license under
division (B)(2)(a) of this section shall be accompanied by a
nonrefundable application fee of one hundred dollars. If the
application for an annual license is submitted to a board of
health on the approved list under section 3734.08 of the Revised
Code, the application fee shall be credited to the special
infectious waste fund of the health district created in division
(C) of section 3734.06 of the Revised Code. If the application for
an annual license is submitted to the director, the application
fee shall be credited to the general revenue fund. If a permit or
license is issued, the amount of the application fee paid shall be
deducted from the amount of the permit fee due under division (Q)
of section 3745.11 of the Revised Code or the amount of the

license fee due under division (C) of section 3734.06 of the Revised Code. 25963
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(d) The owner or operator of any infectious waste treatment facility that commenced operation on or before July 1, 1968, shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code in accordance with the following schedule: 25965
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(i) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county; 25972
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(ii) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn, Cuyahoga Heights, or Parma in Cuyahoga county; 25975
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(iii) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Brooklyn, Cuyahoga Heights, and Parma; 25979
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(iv) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross county; 25983
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(v) Not later than December 24, 1989, if the facility is located in a county not listed in divisions (B)(2)(d)(i) to (iv) of this section. 25986
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The owner or operator of an infectious waste treatment facility required to submit a permit application under division (B)(2)(d) of this section is not required to pay any permit application fee under division (B)(2)(c) of this section, or 25989
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permit fee under division (Q) of section 3745.11 of the Revised Code, with respect thereto unless the owner or operator also proposes to modify the facility.

(e) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of an infectious waste treatment facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.

(f) The director shall act upon an application submitted under division (B)(2)(d) of this section and any updated engineering plans, specifications, and information submitted under division (B)(2)(e) of this section within one hundred eighty days after receiving them. If the director denies any such permit application or disapproves any such updated engineering plans, specifications, and information, the director shall include in the order denying the application or disapproving the plans the requirement that the owner or operator cease accepting infectious wastes for treatment at the facility.

(3) Division (B) of this section does not apply to an infectious waste treatment facility that meets any of the following conditions:

(a) Is owned or operated by the generator of the wastes and

exclusively treats, by methods, techniques, and practices 26024
established by rules adopted under division (C)(1) or (3) of 26025
section 3734.021 of the Revised Code, wastes that are generated at 26026
any premises owned or operated by that generator regardless of 26027
whether the wastes are generated on the same premises where the 26028
generator's treatment facility is located or, if the generator is 26029
a hospital as defined in section 3727.01 of the Revised Code, 26030
infectious wastes that are described in division (A)~~(1)(g)~~, 26031
~~(h)~~, (2) or ~~(i)~~(3) of section 3734.021 of the Revised Code; 26032

(b) Holds a license or renewal of a license to operate a 26033
crematory facility issued under Chapter 4717. and a permit issued 26034
under Chapter 3704. of the Revised Code; 26035

(c) Treats or disposes of dead animals or parts thereof, or 26036
the blood of animals, and is subject to any of the following: 26037

(i) Inspection under the "Federal Meat Inspection Act," 81 26038
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 26039

(ii) Chapter 918. of the Revised Code; 26040

(iii) Chapter 953. of the Revised Code. 26041

Nothing in division (B) of this section requires a facility 26042
that holds a license issued under division (A) of this section as 26043
a solid waste facility and that also treats infectious wastes by 26044
the same method, technique, or process to obtain a license under 26045
division (B) of this section as an infectious waste treatment 26046
facility. However, the solid waste facility license for the 26047
facility shall include the notation that the facility also treats 26048
infectious wastes. 26049

On and after the effective date of the amendments to the 26050
rules adopted under division (C)(2) of section 3734.021 of the 26051
Revised Code that are required by Section 6 of Substitute House 26052
Bill No. 98 of the 120th General Assembly, the director shall not 26053

issue a permit to open a new solid waste incineration facility 26054
unless the proposed facility complies with the requirements for 26055
the location of new infectious waste incineration facilities 26056
established in the required amendments to those rules. 26057

(C) Except for a facility or activity described in division 26058
(E)(3) of section 3734.02 of the Revised Code, a person who 26059
proposes to establish or operate a hazardous waste facility shall 26060
submit a complete application for a hazardous waste facility 26061
installation and operation permit and accompanying detail plans, 26062
specifications, and such information as the director may require 26063
to the environmental protection agency at least one hundred eighty 26064
days before the proposed beginning of operation of the facility. 26065
The applicant shall notify by certified mail the legislative 26066
authority of each municipal corporation, township, and county in 26067
which the facility is proposed to be located of the submission of 26068
the application within ten days after the submission or at such 26069
earlier time as the director may establish by rule. If the 26070
application is for a proposed new hazardous waste disposal or 26071
thermal treatment facility, the applicant also shall give actual 26072
notice of the general design and purpose of the facility to the 26073
legislative authority of each municipal corporation, township, and 26074
county in which the facility is proposed to be located at least 26075
ninety days before the permit application is submitted to the 26076
environmental protection agency. 26077

In accordance with rules adopted under section 3734.12 of the 26078
Revised Code, prior to the submission of a complete application 26079
for a hazardous waste facility installation and operation permit, 26080
the applicant shall hold at least one meeting in the township or 26081
municipal corporation in which the facility is proposed to be 26082
located, whichever is geographically closer to the proposed 26083
location of the facility. The meeting shall be open to the public 26084
and shall be held to inform the community of the proposed 26085

hazardous waste management activities and to solicit questions 26086
from the community concerning the activities. 26087

(D)(1) Except as provided in section 3734.123 of the Revised 26088
Code, upon receipt of a complete application for a hazardous waste 26089
facility installation and operation permit under division (C) of 26090
this section, the director shall consider the application and 26091
accompanying information to determine whether the application 26092
complies with agency rules and the requirements of division (D)(2) 26093
of this section. After making a determination, the director shall 26094
issue either a draft permit or a notice of intent to deny the 26095
permit. The director, in accordance with rules adopted under 26096
section 3734.12 of the Revised Code or with rules adopted to 26097
implement Chapter 3745. of the Revised Code, shall provide public 26098
notice of the application and the draft permit or the notice of 26099
intent to deny the permit, provide an opportunity for public 26100
comments, and, if significant interest is shown, schedule a public 26101
meeting in the county in which the facility is proposed to be 26102
located and give public notice of the date, time, and location of 26103
the public meeting in a newspaper of general circulation in that 26104
county. 26105

(2) The director shall not approve an application for a 26106
hazardous waste facility installation and operation permit or an 26107
application for a modification under division (I)(3) of this 26108
section unless the director finds and determines as follows: 26109

(a) The nature and volume of the waste to be treated, stored, 26110
or disposed of at the facility; 26111

(b) That the facility complies with the director's hazardous 26112
waste standards adopted pursuant to section 3734.12 of the Revised 26113
Code; 26114

(c) That the facility represents the minimum adverse 26115
environmental impact, considering the state of available 26116

technology and the nature and economics of various alternatives, 26117
and other pertinent considerations; 26118

(d) That the facility represents the minimum risk of all of 26119
the following: 26120

(i) Fires or explosions from treatment, storage, or disposal 26121
methods; 26122

(ii) Release of hazardous waste during transportation of 26123
hazardous waste to or from the facility; 26124

(iii) Adverse impact on the public health and safety. 26125

(e) That the facility will comply with this chapter and 26126
Chapters 3704. and 6111. of the Revised Code and all rules and 26127
standards adopted under them; 26128

(f) That if the owner of the facility, the operator of the 26129
facility, or any other person in a position with the facility from 26130
which the person may influence the installation and operation of 26131
the facility has been involved in any prior activity involving 26132
transportation, treatment, storage, or disposal of hazardous 26133
waste, that person has a history of compliance with this chapter 26134
and Chapters 3704. and 6111. of the Revised Code and all rules and 26135
standards adopted under them, the "Resource Conservation and 26136
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 26137
amended, and all regulations adopted under it, and similar laws 26138
and rules of other states if any such prior operation was located 26139
in another state that demonstrates sufficient reliability, 26140
expertise, and competency to operate a hazardous waste facility 26141
under the applicable provisions of this chapter and Chapters 3704. 26142
and 6111. of the Revised Code, the applicable rules and standards 26143
adopted under them, and terms and conditions of a hazardous waste 26144
facility installation and operation permit, given the potential 26145
for harm to the public health and safety and the environment that 26146
could result from the irresponsible operation of the facility. For 26147

off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D)(2)(f) of this section.

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored, treated, or disposed of and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

(i) Two thousand feet of any residence, school, hospital, jail, or prison;

(ii) Any naturally occurring wetland;

(iii) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood.

Division (D)(2)(g) of this section does not apply to the facility of any applicant who demonstrates to the director that the limitations specified in that division are not necessary because of the nature or volume of the waste and the manner of management applied, the facility will impose no substantial danger to the health and safety of persons occupying the structures listed in division (D)(2)(g)(i) of this section, and the facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.

(h) That the facility will not be located within the boundaries of a state park established or dedicated under Chapter

1541. of the Revised Code, a state park purchase area established 26179
under section 1541.02 of the Revised Code, any unit of the 26180
national park system, or any property that lies within the 26181
boundaries of a national park or recreation area, but that has not 26182
been acquired or is not administered by the secretary of the 26183
United States department of the interior, located in this state, 26184
or any candidate area located in this state identified for 26185
potential inclusion in the national park system in the edition of 26186
the "national park system plan" submitted under paragraph (b) of 26187
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 26188
U.S.C.A. 1a-5, as amended, current at the time of filing of the 26189
application for the permit, unless the facility will be used 26190
exclusively for the storage of hazardous waste generated within 26191
the park or recreation area in conjunction with the operation of 26192
the park or recreation area. Division (D)(2)(h) of this section 26193
does not apply to the facility of any applicant for modification 26194
of a permit unless the modification application proposes to 26195
increase the land area included in the facility or to increase the 26196
quantity of hazardous waste that will be treated, stored, or 26197
disposed of at the facility. 26198

(3) Not later than one hundred eighty days after the end of 26199
the public comment period, the director, without prior hearing, 26200
shall issue or deny the permit in accordance with Chapter 3745. of 26201
the Revised Code. If the director approves an application for a 26202
hazardous waste facility installation and operation permit, the 26203
director shall issue the permit, upon such terms and conditions as 26204
the director finds are necessary to ensure the construction and 26205
operation of the hazardous waste facility in accordance with the 26206
standards of this section. 26207

(E)÷ No political subdivision of this state shall require any 26208
additional zoning or other approval, consent, permit, certificate, 26209
or condition for the construction or operation of a hazardous 26210

waste facility authorized by a hazardous waste facility 26211
installation and operation permit issued pursuant to this chapter, 26212
nor shall any political subdivision adopt or enforce any law, 26213
ordinance, or rule that in any way alters, impairs, or limits the 26214
authority granted in the permit. 26215

(F) The director may issue a single hazardous waste facility 26216
installation and operation permit to a person who operates two or 26217
more adjoining facilities where hazardous waste is stored, 26218
treated, or disposed of if the application includes detail plans, 26219
specifications, and information on all facilities. For the 26220
purposes of this section, "adjoining" means sharing a common 26221
boundary, separated only by a public road, or in such proximity 26222
that the director determines that the issuance of a single permit 26223
will not create a hazard to the public health or safety or the 26224
environment. 26225

(G) No person shall falsify or fail to keep or submit any 26226
plans, specifications, data, reports, records, manifests, or other 26227
information required to be kept or submitted to the director by 26228
this chapter or the rules adopted under it. 26229

(H)(1) Each person who holds an installation and operation 26230
permit issued under this section and who wishes to obtain a permit 26231
renewal shall submit a completed application for an installation 26232
and operation permit renewal and any necessary accompanying 26233
general plans, detail plans, specifications, and such information 26234
as the director may require to the director no later than one 26235
hundred eighty days prior to the expiration date of the existing 26236
permit or upon a later date prior to the expiration of the 26237
existing permit if the permittee can demonstrate good cause for 26238
the late submittal. The director shall consider the application 26239
and accompanying information, inspection reports of the facility, 26240
results of performance tests, a report regarding the facility's 26241
compliance or noncompliance with the terms and conditions of its 26242

permit and rules adopted by the director under this chapter, and 26243
such other information as is relevant to the operation of the 26244
facility and shall issue a draft renewal permit or a notice of 26245
intent to deny the renewal permit. The director, in accordance 26246
with rules adopted under this section or with rules adopted to 26247
implement Chapter 3745. of the Revised Code, shall give public 26248
notice of the application and draft renewal permit or notice of 26249
intent to deny the renewal permit, provide for the opportunity for 26250
public comments within a specified time period, schedule a public 26251
meeting in the county in which the facility is located if 26252
significant interest is shown, and give public notice of the 26253
public meeting. 26254

(2) Within sixty days after the public meeting or close of 26255
the public comment period, the director, without prior hearing, 26256
shall issue or deny the renewal permit in accordance with Chapter 26257
3745. of the Revised Code. The director shall not issue a renewal 26258
permit unless the director determines that the facility under the 26259
existing permit has a history of compliance with this chapter, 26260
rules adopted under it, the existing permit, or orders entered to 26261
enforce such requirements that demonstrates sufficient 26262
reliability, expertise, and competency to operate the facility 26263
henceforth under this chapter, rules adopted under it, and the 26264
renewal permit. If the director approves an application for a 26265
renewal permit, the director shall issue the permit subject to the 26266
payment of the annual permit fee required under division (E) of 26267
section 3734.02 of the Revised Code and upon such terms and 26268
conditions as the director finds are reasonable to ensure that 26269
continued operation, maintenance, closure, and post-closure care 26270
of the hazardous waste facility are in accordance with the rules 26271
adopted under section 3734.12 of the Revised Code. 26272

(3) An installation and operation permit renewal application 26273
submitted to the director that also contains or would constitute 26274

an application for a modification shall be acted upon by the 26275
director in accordance with division (I) of this section in the 26276
same manner as an application for a modification. In approving or 26277
disapproving the renewal portion of a permit renewal application 26278
containing an application for a modification, the director shall 26279
apply the criteria established under division (H)(2) of this 26280
section. 26281

(4) An application for renewal or modification of a permit 26282
that does not contain an application for a modification as 26283
described in divisions (I)(3)(a) to (d) of this section shall not 26284
be subject to division (D)(2) of this section. 26285

(I)(1) As used in this section, "modification" means a change 26286
or alteration to a hazardous waste facility or its operations that 26287
is inconsistent with or not authorized by its existing permit or 26288
authorization to operate. Modifications shall be classified as 26289
Class 1, 2, or 3 modifications in accordance with rules adopted 26290
under division (K) of this section. Modifications classified as 26291
Class 3 modifications, in accordance with rules adopted under that 26292
division, shall be further classified by the director as either 26293
Class 3 modifications that are to be approved or disapproved by 26294
the director under divisions (I)(3)(a) to (d) of this section or 26295
as Class 3 modifications that are to be approved or disapproved by 26296
the director under division (I)(5) of this section. Not later than 26297
thirty days after receiving a request for a modification under 26298
division (I)(4) of this section that is not listed in Appendix I 26299
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 26300
section, the director shall classify the modification and shall 26301
notify the owner or operator of the facility requesting the 26302
modification of the classification. Notwithstanding any other law 26303
to the contrary, any modification that involves the transfer of a 26304
hazardous waste facility installation and operation permit to a 26305
new owner or operator shall be classified as a Class 3 26306

modification. 26307

(2) Except as provided in section 3734.123 of the Revised Code, a hazardous waste facility installation and operation permit may be modified at the request of the director or upon the written request of the permittee only if any of the following applies: 26308

(a) The permittee desires to accomplish alterations, additions, or deletions to the permitted facility or to undertake alterations, additions, deletions, or activities that are inconsistent with or not authorized by the existing permit; 26309
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(b) New information or data justify permit conditions in addition to or different from those in the existing permit; 26312
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(c) The standards, criteria, or rules upon which the existing permit is based have been changed by new, amended, or rescinded standards, criteria, or rules, or by judicial decision after the existing permit was issued, and the change justifies permit conditions in addition to or different from those in the existing permit; 26316
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(d) The permittee proposes to transfer the permit to another person. 26324
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(3) The director shall approve or disapprove an application for a modification in accordance with division (D)(2) of this section and rules adopted under division (K) of this section for all of the following categories of Class 3 modifications: 26326
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(a) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit; 26330
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(b) Modification or addition of a hazardous waste management unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage 26334
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capacity of more than twenty-five per cent over the capacity 26337
authorized by the facility's permit, an increase in a facility's 26338
treatment rate of more than twenty-five per cent over the rate so 26339
authorized, or an increase in a facility's disposal capacity over 26340
the capacity so authorized. The authorized disposal capacity for a 26341
facility shall be calculated from the approved design plans for 26342
the disposal units at that facility. In no case during a five-year 26343
period shall a facility's storage capacity or treatment rate be 26344
modified to increase by more than twenty-five per cent in the 26345
aggregate without the director's approval in accordance with 26346
division (D)(2) of this section. Notwithstanding any provision of 26347
division (I) of this section to the contrary, a request for 26348
modification of a facility's annual total waste receipt limit 26349
shall be classified and approved or disapproved by the director 26350
under division (I)(5) of this section. 26351

(c) Authority to add any of the following categories of 26352
regulated activities not previously authorized at a facility by 26353
the facility's permit: storage at a facility not previously 26354
authorized to store hazardous waste, treatment at a facility not 26355
previously authorized to treat hazardous waste, or disposal at a 26356
facility not previously authorized to dispose of hazardous waste; 26357
or authority to add a category of hazardous waste management unit 26358
not previously authorized at the facility by the facility's 26359
permit. Notwithstanding any provision of division (I) of this 26360
section to the contrary, a request for authority to add or to 26361
modify an activity or a hazardous waste management unit for the 26362
purposes of performing a corrective action shall be classified and 26363
approved or disapproved by the director under division (I)(5) of 26364
this section. 26365

(d) Authority to treat, store, or dispose of waste types 26366
listed or characterized as reactive or explosive, in rules adopted 26367
under section 3734.12 of the Revised Code, or any acute hazardous 26368

waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not
previously authorized to treat, store, or dispose of those types
of wastes by the facility's permit unless the requested authority
is limited to wastes that no longer exhibit characteristics
meeting the criteria for listing or characterization as reactive
or explosive wastes, or for listing as acute hazardous waste, but
still are required to carry those waste codes as established in
rules adopted under section 3734.12 of the Revised Code because of
the requirements established in 40 C.F.R. 261(a) and (e), as
amended, that is, the "mixture," "derived-from," or "contained-in"
regulations.

(4) A written request for a modification from the permittee
shall be submitted to the director and shall contain such
information as is necessary to support the request. Requests for
modifications shall be acted upon by the director in accordance
with this section and rules adopted under it.

(5) Class 1 modification applications that require prior
approval of the director, as determined in accordance with rules
adopted under division (K) of this section, Class 2 modification
applications, and Class 3 modification applications that are not
described in divisions (I)(3)(a) to (d) of this section shall be
approved or disapproved by the director in accordance with rules
adopted under division (K) of this section. The board of county
commissioners of the county, the board of township trustees of the
township, and the city manager or mayor of the municipal
corporation in which a hazardous waste facility is located shall
receive notification of any application for a modification for
that facility and shall be considered as interested persons with
respect to the director's consideration of the application.

For those modification applications for a transfer of a
permit to a new owner or operator of a facility, the director also
shall determine that, if the transferee owner or operator has been

involved in any prior activity involving the transportation, 26401
treatment, storage, or disposal of hazardous waste, the transferee 26402
owner or operator has a history of compliance with this chapter 26403
and Chapters 3704. and 6111. of the Revised Code and all rules and 26404
standards adopted under them, the "Resource Conservation and 26405
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 26406
amended, and all regulations adopted under it, and similar laws 26407
and rules of another state if the transferee owner or operator 26408
owns or operates a facility in that state, that demonstrates 26409
sufficient reliability, expertise, and competency to operate a 26410
hazardous waste facility under this chapter and Chapters 3704. and 26411
6111. of the Revised Code, all rules and standards adopted under 26412
them, and terms and conditions of a hazardous waste facility 26413
installation and operation permit, given the potential for harm to 26414
the public health and safety and the environment that could result 26415
from the irresponsible operation of the facility. A permit may be 26416
transferred to a new owner or operator only pursuant to a Class 3 26417
permit modification. 26418

As used in division (I)(5) of this section: 26419

(a) "Owner" means the person who owns a majority or 26420
controlling interest in a facility. 26421

(b) "Operator" means the person who is responsible for the 26422
overall operation of a facility. 26423

The director shall approve or disapprove an application for a 26424
Class 1 modification that requires the director's approval within 26425
sixty days after receiving the request for modification. The 26426
director shall approve or disapprove an application for a Class 2 26427
modification within three hundred days after receiving the request 26428
for modification. The director shall approve or disapprove an 26429
application for a Class 3 modification within three hundred 26430
sixty-five days after receiving the request for modification. 26431

(6) The approval or disapproval by the director of a Class 1 modification application is not a final action that is appealable under Chapter 3745. of the Revised Code. The approval or disapproval by the director of a Class 2 modification or a Class 3 modification is a final action that is appealable under that chapter. In approving or disapproving a request for a modification, the director shall consider all comments pertaining to the request that are received during the public comment period and the public meetings. The administrative record for appeal of a final action by the director in approving or disapproving a request for a modification shall include all comments received during the public comment period relating to the request for modification, written materials submitted at the public meetings relating to the request, and any other documents related to the director's action.

(7) Notwithstanding any other provision of law to the contrary, a change or alteration to a hazardous waste facility described in division (E)(3)(a) or (b) of section 3734.02 of the Revised Code, or its operations, is a modification for the purposes of this section. An application for a modification at such a facility shall be submitted, classified, and approved or disapproved in accordance with divisions (I)(1) to (6) of this section in the same manner as a modification to a hazardous waste facility installation and operation permit.

(J)(1) Except as provided in division (J)(2) of this section, an owner or operator of a hazardous waste facility that is operating in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit either a hazardous waste facility installation and operation permit application for the facility or a modification application, whichever is required under division (J)(1)(a) or (b) of this section, within one hundred eighty days

after the director has requested the application or upon a later
date if the owner or operator demonstrates to the director good
cause for the late submittal.

(a) If the owner or operator does not have a hazardous waste
facility installation and operation permit for any hazardous waste
treatment, storage, or disposal activities at the facility, the
owner or operator shall submit an application for such a permit to
the director for the activities authorized by the permit by rule.
Notwithstanding any other provision of law to the contrary, the
director shall approve or disapprove the application for the
permit in accordance with the procedures governing the approval or
disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste facility
installation and operation permit for hazardous waste treatment,
storage, or disposal activities at the facility other than those
authorized by the permit by rule, the owner or operator shall
submit to the director a request for modification in accordance
with division (I) of this section. Notwithstanding any other
provision of law to the contrary, the director shall approve or
disapprove the modification application in accordance with
division (I)(5) of this section.

(2) The owner or operator of a boiler or industrial furnace
that is conducting thermal treatment activities in accordance with
a permit by rule under rules adopted by the director under
division (E)(3)(b) of section 3734.02 of the Revised Code shall
submit a hazardous waste facility installation and operation
permit application if the owner or operator does not have such a
permit for any hazardous waste treatment, storage, or disposal
activities at the facility or, if the owner or operator has such a
permit for hazardous waste treatment, storage, or disposal
activities at the facility other than thermal treatment activities
authorized by the permit by rule, a modification application to

add those activities authorized by the permit by rule, whichever
is applicable, within one hundred eighty days after the director
has requested the submission of the application or upon a later
date if the owner or operator demonstrates to the director good
cause for the late submittal. The application shall be accompanied
by information necessary to support the request. The director
shall approve or disapprove an application for a hazardous waste
facility installation and operation permit in accordance with
division (D) of this section and approve or disapprove an
application for a modification in accordance with division (I)(3)
of this section, except that the director shall not disapprove an
application for the thermal treatment activities on the basis of
the criteria set forth in division (D)(2)(g) or (h) of this
section.

(3) As used in division (J) of this section: 26510

(a) "Modification application" means a request for a
modification submitted in accordance with division (I) of this
section.

(b) "Thermal treatment," "boiler," and "industrial furnace"
have the same meanings as in rules adopted under section 3734.12
of the Revised Code.

(K) The director shall adopt, and may amend, suspend, or
rescind, rules in accordance with Chapter 119. of the Revised Code
in order to implement divisions (H) and (I) of this section.
Except when in actual conflict with this section, rules governing
the classification of and procedures for the modification of
hazardous waste facility installation and operation permits shall
be substantively and procedurally identical to the regulations
governing hazardous waste facility permitting and permit
modifications adopted under the "Resource Conservation and
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as

amended.

26527

Sec. 3734.28. All moneys collected under sections 3734.122, 26528
3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised 26529
Code and natural resource damages collected by the state under the 26530
"Comprehensive Environmental Response, Compensation, and Liability 26531
Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, shall 26532
be paid into the state treasury to the credit of the hazardous 26533
waste clean-up fund, which is hereby created. In addition, any 26534
moneys recovered for costs paid from the fund for activities 26535
described in division (A)(1) and (2) of section 3745.12 of the 26536
Revised Code shall be credited to the fund. The environmental 26537
protection agency shall use the moneys in the fund for the 26538
purposes set forth in division (D) of section 3734.122, sections 26539
3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 3734.26, and 3734.27, 26540
and, through October 15, 2005, divisions (A)(1) and (2) of section 26541
3745.12 and Chapter 3746. of the Revised Code, including any 26542
related enforcement expenses. In addition, the agency shall use 26543
the moneys in the fund to pay the state's long-term operation and 26544
maintenance costs or matching share for actions taken under the 26545
"Comprehensive Environmental Response, Compensation, and Liability 26546
Act of 1980," as amended. If those moneys are reimbursed by grants 26547
or other moneys from the United States or any other person, the 26548
moneys shall be placed in the fund and not in the general revenue 26549
fund. 26550

Sec. 3734.57. (A) ~~For the purposes of paying the state's~~ 26551
~~long term operation costs or matching share for actions taken~~ 26552
~~under the "Comprehensive Environmental Response, Compensation, and~~ 26553
~~Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as~~ 26554
~~amended; paying the costs of measures for proper clean up of sites~~ 26555
~~where polychlorinated biphenyls and substances, equipment, and~~ 26556
~~devices containing or contaminated with polychlorinated biphenyls~~ 26557

~~have been stored or disposed of; paying the costs of conducting 26558
surveys or investigations of solid waste facilities or other 26559
locations where it is believed that significant quantities of 26560
hazardous waste were disposed of and for conducting enforcement 26561
actions arising from the findings of such surveys or 26562
investigations; paying the costs of acquiring and cleaning up, or 26563
providing financial assistance for cleaning up, any hazardous 26564
waste facility or solid waste facility containing significant 26565
quantities of hazardous waste, that constitutes an imminent and 26566
substantial threat to public health or safety or the environment; 26567
and, from July 1, 2003, through June 30, 2006, for the purposes of 26568
paying the costs of administering and enforcing the laws 26569
pertaining to solid wastes, infectious wastes, and construction 26570
and demolition debris, including, without limitation, ground water 26571
evaluations related to solid wastes, infectious wastes, and 26572
construction and demolition debris, under this chapter and Chapter 26573
3714. of the Revised Code and any rules adopted under them, and 26574
paying a share of the administrative costs of the environmental 26575
protection agency pursuant to section 3745.014 of the Revised 26576
Code, the The following fees are hereby levied on the disposal of 26577
solid wastes in this state: 26578~~

~~(1) One dollar per ton ~~on and after July 1, 1993,~~ one-half of 26579
the proceeds of which shall be deposited in the state treasury to 26580
the credit of the hazardous waste facility management fund created 26581
in section 3734.18 of the Revised Code and one-half of the 26582
proceeds of which shall be deposited in the state treasury to the 26583
credit of the hazardous waste clean-up fund created in section 26584
3734.28 of the Revised Code; 26585~~

~~(2) An additional one dollar per ton on and after July 1, 26586
2003, through June 30, ~~2006~~ 2008, the proceeds of which shall be 26587
deposited in the state treasury to the credit of the solid waste 26588
fund, which is hereby created. The environmental protection agency 26589~~

shall use money in the solid waste fund to pay the costs of 26590
administering and enforcing the laws pertaining to solid wastes, 26591
infectious wastes, and construction and demolition debris, 26592
including, without limitation, ground water evaluations related to 26593
solid wastes, infectious wastes, and construction and demolition 26594
debris, under this chapter and Chapter 3714. of the Revised Code 26595
and any rules adopted under them, providing compliance assistance 26596
to small businesses, and paying a share of the administrative 26597
costs of the environmental protection agency pursuant to section 26598
3745.014 of the Revised Code. 26599

(3) An additional one dollar and seventy-five cents per ton 26600
on and after October 1, 2005, the proceeds of which shall be 26601
deposited in the state treasury to the credit of the environmental 26602
protection fund created in section 3745.015 of the Revised Code; 26603

(4) An additional one dollar per ton on and after the 26604
effective date of this amendment, the proceeds of which shall be 26605
deposited in the state treasury to the credit of the recycling and 26606
litter prevention fund created in section 1502.02 of the Revised 26607
Code. 26608

The owner or operator of a solid waste disposal facility 26609
shall collect the fees levied under this division as a trustee for 26610
the state and shall prepare and file with the director of 26611
environmental protection ~~monthly returns~~ each month a return 26612
indicating the total tonnage of solid wastes received for disposal 26613
at the gate of the facility during that month and the total amount 26614
of the fees required to be collected under this division during 26615
that month. The amount of fees required to be collected under this 26616
division shall equal the total tonnage of solid wastes received 26617
for disposal at the gate of the facility multiplied by the fees 26618
levied under this division. The monthly returns shall be filed on 26619
a form prescribed by the director. Not later than thirty days 26620
after the last day of the month to which ~~such~~ a return applies, 26621

the owner or operator shall mail to the director the return for 26622
that month together with the fees required to be collected under 26623
this division during that month as indicated on the return. ~~The~~ If 26624
the return is filed and the amount of the fees due is paid in a 26625
timely manner as required in this division, the owner or operator 26626
may retain a discount of three-fourths of one per cent of the 26627
total amount of the fees that are required to be paid as indicated 26628
on the return. 26629

The owner or operator may request an extension of not more 26630
than thirty days for filing the return and remitting the fees, 26631
provided that the owner or operator has submitted such a request 26632
in writing to the director together with a detailed description of 26633
why the extension is requested, the director has received the 26634
request not later than the day on which the return is required to 26635
be filed, and the director has approved the request. If the fees 26636
are not remitted within thirty days after the last day of the 26637
month ~~during which they were collected~~ to which the return applies 26638
or are not remitted by the last day of an extension approved by 26639
the director, the owner or operator shall not retain the 26640
three-fourths of one per cent discount and shall pay an additional 26641
fifty ten per cent of the amount of the fees for each month that 26642
they are late. For purposes of calculating the late fee, the first 26643
month in which fees are late begins on the first day after the 26644
deadline has passed for timely submitting the return and fees, and 26645
one additional month shall be counted every thirty days 26646
thereafter. 26647

~~One half of the moneys remitted to the director under~~ 26648
~~division (A)(1) of this section shall be credited to the hazardous~~ 26649
~~waste facility management fund created in section 3734.18 of the~~ 26650
~~Revised Code, and one half shall be credited to the hazardous~~ 26651
~~waste clean up fund created in section 3734.28 of the Revised~~ 26652
~~Code. The moneys remitted to the director under division (A)(2) of~~ 26653

~~this section shall be credited to the solid waste fund, which is hereby created in the state treasury. The environmental protection agency shall use moneys in the solid waste fund only to pay the costs of administering and enforcing the laws pertaining to solid wastes, infectious wastes, and construction and demolition debris, including, without limitation, ground water evaluations related to solid wastes, infectious wastes, and construction and demolition debris, under this chapter and Chapter 3714. of the Revised Code and rules adopted under them and to pay a share of the administrative costs of the environmental protection agency pursuant to section 3745.014 of the Revised Code.~~

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste 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.

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 added to any other fee or amount specified in a contract that is charged by the owner or operator of a solid waste disposal facility or to any other fee or amount that is specified in a contract entered into on or after March 4, 1992, and that is charged by a transporter of solid wastes.

~~(B) For the purpose of preparing, revising, and implementing the solid waste management plan of the county or joint solid waste management district, including, without limitation, the development and implementation of solid waste recycling or reduction programs; providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for the enforcement of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under it, other than the hazardous waste~~

~~provisions of this chapter and rules adopted and orders and terms 26686
and conditions of permits issued under those provisions; providing 26687
financial assistance to the county to defray the added costs of 26688
maintaining roads and other public facilities and of providing 26689
emergency and other public services resulting from the location 26690
and operation of a solid waste facility within the county under 26691
the district's approved solid waste management plan; paying the 26692
costs incurred by boards of health for collecting and analyzing 26693
water samples from public or private wells on lands adjacent to 26694
solid waste facilities that are contained in the approved or 26695
amended plan of the district; paying the costs of developing and 26696
implementing a program for the inspection of solid wastes 26697
generated outside the boundaries of this state that are disposed 26698
of at solid waste facilities included in the district's approved 26699
solid waste management plan or amended plan; providing financial 26700
assistance to boards of health within the district for enforcing 26701
laws prohibiting open dumping; providing financial assistance to 26702
local law enforcement agencies within the district for enforcing 26703
laws and ordinances prohibiting littering; providing financial 26704
assistance to boards of health of health districts within the 26705
district that are on the approved list under section 3734.08 of 26706
the Revised Code for the training and certification required for 26707
their employees responsible for solid waste enforcement by rules 26708
adopted under division (L) of section 3734.02 of the Revised Code; 26709
providing financial assistance to individual municipal 26710
corporations and townships within the district to defray their 26711
added costs of maintaining roads and other public facilities and 26712
of providing emergency and other public services resulting from 26713
the location and operation within their boundaries of a 26714
composting, energy or resource recovery, incineration, or 26715
recycling facility that either is owned by the district or is 26716
furnishing solid waste management facility or recycling services 26717
to the district pursuant to a contract or agreement with the board 26718~~

~~of county commissioners or directors of the district; and payment~~ 26719
~~of any expenses that are agreed to, awarded, or ordered to be paid~~ 26720
~~under section 3734.35 of the Revised Code and of any~~ 26721
~~administrative costs incurred pursuant to that section~~ purposes 26722
specified in division (G) of this section, the solid waste 26723
management policy committee of a county or joint solid waste 26724
management district may levy fees upon the following activities: 26725

(1) The disposal at a solid waste disposal facility located 26726
in the district of solid wastes generated within the district; 26727

(2) The disposal at a solid waste disposal facility within 26728
the district of solid wastes generated outside the boundaries of 26729
the district, but inside this state; 26730

(3) The disposal at a solid waste disposal facility within 26731
the district of solid wastes generated outside the boundaries of 26732
this state. 26733

~~If any such fees are levied prior to January 1, 1994, fees~~ 26734
Fees levied under division (B)(1) of this section always shall be 26735
equal to one-half of the fees levied under division (B)(2) of this 26736
section, and fees levied under division (B)(3) of this section, 26737
~~which shall be in addition to fees levied under division (B)(2) of~~ 26738
~~this section,~~ always shall be equal to fees levied under division 26739
(B)(1) of this section, ~~except as otherwise provided in this~~ 26740
~~division.~~ The solid waste management plan of the county or joint 26741
district approved under section 3734.521 or 3734.55 of the Revised 26742
Code and any amendments to it, or the resolution adopted under 26743
this division, as appropriate, shall establish the rates of the 26744
fees levied under divisions (B)(1), (2), and (3) of this section, 26745
if any, and shall specify whether the fees are levied on the basis 26746
of tons or cubic yards as the unit of measurement. ~~Although the~~ 26747
~~fees under divisions (A)(1) and (2) of this section are levied on~~ 26748
~~the basis of tons as the unit of measurement, the~~ A solid waste 26749
management ~~plan of the district and any amendments to it or the~~ 26750

~~solid waste management policy committee in its resolution levying~~ 26751
~~fees under this division may direct that the levies fees levied~~ 26752
~~under those divisions be levied this division on the basis of~~ 26753
~~cubic yards as the unit of measurement based upon a conversion~~ 26754
~~factor of three cubic yards per ton generally or one cubic yard~~ 26755
~~per ton for baled wastes if the fees under divisions (B)(1) to (3)~~ 26756
~~of this section are being levied on the basis of cubic yards as~~ 26757
~~the unit of measurement under the plan, amended plan, or~~ 26758
~~resolution shall do so in accordance with division (A) of this~~ 26759
~~section.~~ 26760

~~On and after January 1, 1994, the The fee levied under~~ 26761
~~division (B)(1) of this section shall be not less than one dollar~~ 26762
~~per ton nor more than two dollars per ton, the fee levied under~~ 26763
~~division (B)(2) of this section shall be not less than two dollars~~ 26764
~~per ton nor more than four dollars per ton, and the fee levied~~ 26765
~~under division (B)(3) of this section shall be not more than the~~ 26766
~~fee levied under division (B)(1) of this section, ~~except as~~~~ 26767
~~otherwise provided in this division and notwithstanding any~~ 26768
~~schedule of those fees established in the solid waste management~~ 26769
~~plan of a county or joint district approved under section 3734.55~~ 26770
~~of the Revised Code or a resolution adopted and ratified under~~ 26771
~~this division that is in effect on that date. If the fee that a~~ 26772
~~district is levying under division (B)(1) of this section on that~~ 26773
~~date under its approved plan or such a resolution is less than one~~ 26774
~~dollar per ton, the fee shall be one dollar per ton on and after~~ 26775
~~January 1, 1994, and if the fee that a district is so levying~~ 26776
~~under that division exceeds two dollars per ton, the fee shall be~~ 26777
~~two dollars per ton on and after that date. If the fee that a~~ 26778
~~district is so levying under division (B)(2) of this section is~~ 26779
~~less than two dollars per ton, the fee shall be two dollars per~~ 26780
~~ton on and after that date, and if the fee that the district is so~~ 26781
~~levying under that division exceeds four dollars per ton, the fee~~ 26782
~~shall be four dollars per ton on and after that date. On that~~ 26783

~~date, the fee levied by a district under division (B)(3) of this section shall be equal to the fee levied under division (B)(1) of this section. Except as otherwise provided in this division, the fees established by the operation of this amendment shall remain in effect until the district's resolution levying fees under this division is amended or repealed in accordance with this division to amend or abolish the schedule of fees, the schedule of fees is amended or abolished in an amended plan of the district approved under section 3734.521 or division (A) or (D) of section 3734.56 of the Revised Code, or the schedule of fees is amended or abolished through an amendment to the district's plan under division (E) of section 3734.56 of the Revised Code; the notification of the amendment or abolishment of the fees has been given in accordance with this division; and collection of the amended fees so established commences, or collection of the fees ceases, in accordance with this division.~~

~~The solid waste management policy committee of a district levying fees under divisions (B)(1) to (3) of this section on October 29, 1993, under its solid waste management plan approved under section 3734.55 of the Revised Code or a resolution adopted and ratified under this division that are within the ranges of rates prescribed by this amendment, by adoption of a resolution not later than December 1, 1993, and without the necessity for ratification of the resolution under this division, may amend those fees within the prescribed ranges, provided that the estimated revenues from the amended fees will not substantially exceed the estimated revenues set forth in the district's budget for calendar year 1994. Not later than seven days after the adoption of such a resolution, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the adoption of the resolution and of the amount of the amended fees. Collection of the amended fees shall take effect on the first day of the~~

~~first month following the month in which the notification is sent 26817
to the owner or operator. The fees established in such a 26818
resolution shall remain in effect until the district's resolution 26819
levying fees that was adopted and ratified under this division is 26820
amended or repealed, and the amendment or repeal of the resolution 26821
is ratified, in accordance with this division, to amend or abolish 26822
the fees, the schedule of fees is amended or abolished in an 26823
amended plan of the district approved under section 3734.521 or 26824
division (A) or (D) of section 3734.56 of the Revised Code, or the 26825
schedule of fees is amended or abolished through an amendment to 26826
the district's plan under division (E) of section 3734.56 of the 26827
Revised Code; the notification of the amendment or abolishment of 26828
the fees has been given in accordance with this division; and 26829
collection of the amended fees so established commences, or 26830
collection of the fees ceases, in accordance with this division. 26831~~

Prior to the approval of the solid waste management plan of 26832
the a district under section 3734.55 of the Revised Code, the 26833
solid waste management policy committee of a district may levy 26834
fees under this division by adopting a resolution establishing the 26835
proposed amount of the fees. Upon adopting the resolution, the 26836
committee shall deliver a copy of the resolution to the board of 26837
county commissioners of each county forming the district and to 26838
the legislative authority of each municipal corporation and 26839
township under the jurisdiction of the district and shall prepare 26840
and publish the resolution and a notice of the time and location 26841
where a public hearing on the fees will be held. Upon adopting the 26842
resolution, the committee shall deliver written notice of the 26843
adoption of the resolution; of the amount of the proposed fees; 26844
and of the date, time, and location of the public hearing to the 26845
director and to the fifty industrial, commercial, or institutional 26846
generators of solid wastes within the district that generate the 26847
largest quantities of solid wastes, as determined by the 26848

committee, and to their local trade associations. The committee 26849
shall make good faith efforts to identify those generators within 26850
the district and their local trade associations, but the 26851
nonprovision of notice under this division to a particular 26852
generator or local trade association does not invalidate the 26853
proceedings under this division. The publication shall occur at 26854
least thirty days before the hearing. After the hearing, the 26855
committee may make such revisions to the proposed fees as it 26856
considers appropriate and thereafter, by resolution, shall adopt 26857
the revised fee schedule. Upon adopting the revised fee schedule, 26858
the committee shall deliver a copy of the resolution doing so to 26859
the board of county commissioners of each county forming the 26860
district and to the legislative authority of each municipal 26861
corporation and township under the jurisdiction of the district. 26862
Within sixty days after the delivery of a copy of the resolution 26863
adopting the proposed revised fees by the policy committee, each 26864
such board and legislative authority, by ordinance or resolution, 26865
shall approve or disapprove the revised fees and deliver a copy of 26866
the ordinance or resolution to the committee. If any such board or 26867
legislative authority fails to adopt and deliver to the policy 26868
committee an ordinance or resolution approving or disapproving the 26869
revised fees within sixty days after the policy committee 26870
delivered its resolution adopting the proposed revised fees, it 26871
shall be conclusively presumed that the board or legislative 26872
authority has approved the proposed revised fees. The committee 26873
shall determine if the resolution has been ratified in the same 26874
manner in which it determines if a draft solid waste management 26875
plan has been ratified under division (B) of section 3734.55 of 26876
the Revised Code. 26877

~~In the case of a county district or a joint district formed 26878
by two or three counties, the committee shall declare the proposed 26879
revised fees to be ratified as the fee schedule of the district 26880
upon determining that the board of county commissioners of each 26881~~

~~county forming the district has approved the proposed revised fees 26882
and that the legislative authorities of a combination of municipal 26883
corporations and townships with a combined population within the 26884
district comprising at least sixty per cent of the total 26885
population of the district have approved the proposed revised 26886
fees, provided that in the case of a county district, that 26887
combination shall include the municipal corporation having the 26888
largest population within the boundaries of the district, and 26889
provided further that in the case of a joint district formed by 26890
two or three counties, that combination shall include for each 26891
county forming the joint district the municipal corporation having 26892
the largest population within the boundaries of both the county in 26893
which the municipal corporation is located and the joint district. 26894
In the case of a joint district formed by four or more counties, 26895
the committee shall declare the proposed revised fees to be 26896
ratified as the fee schedule of the joint district upon 26897
determining that the boards of county commissioners of a majority 26898
of the counties forming the district have approved the proposed 26899
revised fees; that, in each of a majority of the counties forming 26900
the joint district, the proposed revised fees have been approved 26901
by the municipal corporation having the largest population within 26902
the county and the joint district; and that the legislative 26903
authorities of a combination of municipal corporations and 26904
townships with a combined population within the joint district 26905
comprising at least sixty per cent of the total population of the 26906
joint district have approved the proposed revised fees. 26907~~

~~For the purposes of this division, only the population of the 26908
unincorporated area of a township shall be considered. For the 26909
purpose of determining the largest municipal corporation within 26910
each county under this division, a municipal corporation that is 26911
located in more than one solid waste management district, but that 26912
is under the jurisdiction of one county or joint solid waste 26913~~

~~management district in accordance with division (A) of section 26914
3734.52 of the Revised Code shall be considered to be within the 26915
boundaries of the county in which a majority of the population of 26916
the municipal corporation resides. 26917~~

The committee may amend the schedule of fees levied pursuant 26918
to a resolution ~~or amended resolution~~ adopted and ratified under 26919
this division by adopting a resolution establishing the proposed 26920
amount of the amended fees. The committee may ~~abolish~~ repeal the 26921
fees levied pursuant to such a resolution ~~or amended resolution~~ by 26922
adopting a resolution proposing to repeal them. Upon adopting such 26923
a resolution, the committee shall proceed to obtain ratification 26924
of the resolution in accordance with this division. 26925

Not later than fourteen days after declaring the new fees ~~or~~ 26926
~~amended fees~~ to be ratified or the fees to be repealed under this 26927
division, the committee shall notify by certified mail the owner 26928
or operator of each solid waste disposal facility that is required 26929
to collect the fees of the ratification and the amount of the fees 26930
or of the repeal of the fees. Collection of any fees ~~or amended~~ 26931
~~fees ratified on or after March 24, 1992,~~ shall commence or 26932
collection of repealed fees shall cease on the first day of the 26933
second month following the month in which notification is sent to 26934
the owner or operator. 26935

~~Not later than fourteen days after declaring the repeal of 26936
the district's schedule of fees to be ratified under this 26937
division, the committee shall notify by certified mail the owner 26938
or operator of each facility that is collecting the fees of the 26939
repeal. Collection of the fees shall cease on the first day of the 26940
second month following the month in which notification is sent to 26941
the owner or operator. 26942~~

Fees levied under this division also may be established, 26943
amended, or repealed by a solid waste management policy committee 26944

through the adoption of a new district solid waste management plan, the adoption of an amended plan, or the amendment of the plan or amended plan in accordance with sections 3734.55 and 3734.56 of the Revised Code or the adoption or amendment of a district plan in connection with a change in district composition under section 3734.521 of the Revised Code. 26945
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Not later than fourteen days after the director issues an order approving a district's solid waste management plan ~~under section 3734.55 of the Revised Code or, amended plan under division (A) or (D) of section 3734.56 of the Revised Code, or amendment to a plan or amended plan that establishes or, amends, or repeals~~ a schedule of fees levied by the district, ~~or the ratification of an amendment to the district's approved plan or amended plan under division (E) of section 3734.56 of the Revised Code that establishes or amends a schedule of fees, as appropriate,~~ the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees ~~or amended fees, if any.~~ In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, ~~that establishes or amends a schedule of fees levied under divisions (B)(1) to (3) of this section by a district resulting from the change,~~ 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 ~~or amended fees, if any.~~ Collection of any fees ~~set forth in a plan or amended plan approved by the director on or after April~~ 26951
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~~16, 1993, or an amendment of a plan or amended plan under division 26977
(E) of section 3734.56 of the Revised Code that is ratified on or 26978
after April 16, 1993, shall commence or collection of repealed 26979
fees shall cease on the first day of the second month following 26980
the month in which notification is sent to the owner or operator. 26981~~

~~Not later than fourteen days after the director issues an 26982
order approving a district's plan under section 3734.55 of the 26983
Revised Code or amended plan under division (A) or (D) of section 26984
3734.56 of the Revised Code that abolishes the schedule of fees 26985
levied under divisions (B)(1) to (3) of this section, or an 26986
amendment to the district's approved plan or amended plan 26987
abolishing the schedule of fees is ratified pursuant to division 26988
(E) of section 3734.56 of the Revised Code, as appropriate, the 26989
committee shall notify by certified mail the owner or operator of 26990
each facility that is collecting the fees of the approval of the 26991
plan or amended plan, or the amendment of the plan or amended 26992
plan, as appropriate, and the abolishment of the fees. In the case 26993
of an initial or amended plan approved under section 3734.521 of 26994
the Revised Code in connection with a change in district 26995
composition, other than one involving the withdrawal of a county 26996
from a joint district, that abolishes the schedule of fees levied 26997
under divisions (B)(1) to (3) of this section by a district 26998
resulting from the change, the committee, within fourteen days 26999
after the change takes effect pursuant to division (C) of that 27000
section, shall notify by certified mail the owner or operator of 27001
each solid waste disposal facility that is required to collect the 27002
fees that the change has taken effect and of the abolishment of 27003
the fees. Collection of the fees shall cease on the first day of 27004
the second month following the month in which notification is sent 27005
to the owner or operator. 27006~~

~~Except as otherwise provided in this division, if the 27007
schedule of fees that a district is levying under divisions (B)(1) 27008~~

~~to (3) of this section pursuant to a resolution or amended
resolution adopted and ratified under this division, the solid
waste management plan of the district approved under section
3734.55 of the Revised Code, an amended plan approved under
division (A) or (D) of section 3734.56 of the Revised Code, or an
amendment to the district's approved plan or amended plan under
division (E) of section 3734.56 of the Revised Code, is amended by
the adoption and ratification of an amendment to the resolution or
amended resolution or an amendment of the district's approved plan
or amended plan, the fees in effect immediately prior to the
approval of the plan or the amendment of the resolution, amended
resolution, plan, or amended plan, as appropriate, shall continue
to be collected until collection of the amended fees commences
pursuant to this division.~~

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 ~~abolishment~~ 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 27041
notice. If such an initial or amended plan ~~abolishes~~ repeals a 27042
schedule of fees, collection of the fees shall cease on that first 27043
day of January. 27044

If, in the case of a change in district composition involving 27045
the withdrawal of a county from a joint district, the director 27046
completes the actions required under division (G)(1) or (3) of 27047
section 3734.521 of the Revised Code, as appropriate, less than 27048
forty-five days before the beginning of a calendar year, the 27049
director, on behalf of each of the districts resulting from the 27050
change that obtained the director's approval of an initial or 27051
amended plan in connection with the change proceedings, shall 27052
notify by certified mail the owner or operator of each solid waste 27053
disposal facility that is required to collect the district's fees 27054
that the change is to take effect on the first day of January 27055
immediately following the mailing of the notice and of the amount 27056
of the fees or amended fees levied under divisions (B)(1) to (3) 27057
of this section pursuant to the district's initial or amended plan 27058
as so approved or, if appropriate, the ~~abolishment~~ repeal of the 27059
district's fees by that initial or amended plan. Collection of any 27060
fees set forth in such a plan or amended plan shall commence on 27061
the first day of the second month following the month in which 27062
notification is sent to the owner or operator. If such an initial 27063
or amended plan ~~abolishes~~ repeals a schedule of fees, collection 27064
of the fees shall cease on the first day of the second month 27065
following the month in which notification is sent to the owner or 27066
operator. 27067

~~In~~ If the schedule of fees that a solid waste management 27068
district is levying under divisions (B)(1) to (3) of this section 27069
is amended or repealed, the fees in effect immediately prior to 27070
the amendment or repeal shall continue to be collected until 27071
collection of the amended fees commences or collection of the 27072

~~repealed fees ceases, as applicable, as specified in this~~ 27073
~~division. In the case of a change in district composition, the~~ 27074
~~schedule of fees that the former districts that existed prior to~~ 27075
~~the change were levying under divisions (B)(1) to (3) of this~~ 27076
~~section pursuant to a resolution or amended resolution adopted and~~ 27077
~~ratified under this division, the solid waste management plan of a~~ 27078
~~former district approved under section 3734.521 or 3734.55 of the~~ 27079
~~Revised Code, an amended plan approved under section 3734.521 or~~ 27080
~~division (A) or (D) of section 3734.56 of the Revised Code, or an~~ 27081
~~amendment to a former district's approved plan or amended plan~~ 27082
~~under division (E) of section 3734.56 of the Revised Code, and~~ 27083
~~that were in effect on the date that the director completed the~~ 27084
~~actions required under division (C)(1) or (3) of section 3734.521~~ 27085
~~of the Revised Code shall continue to be collected until the~~ 27086
~~collection of the fees or amended fees of the districts resulting~~ 27087
~~from the change is required to commence, or if an initial or~~ 27088
~~amended plan of a resulting district abolishes a schedule of fees,~~ 27089
~~collection of the fees is required to cease, under this division.~~ 27090
Moneys money so received from the collection of the fees of the 27091
former districts shall be divided among the resulting districts in 27092
accordance with division (B) of section 343.012 of the Revised 27093
Code and the agreements entered into under division (B) of section 27094
343.01 of the Revised Code to establish the former and resulting 27095
districts and any amendments to those agreements. 27096

For the purposes of the provisions of division (B) of this 27097
section establishing the times when newly established or amended 27098
fees levied by a district are required to commence and the 27099
collection of fees that have been amended or ~~abolished~~ repealed is 27100
required to cease, "fees" or "schedule of fees" includes, in 27101
addition to fees levied under divisions (B)(1) to (3) of this 27102
section, those levied under section 3734.573 or 3734.574 of the 27103
Revised Code. 27104

(C) For the purposes of defraying the added costs to a 27105
municipal corporation or township of maintaining roads and other 27106
public facilities and of providing emergency and other public 27107
services, and compensating a municipal corporation or township for 27108
reductions in real property tax revenues due to reductions in real 27109
property valuations resulting from the location and operation of a 27110
solid waste disposal facility within the municipal corporation or 27111
township, a municipal corporation or township in which such a 27112
solid waste disposal facility is located may levy a fee of not 27113
more than twenty-five cents per ton on the disposal of solid 27114
wastes at a solid waste disposal facility located within the 27115
boundaries of the municipal corporation or township regardless of 27116
where the wastes were generated. 27117

The legislative authority of a municipal corporation or 27118
township may levy fees under this division by enacting an 27119
ordinance or adopting a resolution establishing the amount of the 27120
fees. Upon so doing the legislative authority shall mail a 27121
certified copy of the ordinance or resolution to the board of 27122
county commissioners or directors of the county or joint solid 27123
waste management district in which the municipal corporation or 27124
township is located or, if a regional solid waste management 27125
authority has been formed under section 343.011 of the Revised 27126
Code, to the board of trustees of that regional authority, the 27127
owner or operator of each solid waste disposal facility in the 27128
municipal corporation or township that is required to collect the 27129
fee by the ordinance or resolution, and the director of 27130
environmental protection. Although the fees levied under this 27131
division are levied on the basis of tons as the unit of 27132
measurement, the legislative authority, in its ordinance or 27133
resolution levying the fees under this division, may direct that 27134
the fees be levied on the basis of cubic yards as the unit of 27135
measurement based upon a conversion factor of three cubic yards 27136

per ton generally or one cubic yard per ton for baled wastes. 27137

Not later than five days after enacting an ordinance or 27138
adopting a resolution under this division, the legislative 27139
authority shall so notify by certified mail the owner or operator 27140
of each solid waste disposal facility that is required to collect 27141
the fee. Collection of any fee levied on or after March 24, 1992, 27142
shall commence on the first day of the second month following the 27143
month in which notification is sent to the owner or operator. 27144

(D)(1) The fees levied under divisions (A), (B), and (C) of 27145
this section do not apply to the disposal of solid wastes that: 27146

(a) Are disposed of at a facility owned by the generator of 27147
the wastes when the solid waste facility exclusively disposes of 27148
solid wastes generated at one or more premises owned by the 27149
generator regardless of whether the facility is located on a 27150
premises where the wastes are generated; 27151

(b) Are disposed of at facilities that exclusively dispose of 27152
wastes that are generated from the combustion of coal, or from the 27153
combustion of primarily coal in combination with scrap tires, that 27154
is not combined in any way with garbage at one or more premises 27155
owned by the generator. 27156

(2) Except as provided in section 3734.571 of the Revised 27157
Code, any fees levied under division (B)(1) of this section apply 27158
to solid wastes originating outside the boundaries of a county or 27159
joint district that are covered by an agreement for the joint use 27160
of solid waste facilities entered into under section 343.02 of the 27161
Revised Code by the board of county commissioners or board of 27162
directors of the county or joint district where the wastes are 27163
generated and disposed of. 27164

(3) When solid wastes, other than solid wastes that consist 27165
of scrap tires, are burned in a disposal facility that is an 27166
incinerator or energy recovery facility, the fees levied under 27167

divisions (A), (B), and (C) of this section shall be levied upon 27168
the disposal of the fly ash and bottom ash remaining after burning 27169
of the solid wastes and shall be collected by the owner or 27170
operator of the sanitary landfill where the ash is disposed of. 27171

(4) When solid wastes are delivered to a solid waste transfer 27172
facility, the fees levied under divisions (A), (B), and (C) of 27173
this section shall be levied upon the disposal of solid wastes 27174
transported off the premises of the transfer facility for disposal 27175
and shall be collected by the owner or operator of the solid waste 27176
disposal facility where the wastes are disposed of. 27177

(5) The fees levied under divisions (A), (B), and (C) of this 27178
section do not apply to sewage sludge that is generated by a waste 27179
water treatment facility holding a national pollutant discharge 27180
elimination system permit and that is disposed of through 27181
incineration, land application, or composting or at another 27182
resource recovery or disposal facility that is not a landfill. 27183

(6) The fees levied under divisions (A), (B), and (C) of this 27184
section do not apply to solid wastes delivered to a solid waste 27185
composting facility for processing. When any unprocessed solid 27186
waste or compost product is transported off the premises of a 27187
composting facility and disposed of at a landfill, the fees levied 27188
under divisions (A), (B), and (C) of this section shall be 27189
collected by the owner or operator of the landfill where the 27190
unprocessed waste or compost product is disposed of. 27191

(7) When solid wastes that consist of scrap tires are 27192
processed at a scrap tire recovery facility, the fees levied under 27193
divisions (A), (B), and (C) of this section shall be levied upon 27194
the disposal of the fly ash and bottom ash or other solid wastes 27195
remaining after the processing of the scrap tires and shall be 27196
collected by the owner or operator of the solid waste disposal 27197
facility where the ash or other solid wastes are disposed of. 27198

(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 clerk of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or such 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 clerk of the township under that division shall be paid into the general fund of the township. The treasurer or such other officer of the municipal corporation or the clerk, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall

be kept by the board in a separate and distinct fund to the credit 27231
of the district. Moneys in the special fund of the county or joint 27232
district arising from the fees levied under division (B) of this 27233
section and the fee levied under division (A) of section 3734.573 27234
of the Revised Code shall be expended by the board of county 27235
commissioners or directors of the district in accordance with the 27236
district's solid waste management plan or amended plan approved 27237
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 27238
exclusively for the following purposes: 27239

(1) Preparation of the solid waste management plan of the 27240
district under section 3734.54 of the Revised Code, monitoring 27241
implementation of the plan, and conducting the periodic review and 27242
amendment of the plan required by section 3734.56 of the Revised 27243
Code by the solid waste management policy committee; 27244

(2) Implementation of the approved solid waste management 27245
plan or amended plan of the district, including, without 27246
limitation, the development and implementation of solid waste 27247
recycling or reduction programs; 27248

(3) Providing financial assistance to boards of health within 27249
the district, if solid waste facilities are located within the 27250
district, for enforcement of this chapter and rules, orders, and 27251
terms and conditions of permits, licenses, and variances adopted 27252
or issued under it, other than the hazardous waste provisions of 27253
this chapter and rules adopted and orders and terms and conditions 27254
of permits issued under those provisions; 27255

(4) Providing financial assistance to each county within the 27256
district to defray the added costs of maintaining roads and other 27257
public facilities and of providing emergency and other public 27258
services resulting from the location and operation of a solid 27259
waste facility within the county under the district's approved 27260
solid waste management plan or amended plan; 27261

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is

furnishing solid waste management facility or recycling services 27293
to the district pursuant to a contract or agreement with the board 27294
of county commissioners or directors of the district; 27295

(10) Payment of any expenses that are agreed to, awarded, or 27296
ordered to be paid under section 3734.35 of the Revised Code and 27297
of any administrative costs incurred pursuant to that section. In 27298
the case of a joint solid waste management district, if the board 27299
of county commissioners of one of the counties in the district is 27300
negotiating on behalf of affected communities, as defined in that 27301
section, in that county, the board shall obtain the approval of 27302
the board of directors of the district in order to expend moneys 27303
for administrative costs incurred. 27304

Prior to the approval of the district's solid waste 27305
management plan under section 3734.55 of the Revised Code, moneys 27306
in the special fund of the district arising from the fees shall be 27307
expended for those purposes in the manner prescribed by the solid 27308
waste management policy committee by resolution. 27309

Notwithstanding division (G)(6) of this section as it existed 27310
prior to October 29, 1993, or any provision in a district's solid 27311
waste management plan prepared in accordance with division 27312
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 27313
prior to that date, any moneys arising from the fees levied under 27314
division (B)(3) of this section prior to January 1, 1994, may be 27315
expended for any of the purposes authorized in divisions (G)(1) to 27316
(10) of this section. 27317

(H) The director shall adopt rules in accordance with Chapter 27318
119. of the Revised Code prescribing procedures for collecting and 27319
forwarding the fees levied under divisions (B) and (C) of this 27320
section to the boards of county commissioners or directors of 27321
county or joint solid waste management districts and to the 27322
treasurers or other officers of municipal corporations or to the 27323

clerks of townships. The rules also shall prescribe the dates for 27324
forwarding the fees to the boards and officials and may prescribe 27325
any other requirements the director considers necessary or 27326
appropriate to implement and administer divisions (A), (B), and 27327
(C) of this section. ~~Collection of the fees levied under division~~ 27328
~~(A)(1) of this section shall commence on July 1, 1993. Collection~~ 27329
~~of the fees levied under division (A)(2) of this section shall~~ 27330
~~commence on January 1, 1994.~~ 27331

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 27332
defray the cost of administering and enforcing the scrap tire 27333
provisions of this chapter, rules adopted under those provisions, 27334
and terms and conditions of orders, variances, and licenses issued 27335
under those provisions; to abate accumulations of scrap tires; to 27336
make grants to promote research regarding alternative methods of 27337
recycling scrap tires and loans to promote the recycling or 27338
recovery of energy from scrap tires; and to defray the costs of 27339
administering and enforcing sections 3734.90 to 3734.9014 of the 27340
Revised Code, a fee of fifty cents per tire is hereby levied on 27341
the sale of tires. The fee is levied from the first day of the 27342
calendar month that begins next after thirty days from October 29, 27343
1993, through June 30, ~~2006~~ 2011. 27344

(2) Beginning on ~~the effective date of this section~~ September 27345
5, 2001, and ending on June 30, 2011, there is hereby levied an 27346
additional fee of fifty cents per tire on the sale of tires the 27347
proceeds of which shall be deposited in the scrap tire management 27348
fund created in section 3734.82 of the Revised Code and be used 27349
exclusively for the purposes specified in division (G)(3) of that 27350
section. 27351

(B) Only one sale of the same article shall be used in 27352
computing the amount of the fee due. 27353

Sec. 3734.9010. ~~Four~~ Two per cent of all amounts paid to the treasurer of state pursuant to sections 3734.90 to 3734.9014 of the Revised Code shall be certified directly to the credit of the tire fee administrative fund, which is hereby created in the state treasury, for appropriation to the department of taxation for use in administering those sections. The remainder of the amounts paid to the treasurer of state shall be deposited to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code.

Sec. 3743.57. (A) All fees collected by the fire marshal for licenses or permits issued pursuant to this chapter shall be deposited into the state fire marshal's fund, and interest earned on the amounts in the fund shall be credited by the treasurer of state to the fund.

~~(B) There is hereby established in the state treasury the fire marshal's fireworks training and education fund. The fire marshal shall deposit all assessments paid under this division into the state treasury to the credit of the fund. Each fireworks manufacturer and fireworks wholesaler licensed under this chapter shall pay assessments to the fire marshal for deposit into the fund as required by this division.~~

~~The fire marshal shall impose an initial assessment upon each licensed fireworks manufacturer and wholesaler in order to establish a fund balance of fifteen thousand dollars. The fund balance shall at no time exceed fifteen thousand dollars, and the fire marshal shall impose no further assessments unless the fund balance is reduced to five thousand dollars or less. If the fund balance is reduced to five thousand dollars or less, the fire marshal shall impose an additional assessment upon each licensed fireworks manufacturer and wholesaler in order to increase the~~

~~fund balance to fifteen thousand dollars. The fire marshal shall
determine the amount of the initial assessment on each
manufacturer or wholesaler and each additional assessment by
dividing the total amount needed to be paid into the fund by the
total number of fireworks manufacturers and wholesalers licensed
under this chapter. If a licensed fireworks manufacturer or
wholesaler fails to pay an assessment required by this division
within thirty days after receiving notice of the assessment, the
fire marshal, in accordance with Chapter 119. of the Revised Code,
may refuse to issue, or may revoke, the appropriate license.~~

The fire marshal shall in the fire marshal's discretion use
amounts in the state fire marshal's fund for fireworks training
and education purposes, including, but not limited to, the
creation of educational and training programs, attendance by the
fire marshal and the fire marshal's employees at conferences and
seminars, the payment of travel and meal expenses associated with
such attendance, participation by the fire marshal and the fire
marshal's employees in committee meetings and other meetings
related to pyrotechnic codes, and the payment of travel and meal
expenses associated with such participation. The use of the fund
shall comply with rules of the department of commerce, policies
and procedures established by the director of budget and
management, and all other applicable laws.

Sec. 3745.015. There is hereby created in the state treasury
the environmental protection fund consisting of money credited to
the fund under division (A)(3) of section 3734.57 of the Revised
Code. The environmental protection agency shall use money in the
fund to pay the agency's costs associated with administering and
enforcing, or otherwise conducting activities under, this chapter
and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751.,
3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112.,

6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of 27415
the Revised Code. 27416

Sec. 3745.11. (A) Applicants for and holders of permits, 27417
licenses, variances, plan approvals, and certifications issued by 27418
the director of environmental protection pursuant to Chapters 27419
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 27420
to the environmental protection agency for each such issuance and 27421
each application for an issuance as provided by this section. No 27422
fee shall be charged for any issuance for which no application has 27423
been submitted to the director. 27424

(B) Each person who is issued a permit to install prior to 27425
July 1, 2003, pursuant to rules adopted under division (F) of 27426
section 3704.03 of the Revised Code shall pay the fees specified 27427
in the following schedules: 27428

(1) ~~Fuel-Burning Equipment~~ Fuel-burning equipment (boilers) 27429
Input capacity (maximum) 27430
(million British thermal units per hour) Permit to install 27431
Greater than 0, but less than 10 \$ 200 27432
10 or more, but less than 100 400 27433
100 or more, but less than 300 800 27434
300 or more, but less than 500 1500 27435
500 or more, but less than 1000 2500 27436
1000 or more, but less than 5000 4000 27437
5000 or more 6000 27438

Units burning exclusively natural gas, number two fuel oil, 27439
or both shall be assessed a fee that is one-half of the applicable 27440
amount established in division (F)(1) of this section. 27441

(2) Incinerators 27442
Input capacity (pounds per hour) Permit to install 27443
0 to 100 \$ 100 27444

101 to 500	400	27445
501 to 2000	750	27446
2001 to 20,000	1000	27447
more than 20,000	2500	27448

(3)(a) Process 27449

Process weight rate (pounds per hour)	Permit to install	27450
0 to 1000	\$ 200	27451
1001 to 5000	400	27452
5001 to 10,000	600	27453
10,001 to 50,000	800	27454
more than 50,000	1000	27455

In any process where process weight rate cannot be 27456
ascertained, the minimum fee shall be assessed. 27457

(b) Notwithstanding division (B)(3)(a) of this section, any 27458
person issued a permit to install pursuant to rules adopted under 27459
division (F) of section 3704.03 of the Revised Code shall pay the 27460
fees established in division (B)(3)(c) of this section for a 27461
process used in any of the following industries, as identified by 27462
the applicable four-digit standard industrial classification code 27463
according to the Standard Industrial Classification Manual 27464
published by the United States office of management and budget in 27465
the executive office of the president, 1972, as revised: 27466

1211 Bituminous coal and lignite mining; 27467

1213 Bituminous coal and lignite mining services; 27468

1411 Dimension stone; 27469

1422 Crushed and broken limestone; 27470

1427 Crushed and broken stone, not elsewhere classified; 27471

1442 Construction sand and gravel; 27472

1446 Industrial sand; 27473

3281 Cut stone and stone products; 27474

3295 Minerals and earth, ground or otherwise treated.		27475
(c) The fees established in the following schedule apply to		27476
the issuance of a permit to install pursuant to rules adopted		27477
under division (F) of section 3704.03 of the Revised Code for a		27478
process listed in division (B)(3)(b) of this section:		27479
Process weight rate (pounds per hour)	Permit to install	27480
0 to 1000	\$ 200	27481
10,001 to 50,000	300	27482
50,001 to 100,000	400	27483
100,001 to 200,000	500	27484
200,001 to 400,000	600	27485
400,001 or more	700	27486
(4) Storage tanks		27487
Gallons (maximum useful capacity)	Permit to install	27488
0 to 20,000	\$ 100	27489
20,001 to 40,000	150	27490
40,001 to 100,000	200	27491
100,001 to 250,000	250	27492
250,001 to 500,000	350	27493
500,001 to 1,000,000	500	27494
1,000,001 or greater	750	27495
(5) Gasoline/fuel dispensing facilities		27496
For each gasoline/fuel dispensing	Permit to install	27497
facility	\$ 100	27498
(6) Dry cleaning facilities		27499
For each dry cleaning facility	Permit to install	27500
(includes all units at the facility)	\$ 100	27501
(7) Registration status		27502
For each source covered	Permit to install	27503
by registration status	\$ 75	27504
(C)(1) Except as otherwise provided in division (C)(2) of		27505

this section, beginning July 1, 1994, each person who owns or
operates an air contaminant source and who is required to apply
for and obtain a Title V permit under section 3704.036 of the
Revised Code shall pay the fees set forth in division (C)(1) of
this section. For the purposes of that division, total emissions
of air contaminants may be calculated using engineering
calculations, emissions factors, material balance calculations, or
performance testing procedures, as authorized by the director.

The following fees shall be assessed on the total actual
emissions from a source in tons per year of the regulated
pollutants particulate matter, sulfur dioxide, nitrogen oxides,
organic compounds, and lead:

(a) Fifteen dollars per ton on the total actual emissions of
each such regulated pollutant during the period July through
December 1993, to be collected no sooner than July 1, 1994;

(b) Twenty dollars per ton on the total actual emissions of
each such regulated pollutant during calendar year 1994, to be
collected no sooner than April 15, 1995;

(c) Twenty-five dollars per ton on the total actual emissions
of each such regulated pollutant in calendar year 1995, and each
subsequent calendar year, to be collected no sooner than the
fifteenth day of April of the year next succeeding the calendar
year in which the emissions occurred.

The fees levied under division (C)(1) of this section do not
apply to that portion of the emissions of a regulated pollutant at
a facility that exceed four thousand tons during a calendar year.

(2) The fees assessed under division (C)(1) of this section
are for the purpose of providing funding for the Title V permit
program.

(3) The fees assessed under division (C)(1) of this section

do not apply to emissions from any electric generating unit 27536
designated as a Phase I unit under Title IV of the federal Clean 27537
Air Act prior to calendar year 2000. Those fees shall be assessed 27538
on the emissions from such a generating unit commencing in 27539
calendar year 2001 based upon the total actual emissions from the 27540
generating unit during calendar year 2000 and shall continue to be 27541
assessed each subsequent calendar year based on the total actual 27542
emissions from the generating unit during the preceding calendar 27543
year. 27544

(4) The director shall issue invoices to owners or operators 27545
of air contaminant sources who are required to pay a fee assessed 27546
under division (C) or (D) of this section. Any such invoice shall 27547
be issued no sooner than the applicable date when the fee first 27548
may be collected in a year under the applicable division, shall 27549
identify the nature and amount of the fee assessed, and shall 27550
indicate that the fee is required to be paid within thirty days 27551
after the issuance of the invoice. 27552

(D)(1) Except as provided in division (D)(3) of this section, 27553
from January 1, 1994, through December 31, 2003, each person who 27554
owns or operates an air contaminant source; who is required to 27555
apply for a permit to operate pursuant to rules adopted under 27556
division (G), or a variance pursuant to division (H), of section 27557
3704.03 of the Revised Code; and who is not required to apply for 27558
and obtain a Title V permit under section 3704.036 of the Revised 27559
Code shall pay a single fee based upon the sum of the actual 27560
annual emissions from the facility of the regulated pollutants 27561
particulate matter, sulfur dioxide, nitrogen oxides, organic 27562
compounds, and lead in accordance with the following schedule: 27563

Total tons per year		27564
of regulated pollutants	Annual fee	27565
emitted	per facility	27566
More than 0, but less than 50	\$ 75	27567

50 or more, but less than 100	300	27568
100 or more	700	27569

(2) Except as provided in division (D)(3) of this section, 27570
beginning January 1, 2004, each person who owns or operates an air 27571
contaminant source; who is required to apply for a permit to 27572
operate pursuant to rules adopted under division (G), or a 27573
variance pursuant to division (H), of section 3704.03 of the 27574
Revised Code; and who is not required to apply for and obtain a 27575
Title V permit under section 3704.03 of the Revised Code shall pay 27576
a single fee based upon the sum of the actual annual emissions 27577
from the facility of the regulated pollutants particulate matter, 27578
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 27579
accordance with the following schedule: 27580

Total tons per year 27581 of regulated pollutants 27582 emitted	Annual fee 27582 per facility 27583	
More than 0, but less than 10	\$ 100	27584
10 or more, but less than 50	200	27585
50 or more, but less than 100	300	27586
100 or more	700	27587

(3)(a) As used in division (D) of this section, "synthetic 27588
minor facility" means a facility for which one or more permits to 27589
install or permits to operate have been issued for the air 27590
contaminant sources at the facility that include terms and 27591
conditions that lower the facility's potential to emit air 27592
contaminants below the major source thresholds established in 27593
rules adopted under section 3704.036 of the Revised Code. 27594

(b) Beginning January 1, 2000, through June 30, ~~2006~~ 2008, 27595
each person who owns or operates a synthetic minor facility shall 27596
pay an annual fee based on the sum of the actual annual emissions 27597
from the facility of particulate matter, sulfur dioxide, nitrogen 27598
dioxide, organic compounds, and lead in accordance with the 27599

following schedule:		27600
Combined total tons		27601
per year of all regulated	Annual fee	27602
pollutants emitted	per facility	27603
Less than 10	\$ 170	27604
10 or more, but less than 20	340	27605
20 or more, but less than 30	670	27606
30 or more, but less than 40	1,010	27607
40 or more, but less than 50	1,340	27608
50 or more, but less than 60	1,680	27609
60 or more, but less than 70	2,010	27610
70 or more, but less than 80	2,350	27611
80 or more, but less than 90	2,680	27612
90 or more, but less than 100	3,020	27613
100 or more	3,350	27614
(4) The fees assessed under division (D)(1) of this section		27615
shall be collected annually no sooner than the fifteenth day of		27616
April, commencing in 1995. The fees assessed under division (D)(2)		27617
of this section shall be collected annually no sooner than the		27618
fifteenth day of April, commencing in 2005. The fees assessed		27619
under division (D)(3) of this section shall be collected no sooner		27620
than the fifteenth day of April, commencing in 2000. The fees		27621
assessed under division (D) of this section in a calendar year		27622
shall be based upon the sum of the actual emissions of those		27623
regulated pollutants during the preceding calendar year. For the		27624
purpose of division (D) of this section, emissions of air		27625
contaminants may be calculated using engineering calculations,		27626
emission factors, material balance calculations, or performance		27627
testing procedures, as authorized by the director. The director,		27628
by rule, may require persons who are required to pay the fees		27629
assessed under division (D) of this section to pay those fees		27630
biennially rather than annually.		27631

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (C)(1) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (C)(1) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

Input capacity (maximum (million British thermal units per hour)	Permit to install
Greater than 0, but less than 10	\$ 200
10 or more, but less than 100	400

100 or more, but less than 300	1000	27663
300 or more, but less than 500	2250	27664
500 or more, but less than 1000	3750	27665
1000 or more, but less than 5000	6000	27666
5000 or more	9000	27667

Units burning exclusively natural gas, number two fuel oil,
or both shall be assessed a fee that is one-half the applicable
amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion
engines designed to generate electricity

Generating capacity (mega watts)	Permit to install	27673
0 or more, but less than 10	\$ 25	27674
10 or more, but less than 25	150	27675
25 or more, but less than 50	300	27676
50 or more, but less than 100	500	27677
100 or more, but less than 250	1000	27678
250 or more	2000	27679

(3) Incinerators 27680

Input capacity (pounds per hour)	Permit to install	27681
0 to 100	\$ 100	27682
101 to 500	500	27683
501 to 2000	1000	27684
2001 to 20,000	1500	27685
more than 20,000	3750	27686

(4)(a) Process 27687

Process weight rate (pounds per hour)	Permit to install	27688
0 to 1000	\$ 200	27689
1001 to 5000	500	27690
5001 to 10,000	750	27691
10,001 to 50,000	1000	27692
more than 50,000	1250	27693

In any process where process weight rate cannot be 27694
ascertained, the minimum fee shall be assessed. A boiler, furnace, 27695
combustion turbine, stationary internal combustion engine, or 27696
process heater designed to provide direct heat or power to a 27697
process not designed to generate electricity shall be assessed a 27698
fee established in division (F)(4)(a) of this section. A 27699
combustion turbine or stationary internal combustion engine 27700
designed to generate electricity shall be assessed a fee 27701
established in division (F)(2) of this section. 27702

(b) Notwithstanding division (F)~~(3)~~(4)(a) of this section, 27703
any person issued a permit to install pursuant to rules adopted 27704
under division (F) of section 3704.03 of the Revised Code shall 27705
pay the fees set forth in division (F)~~(3)~~(4)(c) of this section 27706
for a process used in any of the following industries, as 27707
identified by the applicable two-digit, three-digit, or four-digit 27708
standard industrial classification code according to the Standard 27709
Industrial Classification Manual published by the United States 27710
office of management and budget in the executive office of the 27711
president, ~~1972~~ 1987, as revised: 27712

~~1211 Bituminous coal and lignite mining;~~ 27713

~~1213 Bituminous coal and lignite mining services;~~ 27714

~~1411 Dimension stone;~~ 27715

~~1422 Crushed and broken limestone;~~ 27716

~~1427 Crushed and broken stone, not elsewhere classified;~~ 27717

~~1442 Construction sand and gravel;~~ 27718

~~1446 Industrial sand;~~ Major group 10, metal mining; 27719

Major group 12, coal mining; 27720

Major group 14, mining and quarrying of nonmetallic minerals; 27721

Industry group 204, grain mill products; 27722

<u>2873 Nitrogen fertilizers;</u>	27723
<u>2874 Phosphatic fertilizers;</u>	27724
3281 Cut stone and stone products;	27725
3295 Minerals and earth, ground or otherwise treated;	27726
<u>4221 Grain elevators (storage only);</u>	27727
<u>5159 Farm related raw materials;</u>	27728
<u>5261 Retail nurseries and lawn and garden supply stores.</u>	27729

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)~~(3)~~(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	27734
10,001 to 50,000	400	27735
50,001 to 100,000	500	27736
100,001 to 200,000	600	27737
200,001 to 400,000	750	27738
400,001 or more	900	27739

(5) Storage tanks 27741

Gallons (maximum useful capacity)	Permit to install	
0 to 20,000	\$ 100	27742
20,001 to 40,000	150	27743
40,001 to 100,000	250	27744
100,001 to 500,000	400	27745
500,001 or greater	750	27746

(6) Gasoline/fuel dispensing facilities 27748

For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install	
	\$ 100	27749
		27750
		27751

(7) Dry cleaning facilities		27752
For each dry cleaning		27753
facility (includes all units	Permit to install	27754
at the facility)	\$ 100	27755
(8) Registration status		27756
For each source covered	Permit to install	27757
by registration status	\$ 75	27758
(G) An owner or operator who is responsible for an asbestos		27759
demolition or renovation project pursuant to rules adopted under		27760
section 3704.03 of the Revised Code shall pay the fees set forth		27761
in the following schedule:		27762
Action	Fee	27763
Each notification	\$75	27764
Asbestos removal	\$3/unit	27765
Asbestos cleanup	\$4/cubic yard	27766
For purposes of this division, "unit" means any combination of		27767
linear feet or square feet equal to fifty.		27768
(H) A person who is issued an extension of time for a permit		27769
to install an air contaminant source pursuant to rules adopted		27770
under division (F) of section 3704.03 of the Revised Code shall		27771
pay a fee equal to one-half the fee originally assessed for the		27772
permit to install under this section, except that the fee for such		27773
an extension shall not exceed two hundred dollars.		27774
(I) A person who is issued a modification to a permit to		27775
install an air contaminant source pursuant to rules adopted under		27776
section 3704.03 of the Revised Code shall pay a fee equal to		27777
one-half of the fee that would be assessed under this section to		27778
obtain a permit to install the source. The fee assessed by this		27779
division only applies to modifications that are initiated by the		27780
owner or operator of the source and shall not exceed two thousand		27781
dollars.		27782

(J) Notwithstanding division (B) or (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee established in this division does not preclude the director from taking any administrative or judicial enforcement action under this chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised Code, or a rule adopted under any of them, in connection with a violation of rules adopted under division (F) of section 3704.03 of the Revised Code.

As used in this division, "actual construction of the source" means the initiation of physical on-site construction activities in connection with improvements to the source that are permanent in nature, including, without limitation, the installation of building supports and foundations and the laying of underground pipework.

(K) Fifty cents per ton of each fee assessed under division (C) of this section on actual emissions from a source and received by the environmental protection agency pursuant to that division shall be deposited into the state treasury to the credit of the small business assistance fund created in section 3706.19 of the Revised Code. The remainder of the moneys received by the division pursuant to that division and moneys received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the clean air fund created in section 3704.035 of the Revised

Code. 27815

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 27816
or (c) of this section, a person issued a water discharge permit 27817
or renewal of a water discharge permit pursuant to Chapter 6111. 27818
of the Revised Code shall pay a fee based on each point source to 27819
which the issuance is applicable in accordance with the following 27820
schedule: 27821

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	27822
1,001 to 5000	100	27823
5,001 to 50,000	200	27824
50,001 to 100,000	300	27825
100,001 to 300,000	525	27826
over 300,000	750	27827

(b) Notwithstanding the fee schedule specified in division 27828
(L)(1)(a) of this section, the fee for a water discharge permit 27829
that is applicable to coal mining operations regulated under 27830
Chapter 1513. of the Revised Code shall be two hundred fifty 27831
dollars per mine. 27832

(c) Notwithstanding the fee schedule specified in division 27833
(L)(1)(a) of this section, the fee for a water discharge permit 27834
for a public discharger identified by I in the third character of 27835
the permittee's NPDES permit number shall not exceed seven hundred 27836
fifty dollars. 27837

(2) A person applying for a plan approval for a wastewater 27838
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 27839
of the Revised Code shall pay a fee of one hundred dollars plus 27840
sixty-five one-hundredths of one per cent of the estimated project 27841
cost through June 30, ~~2006~~ 2008, and one hundred dollars plus 27842
two-tenths of one per cent of the estimated project cost on and 27843
after July 1, ~~2006~~ 2008, except that the total fee shall not 27844
27845

exceed fifteen thousand dollars through June 30, ~~2006~~ 2008, and 27846
five thousand dollars on and after July 1, ~~2006~~ 2008. The fee 27847
shall be paid at the time the application is submitted. 27848

(3) A person issued a modification of a water discharge 27849
permit shall pay a fee equal to one-half the fee that otherwise 27850
would be charged for a water discharge permit, except that the fee 27851
for the modification shall not exceed four hundred dollars. 27852

(4) A person who has entered into an agreement with the 27853
director under section 6111.14 of the Revised Code shall pay an 27854
administrative service fee for each plan submitted under that 27855
section for approval that shall not exceed the minimum amount 27856
necessary to pay administrative costs directly attributable to 27857
processing plan approvals. The director annually shall calculate 27858
the fee and shall notify all persons who have entered into 27859
agreements under that section, or who have applied for agreements, 27860
of the amount of the fee. 27861

(5)(a)(i) Not later than January 30, ~~2004~~ 2006, and January 27862
30, ~~2005~~ 2007, a person holding an NPDES discharge permit issued 27863
pursuant to Chapter 6111. of the Revised Code with an average 27864
daily discharge flow of five thousand gallons or more shall pay a 27865
nonrefundable annual discharge fee. Any person who fails to pay 27866
the fee at that time shall pay an additional amount that equals 27867
ten per cent of the required annual discharge fee. 27868

(ii) The billing year for the annual discharge fee 27869
established in division (L)(5)(a)(i) of this section shall consist 27870
of a twelve-month period beginning on the first day of January of 27871
the year preceding the date when the annual discharge fee is due. 27872
In the case of an existing source that permanently ceases to 27873
discharge during a billing year, the director shall reduce the 27874
annual discharge fee, including the surcharge applicable to 27875
certain industrial facilities pursuant to division (L)(5)(c) of 27876
this section, by one-twelfth for each full month during the 27877

billing year that the source was not discharging, but only if the
person holding the NPDES discharge permit for the source notifies
the director in writing, not later than the first day of October
of the billing year, of the circumstances causing the cessation of
discharge.

(iii) The annual discharge fee established in division
(L)(5)(a)(i) of this section, except for the surcharge applicable
to certain industrial facilities pursuant to division (L)(5)(c) of
this section, shall be based upon the average daily discharge flow
in gallons per day calculated using first day of May through
thirty-first day of October flow data for the period two years
prior to the date on which the fee is due. In the case of NPDES
discharge permits for new sources, the fee shall be calculated
using the average daily design flow of the facility until actual
average daily discharge flow values are available for the time
period specified in division (L)(5)(a)(iii) of this section. The
annual discharge fee may be prorated for a new source as described
in division (L)(5)(a)(ii) of this section.

(b) An NPDES permit holder that is a public discharger shall
pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2004 <u>2006</u> , and January 30, 2005 <u>2007</u>	
5,000 to 49,999	\$ 200	27902
50,000 to 100,000	500	27903
100,001 to 250,000	1,050	27904
250,001 to 1,000,000	2,600	27905
1,000,001 to 5,000,000	5,200	27906
5,000,001 to 10,000,000	10,350	27907
10,000,001 to 20,000,000	15,550	27908

20,000,001 to 50,000,000	25,900	27909
50,000,001 to 100,000,000	41,400	27910
100,000,001 or more	62,100	27911

Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2004 <u>2006</u> , and January 30, 2005 <u>2007</u>	
5,000 to 49,999	\$ 250	27928
50,000 to 250,000	1,200	27929
250,001 to 1,000,000	2,950	27930
1,000,001 to 5,000,000	5,850	27931
5,000,001 to 10,000,000	8,800	27932
10,000,001 to 20,000,000	11,700	27933
20,000,001 to 100,000,000	14,050	27934
100,000,001 to 250,000,000	16,400	27935
250,000,001 or more	18,700	27936

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee

billing year specified in division (L)(5)(a)(ii) of this section 27940
shall pay a nonrefundable annual surcharge of seven thousand five 27941
hundred dollars not later than January 30, ~~2004~~ 2006, and not 27942
later than January 30, ~~2005~~ 2007. Any person who fails to pay the 27943
surcharge at that time shall pay an additional amount that equals 27944
ten per cent of the amount of the surcharge. 27945

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 27946
section, a public discharger identified by I in the third 27947
character of the permittee's NPDES permit number and an industrial 27948
discharger identified by I, J, L, V, W, X, Y, or Z in the third 27949
character of the permittee's NPDES permit number shall pay a 27950
nonrefundable annual discharge fee of one hundred eighty dollars 27951
not later than January 30, ~~2004~~ 2006, and not later than January 27952
30, ~~2005~~ 2007. Any person who fails to pay the fee at that time 27953
shall pay an additional amount that equals ten per cent of the 27954
required fee. 27955

(6) Each person obtaining a national pollutant discharge 27956
elimination system general or individual permit for municipal 27957
storm water discharge shall pay a nonrefundable storm water 27958
discharge fee of one hundred dollars per square mile of area 27959
permitted. The fee shall not exceed ten thousand dollars and shall 27960
be payable on or before January 30, 2004, and the thirtieth day of 27961
January of each year thereafter. Any person who fails to pay the 27962
fee on the date specified in division (L)(6) of this section shall 27963
pay an additional amount per year equal to ten per cent of the 27964
annual fee that is unpaid. 27965

(7) The director shall transmit all moneys collected under 27966
division (L) of this section to the treasurer of state for deposit 27967
into the state treasury to the credit of the surface water 27968
protection fund created in section 6111.038 of the Revised Code. 27969

(8) As used in division (L) of this section: 27970

(a) "NPDES" means the federally approved national pollutant discharge elimination system program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, ~~2006~~ 2008, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

Except as provided in division (M)(4) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule:

(1) For the initial license required under division (A)(1) of section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of

the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2006~~ 2008, the fee is:

Number of service connections	Fee amount	
Not more than 49	\$ 112	
50 to 99	176	
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	
2,500 to 4,999	1.48	
5,000 to 7,499	1.42	
7,500 to 9,999	1.34	
10,000 to 14,999	1.16	
15,000 to 24,999	1.10	
25,000 to 49,999	1.04	
50,000 to 99,999	.92	
100,000 to 149,999	.86	
150,000 to 199,999	.80	
200,000 or more	.76	

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2006~~ 2008, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	

150 to 299	176	28034
300 to 749	384	28035
750 to 1,499	628	28036
1,500 to 2,999	1,268	28037
3,000 to 7,499	2,816	28038
7,500 to 14,999	5,510	28039
15,000 to 22,499	9,048	28040
22,500 to 29,999	12,430	28041
30,000 or more	16,820	28042

As used in division (M)(2) of this section, "population served" means the total number of individuals receiving water from the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under division (A)(3) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2006~~ 2008, the fee is:

Number of wells supplying system	Fee amount	
1	\$112	28055
2	112	28056
3	176	28057
4	278	28058
5	568	28059
System designated as using a surface water source	792	28061

As used in division (M)(3) of this section, "number of wells supplying system" means those wells that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water

source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2006~~ 2008, and fifteen thousand dollars on and after July 1, ~~2006~~ 2008. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2006~~ 2008, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		28092
MMO-MUG	\$2,000	28093
MF	2,100	28094
MMO-MUG and MF	2,550	28095
organic chemical	5,400	28096
trace metals	5,400	28097

standard chemistry	2,800	28098
limited chemistry	1,550	28099

On and after July 1, ~~2006~~ 2008, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	28102
organic chemicals	3,500	28103
trace metals	3,500	28104
standard chemistry	1,800	28105
limited chemistry	1,000	28106

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2006~~ 2008, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

~~(O) Any person applying to the director for examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code, at the time the application is submitted, shall pay an application fee of twenty five dollars through November 30, 2003.~~

~~Upon approval from the director that the applicant is eligible to~~ 28128
~~take the examination therefor, the applicant shall pay a fee in~~ 28129
~~accordance with the following schedule through November 30, 2003:~~ 28130

Class I operator	\$45	28131
Class II operator	55	28132
Class III operator	65	28133
Class IV operator	75	28134

~~On and after December 1, 2003, any person applying to the~~ 28135
~~director for examination for certification as an operator of a~~ 28136
~~water supply system or wastewater system under Chapter 6109. or~~ 28137
~~6111. of the Revised Code, at the time the application is~~ 28138
~~submitted, shall pay an application fee of forty-five dollars~~ 28139
~~through November 30, 2006 2008, and twenty-five dollars on and~~ 28140
~~after December 1, 2006 2008. Upon approval from the director that~~ 28141
~~the applicant is eligible to take the examination therefor, the~~ 28142
~~applicant shall pay a fee in accordance with the following~~ 28143
~~schedule through November 30, 2006 2008:~~ 28144

Class A operator	\$35	28145
Class I operator	60	28146
Class II operator	75	28147
Class III operator	85	28148
Class IV operator	100	28149

On and after December 1, ~~2006~~ 2008, the applicant shall pay a 28150
fee in accordance with the following schedule: 28151

Class A operator	\$25	28152
Class I operator	\$45	28153
Class II operator	55	28154
Class III operator	65	28155
Class IV operator	75	28156

A person shall pay a biennial certification renewal fee for 28157
each applicable class of certification in accordance with the 28158
following schedule: 28159

Class A operator	\$25	28160
Class I operator	35	28161
Class II operator	45	28162
Class III operator	55	28163
Class IV operator	65	28164

If a certification renewal fee is received by the director 28165
more than thirty days, but not more than one year after the 28166
expiration date of the certification, the person shall pay a 28167
certification renewal fee in accordance with the following 28168
schedule: 28169

Class A operator	\$45	28170
Class I operator	55	28171
Class II operator	65	28172
Class III operator	75	28173
Class IV operator	85	28174

A person who requests a replacement certificate shall pay a 28175
fee of twenty-five dollars at the time the request is made. 28176

The director shall transmit all moneys collected under this 28177
division to the treasurer of state for deposit into the drinking 28178
water protection fund created in section 6109.30 of the Revised 28179
Code. 28180

(P) Any person submitting an application for an industrial 28181
water pollution control certificate under section 6111.31 of the 28182
Revised Code, as that section existed before its repeal by H.B. 95 28183
of the 125th general assembly, shall pay a nonrefundable fee of 28184
five hundred dollars at the time the application is submitted. The 28185
director shall transmit all moneys collected under this division 28186
to the treasurer of state for deposit into the surface water 28187
protection fund created in section 6111.038 of the Revised Code. A 28188
person paying a certificate fee under this division shall not pay 28189
an application fee under division (S)(1) of this section. On and 28190
after ~~the effective date of this amendment~~ June 26, 2003, persons 28191

shall file such applications and pay the fee as required under 28192
sections 5709.20 to 5709.27 of the Revised Code, and proceeds from 28193
the fee shall be credited as provided in section 5709.212 of the 28194
Revised Code. 28195

(Q) Except as otherwise provided in division (R) of this 28196
section, a person issued a permit by the director for a new solid 28197
waste disposal facility other than an incineration or composting 28198
facility, a new infectious waste treatment facility other than an 28199
incineration facility, or a modification of such an existing 28200
facility that includes an increase in the total disposal or 28201
treatment capacity of the facility pursuant to Chapter 3734. of 28202
the Revised Code shall pay a fee of ten dollars per thousand cubic 28203
yards of disposal or treatment capacity, or one thousand dollars, 28204
whichever is greater, except that the total fee for any such 28205
permit shall not exceed eighty thousand dollars. A person issued a 28206
modification of a permit for a solid waste disposal facility or an 28207
infectious waste treatment facility that does not involve an 28208
increase in the total disposal or treatment capacity of the 28209
facility shall pay a fee of one thousand dollars. A person issued 28210
a permit to install a new, or modify an existing, solid waste 28211
transfer facility under that chapter shall pay a fee of two 28212
thousand five hundred dollars. A person issued a permit to install 28213
a new or to modify an existing solid waste incineration or 28214
composting facility, or an existing infectious waste treatment 28215
facility using incineration as its principal method of treatment, 28216
under that chapter shall pay a fee of one thousand dollars. The 28217
increases in the permit fees under this division resulting from 28218
the amendments made by Amended Substitute House Bill 592 of the 28219
117th general assembly do not apply to any person who submitted an 28220
application for a permit to install a new, or modify an existing, 28221
solid waste disposal facility under that chapter prior to 28222
September 1, 1987; any such person shall pay the permit fee 28223
established in this division as it existed prior to June 24, 1988. 28224

In addition to the applicable permit fee under this division, a
person issued a permit to install or modify a solid waste facility
or an infectious waste treatment facility under that chapter who
fails to pay the permit fee to the director in compliance with
division (V) of this section shall pay an additional ten per cent
of the amount of the fee for each week that the permit fee is
late.

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Permit and late payment fees paid to the director under this
division shall be credited to the general revenue fund.

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(R)(1) A person issued a registration certificate for a scrap
tire collection facility under section 3734.75 of the Revised Code
shall pay a fee of two hundred dollars, except that if the
facility is owned or operated by a motor vehicle salvage dealer
licensed under Chapter 4738. of the Revised Code, the person shall
pay a fee of twenty-five dollars.

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(2) A person issued a registration certificate for a new
scrap tire storage facility under section 3734.76 of the Revised
Code shall pay a fee of three hundred dollars, except that if the
facility is owned or operated by a motor vehicle salvage dealer
licensed under Chapter 4738. of the Revised Code, the person shall
pay a fee of twenty-five dollars.

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(3) A person issued a permit for a scrap tire storage
facility under section 3734.76 of the Revised Code shall pay a fee
of one thousand dollars, except that if the facility is owned or
operated by a motor vehicle salvage dealer licensed under Chapter
4738. of the Revised Code, the person shall pay a fee of fifty
dollars.

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(4) A person issued a permit for a scrap tire monocell or
monofill facility under section 3734.77 of the Revised Code shall
pay a fee of ten dollars per thousand cubic yards of disposal
capacity or one thousand dollars, whichever is greater, except

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that the total fee for any such permit shall not exceed eighty thousand dollars. 28256
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(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars. 28258
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(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars. 28261
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(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late. 28264
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(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code. 28271
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(S)(1) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted. 28275
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Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable fee of one hundred 28284
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dollars at the time the application is submitted through June 30, 28287
~~2006~~ 2008, and a nonrefundable fee of fifteen dollars at the time 28288
the application is submitted on and after July 1, ~~2006~~ 2008. 28289
Through June 30, ~~2006~~ 2008, any person applying for a national 28290
pollutant discharge elimination system permit under Chapter 6111. 28291
of the Revised Code shall pay a nonrefundable fee of two hundred 28292
dollars at the time of application for the permit. On and after 28293
July 1, ~~2006~~ 2008, such a person shall pay a nonrefundable fee of 28294
fifteen dollars at the time of application. 28295

In addition to the application fee established under division 28296
(S)(1) of this section, any person applying for a national 28297
pollutant discharge elimination system general storm water 28298
construction permit shall pay a nonrefundable fee of twenty 28299
dollars per acre for each acre that is permitted above five acres 28300
at the time the application is submitted. However, the per acreage 28301
fee shall not exceed three hundred dollars. In addition, any 28302
person applying for a national pollutant discharge elimination 28303
system general storm water industrial permit shall pay a 28304
nonrefundable fee of one hundred fifty dollars at the time the 28305
application is submitted. 28306

The director shall transmit all moneys collected under 28307
division (S)(1) of this section pursuant to Chapter 6109. of the 28308
Revised Code to the treasurer of state for deposit into the 28309
drinking water protection fund created in section 6109.30 of the 28310
Revised Code. 28311

The director shall transmit all moneys collected under 28312
division (S)(1) of this section pursuant to Chapter 6111. of the 28313
Revised Code to the treasurer of state for deposit into the 28314
surface water protection fund created in section 6111.038 of the 28315
Revised Code. 28316

If a registration certificate is issued under section 28317

3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 28318
the application fee paid shall be deducted from the amount of the 28319
registration certificate fee due under division (R)(1), (2), or 28320
(5) of this section, as applicable. 28321

If a person submits an electronic application for a 28322
registration certificate, permit, variance, or plan approval for 28323
which an application fee is established under division (S)(1) of 28324
this section, the person shall pay the applicable application fee 28325
as expeditiously as possible after the submission of the 28326
electronic application. An application for a registration 28327
certificate, permit, variance, or plan approval for which an 28328
application fee is established under division (S)(1) of this 28329
section shall not be reviewed or processed until the applicable 28330
application fee, and any other fees established under this 28331
division, are paid. 28332

(2) Division (S)(1) of this section does not apply to an 28333
application for a registration certificate for a scrap tire 28334
collection or storage facility submitted under section 3734.75 or 28335
3734.76 of the Revised Code, as applicable, if the owner or 28336
operator of the facility or proposed facility is a motor vehicle 28337
salvage dealer licensed under Chapter 4738. of the Revised Code. 28338

(T) The director may adopt, amend, and rescind rules in 28339
accordance with Chapter 119. of the Revised Code that do all of 28340
the following: 28341

(1) Prescribe fees to be paid by applicants for and holders 28342
of any license, permit, variance, plan approval, or certification 28343
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 28344
the Revised Code that are not specifically established in this 28345
section. The fees shall be designed to defray the cost of 28346
processing, issuing, revoking, modifying, denying, and enforcing 28347
the licenses, permits, variances, plan approvals, and 28348

certifications. 28349

The director shall transmit all moneys collected under rules 28350
adopted under division (T)(1) of this section pursuant to Chapter 28351
6109. of the Revised Code to the treasurer of state for deposit 28352
into the drinking water protection fund created in section 6109.30 28353
of the Revised Code. 28354

The director shall transmit all moneys collected under rules 28355
adopted under division (T)(1) of this section pursuant to Chapter 28356
6111. of the Revised Code to the treasurer of state for deposit 28357
into the surface water protection fund created in section 6111.038 28358
of the Revised Code. 28359

(2) Exempt the state and political subdivisions thereof, 28360
including education facilities or medical facilities owned by the 28361
state or a political subdivision, or any person exempted from 28362
taxation by section 5709.07 or 5709.12 of the Revised Code, from 28363
any fee required by this section; 28364

(3) Provide for the waiver of any fee, or any part thereof, 28365
otherwise required by this section whenever the director 28366
determines that the imposition of the fee would constitute an 28367
unreasonable cost of doing business for any applicant, class of 28368
applicants, or other person subject to the fee; 28369

(4) Prescribe measures that the director considers necessary 28370
to carry out this section. 28371

(U) When the director reasonably demonstrates that the direct 28372
cost to the state associated with the issuance of a permit to 28373
install, license, variance, plan approval, or certification 28374
exceeds the fee for the issuance or review specified by this 28375
section, the director may condition the issuance or review on the 28376
payment by the person receiving the issuance or review of, in 28377
addition to the fee specified by this section, the amount, or any 28378
portion thereof, in excess of the fee specified under this 28379

section. The director shall not so condition issuances for which 28380
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 28381
section. 28382

(V) Except as provided in divisions (L), (M), and (P) of this 28383
section or unless otherwise prescribed by a rule of the director 28384
adopted pursuant to Chapter 119. of the Revised Code, all fees 28385
required by this section are payable within thirty days after the 28386
issuance of an invoice for the fee by the director or the 28387
effective date of the issuance of the license, permit, variance, 28388
plan approval, or certification. If payment is late, the person 28389
responsible for payment of the fee shall pay an additional ten per 28390
cent of the amount due for each month that it is late. 28391

(W) As used in this section, "fuel-burning equipment," 28392
"fuel-burning equipment input capacity," "incinerator," 28393
"incinerator input capacity," "process," "process weight rate," 28394
"storage tank," "gasoline dispensing facility," "dry cleaning 28395
facility," "design flow discharge," and "new source treatment 28396
works" have the meanings ascribed to those terms by applicable 28397
rules or standards adopted by the director under Chapter 3704. or 28398
6111. of the Revised Code. 28399

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 28400
and (J) of this section, and in any other provision of this 28401
section pertaining to fees paid pursuant to Chapter 3704. of the 28402
Revised Code: 28403

(1) "Facility," "federal Clean Air Act," "person," and "Title 28404
V permit" have the same meanings as in section 3704.01 of the 28405
Revised Code. 28406

(2) "Title V permit program" means the following activities 28407
as necessary to meet the requirements of Title V of the federal 28408
Clean Air Act and 40 C.F.R. part 70, including at least: 28409

(a) Preparing and adopting, if applicable, generally 28410

applicable rules or guidance regarding the permit program or its	28411
implementation or enforcement;	28412
(b) Reviewing and acting on any application for a Title V	28413
permit, permit revision, or permit renewal, including the	28414
development of an applicable requirement as part of the processing	28415
of a permit, permit revision, or permit renewal;	28416
(c) Administering the permit program, including the	28417
supporting and tracking of permit applications, compliance	28418
certification, and related data entry;	28419
(d) Determining which sources are subject to the program and	28420
implementing and enforcing the terms of any Title V permit, not	28421
including any court actions or other formal enforcement actions;	28422
(e) Emission and ambient monitoring;	28423
(f) Modeling, analyses, or demonstrations;	28424
(g) Preparing inventories and tracking emissions;	28425
(h) Providing direct and indirect support to small business	28426
stationary sources to determine and meet their obligations under	28427
the federal Clean Air Act pursuant to the small business	28428
stationary source technical and environmental compliance	28429
assistance program required by section 507 of that act and	28430
established in sections 3704.18, 3704.19, and 3706.19 of the	28431
Revised Code.	28432
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	28433
of this section, each sewage sludge facility shall pay a	28434
nonrefundable annual sludge fee equal to three dollars and fifty	28435
cents per dry ton of sewage sludge, including the dry tons of	28436
sewage sludge in materials derived from sewage sludge, that the	28437
sewage sludge facility treats or disposes of in this state. The	28438
annual volume of sewage sludge treated or disposed of by a sewage	28439
sludge facility shall be calculated using the first day of January	28440

through the thirty-first day of December of the calendar year 28441
preceding the date on which payment of the fee is due. 28442

(2)(a) Except as provided in division (Y)(2)(d) of this 28443
section, each sewage sludge facility shall pay a minimum annual 28444
sewage sludge fee of one hundred dollars. 28445

(b) The annual sludge fee required to be paid by a sewage 28446
sludge facility that treats or disposes of exceptional quality 28447
sludge in this state shall be thirty-five per cent less per dry 28448
ton of exceptional quality sludge than the fee assessed under 28449
division (Y)(1) of this section, subject to the following 28450
exceptions: 28451

(i) Except as provided in division (Y)(2)(d) of this section, 28452
a sewage sludge facility that treats or disposes of exceptional 28453
quality sludge shall pay a minimum annual sewage sludge fee of one 28454
hundred dollars. 28455

(ii) A sewage sludge facility that treats or disposes of 28456
exceptional quality sludge shall not be required to pay the annual 28457
sludge fee for treatment or disposal in this state of exceptional 28458
quality sludge generated outside of this state and contained in 28459
bags or other containers not greater than one hundred pounds in 28460
capacity. 28461

A thirty-five per cent reduction for exceptional quality 28462
sludge applies to the maximum annual fees established under 28463
division (Y)(3) of this section. 28464

(c) A sewage sludge facility that transfers sewage sludge to 28465
another sewage sludge facility in this state for further treatment 28466
prior to disposal in this state shall not be required to pay the 28467
annual sludge fee for the tons of sewage sludge that have been 28468
transferred. In such a case, the sewage sludge facility that 28469
disposes of the sewage sludge shall pay the annual sludge fee. 28470
However, the facility transferring the sewage sludge shall pay the 28471

one-hundred-dollar minimum fee required under division (Y)(2)(a) 28472
of this section. 28473

In the case of a sewage sludge facility that treats sewage 28474
sludge in this state and transfers it out of this state to another 28475
entity for disposal, the sewage sludge facility in this state 28476
shall be required to pay the annual sludge fee for the tons of 28477
sewage sludge that have been transferred. 28478

(d) A sewage sludge facility that generates sewage sludge 28479
resulting from an average daily discharge flow of less than five 28480
thousand gallons per day is not subject to the fees assessed under 28481
division (Y) of this section. 28482

(3) No sewage sludge facility required to pay the annual 28483
sludge fee shall be required to pay more than the maximum annual 28484
fee for each disposal method that the sewage sludge facility uses. 28485
The maximum annual fee does not include the additional amount that 28486
may be charged under division (Y)(5) of this section for late 28487
payment of the annual sludge fee. The maximum annual fee for the 28488
following methods of disposal of sewage sludge is as follows: 28489

(a) Incineration: five thousand dollars; 28490

(b) Preexisting land reclamation project or disposal in a 28491
landfill: five thousand dollars; 28492

(c) Land application, land reclamation, surface disposal, or 28493
any other disposal method not specified in division (Y)(3)(a) or 28494
(b) of this section: twenty thousand dollars. 28495

(4)(a) In the case of an entity that generates sewage sludge 28496
or a sewage sludge facility that treats sewage sludge and 28497
transfers the sewage sludge to an incineration facility for 28498
disposal, the incineration facility, and not the entity generating 28499
the sewage sludge or the sewage sludge facility treating the 28500
sewage sludge, shall pay the annual sludge fee for the tons of 28501

sewage sludge that are transferred. However, the entity or
facility generating or treating the sewage sludge shall pay the
one-hundred-dollar minimum fee required under division (Y)(2)(a)
of this section.

(b) In the case of an entity that generates sewage sludge and
transfers the sewage sludge to a landfill for disposal or to a
sewage sludge facility for land reclamation or surface disposal,
the entity generating the sewage sludge, and not the landfill or
sewage sludge facility, shall pay the annual sludge fee for the
tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar
year following March 17, 2000, and each first day of April
thereafter, the director shall issue invoices to persons who are
required to pay the annual sludge fee. The invoice shall identify
the nature and amount of the annual sludge fee assessed and state
the first day of May as the deadline for receipt by the director
of objections regarding the amount of the fee and the first day of
July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an
invoice, a person required to pay the annual sludge fee may submit
objections to the director concerning the accuracy of information
regarding the number of dry tons of sewage sludge used to
calculate the amount of the annual sludge fee or regarding whether
the sewage sludge qualifies for the exceptional quality sludge
discount established in division (Y)(2)(b) of this section. The
director may consider the objections and adjust the amount of the
fee to ensure that it is accurate.

If the director does not adjust the amount of the annual
sludge fee in response to a person's objections, the person may
appeal the director's determination in accordance with Chapter
119. of the Revised Code.

Not later than the first day of June, the director shall 28533
notify the objecting person regarding whether the director has 28534
found the objections to be valid and the reasons for the finding. 28535
If the director finds the objections to be valid and adjusts the 28536
amount of the annual sludge fee accordingly, the director shall 28537
issue with the notification a new invoice to the person 28538
identifying the amount of the annual sludge fee assessed and 28539
stating the first day of July as the deadline for payment. 28540

Not later than the first day of July, any person who is 28541
required to do so shall pay the annual sludge fee. Any person who 28542
is required to pay the fee, but who fails to do so on or before 28543
that date shall pay an additional amount that equals ten per cent 28544
of the required annual sludge fee. 28545

(6) The director shall transmit all moneys collected under 28546
division (Y) of this section to the treasurer of state for deposit 28547
into the surface water protection fund created in section 6111.038 28548
of the Revised Code. The moneys shall be used to defray the costs 28549
of administering and enforcing provisions in Chapter 6111. of the 28550
Revised Code and rules adopted under it that govern the use, 28551
storage, treatment, or disposal of sewage sludge. 28552

(7) Beginning in fiscal year 2001, and every two years 28553
thereafter, the director shall review the total amount of moneys 28554
generated by the annual sludge fees to determine if that amount 28555
exceeded six hundred thousand dollars in either of the two 28556
preceding fiscal years. If the total amount of moneys in the fund 28557
exceeded six hundred thousand dollars in either fiscal year, the 28558
director, after review of the fee structure and consultation with 28559
affected persons, shall issue an order reducing the amount of the 28560
fees levied under division (Y) of this section so that the 28561
estimated amount of moneys resulting from the fees will not exceed 28562
six hundred thousand dollars in any fiscal year. 28563

If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division (Y)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that

meets all of the following qualifications:	28595
(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	28596 28597
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	28598 28599
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	28600 28601
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	28602 28603
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	28604 28605 28606
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	28607 28608 28609
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	28610 28611 28612 28613 28614
(g) "Land reclamation" means the returning of disturbed land to productive use.	28615 28616
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	28617 28618 28619 28620
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	28621 28622 28623 28624

(j) "Incineration facility" includes all incinerators owned 28625
or operated by the same entity and located on a contiguous tract 28626
of land. Areas of land are considered to be contiguous even if 28627
they are separated by a public road or highway. 28628

(k) "Annual sludge fee" means the fee assessed under division 28629
(Y)(1) of this section. 28630

(l) "Landfill" means a sanitary landfill facility, as defined 28631
in rules adopted under section 3734.02 of the Revised Code, that 28632
is licensed under section 3734.05 of the Revised Code. 28633

(m) "Preexisting land reclamation project" means a 28634
property-specific land reclamation project that has been in 28635
continuous operation for not less than five years pursuant to 28636
approval of the activity by the director and includes the 28637
implementation of a community outreach program concerning the 28638
activity. 28639

Sec. 3745.114. (A) A person that applies for a section 401 28640
water quality certification under Chapter 6111. of the Revised 28641
Code and rules adopted under it shall pay an application fee of 28642
two hundred dollars at the time of application plus any of the 28643
following fees, as applicable: 28644

(1) If the water resource to be impacted is a wetland, a 28645
review fee of five hundred dollars per acre of wetland to be 28646
impacted; 28647

(2) If the water resource to be impacted is a stream, a 28648
review fee of ten dollars per linear foot of stream to be 28649
impacted; 28650

(3) If the water resource to be impacted is a lake, a review 28651
fee of three dollars per cubic yard of dredged or fill material to 28652
be moved. 28653

(B) The total fee to be paid under this section shall not 28654

exceed twenty-five thousand dollars per application. However, if 28655
the applicant is a county, township, or municipal corporation in 28656
this state, the total fee to be paid shall not exceed five 28657
thousand dollars per application. 28658

(C) All money collected under this section shall be 28659
transmitted to the treasurer of state for deposit into the state 28660
treasury to the credit of the surface water protection fund 28661
created in section 6111.038 of the Revised Code. 28662

(D) The fees established under this section do not apply to 28663
any state agency as defined in section 119.01 of the Revised Code. 28664

(E) The fees established under this section do not apply to 28665
projects that are authorized by the environmental protection 28666
agency's general certifications of nationwide permits or general 28667
permits issued by the United States army corps of engineers. As 28668
used in this division, "general permit" and "nationwide permit" 28669
have the same meanings as in rules adopted under Chapter 6111. of 28670
the Revised Code. 28671

Sec. 3745.12. (A) There is hereby created in the state 28672
treasury the immediate removal fund, which shall be administered 28673
by the director of environmental protection. The fund may be used 28674
for both of the following purposes: 28675

(1) To pay costs incurred by the environmental protection 28676
agency in investigating, mitigating, minimizing, removing, or 28677
abating any unauthorized spill, release, or discharge of material 28678
into or upon the environment that requires emergency action to 28679
protect the public health or safety or the environment; 28680

(2) Conducting remedial actions under section 3752.13 of the 28681
Revised Code. 28682

(B) Any person responsible for causing or allowing the 28683
unauthorized spill, release, or discharge is liable to the 28684

director for the costs incurred by the agency regardless of
whether those costs were paid out of the fund created under
division (A) of this section or any other fund of the agency. Upon
the request of the director, the attorney general shall bring a
civil action against the responsible person to recover those
costs. Moneys recovered under this division shall be paid into the
state treasury to the credit of the immediate removal fund, except
that moneys recovered for costs paid from the hazardous waste
clean-up fund created in section 3734.28 of the Revised Code shall
be credited to the hazardous waste clean-up fund.

Sec. 3746.04. Within one year after September 28, 1994, the
director of environmental protection, in accordance with Chapter
119. of the Revised Code and with the advice of the
multidisciplinary council appointed under section 3746.03 of the
Revised Code, shall adopt, and subsequently may amend, suspend, or
rescind, rules that do both of the following:

(A) Revise the rules adopted under Chapters 3704., 3714.,
3734., 6109., and 6111. of the Revised Code to incorporate the
provisions necessary to conform those rules to the requirements of
this chapter. The amended rules adopted under this division also
shall establish response times for all submittals to the
environmental protection agency required under this chapter or
rules adopted under it.

(B) Establish requirements and procedures that are reasonably
necessary for the implementation and administration of this
chapter, including, without limitation, all of the following:

(1) Appropriate generic numerical clean-up standards for the
treatment or removal of soils, sediments, and water media for
hazardous substances and petroleum. The rules shall establish
separate generic numerical clean-up standards based upon the
intended use of properties after the completion of voluntary

actions, including industrial, commercial, and residential uses 28716
and such other categories of land use as the director considers to 28717
be appropriate. The generic numerical clean-up standards 28718
established for each category of land use shall be the 28719
concentration of each contaminant that may be present on a 28720
property that shall ensure protection of public health and safety 28721
and the environment for the reasonable exposure for that category 28722
of land use. When developing the standards, the director shall 28723
consider such factors as all of the following: 28724

(a) Scientific information, including, without limitation, 28725
toxicological information and realistic assumptions regarding 28726
human and environmental exposure to hazardous substances or 28727
petroleum; 28728

(b) Climatic factors; 28729

(c) Human activity patterns; 28730

(d) Current statistical techniques; 28731

(e) For petroleum at industrial property, alternatives to the 28732
use of total petroleum hydrocarbons. 28733

The generic numerical clean-up standards established in the 28734
rules adopted under division (B)(1) of this section shall be 28735
consistent with and equivalent in scope, content, and coverage to 28736
any applicable standard established by federal environmental laws 28737
and regulations adopted under them, including, without limitation, 28738
the "Federal Water Pollution Control Act Amendments of 1972," 86 28739
Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource 28740
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 28741
6921, as amended; the "Toxic Substances Control Act," 90 Stat. 28742
2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive 28743
Environmental Response, Compensation, and Liability Act of 1980," 28744
94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe 28745
Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as 28746

amended. 28747

In order for the rules adopted under division (B)(1) of this 28748
section to require that any such federal environmental standard 28749
apply to a property, the property shall meet the requirements of 28750
the particular federal statute or regulation involved in the 28751
manner specified by the statute or regulation. 28752

The generic numerical clean-up standards for petroleum at 28753
commercial or residential property shall be the standards 28754
established in rules adopted under division (B) of section 28755
3737.882 of the Revised Code. 28756

(2)(a) Procedures for performing property-specific risk 28757
assessments that would be performed at a property to demonstrate 28758
that the remedy evaluated in a risk assessment results in 28759
protection of public health and safety and the environment instead 28760
of complying with the generic numerical clean-up standards 28761
established in the rules adopted under division (B)(1) of this 28762
section. The risk assessment procedures shall describe a 28763
methodology to establish, on a property-specific basis, allowable 28764
levels of contamination to remain at a property to ensure 28765
protection of public health and safety and the environment on the 28766
property and off the property when the contamination is emanating 28767
off the property, taking into account all of the following: 28768

(i) The implementation of treatment, storage, or disposal, or 28769
a combination thereof, of hazardous substances or petroleum; 28770

(ii) The existence of institutional controls that eliminate 28771
or mitigate exposure to hazardous substances or petroleum through 28772
the restriction of access to hazardous substances or petroleum, 28773
including, without limitation, deed and water use restrictions; 28774

(iii) The existence of engineering controls that eliminate or 28775
mitigate exposure to hazardous substances or petroleum through 28776
containment of, control of, or restrictions of access to hazardous 28777

substances or petroleum, including, without limitation, fences, 28778
cap systems, cover systems, and landscaping. 28779

(b) The risk assessment procedures and levels of acceptable 28780
risk set forth in the rules adopted under division (B)(2) of this 28781
section shall be based upon all of the following: 28782

(i) Scientific information, including, without limitation, 28783
toxicological information and actual or proposed human and 28784
environmental exposure; 28785

(ii) Locational and climatic factors; 28786

(iii) Surrounding land use and human activities; 28787

(iv) Differing levels of remediation that may be required 28788
when an existing land use is continued compared to when a 28789
different land use follows the remediation. 28790

(c) Any standards established pursuant to rules adopted under 28791
division (B)(2) of this section shall be no more stringent than 28792
standards established under the environmental statutes of this 28793
state and rules adopted under them for the same contaminant in the 28794
same environmental medium that are in effect at the time the risk 28795
assessment is conducted. 28796

(3) Minimum standards for phase I property assessments. The 28797
standards shall specify the information needed to demonstrate that 28798
there is no reason to believe that contamination exists on a 28799
property. The rules adopted under division (B)(3) of this section, 28800
at a minimum, shall require that a phase I property assessment 28801
include all of the following: 28802

(a) A review and analysis of deeds, mortgages, easements of 28803
record, and similar documents relating to the chain of title to 28804
the property that are publicly available or that are known to and 28805
reasonably available to the owner or operator; 28806

(b) A review and analysis of any previous environmental 28807

assessments, property assessments, environmental studies, or 28808
geologic studies of the property and any land within two thousand 28809
feet of the boundaries of the property that are publicly available 28810
or that are known to and reasonably available to the owner or 28811
operator; 28812

(c) A review of current and past environmental compliance 28813
histories of persons who owned or operated the property; 28814

(d) A review of aerial photographs of the property that 28815
indicate prior uses of the property; 28816

(e) Interviews with managers of activities conducted at the 28817
property who have knowledge of environmental conditions at the 28818
property; 28819

(f) Conducting an inspection of the property consisting of a 28820
walkover; 28821

(g) Identifying the current and past uses of the property, 28822
adjoining tracts of land, and the area surrounding the property, 28823
including, without limitation, interviews with persons who reside 28824
or have resided, or who are or were employed, within the area 28825
surrounding the property regarding the current and past uses of 28826
the property and adjacent tracts of land. 28827

The rules adopted under division (B)(3) of this section shall 28828
establish criteria to determine when a phase II property 28829
assessment shall be conducted when a phase I property assessment 28830
reveals facts that establish a reason to believe that hazardous 28831
substances or petroleum have been treated, stored, managed, or 28832
disposed of on the property if the person undertaking the phase I 28833
property assessment wishes to obtain a covenant not to sue under 28834
section 3746.12 of the Revised Code. 28835

(4) Minimum standards for phase II property assessments. The 28836
standards shall specify the information needed to demonstrate that 28837

any contamination present at the property does not exceed 28838
applicable standards or that the remedial activities conducted at 28839
the property have achieved compliance with applicable standards. 28840
The rules adopted under division (B)(4) of this section, at a 28841
minimum, shall require that a phase II property assessment include 28842
all of the following: 28843

(a) A review and analysis of all documentation prepared in 28844
connection with a phase I property assessment conducted within the 28845
one hundred eighty days before the phase II property assessment 28846
begins. The rules adopted under division (B)(4)(a) of this section 28847
shall require that if a period of more than one hundred eighty 28848
days has passed between the time that the phase I assessment of 28849
the property was completed and the phase II assessment begins, the 28850
phase II assessment shall include a reasonable inquiry into the 28851
change in the environmental condition of the property during the 28852
intervening period. 28853

(b) Quality assurance objectives for measurements taken in 28854
connection with a phase II assessment; 28855

(c) Sampling procedures to ensure the representative sampling 28856
of potentially contaminated environmental media; 28857

(d) Quality assurance and quality control requirements for 28858
samples collected in connection with phase II assessments; 28859

(e) Analytical and data assessment procedures; 28860

(f) Data objectives to ensure that samples collected in 28861
connection with phase II assessments are biased toward areas where 28862
information indicates that contamination by hazardous substances 28863
or petroleum is likely to exist. 28864

(5) Standards governing the conduct of certified 28865
professionals, criteria and procedures for the certification of 28866
professionals to issue no further action letters under section 28867

3746.11 of the Revised Code, and criteria for the suspension and 28868
revocation of those certifications. The director shall take an 28869
action regarding a certification as a final action. The issuance, 28870
denial, renewal, suspension, and revocation of those 28871
certifications are subject to Chapter 3745. of the Revised Code, 28872
~~and the director shall take any such action regarding a~~ 28873
~~certification as a final action~~ except that, in lieu of publishing 28874
an action regarding a certification in a newspaper of general 28875
circulation as required in section 3745.07 of the Revised Code, 28876
such an action shall be published on the environmental protection 28877
agency's web site and in the agency's weekly review not later than 28878
fifteen days after the date of the issuance, denial, renewal, 28879
suspension, or revocation of the certification and not later than 28880
thirty days before a hearing or public meeting concerning the 28881
action. 28882

The rules adopted under division (B)(5) of this section shall 28883
do all of the following: 28884

(a) Provide for the certification of environmental 28885
professionals to issue no further action letters pertaining to 28886
investigations and remedies in accordance with the criteria and 28887
procedures set forth in the rules. The rules adopted under 28888
division (B)(5)(a) of this section shall do at least all of the 28889
following: 28890

(i) Authorize the director to consider such factors as an 28891
environmental professional's previous performance record regarding 28892
such investigations and remedies and the environmental 28893
professional's environmental compliance history when determining 28894
whether to certify the environmental professional; 28895

(ii) Ensure that an application for certification is reviewed 28896
in a timely manner; 28897

(iii) Require the director to certify any environmental 28898

professional who the director determines complies with those	28899
criteria;	28900
(iv) Require the director to deny certification for any	28901
environmental professional who does not comply with those	28902
criteria.	28903
(b) Establish an annual fee to be paid by environmental	28904
professionals certified pursuant to the rules adopted under	28905
division (B)(5)(a) of this section. The fee shall be established	28906
at an amount calculated to defray the costs to the environmental	28907
protection agency for the required reviews of the qualifications	28908
of environmental professionals for certification and for the	28909
issuance of the certifications.	28910
(c) Develop a schedule for and establish requirements	28911
governing the review by the director of the credentials of	28912
environmental professionals who were deemed to be certified	28913
professionals under division (D) of section 3746.07 of the Revised	28914
Code in order to determine if they comply with the criteria	28915
established in rules adopted under division (B)(5) of this	28916
section. The rules adopted under division (B)(5)(c) of this	28917
section shall do at least all of the following:	28918
(i) Ensure that the review is conducted in a timely fashion;	28919
(ii) Require the director to certify any such environmental	28920
professional who the director determines complies with those	28921
criteria;	28922
(iii) Require any such environmental professional initially	28923
to pay the fee established in the rules adopted under division	28924
(B)(5)(b) of this section at the time that the environmental	28925
professional is so certified by the director;	28926
(iv) Establish a time period within which any such	28927
environmental professional who does not comply with those criteria	28928

may obtain the credentials that are necessary for certification; 28929

(v) Require the director to deny certification for any such 28930
environmental professional who does not comply with those criteria 28931
and who fails to obtain the necessary credentials within the 28932
established time period. 28933

(d) Require that any information submitted to the director 28934
for the purposes of the rules adopted under division (B)(5)(a) or 28935
(c) of this section comply with division (A) of section 3746.20 of 28936
the Revised Code; 28937

(e) Authorize the director to suspend or revoke the 28938
certification of an environmental professional if the director 28939
finds that the environmental professional's performance has 28940
resulted in the issuance of no further action letters under 28941
section 3746.11 of the Revised Code that are not consistent with 28942
applicable standards or finds that the certified environmental 28943
professional has not substantially complied with section 3746.31 28944
of the Revised Code; 28945

(f) Authorize the director to suspend for a period of not 28946
more than five years or to permanently revoke a certified 28947
environmental professional's certification for any violation of or 28948
failure to comply with an ethical standard established in rules 28949
adopted under division (B)(5) of this section-; 28950

(g) Require the director to revoke the certification of an 28951
environmental professional if the director finds that the 28952
environmental professional falsified any information on the 28953
environmental professional's application for certification 28954
regarding the environmental professional's credentials or 28955
qualifications or any other information generated for the purposes 28956
of or use under this chapter or rules adopted under it; 28957

(h) Require the director permanently to revoke the 28958
certification of an environmental professional who has violated or 28959

is violating division (A) of section 3746.18 of the Revised Code; 28960

(i) Preclude the director from revoking the certification of 28961
an environmental professional who only conducts investigations and 28962
remedies at property contaminated solely with petroleum unless the 28963
director first consults with the director of commerce. 28964

(6) Criteria and procedures for the certification of 28965
laboratories to perform analyses under this chapter and rules 28966
adopted under it. The issuance, denial, suspension, and revocation 28967
of those certifications are subject to Chapter 3745. of the 28968
Revised Code, and the director of environmental protection shall 28969
take any such action regarding a certification as a final action. 28970

The rules adopted under division (B)(6) of this section shall 28971
do all of the following: 28972

(a) Provide for the certification to perform analyses of 28973
laboratories in accordance with the criteria and procedures 28974
established in the rules adopted under division (B)(6)(a) of this 28975
section and establish an annual fee to be paid by those 28976
laboratories. The fee shall be established at an amount calculated 28977
to defray the costs to the agency for the review of the 28978
qualifications of those laboratories for certification and for the 28979
issuance of the certifications. The rules adopted under division 28980
(B)(6)(a) of this section may provide for the certification of 28981
those laboratories to perform only particular types or categories 28982
of analyses, specific test parameters or group of test parameters, 28983
or a specific matrix or matrices under this chapter. 28984

(b) Develop a schedule for and establish requirements 28985
governing the review by the director of the operations of 28986
laboratories that were deemed to be certified laboratories under 28987
division (E) of section 3746.07 of the Revised Code in order to 28988
determine if they comply with the criteria established in rules 28989
adopted under division (B)(6) of this section. The rules adopted 28990

under division (B)(6)(b) of this section shall do at least all of 28991
the following: 28992

(i) Ensure that the review is conducted in a timely fashion; 28993

(ii) Require the director to certify any such laboratory that 28994
the director determines complies with those criteria; 28995

(iii) Require any such laboratory initially to pay the fee 28996
established in the rules adopted under division (B)(6)(a) of this 28997
section at the time that the laboratory is so certified by the 28998
director; 28999

(iv) Establish a time period within which any such laboratory 29000
that does not comply with those criteria may make changes in its 29001
operations necessary for the performance of analyses under this 29002
chapter and rules adopted under it in order to be certified by the 29003
director; 29004

(v) Require the director to deny certification for any such 29005
laboratory that does not comply with those criteria and that fails 29006
to make the necessary changes in its operations within the 29007
established time period. 29008

(c) Require that any information submitted to the director 29009
for the purposes of the rules adopted under division (B)(6)(a) or 29010
(b) of this section comply with division (A) of section 3746.20 of 29011
the Revised Code; 29012

(d) Authorize the director to suspend or revoke the 29013
certification of a laboratory if the director finds that the 29014
laboratory's performance has resulted in the issuance of no 29015
further action letters under section 3746.11 of the Revised Code 29016
that are not consistent with applicable standards; 29017

(e) Authorize the director to suspend or revoke the 29018
certification of a laboratory if the director finds that the 29019
laboratory falsified any information on its application for 29020

certification regarding its credentials or qualifications;	29021
(f) Require the director permanently to revoke the	29022
certification of a laboratory that has violated or is violating	29023
division (A) of section 3746.18 of the Revised Code.	29024
(7) Information to be included in a no further action letter	29025
prepared under section 3746.11 of the Revised Code, including,	29026
without limitation, all of the following:	29027
(a) A summary of the information required to be submitted to	29028
the certified environmental professional preparing the no further	29029
action letter under division (C) of section 3746.10 of the Revised	29030
Code;	29031
(b) Notification that a risk assessment was performed in	29032
accordance with rules adopted under division (B)(2) of this	29033
section if such an assessment was used in lieu of generic	29034
numerical clean-up standards established in rules adopted under	29035
division (B)(1) of this section;	29036
(c) The contaminants addressed at the property, if any, their	29037
source, if known, and their levels prior to remediation;	29038
(d) The identity of any other person who performed work to	29039
support the request for the no further action letter as provided	29040
in division (B)(2) of section 3746.10 of the Revised Code and the	29041
nature and scope of the work performed by that person;	29042
(e) A list of the data, information, records, and documents	29043
relied upon by the certified environmental professional in	29044
preparing the no further action letter.	29045
(8) Methods for determining fees to be paid for the following	29046
services provided by the agency under this chapter and rules	29047
adopted under it:	29048
(a) Site- or property-specific technical assistance in	29049
developing or implementing plans in connection with a voluntary	29050

action; 29051

(b) Reviewing applications for and issuing consolidated 29052
standards permits under section 3746.15 of the Revised Code and 29053
monitoring compliance with those permits; 29054

(c) Negotiating, preparing, and entering into agreements 29055
necessary for the implementation and administration of this 29056
chapter and rules adopted under it; 29057

(d) Reviewing no further action letters, issuing covenants 29058
not to sue, and monitoring compliance with any terms and 29059
conditions of those covenants and with operation and maintenance 29060
agreements entered into pursuant to those covenants, including, 29061
without limitation, conducting audits of properties where 29062
voluntary actions are being or were conducted under this chapter 29063
and rules adopted under it. 29064

The fees established pursuant to the rules adopted under 29065
division (B)(8) of this section shall be at a level sufficient to 29066
defray the direct and indirect costs incurred by the agency for 29067
the administration and enforcement of this chapter and rules 29068
adopted under it other than the provisions regarding the 29069
certification of professionals and laboratories. 29070

(9) Criteria for selecting the no further action letters 29071
issued under section 3746.11 of the Revised Code that will be 29072
audited under section 3746.17 of the Revised Code, and the scope 29073
and procedures for conducting those audits. The rules adopted 29074
under division (B)(9) of this section, at a minimum, shall require 29075
the director to establish priorities for auditing no further 29076
action letters to which any of the following applies: 29077

(a) The letter was prepared by an environmental professional 29078
who was deemed to be a certified professional under division (D) 29079
of section 3746.07 of the Revised Code, but who does not comply 29080
with the criteria established in rules adopted under division 29081

(B)(5) of this section as determined pursuant to rules adopted	29082
under division (B)(5)(d) of this section + .	29083
(b) The letter was submitted fraudulently + .	29084
(c) The letter was prepared by a certified environmental	29085
professional whose certification subsequently was revoked in	29086
accordance with rules adopted under division (B)(5) of this	29087
section, or analyses were performed for the purposes of the no	29088
further action letter by a certified laboratory whose	29089
certification subsequently was revoked in accordance with rules	29090
adopted under division (B)(6) of this section + .	29091
(d) A covenant not to sue that was issued pursuant to the	29092
letter was revoked under this chapter + .	29093
(e) The letter was for a voluntary action that was conducted	29094
pursuant to a risk assessment in accordance with rules adopted	29095
under division (B)(2) of this section + .	29096
(f) The letter was for a voluntary action that included as	29097
remedial activities engineering controls authorized under section	29098
3746.05 of the Revised Code or restrictions on the use of the	29099
relevant property identified pursuant to division (C)(3) of	29100
section 3746.10 of the Revised Code.	29101
The rules adopted under division (B)(9) of this section shall	29102
provide for random audits of no further action letters to which	29103
the rules adopted under divisions (B)(9)(a) to (f) of this section	29104
do not apply.	29105
(10) A classification system to characterize ground water	29106
according to its capability to be used for human use and its	29107
impact on the environment and a methodology that shall be used to	29108
determine when ground water that has become contaminated from	29109
sources on a property for which a covenant not to sue is requested	29110
under section 3746.11 of the Revised Code shall be remediated to	29111

the standards established <u>in the rules adopted</u> under division	29112
(B)(1) or (2) of this section.	29113
(a) In adopting rules under division (B)(10) of this section	29114
to characterize ground water according to its capability for human	29115
use, the director shall consider all of the following:	29116
(i) The presence of legally enforceable, reliable	29117
restrictions on the use of ground water, including, without	29118
limitation, local rules or ordinances;	29119
(ii) The presence of regional commingled contamination from	29120
multiple sources that diminishes the quality of ground water;	29121
(iii) The natural quality of ground water;	29122
(iv) Regional availability of ground water and reasonable	29123
alternative sources of drinking water;	29124
(v) The productivity of the aquifer;	29125
(vi) The presence of restrictions on the use of ground water	29126
implemented under this chapter and rules adopted under it;	29127
(vii) The existing use of ground water.	29128
(b) In adopting rules under division (B)(10) of this section	29129
to characterize ground water according to its impacts on the	29130
environment, the director shall consider both of the following:	29131
(i) The risks posed to humans, fauna, surface water,	29132
sediments, soil, air, and other resources by the continuing	29133
presence of contaminated ground water;	29134
(ii) The availability and feasibility of technology to remedy	29135
ground water contamination.	29136
(11) Governing the application for and issuance of variances	29137
under section 3746.09 of the Revised Code;	29138
(12)(a) In the case of voluntary actions involving	29139
contaminated ground water, specifying the circumstances under	29140

which the generic numerical clean-up standards established in 29141
rules adopted under division (B)(1) of this section and standards 29142
established through a risk assessment conducted pursuant to rules 29143
adopted under division (B)(2) of this section shall be 29144
inapplicable to the remediation of contaminated ground water and 29145
under which the standards for remediating contaminated ground 29146
water shall be established on a case-by-case basis prior to the 29147
commencement of the voluntary action pursuant to rules adopted 29148
under division (B)(12)(b) of this section; 29149

(b) Criteria and procedures for the case-by-case 29150
establishment of standards for the remediation of contaminated 29151
ground water under circumstances in which the use of the generic 29152
numerical clean-up standards and standards established through a 29153
risk assessment are precluded by the rules adopted under division 29154
(B)(12)(a) of this section. The rules governing the procedures for 29155
the case-by-case development of standards for the remediation of 29156
contaminated ground water shall establish application, public 29157
participation, adjudication, and appeals requirements and 29158
procedures that are equivalent to the requirements and procedures 29159
established in section 3746.09 of the Revised Code and rules 29160
adopted under division (B)(11) of this section, except that the 29161
procedural rules shall not require an applicant to make the 29162
demonstrations set forth in divisions (A)(1) to (3) of section 29163
3746.09 of the Revised Code and shall not require the director to 29164
obtain the advice of the property revitalization board created in 29165
section 3746.08 of the Revised Code regarding any application 29166
submitted pursuant to the rules adopted under division (B)(12)(b) 29167
of this section. 29168

(13) A definition of the evidence that constitutes sufficient 29169
evidence for the purpose of division (A)(5) of section 3746.02 of 29170
the Revised Code. 29171

At least thirty days before filing the proposed rules 29172

required to be adopted under this section with the secretary of
state, director of the legislative service commission, and joint
committee on agency rule review in accordance with divisions (B)
and (H) of section 119.03 of the Revised Code, the director of
environmental protection shall hold at least one public meeting on
the proposed rules in each of the five districts into which the
agency has divided the state for administrative purposes.

Sec. 3746.071. (A) As used in this section, "certified
professional" means a certified professional deemed to be
certified under division (D) of section 3746.07 of the Revised
Code.

(B) A certified professional shall do all of the following:

(1) Protect the safety, health, and welfare of the public in
the performance of ~~his~~ professional duties. If a circumstance
arises where the certified professional faces a situation where
the safety, health, or welfare of the public would not be
protected, ~~he~~ the certified professional shall do all of the
following:

(a) Sever ~~his~~ the relationship with ~~his~~ the certified
professional's employer or client;

(b) Refuse to accept responsibility for the design, report,
or statement involved;

(c) Notify the director of environmental protection if, in
the opinion of the certified professional, the situation is
sufficiently important.

(2) Undertake to perform assignments only when ~~he~~ the
certified professional or ~~his~~ the certified professional's
consulting support is qualified by training and experience in the
specific technical fields involved;

(3) Be completely objective in any professional report,

statement, or testimony. ~~He~~ The certified professional shall 29203
include all relevant and pertinent information in the report, 29204
statement, or testimony when the result of an omission would or 29205
reasonably could lead to a fallacious conclusion. 29206

(4) Express an opinion as a technical or expert witness 29207
before any court, commission, or other tribunal only when it is 29208
founded upon adequate knowledge of the facts in issue, upon a 29209
background of technical competence in the subject matter, and upon 29210
honest conviction of the accuracy and propriety of ~~his~~ the 29211
testimony. 29212

(C) A certified professional shall not issue statements, 29213
criticisms, or arguments on matters connected with public policy 29214
that are inspired or paid for by an interested party, unless ~~he~~ 29215
the certified professional has prefaced ~~his~~ the remarks by 29216
explicitly identifying ~~himself~~ the certified professional, by 29217
disclosing the identity of the parties on whose behalf ~~he~~ the 29218
certified professional is speaking, and by revealing the existence 29219
of any pecuniary interest ~~he~~ the certified professional may have 29220
in the instant matters. 29221

(D)(1) A certified professional shall conscientiously avoid 29222
any conflict of interest with ~~his~~ the certified professional's 29223
employer or client. 29224

(2) A certified professional promptly shall inform ~~his~~ the 29225
certified professional's employer or client of any business 29226
association, interests, or circumstances that could influence ~~his~~ 29227
the certified professional's judgment or the quality of ~~his~~ the 29228
certified professional's service to ~~his~~ the employer or client. 29229

(3) A certified professional shall not accept compensation, 29230
financial or otherwise, from more than one party for services on 29231
or pertaining to the same project, unless the circumstances are 29232
fully disclosed to, and agreed to, by all interested parties or 29233

their duly authorized agents. 29234

(4) A certified professional shall not solicit or accept 29235
financial or other valuable considerations from material or 29236
equipment suppliers for specifying their products. 29237

(5) A certified professional shall not solicit or accept 29238
gratuities, directly or indirectly, from contractors, their 29239
agents, or other parties dealing directly with ~~his~~ the certified 29240
professional's employer or client in connection with the work for 29241
which ~~he~~ the certified professional is responsible. 29242

(E)(1) A certified professional shall not pay, solicit, or 29243
offer, directly or indirectly, any bribe or commission for 29244
professional employment with the exception of ~~his~~ payment of the 29245
usual commission for securing salaried positions through licensed 29246
employment agencies. 29247

(2) A certified professional shall seek professional 29248
employment on the basis of qualification and competence for proper 29249
accomplishment of the work. A certified professional may submit 29250
proposed fee information prior to ~~his~~ selection to serve as a 29251
certified professional under this chapter and rules adopted under 29252
it. 29253

(3) A certified professional shall not falsify or permit 29254
misrepresentation of ~~his~~ the certified professional's or ~~his~~ the 29255
certified professional's associates' academic or professional 29256
qualifications. ~~He~~ The certified professional shall not 29257
misrepresent or exaggerate ~~his~~ the certified professional's degree 29258
of responsibility in or for the subject matter of prior 29259
assignments. 29260

(4) Brochures or other presentations incident to the 29261
solicitation of employment by a certified professional shall not 29262
misrepresent pertinent facts concerning ~~his~~ the certified 29263
professional's employers, employees, associates, or joint 29264

ventures, or ~~his or their~~ the past accomplishments of any of them, 29265
with the intent and purpose of enhancing ~~his~~ the certified 29266
professional's qualifications for ~~his~~ the certified professional's 29267
work. 29268

(F)(1) A certified professional shall not sign or seal 29269
professional work for which ~~he~~ the certified professional does not 29270
have personal professional knowledge and direct supervisory 29271
control and responsibility. 29272

(2) A certified professional shall not knowingly associate 29273
with, or permit the use of ~~his~~ the certified professional's own 29274
name or ~~his firm's~~ the name of the certified professional's firm 29275
in, a business venture by any person or firm that ~~he~~ the certified 29276
professional knows, or has reason to believe, is engaging in 29277
business or professional practices of a fraudulent or dishonest 29278
nature. 29279

(3) If a certified professional has knowledge or reason to 29280
believe that another person or firm has violated any of the 29281
provisions of this chapter or any requirement of this section, ~~he~~ 29282
the certified professional shall present the information to the 29283
director in writing. 29284

(G) The director, in accordance with ~~Chapter 3745.~~ rules 29285
adopted under section 3746.04 of the Revised Code, may suspend for 29286
a period of not more than five years or permanently revoke a 29287
certified professional's certification for a violation of or 29288
failure to comply with any requirement or obligation set forth in 29289
this section. 29290

Sec. 3748.07. (A) Every facility that proposes to handle 29291
radioactive material or radiation-generating equipment for which 29292
licensure or registration, respectively, by its handler is 29293
required shall apply in writing to the director of health on forms 29294
prescribed and provided by the director for licensure or 29295

registration. Terms and conditions of licenses and certificates of 29296
registration may be amended in accordance with rules adopted under 29297
section 3748.04 of the Revised Code or orders issued by the 29298
director pursuant to section 3748.05 of the Revised Code. 29299

(B) Until rules are adopted under section 3748.04 of the 29300
Revised Code, an application for a certificate of registration 29301
shall be accompanied by a biennial registration fee of two hundred 29302
eighteen dollars. On and after the effective date of those rules, 29303
an applicant for a license, registration certificate, or renewal 29304
of either shall pay the appropriate fee established in those 29305
rules. 29306

All fees collected under this section shall be deposited in 29307
the state treasury to the credit of the general operations fund 29308
created in section 3701.83 of the Revised Code. The fees shall be 29309
used solely to administer and enforce this chapter and rules 29310
adopted under it. 29311

Any fee required under this section that has not been paid 29312
within ninety days after the invoice date shall be assessed at two 29313
times the original invoiced fee. Any fee that has not been paid 29314
within one hundred eighty days after the invoice date shall be 29315
assessed at five times the original invoiced fee. 29316

(C) The director shall grant a license or registration to any 29317
applicant who has paid the required fee and is in compliance with 29318
this chapter and rules adopted under it. 29319

Until rules are adopted under section 3748.04 of the Revised 29320
Code, certificates of registration shall be effective for two 29321
years from the date of issuance. On and after the effective date 29322
of those rules, licenses and certificates of registration shall be 29323
effective for the applicable period established in those rules. 29324
Licenses and certificates of registration shall be renewed in 29325
accordance with the standard renewal procedure established in 29326

Chapter 4745. of the Revised Code.

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Sec. 3748.13. (A) The director of health shall inspect sources of radiation for which licensure or registration by the handler is required, and the sources' shielding and surroundings, according to the schedule established in rules adopted under division (D) of section 3748.04 of the Revised Code. In accordance with rules adopted under that section, the director shall inspect all records and operating procedures of handlers that install sources of radiation and all sources of radiation for which licensure of radioactive material or registration of radiation-generating equipment by the handler is required. The director may make other inspections upon receiving complaints or other evidence of violation of this chapter or rules adopted under it.

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The director shall require any hospital registered under division (A) of section 3701.07 of the Revised Code to develop and maintain a quality assurance program for all sources of radiation-generating equipment. A certified radiation expert shall conduct oversight and maintenance of the program and shall file a report of audits of the program with the director on forms prescribed by the director. The audit reports shall become part of the inspection record.

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(B) Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code, a facility shall pay inspection fees according to the following schedule and categories:

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First dental x-ray tube	\$ 118.00 <u>129.00</u>	29352
Each additional dental x-ray tube at the same location	\$ 59.00 <u>64.00</u>	29353
First medical x-ray tube	\$ 235.00 <u>256.00</u>	29354
Each additional medical x-ray tube at the same location	\$ 125.00 <u>136.00</u>	29355

Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$ 466.00 <u>508.00</u>	29356
First nonionizing radiation-generating equipment of any kind	\$ 235.00 <u>256.00</u>	29357
Each additional nonionizing radiation-generating equipment of any kind at the same location	\$ 125.00 <u>136.00</u>	29358
Assembler-maintainer inspection consisting of an inspection of records and operating procedures of handlers that install sources of radiation	\$ 291.00 <u>317.00</u>	29359
Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the fee applicable under the schedule in this division. Until those rules are adopted, the fee for the inspection of a facility that is not licensed or registered and for which no license or registration application is pending at the time of inspection is three hundred sixty-three <u>ninety-five</u> dollars plus the fee applicable under the schedule in this division.		29360 29361 29362 29363 29364 29365 29366 29367 29368 29369
The director may conduct a review of shielding plans or the adequacy of shielding on the request of a licensee or registrant or an applicant for licensure or registration or during an inspection when the director considers a review to be necessary. Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code, the fee for the review is five <u>six</u> hundred eighty-three <u>thirty-five</u> dollars for each room where a source of		29370 29371 29372 29373 29374 29375 29376

radiation is used and is in addition to any other fee applicable 29377
under the schedule in this division. 29378

All fees shall be paid to the department of health no later 29379
than thirty days after the invoice for the fee is mailed. Fees 29380
shall be deposited in the general operations fund created in 29381
section 3701.83 of the Revised Code. The fees shall be used solely 29382
to administer and enforce this chapter and rules adopted under it. 29383

Any fee required under this section that has not been paid 29384
within ninety days after the invoice date shall be assessed at two 29385
times the original invoiced fee. Any fee that has not been paid 29386
within one hundred eighty days after the invoice date shall be 29387
assessed at five times the original invoiced fee. 29388

(C) If the director determines that a board of health of a 29389
city or general health district is qualified to conduct 29390
inspections of radiation-generating equipment, the director may 29391
delegate to the board, by contract, the authority to conduct such 29392
inspections. In making a determination of the qualifications of a 29393
board of health to conduct those inspections, the director shall 29394
evaluate the credentials of the individuals who are to conduct the 29395
inspections of radiation-generating equipment and the radiation 29396
detection and measuring equipment available to them for that 29397
purpose. If a contract is entered into, the board shall have the 29398
same authority to make inspections of radiation-generating 29399
equipment as the director has under this chapter and rules adopted 29400
under it. The contract shall stipulate that only individuals 29401
approved by the director as qualified shall be permitted to 29402
inspect radiation-generating equipment under the contract's 29403
provisions. The contract shall provide for such compensation for 29404
services as is agreed to by the director and the board of health 29405
of the contracting health district. The director may reevaluate 29406
the credentials of the inspection personnel and their radiation 29407
detecting and measuring equipment as often as the director 29408

considers necessary and may terminate any contract with the board 29409
of health of any health district that, in the director's opinion, 29410
is not satisfactorily performing the terms of the contract. 29411

(D) The director may enter at all reasonable times upon any 29412
public or private property to determine compliance with this 29413
chapter and rules adopted under it. 29414

Sec. 3770.061. There is hereby created in the state treasury 29415
the charitable gaming oversight fund. The state lottery commission 29416
shall credit to the fund any money it receives from the office of 29417
the attorney general under any agreement the commission and the 29418
office have entered into under division (I) of section 2915.08 of 29419
the Revised Code. The commission shall use money in the fund to 29420
provide oversight, licensing, and monitoring of charitable gaming 29421
activities in this state in accordance with the agreement and 29422
Chapter 2915. of the Revised Code. Not later than the first day of 29423
July of each fiscal year, or as soon as possible thereafter, the 29424
commission may certify to the office of budget and management any 29425
unobligated fund balances not necessary to be used under this 29426
section. The commission may request the office of budget and 29427
management to transfer these balances to the lottery profits 29428
education fund for use in accordance with section 3770.06 of the 29429
Revised Code. 29430

Sec. 3773.34. (A) The Ohio athletic commission shall adopt 29431
and may amend or rescind rules in accordance with Chapter 119. of 29432
the Revised Code, prescribing the conditions under which prize 29433
fights and public boxing or wrestling matches or exhibitions may 29434
be conducted, classifying professional boxers by weight, and 29435
providing for the administration of sections 3773.31 to 3773.57 of 29436
the Revised Code. The rules may require that an applicant for a 29437
contestant's license to participate in a public boxing match or 29438

exhibition take an HIV test, as defined in section 3701.24 of the Revised Code, before being issued the contestant's license and may require that a licensed contestant take such an HIV test before participating in a public boxing match or exhibition. The commission, or the commission's executive director when authorized by the commission, may issue, deny, suspend, or revoke permits to hold prize fights and public boxing or wrestling matches or exhibitions, ~~and. The commission~~ may issue, deny, suspend, or revoke licenses to persons engaged in any public boxing match or exhibition as authorized by sections 3773.31 to 3773.57 of the Revised Code.

(B) In addition to the duties set forth in this chapter, the Ohio athletic commission shall take action as necessary to carry out the provisions of Chapter 4771. of the Revised Code governing athlete agents.

(C) On or before the thirty-first day of December of each year, the commission shall make a report to the governor of its proceedings for the year ending on the first day of December of that calendar year, and may include in the report any recommendations pertaining to its duties.

Sec. 3773.38. Each person who holds a promoter's license issued under section 3773.36 of the Revised Code who desires to conduct a public boxing or wrestling match or exhibition where one or more contests are to be held shall obtain a permit from the Ohio athletic commission or the commission's executive director when the executive director is authorized by the commission to issue those types of permits. Application for such a permit shall be made in writing and on forms prescribed by the commission, shall be filed with the commission, and shall be accompanied by the permit fee prescribed in section 3773.43 of the Revised Code.

The application for a permit issued under this section shall 29469
include the date and starting time of the match or exhibition, the 29470
address of the place where the match or exhibition is to be held, 29471
the names of the contestants, the seating capacity of the building 29472
or hall where the exhibition is to be held, the admission charge 29473
or any other charges, the amount of compensation or the percentage 29474
of gate receipts to be paid to each contestant, the name and 29475
address of the applicant, a copy of the current official rules 29476
that govern the particular sport, and the serial number of the 29477
applicant's promoter's license. 29478

The commission, or the commission's executive director when 29479
authorized by the commission, may require the applicant to deposit 29480
with the commission before a public boxing match or exhibition a 29481
cash bond, certified check, bank draft, or surety bond in an 29482
amount equal to five per cent of the estimated gross receipts from 29483
the match or exhibition. 29484

Sec. 3773.39. (A) Upon receipt of an application for a permit 29485
to hold a public boxing or wrestling match or exhibition under 29486
section 3773.38 of the Revised Code, the Ohio athletic commission, 29487
or the commission's executive director when authorized by the 29488
commission, shall determine if the applicant holds a valid 29489
promoter's license issued pursuant to section 3773.36 of the 29490
Revised Code. Upon receipt of an application for a permit to hold 29491
a public boxing match or exhibition, the commission, or the 29492
commission's executive director when authorized by the commission, 29493
also shall determine if the contestants are evenly and fairly 29494
matched according to skill, experience, and weight so as to 29495
produce a fair and sportsmanlike contest, and whether the 29496
applicant is financially responsible and is able to pay to each 29497
contestant the compensation or percentage of the gate receipts 29498
named in the application. The commission, or the commission's 29499

executive director when authorized by the commission, may, if 29500
applicable, require the applicant to deposit with it within 29501
forty-eight hours before the match or exhibition the total 29502
compensation or estimated portion of gate receipts to be paid all 29503
contestants named in the application made under section 3773.38 of 29504
the Revised Code. 29505

(B) If the commission, or the commission's executive director 29506
when authorized by the commission, determines that the applicant 29507
has met all the requirements specified in division (A) of this 29508
section, ~~it~~ the commission or executive director shall issue the 29509
applicant a permit to conduct the match or exhibition. If the 29510
applicant fails to deposit any compensation or portion of gate 29511
receipts required by the commission, or executive director before 29512
the first contest of the match or exhibition is held, the 29513
commission, or the commission's executive director when authorized 29514
by the commission, may revoke the permit and order the applicant 29515
not to conduct the match or exhibition described in the permit. 29516

(C) Each permit issued pursuant to this section shall bear 29517
the name and post office address of the applicant, the address of 29518
the place where the public boxing or wrestling match or exhibition 29519
is to be held, the date and starting time of the match or 29520
exhibition, and a serial number designated by the commission. 29521

A permit issued under this section shall allow the permit 29522
holder to conduct only the match or exhibition named in the 29523
permit. A permit is not transferable. 29524

Sec. 3773.40. No person who holds a promoter's license to 29525
conduct a public boxing match or exhibition under section 3773.36 29526
of the Revised Code shall: 29527

(A) Hold any match or exhibition at any time or place other 29528
than that stated on a permit issued under section 3773.38 of the 29529
Revised Code; 29530

(B) Allow any contestant to participate in the match or 29531
exhibition unless the contestant is the licensed contestant named 29532
in the application for such permit or a licensed contestant 29533
authorized to compete as a substitute for such a contestant by the 29534
inspector assigned to the facility where the match or exhibition 29535
is held for that match or exhibition; 29536

(C) Charge a higher admission price for a match or exhibition 29537
than that stated in the application; 29538

(D) Pay a greater compensation or percentage of the gate 29539
receipts to any contestant than that stated in the application. 29540

The Ohio athletic commission, or the commission's executive 29541
director when authorized by the commission, upon application by a 29542
holder of a permit under section 3773.38 of the Revised Code, may 29543
allow the permit holder to hold the match or exhibition for which 29544
the permit was issued at an alternative site that is within the 29545
same municipal corporation or township and that offers 29546
substantially similar seating facilities, or allow the permit 29547
holder to substitute contestants or seconds, provided that the 29548
substitute contestants are evenly matched with their opponents in 29549
skill, experience, and weight. 29550

Sec. 3773.57. The Ohio athletic commission and the 29551
commission's executive director shall not issue a license or 29552
permit to conduct public boxing or wrestling matches or 29553
exhibitions in a municipal corporation or the unincorporated 29554
portion of a township if the commission or the commission's 29555
executive director determines that the legislative authority of 29556
the municipal corporation or board of township trustees has in 29557
effect an ordinance or resolution prohibiting such matches or 29558
exhibitions. 29559

Sec. 3793.09. (A) There is hereby created the council on 29560

alcohol and drug addiction services which shall consist of the 29561
public officials specified in division (B) of this section, or 29562
their designees, and thirteen members appointed by the governor 29563
with the advice and consent of the senate. The members appointed 29564
by the governor shall be representatives of the following: boards 29565
of alcohol, drug addiction, and mental health services; the 29566
criminal and juvenile justice systems; and alcohol and drug 29567
addiction programs. At least four of the appointed members shall 29568
be persons who have received or are receiving alcohol or drug 29569
addiction services or are parents or other relatives of such 29570
persons; of these at least two shall be women and at least one 29571
shall be a member of a minority group. 29572

The governor shall make initial appointments to the council 29573
not later than thirty days after October 10, 1989. Of the initial 29574
appointments, six shall be for terms ending July 31, 1991, and 29575
seven shall be for terms ending July 31, 1992. Thereafter, terms 29576
of office shall be two years, with each term ending on the same 29577
day of the same month as the term it succeeds. Each member shall 29578
hold office from the date of the member's appointment until the 29579
end of the term for which the member was appointed. Members may be 29580
reappointed. Vacancies shall be filled in the same manner as 29581
original appointments. Any member appointed to fill a vacancy 29582
occurring prior to the expiration of the term for which the 29583
member's predecessor was appointed shall hold office as a member 29584
for the remainder of the term. A member shall continue in office 29585
subsequent to the expiration of the member's term until the 29586
member's successor takes office or until a period of sixty days 29587
has elapsed, whichever occurs first. 29588

(B) The directors of health, public safety, mental health, 29589
rehabilitation and correction, and youth services; the 29590
superintendents of public instruction and liquor control; the 29591
attorney general; the adjutant general; and the executive director 29592

of the ~~office~~ division of criminal justice services in the 29593
department of public safety shall be voting members of the 29594
council, except that any of these officials may designate an 29595
individual to serve in the official's place as a voting member of 29596
the council. The director of alcohol and drug addiction services 29597
shall serve as a nonvoting member of the council. 29598

(C) The governor shall annually appoint a ~~chairman~~ 29599
chairperson from among the members of the council. The council 29600
shall meet quarterly and at other times the ~~chairman~~ chairperson 29601
considers necessary. In addition to other duties specified in this 29602
chapter, the council shall review the development of the 29603
comprehensive statewide plan for alcohol and drug addiction 29604
services, revisions of the plan, and other actions taken to 29605
implement the purposes of this chapter by the department of 29606
alcohol and drug addiction services and shall act as an advisory 29607
council to the director of alcohol and drug addiction services. 29608

(D) Members of the council shall serve without compensation, 29609
but shall be paid actual and necessary expenses incurred in the 29610
performance of their duties. 29611

Sec. 3901.021. Three-fourths of all appointment and other 29612
fees collected under section 3905.10, division (B) of section 29613
3905.20, and division (A)(6) of section 3905.40 of the Revised 29614
Code shall be paid into the state treasury to the credit of the 29615
department of insurance operating fund, which is hereby created. 29616
The remaining one-fourth shall be credited to the general revenue 29617
fund. Other revenues collected by the superintendent of insurance, 29618
such as registration fees for sponsored seminars or conferences 29619
and grants from private entities, shall be paid into the state 29620
treasury to the credit of the department of insurance operating 29621
fund. All operating expenses of the department of insurance except 29622
those expenses defined under section 3901.07 of the Revised Code 29623

shall be paid from the department of insurance operating fund. 29624

Sec. 3901.17. (A) As used in this section: 29625

(1) "Insurer" includes, but is not limited to, any person 29626
that is an affiliate of or affiliated with the insurer, as defined 29627
in division (A) of section 3901.32 of the Revised Code, and any 29628
person that is a subsidiary of the insurer as defined in division 29629
(F) of section 3901.32 of the Revised Code. 29630

(2) "Laws of this state relating to insurance" has the 29631
meaning defined in division (A)(1) of section 3901.04 of the 29632
Revised Code. 29633

(3) "Person" has the meaning defined in division (A) of 29634
section 3901.19 of the Revised Code. 29635

(B) Any of the following acts in this state, effected by mail 29636
or otherwise, by any foreign or alien insurer not authorized to 29637
transact business within this state, any nonresident person acting 29638
on behalf of an insurer, or any nonresident insurance agent 29639
subjects the insurer, person, or agent to the exercise of personal 29640
jurisdiction over the insurer, person, or agent to the extent 29641
permitted by the constitutions of this state and of the United 29642
States: 29643

(1) Issuing or delivering contracts of insurance to residents 29644
of this state or to corporations authorized to do business 29645
therein; 29646

(2) Making or proposing to make any insurance contracts; 29647

(3) Soliciting, taking, or receiving any application for 29648
insurance; 29649

(4) Receiving or collecting any premium, commission, 29650
membership fee, assessment, dues, or other consideration for any 29651
insurance contract or any part thereof; 29652

(5) Disseminating information as to coverage or rates, 29653
forwarding applications, inspecting risks, fixing rates, 29654
investigating or adjusting claims or losses, transacting any 29655
matters subsequent to effecting a contract of insurance and 29656
arising out of it; 29657

(6) Doing any kind of business recognized as constituting the 29658
doing of an insurance business under Title XXXIX of the Revised 29659
Code or subject to regulation by the superintendent of insurance 29660
under the laws of this state relating to insurance. 29661

Any such act shall be considered to be the doing of an 29662
insurance business in this state by such insurer, person, or agent 29663
and shall be its agreement that service of any lawful subpoena, 29664
notice, order, or process is of the same legal force and validity 29665
as personal service of the subpoena, notice, order, or process in 29666
this state upon the insurer, person, or agent. 29667

(C) Service of process in judicial proceedings shall be as 29668
provided by the Rules of Civil Procedure. Service in or out of 29669
this state of notice, orders, or subpoenas in administrative 29670
proceedings before the superintendent shall be as provided in 29671
section 3901.04 of the Revised Code. 29672

(D) Service of any notice, order, subpoena, or process in any 29673
such action, suit, or proceeding shall, in addition to the manner 29674
provided in division (C) of this section, be valid if served upon 29675
any person within this state who, in this state on behalf of such 29676
insurer, person, or agent is or has been: 29677

(1) Soliciting, procuring, effecting, or negotiating for 29678
insurance; 29679

(2) Making, issuing, or delivering any contract of insurance; 29680

(3) Collecting or receiving any premium, membership fees, 29681
assessment, dues, or other consideration for insurance; 29682

(4) Disseminating information as to coverage or rates, 29683
forwarding applications, inspecting risks, fixing rates, 29684
investigating or adjusting claims or losses, or transacting any 29685
matters subsequent to effecting a contract of insurance and 29686
arising out of it. 29687

(E) Nothing in this section shall limit or abridge the right 29688
to serve any subpoena, order, process, notice, or demand upon any 29689
insurer, person, or agent in any other manner permitted by law. 29690

(F) Every person investigating or adjusting any loss or claim 29691
under a policy of insurance not excepted under division (I) of 29692
this section and issued by any such insurer and covering a subject 29693
of insurance that was resident, located, or to be performed in 29694
this state at the time of issuance shall immediately report the 29695
policy to the superintendent. 29696

(G) Each such insurer that does any of the acts set forth in 29697
division (B) of this section in this state by mail or otherwise 29698
shall be subject to a tax of five per cent on the gross premiums, 29699
membership fees, assessments, dues, and other considerations 29700
received on all contracts of insurance covering subjects of 29701
insurance resident, located, or to be performed within this state. 29702
Such insurer shall annually, on or before the first day of July, 29703
pay such tax to the treasurer of state, as calculated on a form 29704
prescribed by the treasurer of state. If the tax is not paid when 29705
due, the tax shall be increased by a penalty of twenty-five per 29706
cent. An interest charge computed as set forth in section 5725.221 29707
of the Revised Code shall be made on the entire sum of the tax 29708
plus penalty, which interest shall be computed from the date the 29709
tax is due until it is paid. The treasurer of state shall 29710
determine and report all claims for penalties and interest 29711
accruing under this section to the attorney general for 29712
collection. 29713

For purposes of this division, payment is considered made 29714
when it is received by the treasurer of state, irrespective of any 29715
United States postal service marking or other stamp or mark 29716
indicating the date on which the payment may have been mailed. 29717

(H) No contract of insurance effected in this state by mail 29718
or otherwise by any such insurer is enforceable by the insurer. 29719

(I) This section does not apply to: 29720

(1) Insurance obtained pursuant to sections 3905.30 to 29721
3905.36 of the Revised Code; 29722

(2) The transaction of reinsurance by insurers; 29723

(3) Transactions in this state involving a policy solicited, 29724
written, and delivered outside this state covering only subjects 29725
of insurance not resident, located, or to be performed in this 29726
state at the time of issuance, provided such transactions are 29727
subsequent to the issuance of the policy; 29728

(4) Transactions in this state involving a policy of group 29729
life or group accident and sickness insurance solicited, written, 29730
and delivered outside this state; 29731

(5) Transactions involving contracts of insurance 29732
independently procured through negotiations occurring entirely 29733
outside this state which are reported to the superintendent and 29734
with respect to which the tax provided by section 3905.36 of the 29735
Revised Code is paid; 29736

(6) An attorney at law acting on behalf of the attorney's 29737
clients in the adjustment of claims or losses; 29738

(7) ~~Any~~ Except as provided in division (G) of this section, 29739
any insurance company underwriter issuing contracts of insurance 29740
to employer insureds or contracts of insurance issued to an 29741
employer insured. For purposes of this section, an "employer 29742
insured" is an insured to whom all of the following apply: 29743

(a) The insured procures the insurance of any risk or risks 29744
by use of the services of a full-time employee acting as an 29745
insurance manager or buyer or the services of a regularly and 29746
continuously qualified insurance consultant. As used in division 29747
(I)(7)(a) of this section, a "regularly and continuously qualified 29748
insurance consultant" does not include any person licensed under 29749
Chapter 3905. of the Revised Code. 29750

(b) The insured's aggregate annual premiums for insurance on 29751
all risks total at least twenty-five thousand dollars; and 29752

(c) The insured has at least twenty-five full-time employees. 29753

(8) Ocean marine insurance. 29754

Sec. 3905.36. Every insured association, company, 29755
corporation, or other person that enters, directly or indirectly, 29756
into any agreements with any insurance company, association, 29757
individual, firm, underwriter, or Lloyd, not authorized to do 29758
business in this state, whereby the insured shall procure, 29759
continue, or renew contracts of insurance covering subjects of 29760
insurance resident, located, or to be performed within this state, 29761
with such unauthorized insurance company, association, individual, 29762
firm, underwriter, or Lloyd, for which insurance there is a gross 29763
premium, membership fee, assessment, dues, or other consideration 29764
charged or collected, shall annually, on or before the 29765
thirty-first day of January, return to the superintendent of 29766
insurance a statement under oath showing the name and address of 29767
the insured, name and address of the insurer, subject of the 29768
insurance, general description of the coverage, and amount of 29769
gross premium, fee, assessment, dues, or other consideration for 29770
such insurance for the preceding twelve-month period and shall at 29771
the same time pay to the treasurer of state a tax of five per cent 29772
of such gross premium, fee, assessment, dues, or other 29773
consideration, after a deduction for return premium, if any, as 29774

calculated on a form prescribed by the treasurer of state. All 29775
taxes collected under this section by the treasurer of state shall 29776
be paid into the general revenue fund. If the tax is not paid when 29777
due, the tax shall be increased by a penalty of twenty-five per 29778
cent. An interest charge computed as set forth in section 5725.221 29779
of the Revised Code shall be made on the entire sum of the tax 29780
plus penalty, which interest shall be computed from the date the 29781
tax is due until it is paid. For purposes of this section, payment 29782
is considered made when it is received by the treasurer of state, 29783
irrespective of any United States postal service marking or other 29784
stamp or mark indicating the date on which the payment may have 29785
been mailed. This section does not apply to: 29786

(A) Insurance obtained pursuant to sections 3905.30 to 29787
3905.35 of the Revised Code; 29788

(B) Transactions in this state involving a policy solicited, 29789
written, and delivered outside this state covering only subjects 29790
of insurance not resident, located, or to be performed in this 29791
state at the time of issuance, provided such transactions are 29792
subsequent to the issuance of the policy; 29793

(C) Attorneys-at-law acting on behalf of their clients in the 29794
adjustment of claims or losses; 29795

~~(D) Any insurance company underwriter issuing contracts of 29796
insurance to employer insureds or contracts of insurance issued to 29797
an employer insured. For purposes of this section an "employer 29798
insured" is an insured; 29799~~

~~(1) Who procures the insurance of any risk or risks by use of 29800
the services of a full time employee acting as an insurance 29801
manager or buyer or the services of a regularly and continuously 29802
qualified insurance consultant. As used in division (D)(1) of this 29803
section, a "regularly and continuously qualified insurance 29804
consultant" does not include any person licensed under Chapter 29805~~

3905. of the Revised Code. 29806

~~(2) Whose aggregate annual premiums for insurance on all risks total at least twenty five thousand dollars; and~~ 29807
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~~(3) Who has at least twenty five full time employees.~~ 29809

Each person licensed under section 3905.30 of the Revised Code shall pay to the treasurer of state, on or before the thirty-first day of January of each year, five per cent of the balance of the gross premiums charged for insurance placed or procured under the license after a deduction for return premiums, as reported on a form prescribed by the treasurer of state. The tax shall be collected from the insured by the surplus line broker who placed or procured the policy of insurance at the time the policy is delivered to the insured. No license issued under section 3905.30 of the Revised Code shall be renewed until payment is made. If the tax is not paid when due, the tax shall be increased by a penalty of twenty-five per cent. An interest charge computed as set forth in section 5725.221 of the Revised Code shall be made on the entire sum of the tax plus penalty, which interest shall be computed from the date the tax is due until it is paid. For purposes of this section, payment is considered made when it is received by the treasurer of state, irrespective of any United States postal service marking or other stamp or mark indicating the date on which the payment may have been mailed.

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Sec. 3923.27. No policy of sickness and accident insurance delivered, issued for delivery, or renewed in this state after ~~the effective date of this section~~ August 26, 1976, including both individual and group policies, that provides hospitalization coverage for mental illness shall exclude such coverage for the reason that the insured is hospitalized in an institution or facility receiving tax support from the state, any municipal corporation, county, or joint county board, whether such

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institution or facility is deemed charitable or otherwise, 29837
provided the institution or facility or portion thereof is fully 29838
accredited by the joint commission on accreditation of hospitals 29839
or certified under Titles XVIII and XIX of the "Social Security 29840
Act of 1935," 79 Stat. 291, 42 U.S.C.A. 1395, as amended. The 29841
insurance coverage shall provide payment amounting to the lesser 29842
of either the full amount of the statutory charge for the cost of 29843
the services pursuant to ~~division (B)(8) of section 5121.04~~ 29844
section 5121.33 of the Revised Code or the benefits payable for 29845
the services under the applicable insurance policy. Insurance 29846
benefits for the coverage shall be paid so long as patients and 29847
their liable relatives retain their statutory liability pursuant 29848
to ~~the requirements of sections 5121.01 to 5121.10~~ section 5121.33 29849
of the Revised Code. Only that portion or per cent of the benefits 29850
shall be payable that has been assigned, or ordered to be paid, to 29851
the state or other appropriate provider for services rendered by 29852
the institution or facility. 29853

Sec. 4112.12. (A) There is hereby created the commission on 29854
African-American males, which shall consist of not more than 29855
forty-one members as follows: the directors or their designees of 29856
the departments of health, development, alcohol and drug addiction 29857
services, job and family services, rehabilitation and correction, 29858
mental health, and youth services; the adjutant general or the 29859
adjutant general's designee; the equal employment opportunity 29860
officer of the department of administrative services or the equal 29861
employment opportunity officer's designee; the executive director 29862
or the executive director's designee of the Ohio civil rights 29863
commission; the executive director or the executive director's 29864
designee of the ~~office~~ division of criminal justice services in 29865
the department of public safety; the superintendent of public 29866
instruction; the chancellor or the chancellor's designee of the 29867
Ohio board of regents; two members of the house of representatives 29868

appointed by the speaker of the house of representatives; three 29869
members of the senate appointed by the president of the senate; 29870
and not more than twenty-three members appointed by the governor. 29871
The members appointed by the governor shall include an additional 29872
member of the governor's cabinet and at least one representative 29873
of each of the following: the national association for the 29874
advancement of colored people; the urban league; an organization 29875
representing black elected officials; an organization representing 29876
black attorneys; the black religious community; the black business 29877
community; the nonminority business community; and organized 29878
labor; at least one black medical doctor, one black elected member 29879
of a school board, and one black educator; and at least two 29880
representatives of local private industry councils. The remaining 29881
members that may be appointed by the governor shall be selected 29882
from elected officials, civic and community leaders, and 29883
representatives of the employment, criminal justice, education, 29884
and health communities. 29885

(B) Terms of office shall be for three years, with each term 29886
ending on the same day of the same month as did the term that it 29887
succeeds. Each member shall hold office from the date of 29888
appointment until the end of the term for which the member was 29889
appointed. Members may be reappointed. Vacancies shall be filled 29890
in the manner provided for original appointments. Any member 29891
appointed to fill a vacancy occurring prior to the expiration date 29892
of the term for which the member's predecessor was appointed shall 29893
hold office as a member for the remainder of that term. A member 29894
shall continue in office subsequent to the expiration date of the 29895
member's term until the member's successor takes office or until a 29896
period of sixty days has elapsed, whichever occurs first. 29897

The commission annually shall elect a chairperson from among 29898
its members. 29899

(C) Members of the commission and members of subcommittees 29900

appointed under division (B) of section 4112.13 of the Revised Code shall not be compensated, but shall be reimbursed for their necessary and actual expenses incurred in the performance of their official duties. 29901
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(D)(1) The Ohio civil rights commission shall serve as the commission on African-American males' fiscal agent and shall perform all of the following services: 29905
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(a) Prepare and process payroll and other personnel documents that the commission on African-American males approves; 29908
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(b) Maintain ledgers of accounts and reports of account balances, and monitor budgets and allotment plans in consultation with the commission on African-American males; 29910
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(c) Perform other routine support services that the executive director of the Ohio civil rights commission or the executive director's designee and the Commission on African-American males or its designee consider appropriate to achieve efficiency. 29913
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(2) The Ohio civil rights commission shall not approve any payroll or other personnel-related documents or any biennial budget, grant, expenditure, audit, or fiscal-related document without the advice and consent of the commission on African-American males. 29917
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(3) The Ohio civil rights commission shall determine fees to be charged to the commission on African-American males for services performed under this division, which shall be in proportion to the services performed for the commission on African-American males. 29922
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(4) The commission on African-American males or its designee has: 29927
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(a) Sole authority to draw funds for any federal program in which the commission is authorized to participate; 29929
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(b) Sole authority to expend funds from accounts for programs 29931
and any other necessary expenses the commission on 29932
African-American males may incur; 29933

(c) The duty to cooperate with the Ohio civil rights 29934
commission to ensure that the Ohio civil rights commission is 29935
fully apprised of all financial transactions. 29936

(E) The commission on African-American males shall appoint an 29937
executive director, who shall be in the unclassified civil 29938
service. The executive director shall supervise the commission's 29939
activities and report to the commission on the progress of those 29940
activities. The executive director shall do all things necessary 29941
for the efficient and effective implementation of the duties of 29942
the commission. 29943

The responsibilities assigned to the executive director do 29944
not relieve the members of the commission from final 29945
responsibility for the proper performance of the requirements of 29946
this division. 29947

(F) The commission on African-American males shall: 29948

(1) Employ, promote, supervise, and remove all employees, as 29949
needed, in connection with the performance of its duties under 29950
this section; 29951

(2) Maintain its office in Columbus; 29952

(3) Acquire facilities, equipment, and supplies necessary to 29953
house the commission, its employees, and files and records under 29954
its control, and to discharge any duty imposed upon it by law. The 29955
expense of these acquisitions shall be audited and paid for in the 29956
same manner as other state expenses. 29957

(4) Prepare and submit to the office of budget and management 29958
a budget for each biennium in accordance with sections 101.55 and 29959
107.03 of the Revised Code. The budget submitted shall cover the 29960

costs of the commission and its staff in the discharge of any duty 29961
imposed upon the commission by law. The commission shall pay its 29962
own payroll and other operating expenses from appropriation items 29963
designated by the general assembly. The commission shall not 29964
delegate any authority to obligate funds. 29965

(5) Establish the overall policy and management of the 29966
commission in accordance with this chapter; 29967

(6) Follow all state procurement requirements; 29968

(7) Pay fees owed to the Ohio civil rights commission under 29969
division (D) of this section from the commission on 29970
African-American males' general revenue fund or from any other 29971
fund from which the operating expenses of the commission on 29972
African-American males are paid. Any amounts set aside for a 29973
fiscal year for the payment of such fees shall be used only for 29974
the services performed for the commission on African-American 29975
males by the Ohio civil rights commission in that fiscal year. 29976

(G) The commission on African-American males may: 29977

(1) Hold sessions at any place within the state; 29978

(2) Establish, change, or abolish positions, and assign and 29979
reassign duties and responsibilities of any employee of the 29980
commission on African-American males as necessary to achieve the 29981
most efficient performance of its functions. 29982

Sec. 4117.24. The training ~~and~~, publications, ~~and grants~~ fund 29983
is hereby created in the state treasury. The state employment 29984
relations board shall deposit into the training ~~and~~, publications, 29985
and grants fund all ~~payments~~ moneys received from the following 29986
sources: 29987

(A) Payments received by the board for copies of documents, 29988
rulebooks, and other publications; ~~fees~~ 29989

<u>(B) Fees received from seminar participants; and receipts</u>	29990
<u>(C) Receipts from the sale of clearinghouse data;</u>	29991
<u>(D) Moneys received from grants, donations, awards, bequests,</u> <u>gifts, reimbursements, and similar funds;</u>	29992 29993
<u>(E) Reimbursement received for professional services and</u> <u>expenses related to professional services;</u>	29994 29995
<u>(F) Funds received to support the development of labor</u> <u>relations services and programs. The state employment relations</u> <u>board shall use all moneys deposited into the training and,</u> <u>publications, and grants fund to defray the costs of furnishing</u> <u>and making available copies of documents, rulebooks, and other</u> <u>publications; the costs of planning, organizing, and conducting</u> <u>training seminars; the costs associated with grant projects,</u> <u>innovative labor-management cooperation programs, research</u> <u>projects related to these grants and programs, and the advancement</u> <u>in professionalism of public sector relations; the professional</u> <u>development of board employees; and the costs of compiling</u> <u>clearinghouse data.</u>	29996 29997 29998 29999 30000 30001 30002 30003 30004 30005 30006 30007
<u>The board may seek, solicit, apply for, receive, and accept</u> <u>grants, gifts, and contributions of money, property, labor, and</u> <u>other things of value to be held for, used for, and applied to</u> <u>only the purpose for which the grants, gifts, and contributions</u> <u>are made, from individuals, private and public corporations, the</u> <u>United States or any agency thereof, the state or any agency</u> <u>thereof, and any political subdivision of the state, and may enter</u> <u>into any contract with any such public or private source in</u> <u>connection therewith to be held for, used for, and applied to only</u> <u>the purposes for which such grants are made and contracts are</u> <u>entered into, all subject to and in accordance with the purposes</u> <u>of this chapter. Any money received from the grants, gifts,</u> <u>contributions, or contracts shall be deposited into the training,</u>	30008 30009 30010 30011 30012 30013 30014 30015 30016 30017 30018 30019 30020

publications, and grants fund. 30021

Sec. 4123.27. Information contained in the annual statement 30022
provided for in section 4123.26 of the Revised Code, and such 30023
other information as may be furnished to the bureau of workers' 30024
compensation by employers in pursuance of that section, is for the 30025
exclusive use and information of the bureau in the discharge of 30026
its official duties, and shall not be open to the public nor be 30027
used in any court in any action or proceeding pending therein 30028
unless the bureau is a party to the action or proceeding; but the 30029
information contained in the statement may be tabulated and 30030
published by the bureau in statistical form for the use and 30031
information of other state departments and the public. No person 30032
in the employ of the bureau, except those who are authorized by 30033
the administrator of workers' compensation, shall divulge any 30034
information secured by the person while in the employ of the 30035
bureau in respect to the transactions, property, claim files, 30036
records, or papers of the bureau or in respect to the business or 30037
mechanical, chemical, or other industrial process of any company, 30038
firm, corporation, person, association, partnership, or public 30039
utility to any person other than the administrator or to the 30040
superior of such employee of the bureau. 30041

Notwithstanding the restrictions imposed by this section, the 30042
governor, select or standing committees of the general assembly, 30043
the auditor of state, the attorney general, or their designees, 30044
pursuant to the authority granted in this chapter and Chapter 30045
4121. of the Revised Code, may examine any records, claim files, 30046
or papers in possession of the industrial commission or the 30047
bureau. They also are bound by the privilege that attaches to 30048
these papers. 30049

The administrator shall report to the director of job and 30050
family services or to the county director of job and family 30051

services the name, address, and social security number or other 30052
identification number of any person receiving workers' 30053
compensation whose name or social security number or other 30054
identification number is the same as that of a person required by 30055
a court or child support enforcement agency to provide support 30056
payments to a recipient or participant of public assistance, and 30057
whose name is submitted to the administrator by the director under 30058
section 5101.36 of the Revised Code. The administrator also shall 30059
inform the director of the amount of workers' compensation paid to 30060
the person during such period as the director specifies. 30061

Within fourteen days after receiving from the director of job 30062
and family services a list of the names and social security 30063
numbers of recipients or participants of public assistance 30064
pursuant to section 5101.181 of the Revised Code, the 30065
administrator shall inform the auditor of state of the name, 30066
current or most recent address, and social security number of each 30067
person receiving workers' compensation pursuant to this chapter 30068
whose name and social security number are the same as that of a 30069
person whose name or social security number was submitted by the 30070
director. The administrator also shall inform the auditor of state 30071
of the amount of workers' compensation paid to the person during 30072
such period as the director specifies. 30073

The bureau and its employees, except for purposes of 30074
furnishing the auditor of state with information required by this 30075
section, shall preserve the confidentiality of recipients or 30076
participants of public assistance in compliance with division (A) 30077
of section 5101.181 of the Revised Code. 30078

For the purposes of this section, "public assistance" means 30079
medical assistance provided through the medical assistance program 30080
established under section 5111.01 of the Revised Code, Ohio works 30081
first provided under Chapter 5107. of the Revised Code, 30082
prevention, retention, and contingency benefits and services 30083

provided under Chapter 5108. of the Revised Code, or disability 30084
financial assistance provided under Chapter 5115. of the Revised 30085
Code, ~~or disability medical assistance provided under Chapter~~ 30086
~~5115. of the Revised Code.~~ 30087

Sec. 4301.42. For the purpose of providing revenue for the 30088
support of the state, a tax is hereby levied on the sale of beer 30089
in sealed bottles and cans having twelve ounces or less of liquid 30090
content, at the rate of ~~fourteen~~ twenty-eight one-hundredths of 30091
one cent on each ounce of liquid content or fractional part of 30092
each ounce of liquid content, and on such containers in excess of 30093
twelve ounces, at the rate of ~~eighty-four~~ one and sixty-eight 30094
one-hundredths ~~of one cent~~ cents on each six ounces of liquid 30095
content or fractional part of each six ounces of liquid content. 30096
Sections 4307.01 to 4307.12 of the Revised Code apply in the 30097
administration of that tax. Manufacturers, bottlers, and canners 30098
of and wholesale dealers in beer have the duty to pay the tax 30099
imposed by this section and are entitled to the privileges in the 30100
manner provided in section 4303.33 of the Revised Code. 30101

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 30102
the Revised Code: 30103

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 30104
fluid ounces. 30105

(2) "Sale" or "sell" includes exchange, barter, gift, 30106
distribution, and, except with respect to A-4 permit holders, 30107
offer for sale. 30108

(B) For the purposes of providing revenues for the support of 30109
the state and encouraging the grape industries in the state, a tax 30110
is hereby levied on the sale or distribution of wine in Ohio, 30111
except for known sacramental purposes, at the rate of ~~thirty~~ sixty 30112
cents per wine gallon for wine containing not less than four per 30113

cent of alcohol by volume and not more than fourteen per cent of 30114
alcohol by volume, ~~ninety-eight~~ one dollar and ninety-six cents 30115
per wine gallon for wine containing more than fourteen per cent 30116
but not more than twenty-one per cent of alcohol by volume, ~~one~~ 30117
~~dollar~~ two dollars and ~~eight~~ sixteen cents per wine gallon for 30118
vermouth, and ~~one-dollar~~ two dollars and ~~forty-eight~~ ninety-six 30119
cents per wine gallon for sparkling and carbonated wine and 30120
champagne, the tax to be paid by the holders of A-2 and B-5 30121
permits or by any other person selling or distributing wine upon 30122
which no tax has been paid. From the tax paid under this section 30123
on wine, vermouth, and sparkling and carbonated wine and 30124
champagne, the treasurer of state shall credit to the Ohio grape 30125
industries fund created under section 924.54 of the Revised Code a 30126
sum equal to one cent per gallon for each gallon upon which the 30127
tax is paid. 30128

(C) For the purpose of providing revenues for the support of 30129
the state, there is hereby levied a tax on prepared and bottled 30130
highballs, cocktails, cordials, and other mixed beverages at the 30131
rate of ~~one-dollar~~ two dollars and ~~twenty~~ forty cents per wine 30132
gallon to be paid by holders of A-4 permits or by any other person 30133
selling or distributing those products upon which no tax has been 30134
paid. Only one sale of the same article shall be used in computing 30135
the amount of tax due. The tax on mixed beverages to be paid by 30136
holders of A-4 permits under this section shall not attach until 30137
the ownership of the mixed beverage is transferred for valuable 30138
consideration to a wholesaler or retailer, and no payment of the 30139
tax shall be required prior to that time. 30140

(D) During the period of July 1, ~~2003~~ 2005, through June 30, 30141
~~2005~~ 2007, from the tax paid under this section on wine, vermouth, 30142
and sparkling and carbonated wine and champagne, the treasurer of 30143
state shall credit to the Ohio grape industries fund created under 30144
section 924.54 of the Revised Code a sum equal to two cents per 30145

gallon upon which the tax is paid. The amount credited under this 30146
division is in addition to the amount credited to the Ohio grape 30147
industries fund under division (B) of this section. 30148

(E) For the purpose of providing revenues for the support of 30149
the state, there is hereby levied a tax on cider at the rate of 30150
~~twenty-four~~ forty-eight cents per wine gallon to be paid by the 30151
holders of A-2 and B-5 permits or by any other person selling or 30152
distributing cider upon which no tax has been paid. Only one sale 30153
of the same article shall be used in computing the amount of the 30154
tax due. 30155

Sec. 4305.01. For the purpose of reimbursing the state for 30156
the expenses of administering Chapters 4301. and 4303. of the 30157
Revised Code and to provide revenues for the support of the state, 30158
a tax is hereby levied on the sale or distribution in this state 30159
of beer, whether in barrels or other containers, excepting in 30160
sealed bottles or cans, at the rate of ~~five~~ eleven dollars and 30161
~~fifty-eight~~ sixteen cents per barrel of thirty-one gallons. 30162

The tax commissioner shall exercise, with respect to the 30163
administration of the tax imposed by this section, all the powers 30164
and duties vested in or imposed by sections 4307.04 to 4307.07 of 30165
the Revised Code, so far as consistent with this section. 30166
Manufacturers and consignees of beer in barrels or other 30167
containers, excepting in sealed bottles or cans, and railroad 30168
companies, express companies, and other public carriers 30169
transporting shipments of such beer are subject, with respect to 30170
such tax, to the same duties and entitled to the same privileges 30171
as are required or permitted by those sections. 30172

The revenue derived from the tax on the sale and distribution 30173
of beer pursuant to this section and section 4301.42 of the 30174
Revised Code shall be for the use of the general revenue fund. 30175

The tax refund fund created by section 5703.052 of the 30176

Revised Code may be drawn upon by the tax commissioner for any 30177
refunds authorized to be made by the commissioner in sections 30178
4303.33, 4307.05, and 4307.07 of the Revised Code for beer. 30179

Sec. 4505.06. (A)(1) Application for a certificate of title 30180
shall be made in a form prescribed by the registrar of motor 30181
vehicles and shall be sworn to before a notary public or other 30182
officer empowered to administer oaths. The application shall be 30183
filed with the clerk of any court of common pleas. An application 30184
for a certificate of title may be filed electronically by any 30185
electronic means approved by the registrar in any county with the 30186
clerk of the court of common pleas of that county. Any payments 30187
required by this chapter shall be considered as accompanying any 30188
electronically transmitted application when payment actually is 30189
received by the clerk. Payment of any fee or taxes may be made by 30190
electronic transfer of funds. 30191

(2) The application for a certificate of title shall be 30192
accompanied by the fee prescribed in section 4505.09 of the 30193
Revised Code. The fee shall be retained by the clerk who issues 30194
the certificate of title and shall be distributed in accordance 30195
with that section. If a clerk of a court of common pleas, other 30196
than the clerk of the court of common pleas of an applicant's 30197
county of residence, issues a certificate of title to the 30198
applicant, the clerk shall transmit data related to the 30199
transaction to the automated title processing system. 30200

(3) If a certificate of title previously has been issued for 30201
a motor vehicle in this state, the application for a certificate 30202
of title also shall be accompanied by that certificate of title 30203
duly assigned, unless otherwise provided in this chapter. If a 30204
certificate of title previously has not been issued for the motor 30205
vehicle in this state, the application, unless otherwise provided 30206
in this chapter, shall be accompanied by a manufacturer's or 30207

importer's certificate or by a certificate of title of another 30208
state from which the motor vehicle was brought into this state. If 30209
the application refers to a motor vehicle last previously 30210
registered in another state, the application also shall be 30211
accompanied by the physical inspection certificate required by 30212
section 4505.061 of the Revised Code. If the application is made 30213
by two persons regarding a motor vehicle in which they wish to 30214
establish joint ownership with right of survivorship, they may do 30215
so as provided in section 2131.12 of the Revised Code. If the 30216
applicant requests a designation of the motor vehicle in 30217
beneficiary form so that upon the death of the owner of the motor 30218
vehicle, ownership of the motor vehicle will pass to a designated 30219
transfer-on-death beneficiary or beneficiaries, the applicant may 30220
do so as provided in section 2131.13 of the Revised Code. A person 30221
who establishes ownership of a motor vehicle that is transferable 30222
on death in accordance with section 2131.13 of the Revised Code 30223
may terminate that type of ownership or change the designation of 30224
the transfer-on-death beneficiary or beneficiaries by applying for 30225
a certificate of title pursuant to this section. The clerk shall 30226
retain the evidence of title presented by the applicant and on 30227
which the certificate of title is issued, except that, if an 30228
application for a certificate of title is filed electronically by 30229
an electronic motor vehicle dealer on behalf of the purchaser of a 30230
motor vehicle, the clerk shall retain the completed electronic 30231
record to which the dealer converted the certificate of title 30232
application and other required documents. The registrar, after 30233
consultation with the attorney general, shall adopt rules that 30234
govern the location at which, and the manner in which, are stored 30235
the actual application and all other documents relating to the 30236
sale of a motor vehicle when an electronic motor vehicle dealer 30237
files the application for a certificate of title electronically on 30238
behalf of the purchaser. 30239

The clerk shall use reasonable diligence in ascertaining 30240
whether or not the facts in the application for a certificate of 30241
title are true by checking the application and documents 30242
accompanying it or the electronic record to which a dealer 30243
converted the application and accompanying documents with the 30244
records of motor vehicles in the clerk's office. If the clerk is 30245
satisfied that the applicant is the owner of the motor vehicle and 30246
that the application is in the proper form, the clerk, within five 30247
business days after the application is filed, shall issue a 30248
physical certificate of title over the clerk's signature and 30249
sealed with the clerk's seal, unless the applicant specifically 30250
requests the clerk not to issue a physical certificate of title 30251
and instead to issue an electronic certificate of title. For 30252
purposes of the transfer of a certificate of title, if the clerk 30253
is satisfied that the secured party has duly discharged a lien 30254
notation but has not canceled the lien notation with a clerk, the 30255
clerk may cancel the lien notation on the automated title 30256
processing system and notify the clerk of the county of origin. 30257

(4) In the case of the sale of a motor vehicle to a general 30258
buyer or user by a dealer, by a motor vehicle leasing dealer 30259
selling the motor vehicle to the lessee or, in a case in which the 30260
leasing dealer subleased the motor vehicle, the sublessee, at the 30261
end of the lease agreement or sublease agreement, or by a 30262
manufactured home broker, the certificate of title shall be 30263
obtained in the name of the buyer by the dealer, leasing dealer, 30264
or manufactured home broker, as the case may be, upon application 30265
signed by the buyer. The certificate of title shall be issued, or 30266
the process of entering the certificate of title application 30267
information into the automated title processing system if a 30268
physical certificate of title is not to be issued shall be 30269
completed, within five business days after the application for 30270
title is filed with the clerk. If the buyer of the motor vehicle 30271

previously leased the motor vehicle and is buying the motor
vehicle at the end of the lease pursuant to that lease, the
certificate of title shall be obtained in the name of the buyer by
the motor vehicle leasing dealer who previously leased the motor
vehicle to the buyer or by the motor vehicle leasing dealer who
subleased the motor vehicle to the buyer under a sublease
agreement.

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

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

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

(iii) A motor vehicle dealer or motor vehicle leasing dealer
is liable to a secured party for a late fee of ten dollars per day
for each certificate of title application and payment of the

applicable tax that is submitted to a clerk more than seven 30303
business days but less than twenty-one days after the later of the 30304
delivery of the motor vehicle to the buyer or the date the dealer 30305
or leasing dealer obtains the manufacturer's or importer's 30306
certificate, or certificate of title issued in the name of the 30307
dealer or leasing dealer, for the motor vehicle and, from then on, 30308
twenty-five dollars per day until the application and applicable 30309
tax are submitted to a clerk. 30310

(b) In all cases of transfer of a motor vehicle, the 30311
application for certificate of title shall be filed within thirty 30312
days after the assignment or delivery of the motor vehicle. If an 30313
application for a certificate of title is not filed within the 30314
period specified in division (A)(5)(b) of this section, the clerk 30315
shall collect a fee of five dollars for the issuance of the 30316
certificate, except that no such fee shall be required from a 30317
motor vehicle salvage dealer, as defined in division (A) of 30318
section 4738.01 of the Revised Code, who immediately surrenders 30319
the certificate of title for cancellation. The fee shall be in 30320
addition to all other fees established by this chapter, and shall 30321
be retained by the clerk. The registrar shall provide, on the 30322
certificate of title form prescribed by section 4505.07 of the 30323
Revised Code, language necessary to give evidence of the date on 30324
which the assignment or delivery of the motor vehicle was made. 30325

(6) As used in division (A) of this section, "lease 30326
agreement," "lessee," and "sublease agreement" have the same 30327
meanings as in section 4505.04 of the Revised Code. 30328

(B)(1) The clerk, except as provided in this section, shall 30329
refuse to accept for filing any application for a certificate of 30330
title and shall refuse to issue a certificate of title unless the 30331
dealer or manufactured home broker or the applicant, in cases in 30332
which the certificate shall be obtained by the buyer, submits with 30333
the application payment of the tax levied by or pursuant to 30334

Chapters 5739. and 5741. of the Revised Code based on the 30335
purchaser's county of residence. Upon payment of the tax in 30336
accordance with division (E) of this section, the clerk shall 30337
issue a receipt prescribed by the registrar and agreed upon by the 30338
tax commissioner showing payment of the tax or a receipt issued by 30339
the commissioner showing the payment of the tax. When submitting 30340
payment of the tax to the clerk, a dealer shall retain any 30341
discount to which the dealer is entitled under section 5739.12 of 30342
the Revised Code. 30343

(2) For receiving and disbursing such taxes paid to the clerk 30344
by a resident of the clerk's county, the clerk may retain a 30345
poundage fee of one and one one-hundredth per cent, and the clerk 30346
shall pay the poundage fee into the certificate of title 30347
administration fund created by section 325.33 of the Revised Code. 30348
The clerk shall not retain a poundage fee from payments of taxes 30349
by persons who do not reside in the clerk's county. 30350

A clerk, however, may retain from the taxes paid to the clerk 30351
an amount equal to the poundage fees associated with certificates 30352
of title issued by other clerks of courts of common pleas to 30353
applicants who reside in the first clerk's county. The registrar, 30354
in consultation with the tax commissioner and the clerks of the 30355
courts of common pleas, shall develop a report from the automated 30356
title processing system that informs each clerk of the amount of 30357
the poundage fees that the clerk is permitted to retain from those 30358
taxes because of certificates of title issued by the clerks of 30359
other counties to applicants who reside in the first clerk's 30360
county. 30361

(3) In the case of casual sales of motor vehicles, as defined 30362
in section 4517.01 of the Revised Code, the price for the purpose 30363
of determining the tax shall be the purchase price on the assigned 30364
certificate of title executed by the seller and filed with the 30365
clerk by the buyer on a form to be prescribed by the registrar, 30366

which shall be prima-facie evidence of the amount for the 30367
determination of the tax. 30368

(4) Each county clerk shall forward to the treasurer of state 30369
all sales and use tax collections resulting from sales of motor 30370
vehicles, off-highway motorcycles, and all-purpose vehicles during 30371
a calendar week on or before the Friday following the close of 30372
that week. If, on any Friday, the offices of the clerk of courts 30373
or the state are not open for business, the tax shall be forwarded 30374
to the treasurer of state on or before the next day on which the 30375
offices are open. Every remittance of tax under division (B)(4) of 30376
this section shall be accompanied by a remittance report in such 30377
form as the tax commissioner prescribes. Upon receipt of a tax 30378
remittance and remittance report, the treasurer of state shall 30379
date stamp the report and forward it to the tax commissioner. If 30380
the tax due for any week is not remitted by a clerk of courts as 30381
required under division (B)(4) of this section, the commissioner 30382
may require the clerk to forfeit the poundage fees for the sales 30383
made during that week. The treasurer of state may require the 30384
clerks of courts to transmit tax collections and remittance 30385
reports electronically. 30386

(C)(1) If the transferor indicates on the certificate of 30387
title that the odometer reflects mileage in excess of the designed 30388
mechanical limit of the odometer, the clerk shall enter the phrase 30389
"exceeds mechanical limits" following the mileage designation. If 30390
the transferor indicates on the certificate of title that the 30391
odometer reading is not the actual mileage, the clerk shall enter 30392
the phrase "nonactual: warning - odometer discrepancy" following 30393
the mileage designation. The clerk shall use reasonable care in 30394
transferring the information supplied by the transferor, but is 30395
not liable for any errors or omissions of the clerk or those of 30396
the clerk's deputies in the performance of the clerk's duties 30397
created by this chapter. 30398

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

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

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

For receiving and disbursing such taxes paid to the clerk by

a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county. 30431
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A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county. 30435
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When the vendor is not regularly engaged in the business of selling motor vehicles, the vendor shall not be required to purchase a vendor's license or make reports concerning those sales. 30446
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(E) The clerk shall accept any payment of a tax in cash, or by cashier's check, certified check, draft, money order, or teller check issued by any insured financial institution payable to the clerk and submitted with an application for a certificate of title under division (B) or (D) of this section. The clerk also may accept payment of the tax by corporate, business, or personal check, credit card, electronic transfer or wire transfer, debit card, or any other accepted form of payment made payable to the clerk. The clerk may require bonds, guarantees, or letters of credit to ensure the collection of corporate, business, or personal checks. Any service fee charged by a third party to a clerk for the use of any form of payment may be paid by the clerk from the certificate of title administration fund created in 30450
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section 325.33 of the Revised Code, or may be assessed by the clerk upon the applicant as an additional fee. Upon collection, the additional fees shall be paid by the clerk into that certificate of title administration fund.

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

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

all or any part of any penalty assessed under this division. 30495

(F) In the following cases, the clerk shall accept for filing 30496
an application and shall issue a certificate of title without 30497
requiring payment or evidence of payment of the tax: 30498

(1) When the purchaser is this state or any of its political 30499
subdivisions, a church, or an organization whose purchases are 30500
exempted by section 5739.02 of the Revised Code; 30501

(2) When the transaction in this state is not a retail sale 30502
as defined by section 5739.01 of the Revised Code; 30503

(3) When the purchase is outside this state or in interstate 30504
commerce and the purpose of the purchaser is not to use, store, or 30505
consume within the meaning of section 5741.01 of the Revised Code; 30506

(4) When the purchaser is the federal government; 30507

(5) When the motor vehicle was purchased outside this state 30508
for use outside this state; 30509

(6) When the motor vehicle is purchased by a nonresident of 30510
this state for immediate removal from this state, and will be 30511
permanently titled and registered in another state, as provided by 30512
division (B)(23) of section 5739.02 of the Revised Code, and upon 30513
presentation of a copy of the affidavit provided by that section, 30514
and a copy of the exemption certificate provided by section 30515
5739.03 of the Revised Code. 30516

~~The clerk shall forward all payments of taxes, less poundage 30517
fees, to the treasurer of state in a manner to be prescribed by 30518
the tax commissioner and shall furnish information to the 30519
commissioner as the commissioner requires. 30520~~

(G) An application, as prescribed by the registrar and agreed 30521
to by the tax commissioner, shall be filled out and sworn to by 30522
the buyer of a motor vehicle in a casual sale. The application 30523
shall contain the following notice in bold lettering: "WARNING TO 30524

TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 30525
law to state the true selling price. A false statement is in 30526
violation of section 2921.13 of the Revised Code and is punishable 30527
by six months' imprisonment or a fine of up to one thousand 30528
dollars, or both. All transfers are audited by the department of 30529
taxation. The seller and buyer must provide any information 30530
requested by the department of taxation. The buyer may be assessed 30531
any additional tax found to be due." 30532

(H) For sales of manufactured homes or mobile homes occurring 30533
on or after January 1, 2000, the clerk shall accept for filing, 30534
pursuant to Chapter 5739. of the Revised Code, an application for 30535
a certificate of title for a manufactured home or mobile home 30536
without requiring payment of any tax pursuant to section 5739.02, 30537
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 30538
issued by the tax commissioner showing payment of the tax. For 30539
sales of manufactured homes or mobile homes occurring on or after 30540
January 1, 2000, the applicant shall pay to the clerk an 30541
additional fee of five dollars for each certificate of title 30542
issued by the clerk for a manufactured or mobile home pursuant to 30543
division (H) of section 4505.11 of the Revised Code and for each 30544
certificate of title issued upon transfer of ownership of the 30545
home. The clerk shall credit the fee to the county certificate of 30546
title administration fund, and the fee shall be used to pay the 30547
expenses of archiving those certificates pursuant to division (A) 30548
of section 4505.08 and division (H)(3) of section 4505.11 of the 30549
Revised Code. The tax commissioner shall administer any tax on a 30550
manufactured or mobile home pursuant to Chapters 5739. and 5741. 30551
of the Revised Code. 30552

(I) Every clerk shall have the capability to transact by 30553
electronic means all procedures and transactions relating to the 30554
issuance of motor vehicle certificates of title that are described 30555
in the Revised Code as being accomplished by electronic means. 30556

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 30557
trackless trolley upon meeting or overtaking from either direction 30558
any school bus stopped for the purpose of receiving or discharging 30559
any school child, person attending programs offered by community 30560
boards of mental health and county boards of mental retardation 30561
and developmental disabilities, or child attending a program 30562
offered by a head start agency, shall stop at least ten feet from 30563
the front or rear of the school bus and shall not proceed until 30564
such school bus resumes motion, or until signaled by the school 30565
bus driver to proceed. 30566

It is no defense to a charge under this division that the 30567
school bus involved failed to display or be equipped with an 30568
automatically extended stop warning sign as required by division 30569
(B) of this section. 30570

(B) Every school bus shall be equipped with amber and red 30571
visual signals meeting the requirements of section 4511.771 of the 30572
Revised Code, and an automatically extended stop warning sign of a 30573
type approved by the state board of education, which shall be 30574
actuated by the driver of the bus whenever but only whenever the 30575
bus is stopped or stopping on the roadway for the purpose of 30576
receiving or discharging school children, persons attending 30577
programs offered by community boards of mental health and county 30578
boards of mental retardation and developmental disabilities, or 30579
children attending programs offered by head start agencies. A 30580
school bus driver shall not actuate the visual signals or the stop 30581
warning sign in designated school bus loading areas where the bus 30582
is entirely off the roadway or at school buildings when children 30583
or persons attending programs offered by community boards of 30584
mental health and county boards of mental retardation and 30585
developmental disabilities are loading or unloading at curbside or 30586
at buildings when children attending programs offered by head 30587

start agencies are loading or unloading at curbside. The visual 30588
signals and stop warning sign shall be synchronized or otherwise 30589
operated as required by rule of the board. 30590

(C) Where a highway has been divided into four or more 30591
traffic lanes, a driver of a vehicle, streetcar, or trackless 30592
trolley need not stop for a school bus approaching from the 30593
opposite direction which has stopped for the purpose of receiving 30594
or discharging any school child, persons attending programs 30595
offered by community boards of mental health and county boards of 30596
mental retardation and developmental disabilities, or children 30597
attending programs offered by head start agencies. The driver of 30598
any vehicle, streetcar, or trackless trolley overtaking the school 30599
bus shall comply with division (A) of this section. 30600

(D) School buses operating on divided highways or on highways 30601
with four or more traffic lanes shall receive and discharge all 30602
school children, persons attending programs offered by community 30603
boards of mental health and county boards of mental retardation 30604
and developmental disabilities, and children attending programs 30605
offered by head start agencies on their residence side of the 30606
highway. 30607

(E) No school bus driver shall start the driver's bus until 30608
after any child, person attending programs offered by community 30609
boards of mental health and county boards of mental retardation 30610
and developmental disabilities, or child attending a program 30611
offered by a head start agency who may have alighted therefrom has 30612
reached a place of safety on the child's or person's residence 30613
side of the road. 30614

(F)(1) Whoever violates division (A) of this section may be 30615
fined an amount not to exceed five hundred dollars. A person who 30616
is issued a citation for a violation of division (A) of this 30617
section is not permitted to enter a written plea of guilty and 30618

waive the person's right to contest the citation in a trial but
instead must appear in person in the proper court to answer the
charge.

(2) In addition to and independent of any other penalty
provided by law, the court or mayor may impose upon an offender
who violates this section a class seven suspension of the
offender's driver's license, commercial driver's license,
temporary instruction permit, probationary license, or nonresident
operating privilege from the range specified in division (A)(7) of
section 4510.02 of the Revised Code. When a license is suspended
under this section, the court or mayor shall cause the offender to
deliver the license to the court, and the court or clerk of the
court immediately shall forward the license to the registrar of
motor vehicles, together with notice of the court's action.

(G) As used in this section:

(1) "Head start agency" has the same meaning as in section
~~3301.31~~ 3301.32 of the Revised Code.

(2) "School bus," as used in relation to children who attend
a program offered by a head start agency, means a bus that is
owned and operated by a head start agency, is equipped with an
automatically extended stop warning sign of a type approved by the
state board of education, is painted the color and displays the
markings described in section 4511.77 of the Revised Code, and is
equipped with amber and red visual signals meeting the
requirements of section 4511.771 of the Revised Code, irrespective
of whether or not the bus has fifteen or more children aboard at
any time. "School bus" does not include a van owned and operated
by a head start agency, irrespective of its color, lights, or
markings.

Sec. 4519.02. (A) Except as provided in divisions (B), (C),

and (D) of this section, no person shall operate any snowmobile, 30649
off-highway motorcycle, or all-purpose vehicle within this state 30650
unless the snowmobile, off-highway motorcycle, or all-purpose 30651
vehicle is registered and numbered in accordance with sections 30652
4519.03 and 4519.04 of the Revised Code. 30653

(B) No registration is required for a snowmobile, off-highway 30654
motorcycle, or all-purpose vehicle that is operated exclusively 30655
upon lands owned by the owner of the snowmobile, off-highway 30656
motorcycle, or all-purpose vehicle, or on lands to which the owner 30657
has a contractual right. 30658

~~(C) No registration is required for a snowmobile, off highway 30659
motorcycle, or all purpose vehicle owned and used in this state by 30660
a resident of another state whenever that state has in effect a 30661
registration law similar to this chapter and the snowmobile, 30662
off highway motorcycle, or all purpose vehicle is properly 30663
registered thereunder. Any snowmobile, off-highway motorcycle, or 30664
all-purpose vehicle owned and used in this state by a person who 30665
is not a resident of ~~another~~ this state ~~not having such a~~ 30666
~~registration requirement~~ shall comply with section 4519.09 of the 30667
Revised Code. 30668~~

(D) No registration is required for a snowmobile, off-highway 30669
motorcycle, or all-purpose vehicle owned and used in this state by 30670
the United States, another state, or a political subdivision 30671
thereof, but the snowmobile, off-highway motorcycle, or 30672
all-purpose vehicle shall display the name of the owner thereon. 30673

(E) The owner or operator of any all-purpose vehicle operated 30674
or used upon the waters in this state shall comply with Chapters 30675
1547. and 1548. of the Revised Code relative to the operation of 30676
watercraft. 30677

(F) Except as otherwise provided in this division, whoever 30678
violates division (A) of this section shall be fined not more than 30679

twenty-five dollars. If the offender previously has been convicted 30680
of or pleaded guilty to a violation of division (A) of this 30681
section, whoever violates division (A) of this section shall be 30682
fined not less than twenty-five nor more than fifty dollars. 30683

Sec. 4519.04. (A) Upon the filing of an application for 30684
registration of a snowmobile, off-highway motorcycle, or 30685
all-purpose vehicle and the payment of the tax therefor, the 30686
registrar of motor vehicles or a deputy registrar shall assign to 30687
the snowmobile, off-highway motorcycle, or all-purpose vehicle a 30688
distinctive number and issue and deliver to the owner in such 30689
manner as the registrar may select, a certificate of registration, 30690
in such form as the registrar shall prescribe. Any number so 30691
assigned to a snowmobile, off-highway motorcycle, or all-purpose 30692
vehicle shall be a permanent number, and shall not be issued to 30693
any other snowmobile, off-highway motorcycle, or all-purpose 30694
vehicle. 30695

In addition to the certificate of registration, the registrar 30696
or deputy registrar also shall issue to the owner of the 30697
snowmobile, off-highway motorcycle, or all-purpose vehicle a 30698
registration sticker. The registrar shall prescribe the color and 30699
size of the sticker, the combination of numerals and letters 30700
displayed on it, and placement of the sticker on the snowmobile, 30701
off-highway motorcycle, or all-purpose vehicle. 30702

(B) Upon receipt of a certificate of registration for a 30703
snowmobile, the owner shall paint or otherwise attach upon each 30704
side of the forward cowling of the snowmobile the identifying 30705
registration number, in block characters of not less than two 30706
inches in height and of such color as to be distinctly visible and 30707
legible. 30708

(C) Unless previously canceled, each certificate of 30709
registration issued for a snowmobile, off-highway motorcycle, or 30710

all-purpose vehicle expires upon the thirty-first day of December 30711
in the third year after the date it is issued. Application for 30712
renewal of a certificate may be made not earlier than ninety days 30713
preceding the expiration date, and shall be accompanied by a fee 30714
of ~~five~~ fifteen dollars. 30715

Sec. 4519.09. Every owner or operator of a snowmobile, 30716
off-highway motorcycle, or all-purpose vehicle who is not a 30717
resident of a this state ~~not having a registration law similar to~~ 30718
~~this chapter~~, and who expects to use the snowmobile, off-highway 30719
motorcycle, or all-purpose vehicle in Ohio, shall apply to the 30720
registrar of motor vehicles or a deputy registrar for a temporary 30721
operating permit. The temporary operating permit shall be issued 30722
for a period not to exceed fifteen days from the date of issuance, 30723
shall be in such form as the registrar determines, shall include 30724
the name and address of the owner and operator of the snowmobile, 30725
off-highway motorcycle, or all-purpose vehicle, and any other 30726
information as the registrar considers necessary, and shall be 30727
issued upon payment of a fee of five dollars. Every owner or 30728
operator receiving a temporary operating permit shall display it 30729
upon the reasonable request of any law enforcement officer or 30730
other person as authorized by sections 4519.42 and 4519.43 of the 30731
Revised Code. 30732

Sec. 4561.17. For the purpose of providing revenue for paying 30733
the expenses of administering sections 4561.17 to 4561.22 of the 30734
Revised Code relative to the registration of aircraft, for the 30735
surveying of and the establishment, checking, maintenance, and 30736
repair of aviation air marking and of air navigation facilities, 30737
for airport capital improvements, for the acquiring, maintaining, 30738
and repairing of equipment necessary therefor, and for the cost of 30739
the creation and distribution of Ohio aeronautical charts and Ohio 30740
airport and landing field directories, an annual license tax is 30741

hereby levied upon all aircraft based in this state for which an aircraft worthiness certificate issued by the federal aviation administration is in effect except the following:

(A) Aircraft owned by the United States or any territory thereof;

(B) Aircraft owned by any foreign government;

(C) Aircraft owned by any state or any political subdivision thereof;

(D) Aircraft operated under a certificate of convenience and necessity issued by the civil aeronautics board or any successor thereto;

(E) Aircraft owned by any nonresident of this state whether such owner is an individual, partnership, or corporation, provided such owner has complied with all the laws in regard to the licensing of aircraft in the state of ~~his~~ the owner's residence;

(F) Aircraft owned by aircraft manufacturers or aircraft engine manufacturers and operated only for purposes of testing, delivery, or demonstration;

(G) Aircraft operated for hire over regularly scheduled routes within the state.

Such license tax shall be at the rates specified in section 4561.18 of the Revised Code, and shall be paid to and collected by the director of transportation at the time of making application as provided in such section.

Sec. 4561.18. Applications for the licensing and registration of aircraft shall be made and signed by the owner thereof upon forms prepared by the department of transportation and shall contain a description of the aircraft, including its federal registration number, and such other information as is required by the department.

Applications shall be filed with the director of 30772
transportation during the month of January annually and shall be 30773
renewed according to the standard renewal procedure of sections 30774
4745.01 to 4745.03 of the Revised Code. Application for 30775
registration of any aircraft not previously registered in this 30776
state, if such aircraft is acquired or becomes subject to such 30777
license tax subsequent to the last day of January in any year, 30778
shall be made for the balance of the year in which the same is 30779
acquired, within forty-eight hours after such acquisition or after 30780
becoming subject to such license tax. Each such application shall 30781
be accompanied by the proper license tax, which, for all aircraft 30782
other than gliders and balloons, shall be at the annual rate of 30783
~~one hundred~~ fifteen dollars per aircraft seat, based on the 30784
manufacturer's maximum listed seating capacity. The license tax 30785
for gliders and balloons shall be ~~three~~ fifteen dollars annually. 30786

Such taxes are in lieu of all other taxes on or with respect 30787
to ownership of such aircraft. 30788

Sec. 4561.21. (A) The director of transportation shall 30789
deposit all aircraft transfer fees in the state treasury to the 30790
credit of the general fund. 30791

(B) The director shall deposit all aircraft license taxes in 30792
the state treasury to the credit of the ~~county~~ airport ~~maintenance~~ 30793
assistance fund, which is hereby created. Money in the fund shall 30794
be used ~~to assist counties in maintaining the~~ for maintenance and 30795
capital improvements to publicly owned airports ~~they own~~, and the 30796
director shall distribute the money to ~~counties~~ eligible 30797
recipients in accordance with such procedures, guidelines, and 30798
criteria as the director shall establish. 30799

Sec. 4705.09. (A)(1) Any person admitted to the practice of 30800
law in this state by order of the supreme court in accordance with 30801

its prescribed and published rules, or any law firm or legal 30802
professional association, may establish and maintain an 30803
interest-bearing trust account, for purposes of depositing client 30804
funds held by the attorney, firm, or association that are nominal 30805
in amount or are to be held by the attorney, firm, or association 30806
for a short period of time, with any bank or savings and loan 30807
association that is authorized to do business in this state and is 30808
insured by the federal deposit insurance corporation or the 30809
successor to that corporation, or any credit union insured by the 30810
national credit union administration operating under the "Federal 30811
Credit Union Act," 84 Stat. 994 (1970), 12 U.S.C.A. 1751. Each 30812
account established under this division shall be in the name of 30813
the attorney, firm, or association that established and is 30814
maintaining it and shall be identified as an IOLTA or an interest 30815
on lawyer's trust account. The name of the account may contain 30816
additional identifying features to distinguish it from other trust 30817
accounts established and maintained by the attorney, firm, or 30818
association. 30819

(2) Each attorney who receives funds belonging to a client 30820
shall do one of the following: 30821

(a) Establish and maintain one or more interest-bearing trust 30822
accounts in accordance with division (A)(1) of this section or 30823
maintain one or more interest-bearing trust accounts previously 30824
established in accordance with that division, and deposit all 30825
client funds held that are nominal in amount or are to be held by 30826
the attorney for a short period of time in the account or 30827
accounts; 30828

(b) If the attorney is affiliated with a law firm or legal 30829
professional association, comply with division (A)(2)(a) of this 30830
section or deposit all client funds held that are nominal in 30831
amount or are to be held by the attorney for a short period of 30832
time in one or more interest-bearing trust accounts established 30833

and maintained by the firm or association in accordance with 30834
division (A)(1) of this section. 30835

(3) No funds belonging to any attorney, firm, or legal 30836
professional association shall be deposited in any 30837
interest-bearing ~~IOTA~~ IOLTA account established under division 30838
(A)(1) or (2) of this section, except that funds sufficient to pay 30839
or enable a waiver of depository institution service charges on 30840
the account shall be deposited in the account and other funds 30841
belonging to the attorney, firm, or association may be deposited 30842
as authorized by the Code of Professional Responsibility adopted 30843
by the supreme court. The determinations of whether funds held are 30844
nominal or more than nominal in amount and of whether funds are to 30845
be held for a short period or longer than a short period of time 30846
rests in the sound judgment of the particular attorney. No 30847
imputation of professional misconduct shall arise from the 30848
attorney's exercise of judgment in these matters. 30849

(B) All interest earned on funds deposited in an 30850
interest-bearing trust account established under division (A)(1) 30851
or (2) of this section shall be transmitted to the treasurer of 30852
state for deposit in the legal aid fund established under section 30853
120.52 of the Revised Code. No part of the interest earned on 30854
funds deposited in an interest-bearing trust account established 30855
under division (A)(1) or (2) of this section shall be paid to, or 30856
inure to the benefit of, the attorney, the attorney's law firm or 30857
legal professional association, the client or other person who 30858
owns or has a beneficial ownership of the funds deposited, or any 30859
other person other than in accordance with this section, section 30860
4705.10, and sections 120.51 to 120.55 of the Revised Code. 30861

(C) No liability arising out of any act or omission by any 30862
attorney, law firm, or legal professional association with respect 30863
to any interest-bearing trust account established under division 30864
(A)(1) or (2) of this section shall be imputed to the depository 30865

institution. 30866

(D) The supreme court may adopt and enforce rules of 30867
professional conduct that pertain to the use, by attorneys, law 30868
firms, or legal professional associations, of interest-bearing 30869
trust accounts established under division (A)(1) or (2) of this 30870
section, and that pertain to the enforcement of division (A)(2) of 30871
this section. Any rules adopted by the supreme court under this 30872
authority shall conform to the provisions of this section, section 30873
4705.10, and sections 120.51 to 120.55 of the Revised Code. 30874

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 30875
Revised Code: 30876

(A)(1) "Clinical laboratory services" means either of the 30877
following: 30878

(a) Any examination of materials derived from the human body 30879
for the purpose of providing information for the diagnosis, 30880
prevention, or treatment of any disease or impairment or for the 30881
assessment of health; 30882

(b) Procedures to determine, measure, or otherwise describe 30883
the presence or absence of various substances or organisms in the 30884
body. 30885

(2) "Clinical laboratory services" does not include the mere 30886
collection or preparation of specimens. 30887

(B) "Designated health services" means any of the following: 30888

(1) Clinical laboratory services; 30889

(2) Home health care services; 30890

(3) Outpatient prescription drugs. 30891

(C) "Fair market value" means the value in arms-length 30892
transactions, consistent with general market value and: 30893

(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;

(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.

(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, or the medical assistance program established under Chapter 5111. of the Revised Code, ~~and the disability medical assistance program established under Chapter 5115. of the Revised Code.~~

(E)(1) "Group practice" means a group of two or more holders of certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B) of section 4731.226 of the Revised Code formed for the purpose of providing a combination of the professional services of optometrists who are licensed, certificated, or otherwise legally authorized to practice optometry under Chapter 4725. of the

Revised Code, chiropractors who are licensed, certificated, or
otherwise legally authorized to practice chiropractic under
Chapter 4734. of the Revised Code, psychologists who are licensed,
certificated, or otherwise legally authorized to practice
psychology under Chapter 4732. of the Revised Code, registered or
licensed practical nurses who are licensed, certificated, or
otherwise legally authorized to practice nursing under Chapter
4723. of the Revised Code, pharmacists who are licensed,
certificated, or otherwise legally authorized to practice pharmacy
under Chapter 4729. of the Revised Code, physical therapists who
are licensed, certificated, or otherwise legally authorized to
practice physical therapy under sections 4755.40 to 4755.53 of the
Revised Code, mechanotherapists who are licensed, certificated, or
otherwise legally authorized to practice mechanotherapy under
section 4731.151 of the Revised Code, and doctors of medicine and
surgery, osteopathic medicine and surgery, or podiatric medicine
and surgery who are licensed, certificated, or otherwise legally
authorized for their respective practices under this chapter, to
which all of the following apply:

(a) Each physician who is a member of the group practice
provides substantially the full range of services that the
physician routinely provides, including medical care,
consultation, diagnosis, or treatment, through the joint use of
shared office space, facilities, equipment, and personnel.

(b) Substantially all of the services of the members of the
group are provided through the group and are billed in the name of
the group and amounts so received are treated as receipts of the
group.

(c) The overhead expenses of and the income from the practice
are distributed in accordance with methods previously determined
by members of the group.

(d) The group practice meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(2) In the case of a faculty practice plan associated with a hospital with a medical residency training program in which physician members may provide a variety of specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, the criteria in division (E)(1) of this section apply only with respect to services rendered within the faculty practice plan.

(F) "Home health care services" and "immediate family" have the same meanings as in the rules adopted under section 4731.70 of the Revised Code.

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) A "referral" includes both of the following:

(1) A request by a holder of a certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician;

(2) A request for or establishment of a plan of care by a certificate holder that includes the provision of designated health services.

(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

Sec. 4731.71. The auditor of state may implement procedures to detect violations of section 4731.66 or 4731.69 of the Revised Code within governmental health care programs administered by the state. The auditor of state shall report any violation of either section to the state medical board and shall certify to the

attorney general in accordance with section 131.02 of the Revised Code the amount of any refund owed to a state-administered governmental health care program under section 4731.69 of the Revised Code as a result of a violation. If a refund is owed to the medical assistance program established under Chapter 5111. of the Revised Code ~~or the disability medical assistance program established under Chapter 5115. of the Revised Code~~, the auditor of state also shall report the amount to the department of commerce.

The state medical board also may implement procedures to detect violations of section 4731.66 or 4731.69 of the Revised Code.

Sec. 4736.11. The state board of sanitarian registration shall issue a certificate of registration to any applicant whom it registers as a sanitarian or a sanitarian-in-training. Such certificate shall bear:

(A) The name of the person;

(B) The date of issue;

(C) A serial number, designated by the board;

(D) The seal of the board and signature of the ~~chairman~~ chairperson of the board;

(E) The designation "registered sanitarian" or "sanitarian-in-training."

Certificates of registration shall expire annually on the date fixed by the board and become invalid on that date unless renewed pursuant to this section. All registered sanitarians shall be required annually to complete a continuing education program in subjects relating to practices of the profession as a sanitarian to the end that the utilization and application of new techniques, scientific advancements, and research findings will assure

comprehensive service to the public. The board shall prescribe by
rule a continuing education program for registered sanitarians to
meet this requirement. The length of study for this program shall
be determined by the board but shall be not less than six nor more
than twenty-five hours during the calendar year. At least once
annually the board shall ~~mail~~ provide to each registered
sanitarian a list of courses approved by the board as satisfying
the program prescribed by rule. Upon the request of a registered
sanitarian, the secretary shall supply a list of ~~any additional~~
applicable courses that the board has approved ~~since the most~~
~~recent mailing~~. A certificate may be renewed for a period of one
year at any time prior to the date of expiration upon payment of
the renewal fee prescribed by section 4736.12 of the Revised Code
and upon showing proof of having complied with the continuing
education requirements of this section. The state board of
sanitarian registration may waive the continuing education
requirement in cases of certified illness or disability which
prevents the attendance at any qualified educational seminars
during the twelve months immediately preceding the annual
certificate of registration renewal date. Certificates which
expire may be reinstated under rules adopted by the board.

Sec. 4736.12. (A) The state board of sanitarian registration
shall charge the following fees:

(1) To apply as a sanitarian-in-training, ~~seventy-five~~ eighty
dollars;

(2) For sanitarians-in-training to apply for registration as
sanitarians, ~~seventy-five~~ eighty dollars. The applicant shall pay
this fee only once regardless of the number of times the applicant
takes an examination required under section 4736.08 of the Revised
Code.

(3) For persons other than sanitarians-in-training to apply

for registration as sanitarians, including persons meeting the requirements of section 4736.16 of the Revised Code, one hundred ~~fifty~~ sixty dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(4) The renewal fee for registered sanitarians shall be ~~sixty-nine~~ seventy-four dollars.

(5) The renewal fee for sanitarians-in-training shall be ~~sixty-nine~~ seventy-four dollars.

(6) For late application for renewal, ~~twenty-five~~ twenty-seven dollars.

The board of sanitarian registration, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent.

(B) The board of sanitarian registration shall charge separate fees for examinations as required by section 4736.08 of the Revised Code, provided that the fees are not in excess of the actual cost to the board of conducting the examinations.

(C) The board of sanitarian registration may adopt rules establishing fees for all of the following:

(1) Application for the registration of a training agency approved under rules adopted by the board pursuant to section 4736.11 of the Revised Code and for the annual registration renewal of an approved training agency.

(2) Application for the review of continuing education hours submitted for the board's approval by approved training agencies or by registered sanitarians or sanitarians-in-training.

Sec. 4761.07. (A) The Ohio respiratory care board shall

charge any license applicant or holder who is to take an 31077
examination required under division (A)(3) of section 4761.04 or a 31078
reexamination required under division (B) of section 4761.06 of 31079
the Revised Code for license renewal or under section 4761.09 of 31080
the Revised Code for license reinstatement, a nonrefundable 31081
examination fee, not to exceed the amount necessary to cover the 31082
expense of administering the examination. The license applicant or 31083
holder shall pay the fee at the time of application for licensure 31084
or renewal. 31085

(B) The board shall establish the following additional 31086
nonrefundable fees and penalty: 31087

(1) An initial license fee, not to exceed seventy-five 31088
dollars; 31089

(2) A biennial license renewal fee, not to exceed one hundred 31090
dollars; 31091

(3) A limited permit fee, not to exceed twenty dollars; 31092

(4) A limited permit renewal fee, not to exceed ten dollars; 31093

(5) A late renewal penalty, not to exceed fifty per cent of 31094
the renewal fee. 31095

(C) Notwithstanding division (B)(4) of this section, after 31096
the third renewal of a limited permit that meets the exception in 31097
division (B)(3) of section 4761.05 of the Revised Code, the 31098
limited permit renewal fee shall be one-half the amount of the 31099
biennial license renewal fee established under division (B)(2) of 31100
this section and section 4761.08 of the Revised Code. 31101

(D) Notwithstanding divisions (B)(2) and (4) of this section, 31102
the board may charge a convenience fee when a license or limited 31103
permit is renewed electronically by using a credit card. All of 31104
the following apply to any convenience fee described in this 31105
division: 31106

(1) The board shall comply with division (E) of section 113.40 of the Revised Code relating to any convenience fees charged for accepting payment by a financial transaction device. 31107
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(2) The convenience fee shall not exceed the cost of the processing fee charged by the state's credit card processor and shall be in accordance with the guidelines of issuers of credit cards and the processors of credit cards. 31110
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(3) The convenience fee must relate to convenience of the licensee or limited permit holder, such as eliminating the need to make payment in person. 31114
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(4) The convenience fee is not refundable. 31117

(E) The board shall adjust the fees biennially and within the limits established by division (B) of this section to provide sufficient revenues to meet its expenses. 31118
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~~(E)~~(F) The board may, by rule, provide for the waiver of all or part of a license fee when the license is issued less than eighteen months before its expiration date. 31121
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~~(F)~~(G) All fees received by the board shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund. 31124
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Sec. 4905.10. (A) For the sole purpose of maintaining and administering the public utilities commission and exercising its supervision and jurisdiction over the railroads and public utilities of this state, an amount equivalent to the appropriation from the public utilities fund created under division (B) of this section to the public utilities commission for railroad and public utilities regulation in each fiscal year shall be apportioned among and assessed against each railroad and public utility within this state by the commission by first computing an assessment as though it were to be made in proportion to the intrastate gross 31127
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earnings or receipts, excluding earnings or receipts from sales to 31137
other public utilities for resale, of the railroad or public 31138
utility for the calendar year next preceding that in which the 31139
assessment is made. The commission may include in that first 31140
computation any amount of a railroad's or public utility's 31141
intrastate gross earnings or receipts that were underreported in a 31142
prior year. In addition to whatever penalties apply under the 31143
Revised Code to such underreporting, the commission shall assess 31144
the railroad or public utility interest at the rate stated in 31145
division (A) of section 1343.01 of the Revised Code. The 31146
commission shall deposit any interest so collected into the public 31147
utilities fund. The commission may exclude from that first 31148
computation any such amounts that were overreported in a prior 31149
year. 31150

The final computation of the assessment shall consist of 31151
imposing upon each railroad and public utility whose assessment 31152
under the first computation would have been ~~fifty~~ one hundred 31153
dollars or less an assessment of ~~fifty~~ one hundred dollars and 31154
recomputing the assessments of the remaining railroads and public 31155
utilities by apportioning an amount equal to the appropriation to 31156
the public utilities commission for administration of the 31157
utilities division in each fiscal year less the total amount to be 31158
recovered from those paying the minimum assessment, in proportion 31159
to the intrastate gross earnings or receipts of the remaining 31160
railroads and public utilities for the calendar year next 31161
preceding that in which the assessments are made. 31162

In the case of an assessment based on intrastate gross 31163
receipts under this section against a public utility that is an 31164
electric utility as defined in section 4928.01 of the Revised 31165
Code, or an electric services company, electric cooperative, or 31166
governmental aggregator subject to certification under section 31167
4928.08 of the Revised Code, such receipts shall be those 31168

specified in the utility's, company's, cooperative's, or 31169
aggregator's most recent report of intrastate gross receipts and 31170
sales of kilowatt hours of electricity, filed with the commission 31171
pursuant to division (F) of section 4928.06 of the Revised Code, 31172
and verified by the commission. 31173

In the case of an assessment based on intrastate gross 31174
receipts under this section against a retail natural gas supplier 31175
or governmental aggregator subject to certification under section 31176
4929.20 of the Revised Code, such receipts shall be those 31177
specified in the supplier's or aggregator's most recent report of 31178
intrastate gross receipts and sales of hundred cubic feet of 31179
natural gas, filed with the commission pursuant to division (B) of 31180
section 4929.23 of the Revised Code, and verified by the 31181
commission. However, no such retail natural gas supplier or such 31182
governmental aggregator serving or proposing to serve customers of 31183
a particular natural gas company, as defined in section 4929.01 of 31184
the Revised Code, shall be assessed under this section until after 31185
the commission, pursuant to section 4905.26 or 4909.18 of the 31186
Revised Code, has removed from the base rates of the natural gas 31187
company the amount of assessment under this section that is 31188
attributable to the value of commodity sales service, as defined 31189
in section 4929.01 of the Revised Code, in the base rates paid by 31190
those customers of the company that do not purchase that service 31191
from the natural gas company. 31192

(B) ~~On~~ Through calendar year 2005, on or before the first day 31193
of October in each year, the commission shall notify each such 31194
railroad and public utility of the sum assessed against it, 31195
whereupon payment shall be made to the commission, which shall 31196
deposit it into the state treasury to the credit of the public 31197
utilities fund, which is hereby created. Beginning in calendar 31198
year 2006, on or before the fifteenth day of May in each year, the 31199
commission shall notify each railroad and public utility that had 31200

a sum assessed against it for the current fiscal year of more than 31201
one thousand dollars that fifty per cent of that amount shall be 31202
paid to the commission by the twentieth day of June of that year 31203
as an initial payment of the assessment against the company for 31204
the next fiscal year. On or before the first day of October in 31205
each year, the commission shall make a final determination of the 31206
sum of the assessment against each railroad and public utility and 31207
shall notify each railroad and public utility of the sum assessed 31208
against it. The commission shall deduct from the assessment for 31209
each railroad or public utility any initial payment received. 31210
Payment of the assessment shall be made to the commission by the 31211
first day of November of that year. The commission shall deposit 31212
the payments received into the state treasury to the credit of the 31213
public utilities fund. Any such amounts paid into the fund but not 31214
expended by the commission shall be credited ratably, after first 31215
deducting any deficits accumulated from prior years, by the 31216
commission to railroads and public utilities that pay more than 31217
the minimum assessment, according to the respective portions of 31218
such sum assessable against them for the ensuing ~~calendar~~ fiscal 31219
year. The assessments for such ~~calendar~~ fiscal year shall be 31220
reduced correspondingly. 31221

(C) Within five days after the beginning of each fiscal year 31222
through fiscal year 2006, the director of budget and management 31223
shall transfer from the general revenue fund to the public 31224
utilities fund an amount sufficient for maintaining and 31225
administering the public utilities commission and exercising its 31226
supervision and jurisdiction over the railroads and public 31227
utilities of the state during the first four months of the fiscal 31228
year. The director shall transfer the same amount back to the 31229
general revenue fund from the public utilities fund at such time 31230
as the director determines that the balance of the public 31231
utilities fund is sufficient to support the appropriations from 31232
the fund for the fiscal year. The director may transfer less than 31233

that amount if the director determines that the revenues of the public utilities fund during the fiscal year will be insufficient to support the appropriations from the fund for the fiscal year, in which case the amount not paid back to the general revenue fund shall be payable to the general revenue fund in future fiscal years.

(D) For the purpose of this section only, "public utility" includes:

(1) In addition to an electric utility as defined in section 4928.01 of the Revised Code, an electric services company, an electric cooperative, or a governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent of the company's, cooperative's, or aggregator's engagement in the business of supplying or arranging for the supply in this state of any retail electric service for which it must be so certified;

(2) In addition to a natural gas company as defined in section 4929.01 of the Revised Code, a retail natural gas supplier or governmental aggregator subject to certification under section 4929.20 of the Revised Code, to the extent of the supplier's or aggregator's engagement in the business of supplying or arranging for the supply in this state of any competitive retail natural gas service for which it must be certified.

(E) Each public utilities commissioner shall receive a salary fixed at the level set by pay range 49 under schedule E-2 of section 124.152 of the Revised Code.

Sec. 4905.54. Every public utility or railroad and every officer of a public utility or railroad shall comply with every order, direction, and requirement of the public utilities commission made under authority of this chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. of the Revised Code,

so long as they remain in force. Except as otherwise specifically 31265
provided in sections 4905.83, 4905.95, 4919.99, 4921.99, and 31266
4923.99 of the Revised Code, the public utilities commission may 31267
assess a forfeiture of not more than ten thousand dollars for each 31268
violation or failure against a public utility or railroad that 31269
violates a provision of those chapters or that after due notice 31270
fails to comply with an order, direction, or requirement of the 31271
commission that was officially promulgated ~~shall forfeit to the~~ 31272
~~state not more than one thousand dollars for each such violation~~ 31273
~~or failure~~. Each day's continuance of the violation or failure is 31274
a separate offense. All forfeitures collected under this section 31275
shall be credited to the general revenue fund. 31276

Sec. 4905.95. (A) Except as otherwise provided in division 31277
(C) of this section: 31278

(1) The public utilities commission, regarding any proceeding 31279
under this section, shall provide reasonable notice and the 31280
opportunity for a hearing in accordance with rules adopted under 31281
section 4901.13 of the Revised Code. 31282

(2) Sections 4903.02 to 4903.082, 4903.09 to 4903.16, and 31283
4903.20 to 4903.23 of the Revised Code apply to all proceedings 31284
and orders of the commission under this section and to all 31285
operators subject to those proceedings and orders. 31286

(B) If, pursuant to a proceeding it specially initiates or to 31287
any other proceeding and after the hearing provided for under 31288
division (A) of this section, the commission finds that: 31289

(1) An operator has violated or failed to comply with, or is 31290
violating or failing to comply with, sections 4905.90 to 4905.96 31291
of the Revised Code or the pipe-line safety code, the commission 31292
by order: 31293

(a) Shall require the operator to comply and to undertake 31294

corrective action necessary to protect the public safety; 31295

(b) May assess upon the operator forfeitures of not more than 31296
~~ten~~ one hundred thousand dollars for each day of each violation or 31297
noncompliance, except that the aggregate of such forfeitures shall 31298
not exceed ~~five hundred thousand~~ one million dollars for any 31299
related series of violations or noncompliances. In determining the 31300
amount of any such forfeiture, the commission shall consider all 31301
of the following: 31302

(i) The gravity of the violation or noncompliance; 31303

(ii) The operator's history of prior violations or 31304
noncompliances; 31305

(iii) The operator's good faith efforts to comply and 31306
undertake corrective action; 31307

(iv) The operator's ability to pay the forfeiture; 31308

(v) The effect of the forfeiture on the operator's ability to 31309
continue as an operator; 31310

(vi) Such other matters as justice may require. 31311

All forfeitures collected under this division or section 4905.96 31312
of the Revised Code shall be deposited in the state treasury to 31313
the credit of the general revenue fund. 31314

(c) May direct the attorney general to seek the remedies 31315
provided in section 4905.96 of the Revised Code. 31316

(2) An intrastate pipe-line transportation facility is 31317
hazardous to life or property, the commission by order: 31318

(a) Shall require the operator of the facility to take 31319
corrective action to remove the hazard. Such corrective action may 31320
include suspended or restricted use of the facility, physical 31321
inspection, testing, repair, replacement, or other action. 31322

(b) May direct the attorney general to seek the remedies 31323

provided in section 4905.96 of the Revised Code. 31324

(C) If, pursuant to a proceeding it specially initiates or to 31325
any other proceeding, the commission finds that an emergency 31326
exists due to a condition on an intrastate pipe-line 31327
transportation facility posing a clear and immediate danger to 31328
life or health or threatening a significant loss of property and 31329
requiring immediate corrective action to protect the public 31330
safety, the commission may issue, without notice or prior hearing, 31331
an order reciting its finding and may direct the attorney general 31332
to seek the remedies provided in section 4905.96 of the Revised 31333
Code. The order shall remain in effect for not more than forty 31334
days after the date of its issuance. The order shall provide for a 31335
hearing as soon as possible, but not later than thirty days after 31336
the date of its issuance. After the hearing the commission shall 31337
continue, revoke, or modify the order and may make findings under 31338
and seek appropriate remedies as provided in division (B) of this 31339
section. 31340

Sec. 4911.18. (A) For the sole purpose of maintaining and 31341
administering the office of the consumers' counsel and exercising 31342
the powers of the consumers' counsel under this chapter, an amount 31343
equal to the appropriation to the office of the consumers' counsel 31344
in each fiscal year shall be apportioned among and assessed 31345
against each public utility within this state, as defined in 31346
section 4911.01 of the Revised Code, by first computing an 31347
assessment as though it were to be made in proportion to the 31348
intrastate gross earnings or receipts of the public utility for 31349
the calendar year next preceding that in which the assessment is 31350
made, excluding earnings or receipts from sales to other public 31351
utilities for resale. The office may include in that first 31352
computation any amount of a public utility's intrastate gross 31353
earnings or receipts underreported in a prior year. In addition to 31354

whatever penalties apply under the Revised Code to such 31355
underreporting, the office shall assess the public utility 31356
interest at the rate stated in division (A) of section 1343.01 of 31357
the Revised Code. The office shall deposit any interest so 31358
collected into the consumers' counsel operating fund. The office 31359
may exclude from that first computation any such amounts that were 31360
over-reported in a prior year. 31361

The final computation of the assessment shall consist of 31362
imposing upon each public utility whose assessment under the first 31363
computation would have been ~~fifty~~ one hundred dollars or less an 31364
assessment of ~~fifty~~ one hundred dollars and recomputing the 31365
assessment of the remaining companies by apportioning an amount 31366
equal to the appropriation to the office of consumers' counsel in 31367
each fiscal year less the total amount to be recovered from those 31368
paying the minimum assessment, in proportion to the intrastate 31369
gross earnings or receipts of the remaining companies for the 31370
calendar year next preceding that in which the assessments are 31371
made, excluding earnings or receipts from sales to other public 31372
utilities for resale. 31373

In the case of an assessment based on intrastate gross 31374
receipts under this section against a public utility that is an 31375
electric utility as defined in section 4928.01 of the Revised 31376
Code, or an electric services company, electric cooperative, or 31377
governmental aggregator subject to certification under section 31378
4928.08 of the Revised Code, such receipts shall be those 31379
specified in the utility's, company's, cooperative's, or 31380
aggregator's most recent report of intrastate gross receipts and 31381
sales of kilowatt hours of electricity, filed with the public 31382
utilities commission pursuant to division (F) of section 4928.06 31383
of the Revised Code, and verified by the commission. 31384

In the case of an assessment based on intrastate gross 31385
receipts under this section against a retail natural gas supplier 31386

or governmental aggregator subject to certification under section 31387
4929.20 of the Revised Code, such receipts shall be those 31388
specified in the supplier's or aggregator's most recent report of 31389
intrastate gross receipts and sales of hundred cubic feet of 31390
natural gas, filed with the commission pursuant to division (B) of 31391
section 4929.23 of the Revised Code, and verified by the 31392
commission. However, no such retail natural gas supplier or such 31393
governmental aggregator serving or proposing to serve customers of 31394
a particular natural gas company, as defined in section 4929.01 of 31395
the Revised Code, shall be assessed under this section until after 31396
the commission, pursuant to section 4905.26 or 4909.18 of the 31397
Revised Code, has removed from the base rates of the natural gas 31398
company the amount of assessment under this section that is 31399
attributable to the value of commodity sales service, as defined 31400
in section 4929.01 of the Revised Code, in the base rates paid by 31401
those customers of the company that do not purchase that service 31402
from the natural gas company. 31403

(B) ~~On~~ Through calendar year 2005, on or before the first day 31404
of October in each year, the office of consumers' counsel shall 31405
notify each public utility of the sum assessed against it, 31406
whereupon payment shall be made to the counsel, who shall deposit 31407
it into the state treasury to the credit of the consumers' counsel 31408
operating fund, which is hereby created. Beginning in calendar 31409
year 2006, on or before the fifteenth day of May in each year, the 31410
consumers' counsel shall notify each public utility that had a sum 31411
assessed against it for the current fiscal year of more than one 31412
thousand dollars that fifty per cent of that amount shall be paid 31413
to the consumers' counsel by the twentieth day of June of that 31414
year as an initial payment of the assessment against the company 31415
for the next fiscal year. On or before the first day of October in 31416
each year, the consumers' counsel shall make a final determination 31417
of the sum of the assessment against each public utility and shall 31418

notify each public utility of the sum assessed against it. The 31419
consumers' counsel shall deduct from the assessment for each 31420
public utility any initial payment received. Payment of the 31421
assessment shall be made to the consumers' counsel by the first 31422
day of November of that year. The consumers' counsel shall deposit 31423
the payments received into the state treasury to the credit of the 31424
consumers' counsel operating fund. Any such amounts paid into the 31425
fund but not expended by the office shall be credited ratably by 31426
the office to the public utilities that pay more than the minimum 31427
assessment, according to the respective portions of such sum 31428
assessable against them for the ensuing ~~calendar~~ fiscal year, 31429
after first deducting any deficits accumulated from prior years. 31430
The assessments for such ~~calendar~~ fiscal year shall be reduced 31431
correspondingly. 31432

(C) Within five days after the beginning of each fiscal year 31433
through fiscal year 2006, the director of budget and management 31434
shall transfer from the general revenue fund to the consumers' 31435
counsel operating fund an amount sufficient for maintaining and 31436
administering the office of the consumers' counsel and exercising 31437
the powers of the consumers' counsel under this chapter during the 31438
first four months of the fiscal year. Not later than the 31439
thirty-first day of December of the fiscal year, the same amount 31440
shall be transferred back to the general revenue fund from the 31441
consumers' counsel operating fund. 31442

(D) As used in this section, "public utility" includes: 31443

(1) In addition to an electric utility as defined in section 31444
4928.01 of the Revised Code, an electric services company, an 31445
electric cooperative, or a governmental aggregator subject to 31446
certification under section 4928.08 of the Revised Code, to the 31447
extent of the company's, cooperative's, or aggregator's engagement 31448
in the business of supplying or arranging for the supply in this 31449
state of any retail electric service for which it must be so 31450

certified; 31451

(2) In addition to a natural gas company as defined in 31452
section 4929.01 of the Revised Code, a retail natural gas supplier 31453
or governmental aggregator subject to certification under section 31454
4929.20 of the Revised Code, to the extent of the supplier's or 31455
aggregator's engagement in the business of supplying or arranging 31456
for the supply in this state of any competitive retail natural gas 31457
service for which it must be certified. 31458

Sec. 4973.171. (A) As used in this section, "felony" has the 31459
same meaning as in section 109.511 of the Revised Code. 31460

(B)(1) The ~~governor~~ secretary of state shall not appoint or 31461
commission a person as a police officer for a railroad company 31462
under division (B) of section 4973.17 of the Revised Code and 31463
shall not appoint or commission a person as a police officer for a 31464
hospital under division (D) of section 4973.17 of the Revised Code 31465
on a permanent basis, on a temporary basis, for a probationary 31466
term, or on other than a permanent basis if the person previously 31467
has been convicted of or has pleaded guilty to a felony. 31468

(2)(a) The ~~governor~~ secretary of state shall revoke the 31469
appointment or commission of a person appointed or commissioned as 31470
a police officer for a railroad company or as a police officer for 31471
a hospital under division (B) or (D) of section 4973.17 of the 31472
Revised Code if that person does either of the following: 31473

(i) Pleads guilty to a felony; 31474

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 31475
plea agreement as provided in division (D) of section 2929.43 of 31476
the Revised Code in which the person agrees to surrender the 31477
certificate awarded to that person under section 109.77 of the 31478
Revised Code. 31479

(b) The ~~governor~~ secretary of state shall suspend the 31480

appointment or commission of a person appointed or commissioned as 31481
a police officer for a railroad company or as a police officer for 31482
a hospital under division (B) or (D) of section 4973.17 of the 31483
Revised Code if that person is convicted, after trial, of a 31484
felony. If the person files an appeal from that conviction and the 31485
conviction is upheld by the highest court to which the appeal is 31486
taken or if the person does not file a timely appeal, the ~~governor~~ 31487
secretary of state shall revoke the appointment or commission of 31488
that person as a police officer for a railroad company or as a 31489
police officer for a hospital. If the person files an appeal that 31490
results in that person's acquittal of the felony or conviction of 31491
a misdemeanor, or in the dismissal of the felony charge against 31492
that person, the ~~governor~~ secretary of state shall reinstate the 31493
appointment or commission of that person as a police officer for a 31494
railroad company or as a police officer for a hospital. A person 31495
whose appointment or commission is reinstated under division 31496
(B)(2)(b) of this section shall not receive any back pay unless 31497
that person's conviction of the felony was reversed on appeal, or 31498
the felony charge was dismissed, because the court found 31499
insufficient evidence to convict the person of the felony. 31500

(3) Division (B) of this section does not apply regarding an 31501
offense that was committed prior to January 1, 1997. 31502

(4) The suspension or revocation of the appointment or 31503
commission of a person as a police officer for a railroad company 31504
or as a police officer for a hospital under division (B)(2) of 31505
this section shall be in accordance with Chapter 119. of the 31506
Revised Code. 31507

Sec. 5101.07. There is hereby created in the state treasury 31508
the support services federal operating fund. The fund shall 31509
consist of federal funds the department of job and family services 31510
receives and that the director of job and family services 31511

determines are appropriate for deposit into the fund. Money in the 31512
fund shall be used to pay the federal share of both of the 31513
following: 31514

(A) The department's costs for computer projects; 31515

(B) The operating costs of the parts of the department that 31516
provide general support services for the department's work units 31517
established under section 5101.06 of the Revised Code. 31518

Sec. 5101.071. There is hereby created in the state treasury 31519
the support services state operating fund. The fund shall consist 31520
of payments made to the fund from other appropriation items by 31521
intrastate transfer voucher. Money in the fund shall be used to 31522
pay for both of the following: 31523

(A) The department of job and family services' costs for 31524
computer projects; 31525

(B) The operating costs of the parts of the department that 31526
provide general support services for the department's work units 31527
established under section 5101.06 of the Revised Code. 31528

Sec. 5101.181. (A) As used in this section and section 31529
5101.182 of the Revised Code, "public assistance" includes, in 31530
addition to Ohio works first, all of the following: 31531

(1) Prevention, retention, and contingency; 31532

(2) Medicaid; 31533

(3) Disability financial assistance; 31534

(4) Disability medical assistance provided before October 1, 31535
2005, under former Chapter 5115. of the Revised Code; 31536

(5) General assistance provided prior to July 17, 1995, under 31537
former Chapter 5113. of the Revised Code. 31538

(B) As part of the procedure for the determination of 31539
overpayment to a recipient of public assistance under Chapter 31540
5107., 5108., 5111., or 5115. of the Revised Code, the director of 31541
job and family services shall furnish quarterly the name and 31542
social security number of each individual who receives public 31543
assistance to the director of administrative services, the 31544
administrator of the bureau of workers' compensation, and each of 31545
the state's retirement boards. Within fourteen days after 31546
receiving the name and social security number of an individual who 31547
receives public assistance, the director of administrative 31548
services, administrator, or board shall inform the auditor of 31549
state as to whether such individual is receiving wages or 31550
benefits, the amount of any wages or benefits being received, the 31551
social security number, and the address of the individual. The 31552
director of administrative services, administrator, boards, and 31553
any agent or employee of those officials and boards shall comply 31554
with the rules of the director of job and family services 31555
restricting the disclosure of information regarding recipients of 31556
public assistance. Any person who violates this provision shall 31557
thereafter be disqualified from acting as an agent or employee or 31558
in any other capacity under appointment or employment of any state 31559
board, commission, or agency. 31560

(C) The auditor of state may enter into a reciprocal 31561
agreement with the director of job and family services or 31562
comparable officer of any other state for the exchange of names, 31563
current or most recent addresses, or social security numbers of 31564
persons receiving public assistance under Title IV-A or under 31565
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 31566
U.S.C. 301, as amended. 31567

(D)(1) The auditor of state shall retain, for not less than 31568
two years, at least one copy of all information received under 31569
this section and sections 145.27, 742.41, 3307.20, 3309.22, 31570

4123.27, 5101.182, and 5505.04 of the Revised Code. The auditor shall review the information to determine whether overpayments were made to recipients of public assistance under Chapters 5107., 5108., 5111., and 5115. of the Revised Code. The auditor of state shall initiate action leading to prosecution, where warranted, of recipients who received overpayments by forwarding the name of each recipient who received overpayment, together with other pertinent information, to the director of job and family services and the attorney general, to the district director of job and family services of the district through which public assistance was received, and to the county director of job and family services and county prosecutor of the county through which public assistance was received.

(2) The auditor of state and the attorney general or their designees may examine any records, whether in computer or printed format, in the possession of the director of job and family services or any county director of job and family services. They shall provide safeguards which restrict access to such records to purposes directly connected with an audit or investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the programs and shall comply with the rules of the director of job and family services restricting the disclosure of information regarding recipients of public assistance. Any person who violates this provision shall thereafter be disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency.

(3) Costs incurred by the auditor of state in carrying out the auditor of state's duties under this division shall be borne by the auditor of state.

Sec. 5101.21. (A) As used in this section, "county signer"

means all of the following: 31602

(1) A board of county commissioners; 31603

(2) A county children services board appointed under section 31604
5153.03 of the Revised Code if required by division (B) of this 31605
section to enter into a fiscal agreement; 31606

(3) A county elected official that is a child support 31607
enforcement agency if required by division (B) of this section to 31608
enter into a fiscal agreement. 31609

(B) The director of job and family services may enter into 31610
one or more written fiscal agreements with boards of county 31611
commissioners under which financial assistance is awarded for 31612
family services duties included in the agreements. Boards of 31613
county commissioners shall select which family services duties to 31614
include in a fiscal agreement. If a board of county commissioners 31615
elects to include family services duties of a public children 31616
services agency and a county children services board appointed 31617
under section 5153.03 of the Revised Code serves as the county's 31618
public children services agency, the board of county commissioners 31619
and county children services board shall jointly enter into the 31620
fiscal agreement with the director. If a board of county 31621
commissioners elects to include family services duties of a child 31622
support enforcement agency and the entity designated under former 31623
section 2301.35 of the Revised Code prior to October 1, 1997, or 31624
designated under section 307.981 of the Revised Code as the 31625
county's child support enforcement agency is an elected official 31626
of the county, the board of county commissioners and county 31627
elected official shall jointly enter into the fiscal agreement 31628
with the director. A fiscal agreement shall do all of the 31629
following: 31630

(1) Specify the family services duties included in the 31631
agreement and the private and government entities designated under 31632

section 307.981 of the Revised Code to serve as the county family services agencies performing the family services duties; 31633
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(2) Provide for the department of job and family services to award financial assistance for the family services duties included in the agreement in accordance with a methodology for determining the amount of the award established by rules adopted under division (D) of this section; 31635
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(3) Specify the form of the award of financial assistance which may be an allocation, cash draw, reimbursement, property, or, to the extent authorized by an appropriation made by the general assembly and to the extent practicable and not in conflict with a federal or state law, a consolidated funding allocation for two or more family services duties included in the agreement; 31640
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(4) Provide that the award of financial assistance is subject to the availability of federal funds and appropriations made by the general assembly; 31646
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(5) Specify annual financial, administrative, or other incentive awards, if any, to be provided in accordance with section 5101.23 of the Revised Code; 31649
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(6) Include the assurance of each county signer that the county signer will do all of the following: 31652
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(a) Ensure that the financial assistance awarded under the agreement is used, and the family services duties included in the agreement are performed, in accordance with requirements for the duties established by the department, a federal or state law, or any of the following that concern the family services duties included in the fiscal agreement and are published under section 5101.212 of the Revised Code: state plans for receipt of federal financial participation, grant agreements between the department and a federal agency, and executive orders issued by the governor; 31654
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(b) Ensure that the board and county family services agencies 31663
utilize a financial management system and other accountability 31664
mechanisms for the financial assistance awarded under the 31665
agreement that meet requirements the department establishes; 31666

(c) Require the county family services agencies to do both of 31667
the following: 31668

(i) Monitor all private and government entities that receive 31669
a payment from financial assistance awarded under the agreement to 31670
ensure that each entity uses the payment in accordance with 31671
requirements for the family services duties included in the 31672
agreement; 31673

(ii) Take action to recover payments that are not used in 31674
accordance with the requirements for the family services duties 31675
included in the agreement. 31676

(d) Require county family services agencies to promptly 31677
reimburse the department the amount that represents the amount an 31678
agency is responsible for, pursuant to action the department takes 31679
under division (C) of section 5101.24 of the Revised Code, of 31680
funds the department pays to any entity because of an adverse 31681
audit finding, adverse quality control finding, final disallowance 31682
of federal financial participation, or other sanction or penalty; 31683

(e) Require county family services agencies to take prompt 31684
corrective action, including paying amounts resulting from an 31685
adverse finding, sanction, or penalty, if the department, auditor 31686
of state, federal agency, or other entity authorized by federal or 31687
state law to determine compliance with requirements for a family 31688
services duty included in the agreement determines compliance has 31689
not been achieved; 31690

~~(f) If the department establishes a consolidated funding 31691
allocation for two or more family services duties included in the 31692
agreement, require the county family services agencies to use 31693~~

funds available in the consolidated funding allocation only for	31694
the purpose for which the funds are appropriated.	31695
(7) Provide for the department taking action pursuant to	31696
division (C) of section 5101.24 of the Revised Code if authorized	31697
by division (B)(1), (2), (3), or (4) of that section;	31698
(8) Provide for timely audits required by federal and state	31699
law and require prompt release of audit findings and prompt action	31700
to correct problems identified in an audit;	31701
(9) Comply with all of the requirements for the family	31702
services duties that are included in the agreement and have been	31703
established by the department, federal or state law, or any of the	31704
following that concern the family services duties included in the	31705
fiscal agreement and are published under section 5101.212 of the	31706
Revised Code: state plans for receipt of federal financial	31707
participation, grant agreements between the department and a	31708
federal agency, and executive orders issued by the governor;	31709
(10) Provide for dispute resolution procedures in accordance	31710
with section 5101.24 of the Revised Code;	31711
(11) Establish the method of amending or terminating the	31712
agreement and an expedited process for correcting terms or	31713
conditions of the agreement that the director and each county	31714
signer agree are erroneous;	31715
(12) Except as provided in rules adopted under division (D)	31716
of this section, begin on the first day of July of an odd-numbered	31717
year and end on the last day of June of the next odd-numbered	31718
year.	31719
(C) The department shall make payments authorized by a fiscal	31720
agreement on vouchers it prepares and may include any funds	31721
appropriated or allocated to it for carrying out family services	31722
duties included in the agreement, including funds for personal	31723

services and maintenance.

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(D)(1) The director shall adopt rules in accordance with section 111.15 of the Revised Code governing fiscal agreements. The director shall adopt the rules as if they were internal management rules. Before adopting the rules, the director shall give the public an opportunity to review and comment on the proposed rules. The rules shall establish methodologies to be used to determine the amount of financial assistance to be awarded under the agreements. The rules also shall establish terms and conditions under which an agreement may be entered into after the first day of July of an odd-numbered year. The rules may do any or all of the following:

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~~(a) Govern the establishment of consolidated funding allocations and specify the time period for which a consolidated funding allocation is to be provided if the effective date of the agreement is after the first day of July of an odd numbered year, which may include a time period before the effective date of the agreement;~~

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~~(b) Govern the establishment of other allocations;~~

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~~(c)(b) Specify allowable uses of financial assistance awarded under the agreements;~~

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~~(d)(c) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of financial assistance awarded under the agreements and determine compliance with requirements established by the department, a federal or state law, or any of the following that concern the family services duties included in the agreements and are published under section 5101.212 of the Revised Code: state plans for receipt of federal financial participation, grant agreements between the department and a federal entity, and executive orders issued by the governor.~~

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(2) A requirement of a fiscal agreement established by a rule 31755
adopted under this division is applicable to a fiscal agreement 31756
without having to be restated in the fiscal agreement. 31757

Sec. 5101.24. (A) As used in this section, "responsible 31758
entity" means a board of county commissioners or a county family 31759
services agency, whichever the director of job and family services 31760
determines is appropriate to take action against under division 31761
(C) of this section. 31762

(B) Regardless of whether a family services duty is performed 31763
by a county family services agency, private or government entity 31764
pursuant to a contract entered into under section 307.982 of the 31765
Revised Code or division (C)(2) of section 5153.16 of the Revised 31766
Code, or private or government provider of a family service duty, 31767
the department of job and family services may take action under 31768
division (C) of this section against the responsible entity if the 31769
department determines any of the following are the case: 31770

(1) A requirement of a fiscal agreement entered into under 31771
section 5101.21 of the Revised Code that includes the family 31772
services duty, including a requirement for fiscal agreements 31773
established by rules adopted under that section, is not complied 31774
with; 31775

(2) A county family services agency fails to develop, submit 31776
to the department, or comply with a corrective action plan under 31777
division (B) of section 5101.221 of the Revised Code, or the 31778
department disapproves the agency's corrective action plan 31779
developed under division (B) of section 5101.221 of the Revised 31780
Code; 31781

(3) A requirement for the family services duty established by 31782
the department or any of the following is not complied with: a 31783
federal or state law, state plan for receipt of federal financial 31784

participation, grant agreement between the department and a federal agency, or executive order issued by the governor; 31785
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(4) The responsible entity is solely or partially responsible, as determined by the director of job and family services, for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty regarding the family services duty. 31787
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(C) The department may take one or more of the following actions against the responsible entity when authorized by division (B)(1), (2), (3), or (4) of this section: 31792
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(1) Require the responsible entity to comply with a corrective action plan pursuant to a time schedule specified by the department. The corrective action plan shall be established or approved by the department and shall not require a county family services agency to commit resources to the plan. 31795
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(2) Require the responsible entity to comply with a corrective action plan pursuant to a time schedule specified by the department. The corrective action plan shall be established or approved by the department and require a county family services agency to commit to the plan existing resources identified by the agency. 31800
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(3) Require the responsible entity to do one of the following: 31806
31807

(a) Share with the department a final disallowance of federal financial participation or other sanction or penalty; 31808
31809

(b) Reimburse the department the final amount the department pays to the federal government or another entity that represents the amount the responsible entity is responsible for of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty 31810
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issued by the federal government, auditor of state, or other	31815
entity;	31816
(c) Pay the federal government or another entity the final	31817
amount that represents the amount the responsible entity is	31818
responsible for of an adverse audit finding, adverse quality	31819
control finding, final disallowance of federal financial	31820
participation, or other sanction or penalty issued by the federal	31821
government, auditor of state, or other entity;	31822
(d) Pay the department the final amount that represents the	31823
amount the responsible entity is responsible for of an adverse	31824
audit finding or adverse quality control finding;	31825
<u>(e) Increase the county's share of public assistance</u>	31826
<u>expenditures under section 5101.16 of the Revised Code by an</u>	31827
<u>amount equaling the amount of a reduction the responsible entity</u>	31828
<u>is responsible for in federal financial participation or in a</u>	31829
<u>federal grant or payment.</u>	31830
(4) Impose an administrative sanction issued by the	31831
department against the responsible entity. A sanction may be	31832
increased if the department has previously taken action against	31833
the responsible entity under this division.	31834
(5) Perform, or contract with a government or private entity	31835
for the entity to perform, the family services duty until the	31836
department is satisfied that the responsible entity ensures that	31837
the duty will be performed satisfactorily. If the department	31838
performs or contracts with an entity to perform a family services	31839
duty under division (C)(5) of this section, the department may do	31840
either or both of the following:	31841
(a) Spend funds in the county treasury appropriated by the	31842
board of county commissioners for the duty;	31843
(b) Withhold funds allocated or reimbursements due to the	31844

responsible entity for the duty and spend the funds for the duty. 31845

(6) Request that the attorney general bring mandamus 31846
proceedings to compel the responsible entity to take or cease the 31847
action that causes division (B)(1), (2), (3), or (4) of this 31848
section to apply. The attorney general shall bring mandamus 31849
proceedings in the Franklin county court of appeals at the 31850
department's request. 31851

(7) If the department takes action under this division 31852
because of division (B)(3) of this section, temporarily withhold 31853
funds allocated or reimbursement due to the responsible entity 31854
until the department determines that the responsible entity is in 31855
compliance with the requirement. The department shall release the 31856
funds when the department determines that compliance has been 31857
achieved. 31858

(D) If the department proposes to take action against the 31859
responsible entity under division (C) of this section, the 31860
department shall notify the responsible entity and county auditor. 31861
The notice shall be in writing and specify the action the 31862
department proposes to take. The department shall send the notice 31863
by regular United States mail. 31864

Except as provided by division (E) of this section, the 31865
responsible entity may request an administrative review of a 31866
proposed action in accordance with administrative review 31867
procedures the department shall establish. The administrative 31868
review procedures shall comply with all of the following: 31869

(1) A request for an administrative review shall state 31870
specifically all of the following: 31871

(a) The proposed action specified in the notice from the 31872
department for which the review is requested; 31873

(b) The reason why the responsible entity believes the 31874

proposed action is inappropriate; 31875

(c) All facts and legal arguments that the responsible entity 31876
wants the department to consider; 31877

(d) The name of the person who will serve as the responsible 31878
entity's representative in the review. 31879

(2) If the department's notice specifies more than one 31880
proposed action and the responsible entity does not specify all of 31881
the proposed actions in its request pursuant to division (D)(1)(a) 31882
of this section, the proposed actions not specified in the request 31883
shall not be subject to administrative review and the parts of the 31884
notice regarding those proposed actions shall be final and binding 31885
on the responsible entity. 31886

(3) In the case of a proposed action under division (C)(1) of 31887
this section, the responsible entity shall have fifteen calendar 31888
days after the department mails the notice to the responsible 31889
entity to send a written request to the department for an 31890
administrative review. If it receives such a request within the 31891
required time, the department shall postpone taking action under 31892
division (C)(1) of this section for fifteen calendar days 31893
following the day it receives the request or extended period of 31894
time provided for in division (D)(5) of this section to allow a 31895
representative of the department and a representative of the 31896
responsible entity an informal opportunity to resolve any dispute 31897
during that fifteen-day or extended period. 31898

(4) In the case of a proposed action under division (C)(2), 31899
(3), (4), (5), or (7) of this section, the responsible entity 31900
shall have thirty calendar days after the department mails the 31901
notice to the responsible entity to send a written request to the 31902
department for an administrative review. If it receives such a 31903
request within the required time, the department shall postpone 31904
taking action under division (C)(2), (3), (4), (5), or (7) of this 31905

section for thirty calendar days following the day it receives the request or extended period of time provided for in division (D)(5) of this section to allow a representative of the department and a representative of the responsible entity an informal opportunity to resolve any dispute during that thirty-day or extended period.

(5) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to the dispute within the fifteen- or thirty-day period, the director of job and family services and representative of the responsible entity may enter into a written agreement extending the time period for attempting an informal resolution of the dispute under division (D)(3) or (4) of this section.

(6) In the case of a proposed action under division (C)(3) of this section, the responsible entity may not include in its request disputes over a finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or entity other than the department.

(7) If the responsible entity fails to request an administrative review within the required time, the responsible entity loses the right to request an administrative review of the proposed actions specified in the notice and the notice becomes final and binding on the responsible entity.

(8) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to the dispute within the time provided by division (D)(3), (4), or (5) of this section, the director shall appoint an administrative review panel to conduct the administrative review. The review panel shall consist of department employees and one director or other representative of the type of county family services agency that is responsible for the kind of family services duty that is

the subject of the dispute and serves a different county than the
county served by the responsible entity. No individual involved in
the department's proposal to take action against the responsible
entity may serve on the review panel. The review panel shall
review the responsible entity's request. The review panel may
require that the department or responsible entity submit
additional information and schedule and conduct an informal
hearing to obtain testimony or additional evidence. A review of a
proposal to take action under division (C)(3) of this section
shall be limited solely to the issue of the amount the responsible
entity shall share with the department, reimburse the department,
or pay to the federal government, department, or other entity
under division (C)(3) of this section. The review panel is not
required to make a stenographic record of its hearing or other
proceedings.

(9) After finishing an administrative review, an
administrative review panel appointed under division (D)(8) of
this section shall submit a written report to the director setting
forth its findings of fact, conclusions of law, and
recommendations for action. The director may approve, modify, or
disapprove the recommendations. If the director modifies or
disapproves the recommendations, the director shall state the
reasons for the modification or disapproval and the actions to be
taken against the responsible entity.

(10) The director's approval, modification, or disapproval
under division (D)(9) of this section shall be final and binding
on the responsible entity and shall not be subject to further
departmental review.

(E) The responsible entity is not entitled to an
administrative review under division (D) of this section for any
of the following:

(1) An action taken under division (C)(6) of this section;	31968
(2) An action taken under section 5101.242 of the Revised Code;	31969 31970
(3) An action taken under division (C)(3) of this section if the federal government, auditor of state, or entity other than the department has identified the county family services agency as being solely or partially responsible for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty;	31971 31972 31973 31974 31975 31976
(4) An adjustment to an allocation, cash draw, advance, or reimbursement to a county family services agency that the department determines necessary for budgetary reasons;	31977 31978 31979
(5) Withholding of a cash draw or reimbursement due to noncompliance with a reporting requirement established in rules adopted under section 5101.243 of the Revised Code.	31980 31981 31982
(F) This section does not apply to other actions the department takes against the responsible entity pursuant to authority granted by another state law unless the other state law requires the department to take the action in accordance with this section.	31983 31984 31985 31986 31987
(G) 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.	31988 31989 31990
Sec. 5101.241. (A) As used in this section:	31991
(1) "Local area" and "chief elected official" have the same meaning as in section 5101.20 of the Revised Code.	31992 31993
(2) "Responsible entity" means the chief elected officials of a local area.	31994 31995
(B) The department of job and family services may take action	31996

under division (C) of this section against the responsible entity, 31997
regardless of who performs the workforce development activity, if 31998
the department determines any of the following are the case: 31999

(1) A requirement of a grant agreement entered into under 32000
section 5101.20 of the Revised Code that includes the workforce 32001
development activity, including a requirement for grant agreements 32002
established by rules adopted under that section, is not complied 32003
with; 32004

(2) A performance standard for the workforce development 32005
activity established by the federal government or the department 32006
is not met; 32007

(3) A requirement for the workforce development activity 32008
established by the department or any of the following is not 32009
complied with: a federal or state law, state plan for receipt of 32010
federal financial participation, grant agreement between the 32011
department and a federal agency, or executive order; 32012

(4) The responsible entity is solely or partially 32013
responsible, as determined by the director of job and family 32014
services, for an adverse audit finding, adverse quality control 32015
finding, final disallowance of federal financial participation, or 32016
other sanction or penalty regarding the workforce development 32017
activity. 32018

(C) The department may take one or more of the following 32019
actions against the responsible entity when authorized by division 32020
(B)(1), (2), (3), or (4) of this section: 32021

(1) Require the responsible entity to submit to and comply 32022
with a corrective action plan, established or approved by the 32023
department, pursuant to a time schedule specified by the 32024
department; 32025

(2) Require the responsible entity to do one of the 32026

following: 32027

(a) Share with the department a final disallowance of federal 32028
financial participation or other sanction or penalty; 32029

(b) Reimburse the department the amount the department pays 32030
to the federal government or another entity that represents the 32031
amount the responsible entity is responsible for of an adverse 32032
audit finding, adverse quality control finding, final disallowance 32033
of federal financial participation, or other sanction or penalty 32034
issued by the federal government, auditor of state, or other 32035
entity; 32036

(c) Pay the federal government or another entity the amount 32037
that represents the amount the responsible entity is responsible 32038
for of an adverse audit finding, adverse quality control finding, 32039
final disallowance of federal financial participation, or other 32040
sanction or penalty issued by the federal government, auditor of 32041
state, or other entity; 32042

(d) Pay the department the amount that represents the amount 32043
the responsible entity is responsible for of an adverse audit 32044
finding, adverse quality control finding, or other sanction or 32045
penalty issued by the department. 32046

(3) Impose a financial or administrative sanction or adverse 32047
audit finding issued by the department against the responsible 32048
entity, which may be increased with each subsequent action taken 32049
against the responsible entity-; 32050

(4) Perform or contract with a government or private entity 32051
for the entity to perform the workforce development activity until 32052
the department is satisfied that the responsible entity ensures 32053
that the activity will be performed to the department's 32054
satisfaction. If the department performs or contracts with an 32055
entity to perform the workforce development activity under 32056
division (C)(4) of this section, the department may withhold funds 32057

allocated to or reimbursements due to the responsible entity for 32058
the activity and use those funds to implement division (C)(4) of 32059
this section. 32060

(5) Request the attorney general to bring mandamus 32061
proceedings to compel the responsible entity to take or cease the 32062
actions listed in division (B) of this section. The attorney 32063
general shall bring any mandamus proceedings in the Franklin 32064
county court of appeals at the department's request. 32065

(6) If the department takes action under this division 32066
because of division (B)(3) of this section, withhold funds 32067
allocated or reimbursement due to the responsible entity until the 32068
department determines that the responsible entity is in compliance 32069
with the requirement. The department shall release the funds when 32070
the department determines that compliance has been achieved. 32071

(7) Issue a notice of intent to revoke approval of all or 32072
part of the local plan effected and effectuate the revocation; 32073

(8) Impose a reorganization plan that may include 32074
decertifying the local board involved, prohibiting the use of 32075
eligible providers, selecting an alternative entity to administer 32076
the program for the local area involved, merging the local area 32077
into one or more other local areas, or making other changes that 32078
the director of job and family services determines are necessary 32079
to secure compliance. 32080

(D) The department shall notify the responsible entity and 32081
the appropriate county auditor when the department proposes to 32082
take action under division (C) of this section. The notice shall 32083
be in writing and specify the action the department proposes to 32084
take. The department shall send the notice by regular United 32085
States mail. Except as provided in division (E) of this section, 32086
the responsible entity may request an administrative review of a 32087
proposed action in accordance with administrative review 32088

procedures the department shall establish. The administrative 32089
review procedures shall comply with all of the following: 32090

(1) A request for an administrative review shall state 32091
specifically all of the following: 32092

(a) The proposed action specified in the notice from the 32093
department for which the review is requested; 32094

(b) The reason why the responsible entity believes the 32095
proposed action is inappropriate; 32096

(c) All facts and legal arguments that the responsible entity 32097
wants the department to consider; 32098

(d) The name of the person who will serve as the responsible 32099
entity's representative in the review. 32100

(2) If the department's notice specifies more than one 32101
proposed action and the responsible entity does not specify all of 32102
the proposed actions in its request pursuant to division (D)(1)(a) 32103
of this section, the proposed actions not specified in the request 32104
shall not be subject to administrative review and the parts of the 32105
notice regarding those proposed actions shall be final and binding 32106
on the responsible entity. 32107

(3) ~~In the case of a proposed action under division (C)(1) of~~ 32108
~~this section, the~~ The responsible entity shall have fifteen 32109
calendar days after the department mails the notice to the 32110
responsible entity to send a written request to the department for 32111
an administrative review. ~~If it receives such a request within the~~ 32112
~~required time, the department shall postpone taking action under~~ 32113
~~division (C)(1) of this section for fifteen calendar days~~ 32114
~~following the day it receives the request to allow a~~ 32115
~~representative of the department and a representative of the~~ 32116
~~responsible entity an informal opportunity to resolve any dispute~~ 32117
~~during that fifteen day period.~~ 32118

~~(4) In the case of a proposed action under division (C)(2), (3), or (4) of this section, the responsible entity shall have thirty calendar days after the department mails the notice to the responsible entity to send a written request to the department for an administrative review. If it receives such a request within the required time, the department shall postpone taking action under division (C)(2), (3), or (4) of this section for thirty calendar days following the day it receives the request to allow a representative of the department and a representative of the responsible entity an informal opportunity to resolve any dispute during that thirty day period.~~

~~(5)~~ In the case of a proposed action under division (C)(2) of this section, the responsible entity may not include in its request disputes over a finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity other than the department.

~~(6)~~(5) If the responsible entity fails to request an administrative review within the required time, the responsible entity loses the right to request an administrative review of the proposed actions specified in the notice and the notice becomes final and binding on the responsible entity.

~~(7)~~ If the informal opportunity provided in division ~~(D)(3)~~ or ~~(4)~~ of this section does not result in a written resolution to the dispute, (6) The director of job and family services shall appoint an administrative review panel to conduct the administrative review. The review panel shall consist of department employees who are not involved in the department's proposal to take action against the responsible entity. The review panel shall review the responsible entity's request. The review panel may require that the department or responsible entity submit additional information and schedule and conduct an informal

hearing to obtain testimony or additional evidence. A review of a 32151
proposal to take action under division (C)(2) of this section 32152
shall be limited solely to the issue of the amount the responsible 32153
entity shall share with the department, reimburse the department, 32154
or pay to the federal government, department, or other entity 32155
under division (C)(2) of this section. The review panel is not 32156
required to make a stenographic record of its hearing or other 32157
proceedings. 32158

~~(8)(7)~~ After finishing an administrative review, an 32159
administrative review panel appointed under division (D)~~(7)(6)~~ of 32160
this section shall submit a written report to the director setting 32161
forth its findings of fact, conclusions of law, and 32162
recommendations for action. The director may approve, modify, or 32163
disapprove the recommendations. ~~If the director modifies or~~ 32164
~~disapproves the recommendations, the director shall state the~~ 32165
~~reasons for the modification or disapproval and the actions to be~~ 32166
~~taken against the responsible entity.~~ 32167

~~(9)(8)~~ The director's approval, modification, or disapproval 32168
under division (D)~~(8)(7)~~ of this section shall be final and 32169
binding on the responsible entity and shall not be subject to 32170
further ~~departmental~~ review. 32171

(E) The responsible entity is not entitled to an 32172
administrative review under division (D) of this section for any 32173
of the following: 32174

(1) An action taken under division (C)(5) or (6) of this 32175
section; 32176

(2) An action taken under section 5101.242 of the Revised 32177
Code; 32178

(3) An action taken under division (C)(2) of this section if 32179
the federal government, auditor of state, or entity other than the 32180
department has identified the responsible entity as being solely 32181

or partially responsible for an adverse audit finding, adverse	32182
quality control finding, final disallowance of federal financial	32183
participation, or other sanction or penalty;	32184
(4) An adjustment to an allocation, cash draw, advance, or	32185
reimbursement to the responsible entity's local area that the	32186
department determines necessary for budgetary reasons;	32187
(5) Withholding of a cash draw or reimbursement due to	32188
noncompliance with a reporting requirement established in rules	32189
adopted under section 5101.243 of the Revised Code.	32190
(F) This section does not apply to other actions the	32191
department takes against the responsible entity pursuant to	32192
authority granted by another state law unless the other state law	32193
requires the department to take the action in accordance with this	32194
section.	32195
(G) The director of job and family services may adopt rules	32196
in accordance with Chapter 119. of the Revised Code as necessary	32197
to implement this section.	32198
Sec. 5101.26. As used in this section and in sections 5101.27	32199
to 5101.30 of the Revised Code:	32200
(A) "County agency" means a county department of job and	32201
family services or a public children services agency.	32202
(B) "Fugitive felon" means an individual who is fleeing to	32203
avoid prosecution, or custody or confinement after conviction,	32204
under the laws of the place from which the individual is fleeing,	32205
for a crime or an attempt to commit a crime that is a felony under	32206
the laws of the place from which the individual is fleeing or, in	32207
the case of New Jersey, a high misdemeanor, regardless of whether	32208
the individual has departed from the individual's usual place of	32209
residence.	32210
(C) "Information" means records as defined in section 149.011	32211

of the Revised Code, any other documents in any format, and data 32212
derived from records and documents that are generated, acquired, 32213
or maintained by the department of job and family services, a 32214
county agency, or an entity performing duties on behalf of the 32215
department or a county agency. 32216

(D) "Law enforcement agency" means the state highway patrol, 32217
an agency that employs peace officers as defined in section 109.71 32218
of the Revised Code, the adult parole authority, a county 32219
department of probation, a prosecuting attorney, the attorney 32220
general, similar agencies of other states, federal law enforcement 32221
agencies, and postal inspectors. "Law enforcement agency" includes 32222
the peace officers and other law enforcement officers employed by 32223
the agency. 32224

(E) "Medical assistance provided under a public assistance 32225
program" means medical assistance provided under the programs 32226
established under sections 5101.49, 5101.50 to 5101.503, and 32227
5101.51 to 5101.5110, ~~Chapters~~ Chapter 5111. ~~and 5115.~~, or any 32228
other provision of the Revised Code. 32229

(F) "Public assistance" means financial assistance, medical 32230
assistance, or social services provided under a program 32231
administered by the department of job and family services or a 32232
county agency pursuant to Chapter 329., 5101., 5104., 5107., 32233
5108., 5111., or 5115. of the Revised Code or an executive order 32234
issued under section 107.17 of the Revised Code. 32235

(G) "Public assistance recipient" means an applicant for or 32236
recipient or former recipient of public assistance. 32237

Sec. 5101.31. Any record, data, pricing information, or other 32238
information regarding a drug rebate agreement or a supplemental 32239
drug rebate agreement for the medicaid program established under 32240
Chapter 5111. of the Revised Code ~~or the disability medical~~ 32241

~~assistance program established under section 5115.10 of the~~ 32242
~~Revised Code~~ that the department of job and family services 32243
receives from a pharmaceutical manufacturer or creates pursuant to 32244
negotiation of the agreement is not a public record under section 32245
149.43 of the Revised Code and shall be treated by the department 32246
as confidential information. 32247

Sec. 5101.35. (A) As used in this section: 32248

(1) "Agency" means the following entities that administer a 32249
family services program: 32250

(a) The department of job and family services; 32251

(b) A county department of job and family services; 32252

(c) A public children services agency; 32253

(d) A private or government entity administering, in whole or 32254
in part, a family services program for or on behalf of the 32255
department of job and family services or a county department of 32256
job and family services or public children services agency. 32257

(2) "Appellant" means an applicant, participant, former 32258
participant, recipient, or former recipient of a family services 32259
program who is entitled by federal or state law to a hearing 32260
regarding a decision or order of the agency that administers the 32261
program. 32262

(3) "Family services program" means assistance provided under 32263
a Title IV-A program as defined in section 5101.80 of the Revised 32264
Code or under Chapter 5104., 5111., or 5115. or section 173.35, 32265
5101.141, 5101.46, 5101.461, 5101.54, 5153.163, or 5153.165 of the 32266
Revised Code, other than assistance provided under section 5101.46 32267
of the Revised Code by the department of mental health, the 32268
department of mental retardation and developmental disabilities, a 32269
board of alcohol, drug addiction, and mental health services, or a 32270

county board of mental retardation and developmental disabilities. 32271

(B) Except as provided by division (G) of this section, an 32272
appellant who appeals under federal or state law a decision or 32273
order of an agency administering a family services program shall, 32274
at the appellant's request, be granted a state hearing by the 32275
department of job and family services. This state hearing shall be 32276
conducted in accordance with rules adopted under this section. The 32277
state hearing shall be tape-recorded, but neither the recording 32278
nor a transcript of the recording shall be part of the official 32279
record of the proceeding. A state hearing decision is binding upon 32280
the agency and department, unless it is reversed or modified on 32281
appeal to the director of job and family services or a court of 32282
common pleas. 32283

(C) Except as provided by division (G) of this section, an 32284
appellant who disagrees with a state hearing decision may make an 32285
administrative appeal to the director of job and family services 32286
in accordance with rules adopted under this section. This 32287
administrative appeal does not require a hearing, but the director 32288
or the director's designee shall review the state hearing decision 32289
and previous administrative action and may affirm, modify, remand, 32290
or reverse the state hearing decision. Any person designated to 32291
make an administrative appeal decision on behalf of the director 32292
shall have been admitted to the practice of law in this state. An 32293
administrative appeal decision is the final decision of the 32294
department and is binding upon the department and agency, unless 32295
it is reversed or modified on appeal to the court of common pleas. 32296

(D) An agency shall comply with a decision issued pursuant to 32297
division (B) or (C) of this section within the time limits 32298
established by rules adopted under this section. If a county 32299
department of job and family services or a public children 32300
services agency fails to comply within these time limits, the 32301
department may take action pursuant to section 5101.24 of the 32302

Revised Code. If another agency fails to comply within the time
limits, the department may force compliance by withholding funds
due the agency or imposing another sanction established by rules
adopted under this section.

(E) An appellant who disagrees with an administrative appeal
decision of the director of job and family services or the
director's designee issued under division (C) of this section may
appeal from the decision to the court of common pleas pursuant to
section 119.12 of the Revised Code. The appeal shall be governed
by section 119.12 of the Revised Code except that:

(1) The person may appeal to the court of common pleas of the
county in which the person resides, or to the court of common
pleas of Franklin county if the person does not reside in this
state.

(2) The person may apply to the court for designation as an
indigent and, if the court grants this application, the appellant
shall not be required to furnish the costs of the appeal.

(3) The appellant shall mail the notice of appeal to the
department of job and family services and file notice of appeal
with the court within thirty days after the department mails the
administrative appeal decision to the appellant. For good cause
shown, the court may extend the time for mailing and filing notice
of appeal, but such time shall not exceed six months from the date
the department mails the administrative appeal decision. Filing
notice of appeal with the court shall be the only act necessary to
vest jurisdiction in the court.

(4) The department shall be required to file a transcript of
the testimony of the state hearing with the court only if the
court orders the department to file the transcript. The court
shall make such an order only if it finds that the department and
the appellant are unable to stipulate to the facts of the case and

that the transcript is essential to a determination of the appeal. 32334
The department shall file the transcript not later than thirty 32335
days after the day such an order is issued. 32336

(F) The department of job and family services shall adopt 32337
rules in accordance with Chapter 119. of the Revised Code to 32338
implement this section, including rules governing the following: 32339

(1) State hearings under division (B) of this section. The 32340
rules shall include provisions regarding notice of eligibility 32341
termination and the opportunity of an appellant appealing a 32342
decision or order of a county department of job and family 32343
services to request a county conference with the county department 32344
before the state hearing is held. 32345

(2) Administrative appeals under division (C) of this 32346
section; 32347

(3) Time limits for complying with a decision issued under 32348
division (B) or (C) of this section; 32349

(4) Sanctions that may be applied against an agency under 32350
division (D) of this section. 32351

(G) The department of job and family services may adopt rules 32352
in accordance with Chapter 119. of the Revised Code establishing 32353
an appeals process for an appellant who appeals a decision or 32354
order regarding a Title IV-A program identified under division 32355
(A)~~(3)~~(4)(c) ~~or~~, (d), or (e) of section 5101.80 of the Revised 32356
Code that is different from the appeals process established by 32357
this section. The different appeals process may include having a 32358
state agency that administers the Title IV-A program pursuant to 32359
an interagency agreement entered into under section 5101.801 of 32360
the Revised Code administer the appeals process. 32361

(H) The requirements of Chapter 119. of the Revised Code 32362
apply to a state hearing or administrative appeal under this 32363

section only to the extent, if any, specifically provided by rules 32364
adopted under this section. 32365

Sec. 5101.36. Any application for public assistance gives a 32366
right of subrogation to the department of job and family services 32367
for any workers' compensation benefits payable to a person who is 32368
subject to a support order, as defined in section 3119.01 of the 32369
Revised Code, on behalf of the applicant, to the extent of any 32370
public assistance payments made on the applicant's behalf. If the 32371
director of job and family services, in consultation with a child 32372
support enforcement agency and the administrator of the bureau of 32373
workers' compensation, determines that a person responsible for 32374
support payments to a recipient of public assistance is receiving 32375
workers' compensation, the director shall notify the administrator 32376
of the amount of the benefit to be paid to the department of job 32377
and family services. 32378

For purposes of this section, "public assistance" means 32379
medical assistance provided through the medical assistance program 32380
established under section 5111.01 of the Revised Code; Ohio works 32381
first provided under Chapter 5107. of the Revised Code; 32382
prevention, retention, and contingency benefits and services 32383
provided under Chapter 5108. of the Revised Code; disability 32384
financial assistance provided under Chapter 5115. of the Revised 32385
Code; or disability medical assistance provided under former 32386
Chapter 5115. of the Revised Code. 32387

Sec. 5101.46. (A) As used in this section: 32388

(1) "Title XX" means Title XX of the "Social Security Act," 32389
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 32390

(2) "Respective local agency" means, with respect to the 32391
department of job and family services, a county department of job 32392
and family services; with respect to the department of mental 32393

health, a board of alcohol, drug addiction, and mental health 32394
services; and with respect to the department of mental retardation 32395
and developmental disabilities, a county board of mental 32396
retardation and developmental disabilities. 32397

(3) "Federal poverty guidelines" means the poverty guidelines 32398
as revised annually by the United States department of health and 32399
human services in accordance with section 673(2) of the "Omnibus 32400
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 32401
9902, as amended, for a family size equal to the size of the 32402
family of the person whose income is being determined. 32403

(B) The departments of job and family services, mental 32404
health, and mental retardation and developmental disabilities, 32405
with their respective local agencies, shall administer the 32406
provision of social services funded through grants made under 32407
Title XX. The social services furnished with Title XX funds shall 32408
be directed at the following goals: 32409

(1) Achieving or maintaining economic self-support to 32410
prevent, reduce, or eliminate dependency; 32411

(2) Achieving or maintaining self-sufficiency, including 32412
reduction or prevention of dependency; 32413

(3) Preventing or remedying neglect, abuse, or exploitation 32414
of children and adults unable to protect their own interests, or 32415
preserving, rehabilitating, or reuniting families; 32416

(4) Preventing or reducing inappropriate institutional care 32417
by providing for community-based care, home-based care, or other 32418
forms of less intensive care; 32419

(5) Securing referral or admission for institutional care 32420
when other forms of care are not appropriate, or providing 32421
services to individuals in institutions. 32422

(C)(1) All federal funds received under Title XX shall be 32423

appropriated as follows: 32424

(a) Seventy-two and one-half per cent to the department of 32425
job and family services; 32426

(b) Twelve and ninety-three one-hundreths per cent to the 32427
department of mental health; 32428

(c) Fourteen and fifty-seven one-hundreths per cent to the 32429
department of mental retardation and developmental disabilities. 32430

(2) Each state department shall, subject to the approval of 32431
the controlling board, develop formulas for the distribution of 32432
their Title XX appropriations to their respective local agencies. 32433
The formulas shall take into account the total population of the 32434
area that is served by the agency, the percentage of the 32435
population in the area that falls below the federal poverty 32436
guidelines, and the agency's history of and ability to utilize 32437
Title XX funds. 32438

(3) Each of the state departments shall expend no more than 32439
three per cent of its Title XX appropriation for state 32440
administrative costs. Each of the department's respective local 32441
agencies shall expend no more than fourteen per cent of its Title 32442
XX appropriation for local administrative costs. 32443

(4) The department of job and family services shall expend no 32444
more than two per cent of its Title XX appropriation for the 32445
training of the following: 32446

(a) Employees of county departments of job and family 32447
services; 32448

(b) Providers of services under contract with the state 32449
departments' respective local agencies; 32450

(c) Employees of a public children services agency directly 32451
engaged in providing Title XX services. 32452

(D) The department of job and family services shall prepare a 32453

biennial comprehensive Title XX social services plan on the 32454
intended use of Title XX funds. The department shall develop a 32455
method for obtaining public comment during the development of the 32456
plan and following its completion. 32457

For each state fiscal year, the department of job and family 32458
services shall prepare a report on the actual use of Title XX 32459
funds. The department shall make the annual report available for 32460
public inspection. 32461

The departments of mental health and mental retardation and 32462
developmental disabilities shall prepare and submit to the 32463
department of job and family services the portions of each 32464
biennial plan and annual report that apply to services for mental 32465
health and mental retardation and developmental disabilities. Each 32466
respective local agency of the three state departments shall 32467
submit information as necessary for the preparation of biennial 32468
plans and annual reports. 32469

(E) Each county department shall adopt a county profile for 32470
the administration and provision of Title XX social services in 32471
the county. In developing its county profile, the county 32472
department shall take into consideration the comments and 32473
recommendations received from the public by the county family 32474
services planning committee pursuant to section 329.06 of the 32475
Revised Code. As part of its preparation of the county profile, 32476
the county department may prepare a local needs report analyzing 32477
the need for Title XX social services. 32478

The county department shall submit the county profile to the 32479
board of county commissioners for its review. Once the county 32480
profile has been approved by the board, the county department 32481
shall file a copy of the county profile with the department of job 32482
and family services. The department shall approve the county 32483
profile if the department determines the profile provides for the 32484

Title XX social services to meet the goals specified in division 32485
(B) of this section. 32486

~~(F) Not less often than every two years, the departments of 32487
job and family services, mental health, and mental retardation and 32488
developmental disabilities each shall commission an entity 32489
independent of itself to conduct an audit of its Title XX 32490
expenditures in accordance with generally accepted auditing 32491
principles. Within thirty days following the completion of its 32492
audit, each department shall submit a copy of the audit to the 32493
general assembly and to the United States secretary of health and 32494
human services. 32495~~

~~(G) Any of the three state departments and their respective 32496
local agencies may require that an entity under contract to 32497
provide social services with Title XX funds submit to an audit on 32498
the basis of alleged misuse or improper accounting of funds. The 32499
If an audit is required, the social services provider shall 32500
reimburse the state department or local agency for the cost it 32501
incurred in conducting the audit or having the audit conducted. 32502~~

~~If an audit demonstrates that a social services provider is 32503
responsible for one or more adverse findings, the provider shall 32504
reimburse the appropriate state department or its respective local 32505
agency the amount of the adverse findings. The amount shall not be 32506
reimbursed with Title XX funds received under this section. The 32507
three state departments and their respective local agencies may 32508
terminate or refuse to enter into a Title XX contract with a 32509
provider of social services provider if there are adverse findings 32510
in an audit that are the responsibility of the provider. The 32511
amount of any adverse findings shall not be reimbursed with Title 32512
XX funds. The cost of conducting an audit shall be reimbursed 32513
under a subsequent or amended Title XX contract with the provider. 32514~~

~~(H) If federal funds received by the department of job and 32515~~

~~family services for use under Chapters 5107. and 5108. of the Revised Code are transferred by the controlling board for use in providing social services under this section, the distribution and use of the funds are not subject to the provisions of division (C) of this section. The department may do one or both of the following with the funds:~~

~~(1) Distribute the funds to the county departments of job and family services;~~

~~(2) Use the funds for services that benefit individuals eligible for services consistent with the principles of Title IV A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~

~~(I) Except for the authority to adopt rules under division (J) of this section as necessary to carry out this division, this section does not apply to any distribution by the department of job and family services of funds for reimbursement of allowable Title XX expenditures when the funds for the reimbursement are received from a federal funding source other than Title XX.~~

~~(J) The department of job and family services may adopt rules necessary to implement and carry out the purposes of this section. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code, unless they are internal management rules governing fiscal and administrative matters. Internal governing financial and operational matters of the department or matters between the department and county departments of job and family services shall be adopted as internal management rules may be adopted in accordance with section 111.15 of the Revised Code. Rules governing eligibility for services, program participation, and other matters pertaining to applicants and participants shall be adopted in accordance with Chapter 119. of the Revised Code.~~

Sec. 5101.461. (A) As used in this section: 32547

(1) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 32548
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(2) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 32550
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(B) To the extent authorized by federal law, the department of job and family services may use funds received through the Title IV-A temporary assistance for needy families block grant for purposes of providing Title XX social services. The amount used under this section shall not exceed the maximum amount permitted by federal law. The funds and provision of Title XX social services with the funds are not subject to section 5101.46 of the Revised Code. 32552
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(C) The department and any county department of job and family services may require an entity under contract to provide Title XX social services with funds used under this section to submit to an audit on the basis of alleged misuse or improper accounting of funds. If an audit is required, the social services provider shall reimburse the state department or county department for the cost it incurred in conducting the audit or having the audit conducted. 32560
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If an audit demonstrates that a social services provider is responsible for one or more adverse findings, the provider shall reimburse the state department or county department the amount of the adverse findings. The amount shall not be reimbursed with funds received under this section. The state department and county departments may terminate or refuse to enter into a contract with a social services provider to provide services with funds available pursuant to this section if there are adverse findings in an audit that are the responsibility of the provider. 32568
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(D) The state department of job and family services may adopt rules to implement and carry out the purposes of this section. Rules governing financial and operational matters of the department or matters between the department and county departments of job and family services shall be adopted as internal management rules in accordance with section 111.15 of the Revised Code. Rules governing eligibility for services, program participation, and other matters pertaining to applicants and participants shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5101.47. (A) The director of job and family services may accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for one or more of the following:

(1) The medicaid program established by Chapter 5111. of the Revised Code;

(2) The children's health insurance program parts I and II provided for under sections 5101.50 and 5101.51 of the Revised Code;

(3) Publicly funded child day-care provided under Chapter 5104. of the Revised Code;

(4) The food stamp program administered by the department of job and family services pursuant to section 5104.54 of the Revised Code;

(5) Other programs the director determines are supportive of children, adults, or families with at least one employed member;

(6) Other programs regarding which the director determines administrative cost savings and efficiency may be achieved through the department accepting applications, determining eligibility, redetermining eligibility, or performing related administrative

activities. 32607

(B) If the director elects to accept applications, determine 32608
eligibility, redetermine eligibility, and perform related 32609
administrative activities for a program specified in or pursuant 32610
to division (A) of this section, both of the following apply: 32611

(1) An individual seeking services under the program may 32612
apply for the program to the director or to the entity that state 32613
law governing the program authorizes to accept applications for 32614
the program. 32615

(2) The director is subject to federal and state law that 32616
require, permit, or prohibit an action regarding accepting 32617
applications, determining or redetermining eligibility, and 32618
performing related administrative activities for the program. 32619

(C) The director may adopt rules as necessary to implement 32620
this section. 32621

Sec. 5101.80. (A) As used in this section and in section 32622
5101.801 of the Revised Code: 32623

(1) "County family services agency" has the same meaning as 32624
in section 307.981 of the Revised Code. 32625

(2) "State agency" has the same meaning as in section 9.82 of 32626
the Revised Code. 32627

(3) "Title IV-A administrative agency" means both of the 32628
following: 32629

(a) A county family services agency or state agency 32630
administering a Title IV-A program under the supervision of the 32631
department of job and family services; 32632

(b) A government agency or private, not-for-profit entity 32633
administering a project funded in whole or in part with funds 32634
provided under the Title IV-A demonstration program created under 32635

section 5101.802 of the Revised Code. 32636

(4) "Title IV-A program" means all of the following that are 32637
funded in part with funds provided under the temporary assistance 32638
for needy families block grant established by Title IV-A of the 32639
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 32640
amended: 32641

(a) The Ohio works first program established under Chapter 32642
5107. of the Revised Code; 32643

(b) The prevention, retention, and contingency program 32644
established under Chapter 5108. of the Revised Code; 32645

(c) A program established by the general assembly or an 32646
executive order issued by the governor that is administered or 32647
supervised by the department of job and family services pursuant 32648
to section 5101.801 of the Revised Code; 32649

(d) The Title IV-A demonstration program created under 32650
section 5101.802 of the Revised Code; 32651

(e) A component of a Title IV-A program identified under 32652
divisions (A)~~(3)~~(4)(a) to ~~(e)~~(d) of this section that the Title 32653
IV-A state plan prepared under division (C)(1) of this section 32654
identifies as a component. 32655

(B) The department of job and family services shall act as 32656
the single state agency to administer and supervise the 32657
administration of Title IV-A programs. The Title IV-A state plan 32658
and amendments to the plan prepared under division (C) of this 32659
section are binding on ~~county family services agencies and state~~ 32660
~~agencies that administer a Title IV-A program~~ administrative 32661
agencies. No ~~county family services agency or state agency~~ 32662
~~administering a Title IV-A program~~ administrative agency may 32663
establish, by rule or otherwise, a policy governing ~~the a~~ a Title 32664
IV-A program that is inconsistent with a Title IV-A program policy 32665

established, in rule or otherwise, by the director of job and family services. 32666
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(C) The department of job and family services shall do all of the following: 32668
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(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A programs; 32670
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(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in division (A)~~(3)~~(4)(c) ~~and~~, (d), and (e) of this section; 32673
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(3) Prescribe forms for applications, certificates, reports, records, and accounts of ~~county family services agencies and state agencies administering a~~ Title IV-A ~~program~~ administrative agencies, and other matters related to Title IV-A programs; 32678
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(4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs; 32682
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(5) Require reports and information from each ~~county family services agency and state agency administering a~~ Title IV-A ~~program~~ administrative agency as may be necessary or advisable regarding ~~the~~ a Title IV-A program; 32686
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(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program; 32690
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(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and ~~section~~ sections 5101.801 and 32694
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5101.802 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and ~~section~~ sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended;

(8) Conduct investigations and audits as are necessary regarding Title IV-A programs;

(9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;

(10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;

(c) Provide the department with reports at times the department specifies.

(11) Not later than January 1, 2001, and the first day of each January and July thereafter, prepare a report containing information on the following:

(a) Individuals exhausting the time limits for participation

in Ohio works first set forth in section 5107.18 of the Revised Code. 32726
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(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption. 32728
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~~(12) Not later than January 1, 2001, and on a quarterly basis thereafter until December 1, 2003, prepare, to the extent the necessary data is available to the department, a report based on information determined under section 5107.80 of the Revised Code that states how many former Ohio works first participants entered the workforce during the most recent previous quarter for which the information is known and includes information regarding the earnings of those former participants. The report shall include a county by county breakdown and shall not contain the names or social security numbers of former participants.~~ 32731
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~~(13) To the extent authorized by section 5101.801 of the Revised Code, enter into interagency agreements with state agencies for the administration of Title IV A programs identified under division (A)(3)(c) and (d) of this section.~~ 32741
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(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under ~~divisions~~ division (C)(11) and ~~(12)~~ of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request. 32745
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(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative 32752
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of a government entity or private, not-for-profit entity 32757
administering a project funded in whole or in part with funds 32758
provided under the Title IV-A demonstration program shall have 32759
access to all records and information bearing on the project for 32760
the purpose of investigations conducted pursuant to this section. 32761

Sec. 5101.801. (A) Except as otherwise provided by the law 32762
enacted by the general assembly or executive order issued by the 32763
governor establishing the Title IV-A program, a Title IV-A program 32764
identified under division (A)~~(3)~~(4)(c) ~~or~~, (d), or (e) of section 32765
5101.80 of the Revised Code shall provide benefits and services 32766
that are not "assistance" as defined in 45 C.F.R. 260.31(a) and 32767
are benefits and services that 45 C.F.R. 260.31(b) excludes from 32768
the definition of assistance. 32769

(B)(1) Except as otherwise provided by the law enacted by the 32770
general assembly or executive order issued by the governor 32771
establishing the Title IV-A program, the department of job and 32772
family services shall do either of the following regarding a Title 32773
IV-A program identified under division (A)~~(3)~~(4)(c) or ~~(d)~~(e) of 32774
section 5101.80 of the Revised Code: 32775

~~(1)~~(a) Administer the program or supervise a county family 32776
services agency's administration of the program; 32777

~~(2)~~(b) Enter into an interagency agreement with a state 32778
agency for the state agency to administer the program under the 32779
department's supervision. 32780

(2) The department may enter into an agreement with a 32781
government entity and, to the extent permitted by federal law, a 32782
private, not-for-profit entity for the entity to receive funding 32783
for a project under the Title IV-A demonstration program. 32784

(C) ~~If the department administers or supervises the~~ 32785
~~administration of a Title IV-A program identified under division~~ 32786

~~(A)(3)(c) or (d) of section 5101.80 of the Revised Code pursuant to division (B)(1) of this section, the~~ The department may adopt rules governing ~~the program~~ Title IV-A programs identified under divisions (A)(4)(c) to (e) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of the department or between the department and ~~the~~ county family services ~~agency~~ agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department enters into an ~~interagency~~ agreement regarding a Title IV-A program identified under division ~~(A)(3)(4)(c) or, (d), or (e)~~ (A)(4)(c) or (e) of section 5101.80 of the Revised Code pursuant to division ~~(B)(1)(b) or~~ (1)(b) or (2) of this section, the agreement shall include at least all of the following:

(1) A requirement that the state agency or entity comply with the requirements for the program or project, including all of the following requirements established by federal statutes and regulations, state statutes and rules, the United States office of management and budget, and the Title IV-A state plan prepared under section 5101.80 of the Revised Code:

(a) Eligibility;

(b) Reports;

(c) Benefits and services;

(d) Use of funds;

(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;

(f) Audits.

(2) A complete description of all of the following:

(a) The benefits and services that the program or project is

to provide; 32817

(b) The methods of program or project administration; 32818

(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the ~~program's~~ program or project's benefits and services; 32819
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(d) Other ~~program and administrative~~ requirements that the department requires be included. 32822
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(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established; 32824
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(4) Provisions regarding how the department is to reimburse the state agency or entity for allowable expenditures under the program or project that the department approves, including all of the following: 32828
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(a) Limitations on administrative costs; 32832

(b) The department, at its discretion, ~~withholding doing~~ either of the following: 32833
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(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or ~~charging~~ project; 32835
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(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project. 32838
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(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state ~~agency's~~ agency or entity's responsibilities for both of the following: 32842
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(a) Ensuring that the other entity complies with the 32847
interagency agreement between the state agency or entity and 32848
department and federal statutes and regulations and state statutes 32849
and rules governing the use of funds for the program or project; 32850

(b) Auditing the other entity in accordance with requirements 32851
established by the United States office of management and budget. 32852

(6) The state ~~agency's~~ agency or entity's responsibilities 32853
regarding the prompt payment, including any interest assessed, of 32854
any adverse audit finding, final disallowance of federal funds, or 32855
other sanction or penalty imposed by the federal government, 32856
auditor of state, department, a court, or other entity regarding 32857
funds for the program or project; 32858

(7) Provisions for the department to terminate the 32859
interagency agreement or withhold reimbursement from the state 32860
agency or entity if either of the following occur: 32861

(a) The federal government disapproves the program or project 32862
or reduces federal funds for the program or project; 32863

(b) The state agency or entity fails to comply with the terms 32864
of the interagency agreement. 32865

(8) Provisions for both of the following: 32866

(a) The department and state agency or entity determining the 32867
performance outcomes expected for the program or project; 32868

(b) An evaluation of the program or project to determine its 32869
success in achieving the performance outcomes determined under 32870
division (D)(8)(a) of this section. 32871

(E) To the extent consistent with the law enacted by the 32872
general assembly or executive order issued by the governor 32873
establishing the Title IV-A program and subject to the approval of 32874
the director of budget and management, the director of job and 32875
family services may terminate a Title IV-A program identified 32876

under division (A)~~(3)~~(4)(c) ~~or~~, (d), or (e) of section 5101.80 of 32877
the Revised Code or reduce funding for the program if the director 32878
of job and family services determines that federal or state funds 32879
are insufficient to fund the program. If the director of budget 32880
and management approves the termination or reduction in funding 32881
for such a program, the director of job and family services shall 32882
issue instructions for the termination or funding reduction. If a 32883
~~county family services agency or state agency~~ Title IV-A 32884
administrative agency is administering the program, the ~~county~~ 32885
~~family services agency or state agency~~ is bound by the termination 32886
or funding reduction and shall comply with the director's 32887
instructions. 32888

(F) The director of job and family services may adopt 32889
internal management rules in accordance with section 111.15 of the 32890
Revised Code as necessary to implement this section. The rules are 32891
binding on each ~~county family services agency and state agency~~ 32892
~~administering, pursuant to this section, a~~ Title IV-A program 32893
~~identified in division (A)(3)(c) or (d) of section 5101.80 of the~~ 32894
~~Revised Code~~ administrative agency. 32895

Sec. 5101.802. There is hereby created the Title IV-A 32896
demonstration program to provide funding for innovative and 32897
promising prevention and intervention projects that meet one or 32898
more of the four purposes of the temporary assistance for needy 32899
families block grant as specified in 42 U.S.C. 601 and are for 32900
individuals with specific and multiple barriers to achieving or 32901
maintaining self-sufficiency and personal responsibility. The 32902
department of job and family services may provide funding for such 32903
projects to government entities and, to the extent permitted by 32904
federal law, private, not-for-profit entities with which the 32905
department enters into agreements under division (B)(2) of section 32906
5101.801 of the Revised Code. 32907

In accordance with criteria the department develops, the department may solicit proposals for entities seeking to enter into an agreement with the department under division (B)(2) of section 5101.801 of the Revised Code. The department may enter into such agreements with entities that meet the proposals' criteria. In developing the criteria, soliciting the proposals, and entering in the agreements, the department shall comply with all applicable federal and state laws, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the Title IV-A state plan submitted to the United States secretary under that section, and federal waivers the United States secretary grants.

Sec. 5101.821. Except as otherwise approved by the director of budget and management, the department of job and family services shall deposit federal funds received under Title IV-A of the "Social Security Act," 42 U.S.C.A. 601, 110 Stat. 2113 (1996), into the temporary assistance for needy families (TANF) federal fund, which is hereby created in the state treasury. The department shall use money in the fund for the Ohio works first program established under Chapter 5107. of the Revised Code; the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; social services provided pursuant to section 5101.461 of the Revised Code; and any other purposes consistent with Title IV-A, federal regulations, federal waivers granted by the United States secretary of health and human services, state law, the Title IV-A state plan and amendments submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and rules adopted by the department under section 5107.05 of the Revised Code.

Sec. 5104.01. As used in this chapter:	32939
(A) "Administrator" means the person responsible for the daily operation of a center or type A home. The administrator and the owner may be the same person.	32940 32941 32942
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	32943 32944
(C) "Authorized provider" means a person authorized by a county director of job and family services to operate a certified type B family day-care home.	32945 32946 32947
(D) "Border state child day-care provider" means a child day-care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child day-care.	32948 32949 32950 32951
(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.	32952 32953 32954 32955 32956 32957 32958 32959
(F) "Certified type B family day-care home" and "certified type B home" mean a type B family day-care home that is certified by the director of the county department of job and family services pursuant to section 5104.11 of the Revised Code to receive public funds for providing child day-care pursuant to this chapter and any rules adopted under it.	32960 32961 32962 32963 32964 32965
(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the	32966 32967 32968

Revised Code.	32969
(H) "Child" includes an infant, toddler, preschool child, or school child.	32970 32971
(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended.	32972 32973 32974 32975
(J) "Child day camp" means a program in which only school children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.	32976 32977 32978 32979 32980 32981 32982 32983 32984 32985 32986 32987 32988 32989
(K) "Child day-care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.	32990 32991 32992 32993 32994 32995
(L) "Child day-care center" and "center" mean any place in which child day-care or publicly funded child day-care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which	32996 32997 32998 32999

child day-care or publicly funded child day-care is provided for 33000
seven to twelve children at one time. In counting children for the 33001
purposes of this division, any children under six years of age who 33002
are related to a licensee, administrator, or employee and who are 33003
on the premises of the center shall be counted. "Child day-care 33004
center" and "center" do not include any of the following: 33005

(1) A place located in and operated by a hospital, as defined 33006
in section 3727.01 of the Revised Code, in which the needs of 33007
children are administered to, if all the children whose needs are 33008
being administered to are monitored under the on-site supervision 33009
of a physician licensed under Chapter 4731. of the Revised Code or 33010
a registered nurse licensed under Chapter 4723. of the Revised 33011
Code, and the services are provided only for children who, in the 33012
opinion of the child's parent, guardian, or custodian, are 33013
exhibiting symptoms of a communicable disease or other illness or 33014
are injured; 33015

(2) A child day camp; 33016

(3) A place that provides child day-care, but not publicly 33017
funded child day-care, if all of the following apply: 33018

(a) An organized religious body provides the child day-care; 33019

(b) A parent, custodian, or guardian of at least one child 33020
receiving child day-care is on the premises and readily accessible 33021
at all times; 33022

(c) The child day-care is not provided for more than thirty 33023
days a year; 33024

(d) The child day-care is provided only for preschool and 33025
school children. 33026

(M) "Child day-care resource and referral service 33027
organization" means a community-based nonprofit organization that 33028
provides child day-care resource and referral services but not 33029

child day-care.	33030
(N) "Child day-care resource and referral services" means all	33031
of the following services:	33032
(1) Maintenance of a uniform data base of all child day-care	33033
providers in the community that are in compliance with this	33034
chapter, including current occupancy and vacancy data;	33035
(2) Provision of individualized consumer education to	33036
families seeking child day-care;	33037
(3) Provision of timely referrals of available child day-care	33038
providers to families seeking child day-care;	33039
(4) Recruitment of child day-care providers;	33040
(5) Assistance in the development, conduct, and dissemination	33041
of training for child day-care providers and provision of	33042
technical assistance to current and potential child day-care	33043
providers, employers, and the community;	33044
(6) Collection and analysis of data on the supply of and	33045
demand for child day-care in the community;	33046
(7) Technical assistance concerning locally, state, and	33047
federally funded child day-care and early childhood education	33048
programs;	33049
(8) Stimulation of employer involvement in making child	33050
day-care more affordable, more available, safer, and of higher	33051
quality for their employees and for the community;	33052
(9) Provision of written educational materials to caretaker	33053
parents and informational resources to child day-care providers;	33054
(10) Coordination of services among child day-care resource	33055
and referral service organizations to assist in developing and	33056
maintaining a statewide system of child day-care resource and	33057
referral services if required by the department of job and family	33058

services;	33059
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child day-care centers and parent cooperative type A family day-care homes.	33060 33061 33062 33063
(O) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	33064 33065 33066 33067 33068
(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child day-care or publicly funded child day-care for children on a temporary, irregular basis.	33069 33070 33071 33072 33073
(Q) "Employee" means a person who either:	33074
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	33075 33076
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	33077 33078
(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.	33079 33080 33081 33082
(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	33083 33084 33085 33086 33087
(T) "Head start program" means a comprehensive child	33088

development program that receives funds distributed under the 33089
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 33090
~~amended, or under sections 3301.31 to 3301.37 of the Revised Code.~~ 33091

(U) "Income" means gross income, as defined in section 33092
5107.10 of the Revised Code, less any amounts required by federal 33093
statutes or regulations to be disregarded. 33094

(V) "Indicator checklist" means an inspection tool, used in 33095
conjunction with an instrument-based program monitoring 33096
information system, that contains selected licensing requirements 33097
that are statistically reliable indicators or predictors of a 33098
child day-care center or type A family day-care home's compliance 33099
with licensing requirements. 33100

(W) "Infant" means a child who is less than eighteen months 33101
of age. 33102

(X) "In-home aide" means a person certified by a county 33103
director of job and family services pursuant to section 5104.12 of 33104
the Revised Code to provide publicly funded child day-care to a 33105
child in a child's own home pursuant to this chapter and any rules 33106
adopted under it. 33107

(Y) "Instrument-based program monitoring information system" 33108
means a method to assess compliance with licensing requirements 33109
for child day-care centers and type A family day-care homes in 33110
which each licensing requirement is assigned a weight indicative 33111
of the relative importance of the requirement to the health, 33112
growth, and safety of the children that is used to develop an 33113
indicator checklist. 33114

(Z) "License capacity" means the maximum number in each age 33115
category of children who may be cared for in a child day-care 33116
center or type A family day-care home at one time as determined by 33117
the director of job and family services considering building 33118
occupancy limits established by the department of commerce, number 33119

of available child-care staff members, amount of available indoor	33120
floor space and outdoor play space, and amount of available play	33121
equipment, materials, and supplies.	33122
(AA) "Licensed preschool program" or "licensed school child	33123
program" means a preschool program or school child program, as	33124
defined in section 3301.52 of the Revised Code, that is licensed	33125
by the department of education pursuant to sections 3301.52 to	33126
3301.59 of the Revised Code.	33127
(BB) "Licensee" means the owner of a child day-care center or	33128
type A family day-care home that is licensed pursuant to this	33129
chapter and who is responsible for ensuring its compliance with	33130
this chapter and rules adopted pursuant to this chapter.	33131
(CC) "Operate a child day camp" means to operate, establish,	33132
manage, conduct, or maintain a child day camp.	33133
(DD) "Owner" includes a person, as defined in section 1.59 of	33134
the Revised Code, or government entity.	33135
(EE) "Parent cooperative child day-care center," "parent	33136
cooperative center," "parent cooperative type A family day-care	33137
home," and "parent cooperative type A home" mean a corporation or	33138
association organized for providing educational services to the	33139
children of members of the corporation or association, without	33140
gain to the corporation or association as an entity, in which the	33141
services of the corporation or association are provided only to	33142
children of the members of the corporation or association,	33143
ownership and control of the corporation or association rests	33144
solely with the members of the corporation or association, and at	33145
least one parent-member of the corporation or association is on	33146
the premises of the center or type A home during its hours of	33147
operation.	33148
(FF) "Part-time child day-care center," "part-time center,"	33149
"part-time type A family day-care home," and "part-time type A	33150

home" mean a center or type A home that provides child day-care or 33151
publicly funded child day-care for no more than four hours a day 33152
for any child. 33153

(GG) "Place of worship" means a building where activities of 33154
an organized religious group are conducted and includes the 33155
grounds and any other buildings on the grounds used for such 33156
activities. 33157

(HH) "Preschool child" means a child who is three years old 33158
or older but is not a school child. 33159

(II) "Protective day-care" means publicly funded child 33160
day-care for the direct care and protection of a child to whom 33161
either of the following applies: 33162

(1) A case plan prepared and maintained for the child 33163
pursuant to section 2151.412 of the Revised Code indicates a need 33164
for protective day-care and the child resides with a parent, 33165
stepparent, guardian, or another person who stands in loco 33166
parentis as defined in rules adopted under section 5104.38 of the 33167
Revised Code; 33168

(2) The child and the child's caretaker either temporarily 33169
reside in a facility providing emergency shelter for homeless 33170
families or are determined by the county department of job and 33171
family services to be homeless, and are otherwise ineligible for 33172
publicly funded child day-care. 33173

(JJ) "Publicly funded child day-care" means administering to 33174
the needs of infants, toddlers, preschool children, and school 33175
children under age thirteen during any part of the 33176
twenty-four-hour day by persons other than their caretaker parents 33177
for remuneration wholly or in part with federal or state funds, 33178
including funds available under the child care block grant act 33179
Title IV-A, and Title XX, distributed by the department of job and 33180
family services. 33181

(KK) "Religious activities" means any of the following: 33182
worship or other religious services; religious instruction; Sunday 33183
school classes or other religious classes conducted during or 33184
prior to worship or other religious services; youth or adult 33185
fellowship activities; choir or other musical group practices or 33186
programs; meals; festivals; or meetings conducted by an organized 33187
religious group. 33188

(LL) "School child" means a child who is enrolled in or is 33189
eligible to be enrolled in a grade of kindergarten or above but is 33190
less than fifteen years old. 33191

(MM) "School child day-care center," "school child center," 33192
"school child type A family day-care home," and "school child type 33193
A family home" mean a center or type A home that provides child 33194
day-care for school children only and that does either or both of 33195
the following: 33196

(1) Operates only during that part of the day that 33197
immediately precedes or follows the public school day of the 33198
school district in which the center or type A home is located; 33199

(2) Operates only when the public schools in the school 33200
district in which the center or type A home is located are not 33201
open for instruction with pupils in attendance. 33202

(NN) "State median income" means the state median income 33203
calculated by the department of development pursuant to division 33204
(A)(1)(g) of section 5709.61 of the Revised Code. 33205

(OO) "Title IV-A" means Title IV-A of the "Social Security 33206
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 33207

(PP) "Title XX" means Title XX of the "Social Security Act," 33208
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 33209

(QQ) "Toddler" means a child who is at least eighteen months 33210
of age but less than three years of age. 33211

(RR) "Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child day-care or publicly funded child day-care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child day-care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type A family day-care home" and "type A home" do not include any child day camp.

(SS) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which child day-care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type B family day-care home" and "type B home" do not include any child day camp.

Sec. 5104.32. (A) Except as provided in division (C) of this section, all purchases of publicly funded child day-care shall be made under a contract entered into by a licensed child day-care

center, licensed type A family day-care home, certified type B 33243
family day-care home, certified in-home aide, approved child day 33244
camp, licensed preschool program, licensed school child program, 33245
or border state child day-care provider and the county department 33246
of job and family services. A county department of job and family 33247
services may enter into a contract with a provider for publicly 33248
funded child day-care for a specified period of time or upon a 33249
continuous basis for an unspecified period of time. All contracts 33250
for publicly funded child day-care shall be contingent upon the 33251
availability of state and federal funds. The department of job and 33252
family services shall prescribe a standard form to be used for all 33253
contracts for the purchase of publicly funded child day-care, 33254
regardless of the source of public funds used to purchase the 33255
child day-care. To the extent permitted by federal law and 33256
notwithstanding any other provision of the Revised Code that 33257
regulates state or county contracts or contracts involving the 33258
expenditure of state, county, or federal funds, all contracts for 33259
publicly funded child day-care shall be entered into in accordance 33260
with the provisions of this chapter and are exempt from any other 33261
provision of the Revised Code that regulates state or county 33262
contracts or contracts involving the expenditure of state, county, 33263
or federal funds. 33264

(B) Each contract for publicly funded child day-care shall 33265
specify at least the following: 33266

(1) That the provider of publicly funded child day-care 33267
agrees to be paid for rendering services at the lowest of the rate 33268
customarily charged by the provider for children enrolled for 33269
child day-care, the reimbursement ceiling or rate of payment 33270
established pursuant to section 5104.30 of the Revised Code, or a 33271
rate the county department negotiates with the provider; 33272

(2) That, if a provider provides child day-care to an 33273
individual potentially eligible for publicly funded child day-care 33274

who is subsequently determined to be eligible, the county 33275
department agrees to pay for all child day-care provided between 33276
the date the county department receives the individual's completed 33277
application and the date the individual's eligibility is 33278
determined; 33279

(3) Whether the county department of job and family services, 33280
the provider, or a child day-care resource and referral service 33281
organization will make eligibility determinations, whether the 33282
provider or a child day-care resource and referral service 33283
organization will be required to collect information to be used by 33284
the county department to make eligibility determinations, and the 33285
time period within which the provider or child day-care resource 33286
and referral service organization is required to complete required 33287
eligibility determinations or to transmit to the county department 33288
any information collected for the purpose of making eligibility 33289
determinations; 33290

(4) That the provider, other than a border state child 33291
day-care provider ~~or except as provided in division (B) of section~~ 33292
~~3301.37 of the Revised Code~~, shall continue to be licensed, 33293
approved, or certified pursuant to this chapter and shall comply 33294
with all standards and other requirements in this chapter and in 33295
rules adopted pursuant to this chapter for maintaining the 33296
provider's license, approval, or certification; 33297

(5) That, in the case of a border state child day-care 33298
provider, the provider shall continue to be licensed, certified, 33299
or otherwise approved by the state in which the provider is 33300
located and shall comply with all standards and other requirements 33301
established by that state for maintaining the provider's license, 33302
certificate, or other approval; 33303

(6) Whether the provider will be paid by the county 33304
department of job and family services or the state department of 33305

job and family services; 33306

(7) That the contract is subject to the availability of state 33307
and federal funds. 33308

(C) Unless specifically prohibited by federal law, the county 33309
department of job and family services shall give individuals 33310
eligible for publicly funded child day-care the option of 33311
obtaining certificates for payment that the individual may use to 33312
purchase services from any provider qualified to provide publicly 33313
funded child day-care under section 5104.31 of the Revised Code. 33314
Providers of publicly funded child day-care may present these 33315
certificates for payment for reimbursement in accordance with 33316
rules that the director of job and family services shall adopt. 33317
Only providers may receive reimbursement for certificates for 33318
payment. The value of the certificate for payment shall be based 33319
on the lowest of the rate customarily charged by the provider, the 33320
reimbursement ceiling or rate of payment established pursuant to 33321
section 5104.30 of the Revised Code, or a rate the county 33322
department negotiates with the provider. The county department may 33323
provide the certificates for payment to the individuals or may 33324
contract with child day-care providers or child day-care resource 33325
and referral service organizations that make determinations of 33326
eligibility for publicly funded child day-care pursuant to 33327
contracts entered into under section 5104.34 of the Revised Code 33328
for the providers or resource and referral service organizations 33329
to provide the certificates for payment to individuals whom they 33330
determine are eligible for publicly funded child day-care. 33331

For each six-month period a provider of publicly funded child 33332
day-care provides publicly funded child day-care to the child of 33333
an individual given certificates for payment, the individual shall 33334
provide the provider certificates for days the provider would have 33335
provided publicly funded child day-care to the child had the child 33336
been present. County departments shall specify the maximum number 33337

of days providers will be provided certificates of payment for 33338
days the provider would have provided publicly funded child 33339
day-care had the child been present. The maximum number of days 33340
shall not exceed ten days in a six-month period during which 33341
publicly funded child day-care is provided to the child regardless 33342
of the number of providers that provide publicly funded child 33343
day-care to the child during that period. 33344

Sec. 5104.38. In addition to any other rules adopted under 33345
this chapter, the director of job and family services shall adopt 33346
rules in accordance with Chapter 119. of the Revised Code 33347
governing financial and administrative requirements for publicly 33348
funded child day-care and establishing all of the following: 33349

(A) Procedures and criteria to be used in making 33350
determinations of eligibility for publicly funded child day-care 33351
that give priority to children of families with lower incomes and 33352
procedures and criteria for eligibility for publicly funded 33353
protective day-care. The rules shall specify the maximum amount of 33354
income a family may have for initial and continued eligibility. 33355
The maximum amount shall not exceed two hundred per cent of the 33356
federal poverty line. 33357

(B) Procedures under which a county department of job and 33358
family services may, if the department, under division (A) of this 33359
section, specifies a maximum amount of income a family may have 33360
for eligibility for publicly funded child day-care that is less 33361
than the maximum amount specified in that division, specify a 33362
maximum amount of income a family residing in the county the 33363
county department serves may have for initial and continued 33364
eligibility for publicly funded child day-care that is higher than 33365
the amount specified by the department but does not exceed the 33366
maximum amount specified in division (A) of this section; 33367

(C) A schedule of fees requiring all eligible caretaker 33368

parents to pay a fee for publicly funded child day-care according 33369
to income and family size, which shall be uniform for all types of 33370
publicly funded child day-care, except as authorized by rule, and, 33371
to the extent permitted by federal law, shall permit the use of 33372
state and federal funds to pay the customary deposits and other 33373
advance payments that a provider charges all children who receive 33374
child day-care from that provider. The schedule of fees ~~may not~~ 33375
~~provide for a caretaker parent to pay a fee that exceeds ten per~~ 33376
~~cent of the parent's family income~~ shall be calculated as 33377
permitted by federal law. 33378

(D) A formula based upon a percentage of the county's total 33379
expenditures for publicly funded child day-care for determining 33380
the maximum amount of state and federal funds appropriated for 33381
publicly funded child day-care that a county department may use 33382
for administrative purposes; 33383

(E) Procedures to be followed by the department and county 33384
departments in recruiting individuals and groups to become 33385
providers of child day-care; 33386

(F) Procedures to be followed in establishing state or local 33387
programs designed to assist individuals who are eligible for 33388
publicly funded child day-care in identifying the resources 33389
available to them and to refer the individuals to appropriate 33390
sources to obtain child day-care; 33391

(G) Procedures to deal with fraud and abuse committed by 33392
either recipients or providers of publicly funded child day-care; 33393

(H) Procedures for establishing a child day-care grant or 33394
loan program in accordance with the child care block grant act; 33395

(I) Standards and procedures for applicants to apply for 33396
grants and loans, and for the department to make grants and loans; 33397

(J) A definition of "person who stands in loco parentis" for 33398

the purposes of division (II)(1) of section 5104.01 of the Revised Code; 33399
33400

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child day-care available through telephone, computer, and other means at locations other than the county department; 33401
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(L) Any other rules necessary to carry out sections 5104.30 to 5104.39 of the Revised Code. 33406
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Sec. 5107.05. The director of job and family services shall adopt rules to implement this chapter. The rules shall be consistent with Title IV-A, Title IV-D, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the plan, and waivers granted by the United States secretary. Rules governing eligibility, program participation, and other applicant and participant requirements shall be adopted in accordance with Chapter 119. of the Revised Code. Rules governing financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code. 33408
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(A) The rules shall specify, establish, or govern all of the following: 33421
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(1) A payment standard for Ohio works first based on federal and state appropriations; 33423
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(2) The method of determining the amount of cash assistance an assistance group receives under Ohio works first; 33425
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(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, 33427
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citizenship, age, residence, and assistance group composition. The 33429
rules regarding income shall specify what is countable income, 33430
gross earned income, and gross unearned income for the purpose of 33431
section 5107.10 of the Revised Code. 33432

(4) For the purpose of section 5107.12 of the Revised Code, 33433
application and verification procedures, including the minimum 33434
information an application must contain; 33435

(5) The extent to which a participant of Ohio works first 33436
must notify, pursuant to section 5107.12 of the Revised Code, a 33437
county department of job and family services of additional income 33438
not previously reported to the county department; 33439

(6) The department of job and family services providing 33440
written notice of a sanction under section 5107.161 of the Revised 33441
Code; 33442

(7) Requirements for the collection and distribution of 33443
support payments owed participants of Ohio works first pursuant to 33444
section 5107.20 of the Revised Code; 33445

(8) For the purpose of section 5107.22 of the Revised Code, 33446
what constitutes cooperating in establishing a minor child's 33447
paternity or establishing, modifying, or enforcing a child support 33448
order and good cause for failure or refusal to cooperate. The rule 33449
shall be consistent with 42 U.S.C.A. 654(29). 33450

(9) The ~~administration of~~ requirements governing the LEAP 33451
program provided for under section 5107.30 of the Revised Code, 33452
including the definitions of "equivalent of a high school diploma" 33453
and "good cause," and the incentives provided under the LEAP 33454
program; 33455

(10) If the director implements section 5107.301 of the 33456
Revised Code, the requirements governing the award provided under 33457
that section, including the form that the award is to take and 33458

requirements an individual must satisfy to receive the award; 33459

(11) Circumstances under which a county department of job and 33460
family services may exempt a minor head of household or adult from 33461
participating in a work activity or developmental activity for all 33462
or some of the weekly hours otherwise required by section 5107.43 33463
of the Revised Code. Circumstances shall include that a school or 33464
place of work is closed due to a holiday or weather or other 33465
emergency and that an employer grants the minor head of household 33466
or adult leave for illness or earned vacation. 33467

~~(11)~~(12) The maximum amount of time the department will 33468
subsidize positions created by state agencies and political 33469
subdivisions under division (C) of section 5107.52 of the Revised 33470
Code. 33471

(B) The rules may provide that a county department of job and 33472
family services is not required to take action under section 33473
5107.76 of the Revised Code to recover an erroneous payment that 33474
is below an amount the department specifies. 33475

Sec. 5107.10. (A) As used in this section: 33476

(1) "Countable income," "gross earned income," and "gross 33477
unearned income" have the meanings established in rules adopted 33478
under section 5107.05 of the Revised Code. 33479

(2) "Federal poverty guidelines" has the same meaning as in 33480
section 5101.46 of the Revised Code, except that references to a 33481
person's family in the definition shall be deemed to be references 33482
to the person's assistance group. 33483

(3) "Gross income" means gross earned income and gross 33484
unearned income. 33485

~~(3)~~(4) "Initial eligibility threshold" means the higher of 33486
the following: 33487

(a) Fifty per cent of the federal poverty guidelines; 33488

(b) The gross income maximum for initial eligibility for Ohio works first as that maximum was set by division (D)(1)(a) of this section on the day before the effective date of this amendment.

(5) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code.

(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:

(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following:

(a) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child;

(b) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local adoption assistance;

(c) A specified relative residing with and caring for a minor child who is related to the specified relative in a manner that makes the specified relative a specified relative and receives supplemental security income or federal, state, or local foster care or adoption assistance;

(d) A woman at least six months pregnant.

(2) The assistance group must meet the income requirements established by division (D) of this section.

(3) No member of the assistance group may be involved in a strike.

(4) The assistance group must satisfy the requirements for Ohio works first established by this chapter and sections 5101.58, 5101.59, and 5101.83 of the Revised Code.

(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code.

(D)(1) Except as provided in division (D)~~(3)~~(4) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following:

(a) Determine whether the assistance group's gross income exceeds the ~~following amount:~~

Size of Assistance Group	Gross Income	
1	\$423	
2	\$537	
3	\$630	
4	\$750	
5	\$858	
6	\$942	
7	\$1,038	

8	\$1,139	33550
9	\$1,241	33551
10	\$1,343	33552
11	\$1,440	33553
12	\$1,542	33554
13	\$1,643	33555
14	\$1,742	33556
15	\$1,844	33557

~~For each person in the assistance group that brings the~~ 33558
~~assistance group to more than fifteen persons, add one hundred two~~ 33559
~~dollars to the amount of gross income for an assistance group of~~ 33560
~~fifteen specified in division (D)(1)(a) of this section.~~ 33561

~~In~~ initial eligibility threshold. In making this 33562
determination, the county department shall disregard amounts that 33563
federal statutes or regulations and sections 5101.17 and 5117.10 33564
of the Revised Code require be disregarded. The assistance group 33565
is ineligible to participate in Ohio works first if the assistance 33566
group's gross income, less the amounts disregarded, exceeds the 33567
~~amount specified in division (D)(1)(a) of this section~~ initial 33568
eligibility threshold. 33569

(b) If the assistance group's gross income, less the amounts 33570
disregarded pursuant to division (D)(1)(a) of this section, does 33571
not exceed the ~~amount specified in that division~~ initial 33572
eligibility threshold, determine whether the assistance group's 33573
countable income is less than the payment standard. The assistance 33574
group is ineligible to participate in Ohio works first if the 33575
assistance group's countable income equals or exceeds the payment 33576
standard. 33577

(2) For the purpose of determining whether an assistance 33578
group meets the income requirement established by division 33579
(D)(1)(a) of this section, the annual revision that the United 33580
States department of health and human services makes to the 33581

federal poverty guidelines shall go into effect on the first day 33582
of July of the year for which the revision is made. 33583

(3) To determine whether an assistance group participating in 33584
Ohio works first continues to be eligible to participate, a county 33585
department of job and family services shall determine whether the 33586
assistance group's countable income continues to be less than the 33587
payment standard. In making this determination, the county 33588
department shall disregard the first two hundred fifty dollars and 33589
fifty per cent of the remainder of the assistance group's gross 33590
earned income. No amounts shall be disregarded from the assistance 33591
group's gross unearned income. The assistance group ceases to be 33592
eligible to participate in Ohio works first if its countable 33593
income, less the amounts disregarded, equals or exceeds the 33594
payment standard. 33595

~~(3)~~(4) If an assistance group reapplies to participate in 33596
Ohio works first not more than four months after ceasing to 33597
participate, a county department of job and family services shall 33598
use the income requirement established by division (D)~~(2)~~(3) of 33599
this section to determine eligibility for resumed participation 33600
rather than the income requirement established by division (D)(1) 33601
of this section. 33602

(E)(1) An assistance group may continue to participate in 33603
Ohio works first even though a public children services agency 33604
removes the assistance group's minor children from the assistance 33605
group's home due to abuse, neglect, or dependency if the agency 33606
does both of the following: 33607

(a) Notifies the county department of job and family services 33608
at the time the agency removes the children that it believes the 33609
children will be able to return to the assistance group within six 33610
months; 33611

(b) Informs the county department at the end of each of the 33612

first five months after the agency removes the children that the
parent, guardian, custodian, or specified relative of the children
is cooperating with the case plans prepared for the children under
section 2151.412 of the Revised Code and that the agency is making
reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio
works first pursuant to division (E)(1) of this section for not
more than six payment months. This division does not affect the
eligibility of an assistance group that includes a woman at least
six months pregnant.

Sec. 5107.26. (A) As used in this section:

(1) "Transitional child day-care" means publicly funded child
day-care provided under division (A)(3) of section 5104.34 of the
Revised Code.

(2) "Transitional medicaid" means the medical assistance
provided under section ~~5111.023~~ 5111.0114 of the Revised Code.

(B) Except as provided in division (C) of this section, each
member of an assistance group participating in Ohio works first is
ineligible to participate in the program for six payment months if
a county department of job and family services determines that a
member of the assistance group terminated the member's employment
and each person who, on the day prior to the day a recipient
begins to receive transitional child day-care or transitional
medicaid, was a member of the recipient's assistance group is
ineligible to participate in Ohio works first for six payment
months if a county department determines that the recipient
terminated the recipient's employment.

(C) No assistance group member shall lose or be denied
eligibility to participate in Ohio works first pursuant to
division (B) of this section if the termination of employment was

because an assistance group member or recipient of transitional 33643
child day-care or transitional medicaid secured comparable or 33644
better employment or the county department of job and family 33645
services certifies that the member or recipient terminated the 33646
employment with just cause. 33647

Just cause includes the following: 33648

(1) Discrimination by an employer based on age, race, sex, 33649
color, handicap, religious beliefs, or national origin; 33650

(2) Work demands or conditions that render continued 33651
employment unreasonable, such as working without being paid on 33652
schedule; 33653

(3) Employment that has become unsuitable due to any of the 33654
following: 33655

(a) The wage is less than the federal minimum wage; 33656

(b) The work is at a site subject to a strike or lockout, 33657
unless the strike has been enjoined under section 208 of the 33658
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 33659
178, as amended, an injunction has been issued under section 10 of 33660
the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as 33661
amended, or an injunction has been issued under section 4117.16 of 33662
the Revised Code; 33663

(c) The documented degree of risk to the member or 33664
recipient's health and safety is unreasonable; 33665

(d) The member or recipient is physically or mentally unfit 33666
to perform the employment, as documented by medical evidence or by 33667
reliable information from other sources. 33668

(4) Documented illness of the member or recipient or of 33669
another assistance group member of the member or recipient 33670
requiring the presence of the member or recipient; 33671

(5) A documented household emergency; 33672

(6) Lack of adequate child care for children of the member or recipient who are under six years of age. 33673
33674

Sec. 5107.30. (A) As used in this section: 33675

(1) "Equivalent of a high school diploma" and "good cause" have the meanings established in rules adopted under section 5107.05 of the Revised Code. 33676
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(2) "LEAP program" means the learning, earning, and parenting program. 33679
33680

~~(2) "Teen"~~ (3) "Participating teen" means an individual to whom all of the following apply: 33681
33682

(a) The individual is a participant of Ohio works first who; 33683

(b) The individual is under age eighteen or is age eighteen and in school and is a natural or adoptive parent or is pregnant; 33684
33685

(c) The individual is subject to the LEAP program's requirements. 33686
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~~(3)~~(4) "School" means an educational program that is designed to lead to the attainment of a high school diploma or the equivalent of a high school diploma. 33688
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33690

(B) The director of job and family services may ~~adopt rules under section 5107.05 of the Revised Code, to the extent that such rules are consistent with federal law, to do all of the following:~~ 33691
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~~(1) Define "good cause" and "the equivalent of a high school diploma" for the purposes of this section;~~ 33694
33695

~~(2) Conduct conduct a program titled the "LEAP program" and establish requirements governing the program in accordance with rules adopted under section 5107.05 of the Revised Code. The purpose of the LEAP program is to encourage teens to complete school.~~ 33696
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~~(3) Require every~~ Every participating teen ~~who is subject to~~ 33701
~~LEAP program requirements to shall~~ attend school in accordance 33702
with the requirements governing the LEAP program unless the 33703
participating teen shows good cause for not attending school. The 33704
department shall provide, in addition to the cash assistance 33705
payment provided under Ohio works first, an incentive payment, in 33706
an amount determined by the department, to every participating 33707
teen ~~who is participating in the LEAP program and~~ attends school 33708
in accordance with the requirements governing the LEAP program. In 33709
addition to the incentive payment, the department may provide 33710
other incentives to participating teens who attend school in 33711
accordance with the LEAP program's requirements. The department 33712
shall reduce the cash assistance payment, in an amount determined 33713
by the department, under Ohio works first to every participating 33714
teen ~~participating in the LEAP program~~ who fails or refuses, 33715
without good cause, to meet the LEAP program's requirements 33716
~~governing the program.~~ 33717

~~(4) Require every~~ Every participating teen ~~who is subject to~~ 33718
~~LEAP program requirements to shall~~ enter into a written agreement 33719
with the county department of job and family services that 33720
~~provides~~ specifies all of the following: 33721

~~(a)(1)~~ The participating teen, to be eligible to receive the 33722
incentive payment and other incentives, if any, under ~~division~~ 33723
~~(B)(3)~~ of this section, must meet the requirements of the LEAP 33724
program. 33725

~~(b)(2)~~ The ~~county department will provide the~~ incentive 33726
payment ~~to the teen~~ and other incentives, if any, will be provided 33727
if the participating teen meets the requirements of the LEAP 33728
program. 33729

~~(c)(3)~~ The ~~county department will reduce the~~ participating 33730
teen's cash assistance payment under Ohio works first will be 33731

reduced if the participating teen fails or refuses without good 33732
cause to attend school in accordance with the requirements 33733
governing the LEAP program. 33734

(C) A minor head of household who is participating in the 33735
LEAP program shall be considered to be participating in a work 33736
activity for the purpose of sections 5107.40 to 5107.69 of the 33737
Revised Code. However, the minor head of household is not subject 33738
to the requirements or sanctions of those sections. 33739

(D) Subject to the availability of funds, county departments 33740
of job and family services shall provide for ~~LEAP participants~~ 33741
participating teens to receive support services the county 33742
department determines to be necessary for LEAP participation. 33743
Support services may include publicly funded child day-care under 33744
Chapter 5104. of the Revised Code, transportation, and other 33745
services. 33746

Sec. 5107.301. For the purpose of encouraging individuals who 33747
have successfully completed the requirements of the LEAP program 33748
to enroll in post-secondary education, the director of job and 33749
family services may provide an award to such individuals who 33750
enroll in post-secondary education. If provided, the award shall 33751
be provided in accordance with rules adopted under section 5107.05 33752
of the Revised Code. 33753

Sec. 5107.58. In accordance with a federal waiver granted by 33754
the United States secretary of health and human services pursuant 33755
to a request made under former section 5101.09 of the Revised 33756
Code, county departments of job and family services may establish 33757
and administer as a work activity for minor heads of households 33758
and adults participating in Ohio works first an education program 33759
under which the participant is enrolled full-time in 33760
post-secondary education leading to vocation at a state 33761

institution of higher education, as defined in section 3345.031 of 33762
the Revised Code; a private nonprofit college or university that 33763
possesses a certificate of authorization issued by the Ohio board 33764
of regents pursuant to Chapter 1713. of the Revised Code, or is 33765
exempted by division (E) of section 1713.02 of the Revised Code 33766
from the requirement of a certificate; a school that holds a 33767
certificate of registration and program authorization issued by 33768
the state board of career colleges and schools under Chapter 3332. 33769
of the Revised Code; a private institution exempt from regulation 33770
under Chapter 3332. of the Revised Code as prescribed in section 33771
3333.046 of the Revised Code; or a school that has entered into a 33772
contract with the county department of job and family services. 33773
The participant shall make reasonable efforts, as determined by 33774
the county department, to obtain a loan, scholarship, grant, or 33775
other assistance to pay for the tuition, including a federal Pell 33776
grant under 20 U.S.C.A. 1070a ~~and~~, an Ohio instructional grant 33777
under section 3333.12 of the Revised Code, and an Ohio college 33778
opportunity grant under section 3333.122 of the Revised Code. If 33779
the participant has made reasonable efforts but is unable to 33780
obtain sufficient assistance to pay the tuition the program may 33781
pay the tuition. On or after October 1, 1998, the county 33782
department may enter into a loan agreement with the participant to 33783
pay the tuition. The total period for which tuition is paid and 33784
loans made shall not exceed two years. If the participant, 33785
pursuant to division (B)(3) of section 5107.43 of the Revised 33786
Code, volunteers to participate in the education program for more 33787
hours each week than the participant is assigned to the program, 33788
the program may pay or the county department may loan the cost of 33789
the tuition for the additional voluntary hours as well as the cost 33790
of the tuition for the assigned number of hours. The participant 33791
may receive, for not more than three years, support services, 33792
including publicly funded child day-care under Chapter 5104. of 33793
the Revised Code and transportation, that the participant needs to 33794

participate in the program. To receive support services in the 33795
third year, the participant must be, as determined by the 33796
educational institution in which the participant is enrolled, in 33797
good standing with the institution. 33798

A county department that provides loans under this section 33799
shall establish procedures governing loan application for and 33800
approval and administration of loans granted pursuant to this 33801
section. 33802

Sec. 5110.01. As used in this chapter: 33803

(A) "Administrative fee" means the amount specified in rules 33804
adopted under division (G) of section 5110.35 of the Revised Code. 33805

(B) "Children's health insurance program" means the 33806
children's health insurance program part I and part II established 33807
under sections 5101.50 to 5101.5110 of the Revised Code. 33808

~~(C) "Disability medical assistance program" means the program 33809
established under section 5115.10 of the Revised Code. 33810~~

~~(D)~~ "Medicaid" means the medical assistance program 33811
established under Chapter 5111. of the Revised Code. 33812

~~(E)~~(D) "National drug code number" means the number 33813
registered for a drug pursuant to the listing system established 33814
by the United States food and drug administration under the "Drug 33815
Listing Act of 1972," 86 Stat. 559, 21 U.S.C. 360, as amended. 33816

~~(F)~~(E) "Ohio's best Rx program administrator" means the 33817
entity, if any, the department of job and family services 33818
contracts with pursuant to section 5110.10 of the Revised Code to 33819
perform administrative functions of the Ohio's best Rx program and 33820
to offer the mail order system through which Ohio's best Rx 33821
program participants may obtain drugs by mail. 33822

~~(G)~~(F) "Ohio's best Rx program applicant" or "applicant" 33823
means an individual who signs an application for the Ohio's best 33824

Rx program and submits it to the department of job and family services, or the Ohio's best Rx program administrator, for a determination of eligibility for the program.

~~(H)~~(G) "Ohio's best Rx program participant" or "participant" means an individual determined eligible for the Ohio's best Rx program and included under a valid Ohio's best Rx program enrollment card.

~~(I)~~(H) "Ohio's best Rx program price" means the price a participating terminal distributor is to charge an Ohio's best Rx program participant for a drug included in the Ohio's best Rx program as determined under section 5110.14 of the Revised Code. "Ohio's best Rx program price" does not include either of the following:

(1) The amount of the professional fee, if any, the participating terminal distributor adds to the Ohio's best Rx program price pursuant to an agreement under section 5110.12 of the Revised Code;

(2) The amount of the administrative fee, if any, the department of job and family services reports to the participating terminal distributor under section 5110.29 of the Revised Code.

~~(J)~~(I) "Participating manufacturer" means a drug manufacturer participating in the Ohio's best Rx program pursuant to a rebate agreement.

~~(K)~~(J) "Participating terminal distributor" means a terminal distributor of dangerous drugs participating in the Ohio's best Rx program pursuant to an agreement entered into with the department of job and family services under section 5110.12 of the Revised Code.

~~(L)~~(K) "Per unit price," with regard to a state health benefit plan or state retirement system health benefit plan, means the total amount paid to a terminal distributor of dangerous drugs

under a state health benefit plan or state retirement system 33856
health benefit plan for one unit of a drug covered by the plan, 33857
after the plan discounts or otherwise reduces the amount to be 33858
paid to the terminal distributor. "Per unit price" includes both 33859
of the following: 33860

(1) The amount that the state health benefit plan or state 33861
retirement system health benefit plan, or other government entity 33862
or person authorized to make the payment on behalf of the plan, 33863
pays to the terminal distributor of dangerous drugs; 33864

(2) The amount that the beneficiary of the state health 33865
benefit plan or state retirement system health benefit plan pays 33866
to the terminal distributor of dangerous drugs in the form of a 33867
copayment, coinsurance, or other cost-sharing charge. 33868

~~(M)~~(L) "Per unit rebate," with regard to a state health 33869
benefit plan or state retirement system health benefit plan, means 33870
all rebates, discounts, formulary fees, administrative fees, and 33871
other allowances a drug manufacturer pays to the plan, or other 33872
government entity or person authorized to receive all or part of 33873
such payments, for a drug during a calendar year, divided by the 33874
total number of units of that drug dispensed under the plan during 33875
the same calendar year. 33876

~~(N)~~(M) "Rebate administration percentage" means the 33877
percentage specified in rules adopted under division (K) of 33878
section 5110.35 of the Revised Code. 33879

~~(O)~~(N) "Rebate agreement" means an agreement under section 33880
5110.21 of the Revised Code between the department of job and 33881
family services and a drug manufacturer. 33882

~~(P)~~(O) "State health benefit plan" means a program of health 33883
care benefits offered through the Ohio med preferred provider 33884
organization, or a successor entity selected by the state, to 33885
which either of the following apply: 33886

(1) It is provided by a collective bargaining agreement 33887
authorized by division (A)(4) of section 4117.03 of the Revised 33888
Code. 33889

(2) It is offered by the department of administrative 33890
services to state employees in accordance with section 124.81 or 33891
124.82 of the Revised Code. 33892

~~(Q)~~(P) "State retirement system" means all of the following: 33893
the public employees retirement system, state teachers retirement 33894
system, school employees retirement system, Ohio police and fire 33895
pension fund, and state highway patrol retirement system. 33896

~~(R)~~(O) "State retirement system health benefit plan" means a 33897
plan of health care benefits offered by a state retirement system 33898
under section 145.58, 742.45, 3307.39, 3309.69, or 5505.28 of the 33899
Revised Code. 33900

~~(S)~~(R) "Terminal distributor of dangerous drugs" has the same 33901
meaning as in section 4729.01 of the Revised Code. 33902

~~(T)~~(S) "Third-party payer" has the same meaning as in section 33903
3901.38 of the Revised Code. 33904

~~(U)~~(T) "Trade secret" has the same meaning as in section 33905
1333.61 of the Revised Code. 33906

~~(V)~~(U) "Usual and customary charge" means the amount a 33907
participating terminal distributor or the Ohio's best Rx program 33908
administrator charges for a drug included in the program to an 33909
individual who does not receive a discounted price for the drug 33910
pursuant to any drug discount program, including the Ohio's best 33911
Rx program, a prescription drug discount card program established 33912
under section 173.061 of the Revised Code, or a pharmacy 33913
assistance program established by any person or government entity, 33914
and for whom no third-party payer or program funded in whole or 33915
part with state or federal funds is responsible for all or part of 33916

the cost of the drug the distributor dispenses to the individual. 33917

Sec. 5110.05. (A) To be eligible for the Ohio's best Rx 33918
program, an individual must meet all of the following requirements 33919
at the time of application or reapplication for the program: 33920

(1) Be a resident of this state; 33921

(2) Have family income, as determined under rules adopted 33922
pursuant to section 5110.35 of the Revised Code, that does not 33923
exceed two hundred fifty per cent of the federal poverty 33924
guidelines, as revised annually by the United States department of 33925
health and human services in accordance with section 673(2) of the 33926
"Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 33927
U.S.C. 9902, as amended, or be sixty years of age or older; 33928

(3) Not have outpatient prescription drug coverage paid for 33929
in whole or in part by any of the following: 33930

(a) A third-party payer; 33931

(b) The medicaid program; 33932

(c) The children's health insurance program; 33933

(d) ~~The disability medical assistance program;~~ 33934

~~(e)~~ Another health plan or pharmacy assistance program that 33935
uses state or federal funds to pay part or all of the cost of the 33936
individual's outpatient prescription drugs, other than a 33937
prescription drug discount card program established under section 33938
173.061 of the Revised Code. 33939

(4) Not have had outpatient prescription drug coverage 33940
specified in division (A)(3) of this section during any of the 33941
four months preceding the month in which the application or 33942
reapplication for the Ohio's best Rx program is made, unless any 33943
of the following applies: 33944

(a) The individual is sixty years of age or older. 33945

(b) The third-party payer that paid all or part of the coverage filed for bankruptcy under federal bankruptcy laws. 33946
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(c) The individual is no longer eligible for coverage provided through a retirement plan subject to protection under the "Employee Retirement Income Security Act of 1974," 88 Stat. 832, 29 U.S.C. 1001, as amended. 33948
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(d) The individual is no longer eligible for the medicaid program, or children's health insurance program, ~~or disability medical assistance program.~~ 33952
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(B) Application and annual reapplication for the Ohio's best Rx program shall be made in accordance with rules adopted under section 5110.35 of the Revised Code on a form prescribed in those rules. An individual may apply or reapply on behalf of the individual and the individual's spouse and children. The guardian or custodian of an individual may apply or reapply on behalf of the individual. 33955
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Sec. 5110.352. As used in this section, "medicaid dispensing fee" means the dispensing fee established under section ~~5111.08~~ 5111.07 of the Revised Code for the medicaid program. 33962
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In adopting a rule under division (F) of section 5110.35 of the Revised Code increasing the maximum amount of the professional fee participating terminal distributors may charge Ohio's best Rx program participants under section 5110.12 of the Revised Code and the Ohio's best Rx program administrator may charge under a contract entered into under section 5110.10 of the Revised Code, the department of job and family services shall review the amount of the professional fee once a year or, at the department's discretion, at more frequent intervals and shall not increase the professional fee to an amount exceeding the medicaid dispensing fee. 33965
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A participating terminal distributor and the Ohio's best Rx program administrator may charge a maximum three dollar professional fee regardless of whether the medicaid dispensing fee for that drug is less than that amount. The department, however, may not adopt a rule increasing the maximum professional fee for that drug until the medicaid dispensing fee for that drug exceeds that amount.

Sec. ~~5111.023~~ 5111.0114. (A) The department of job and family services may provide medical assistance under ~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, in addition to such assistance provided under section 5111.01 of the Revised Code~~ the medicaid program, as long as federal funds are provided for such assistance, to each former participant of the Ohio works first program established under Chapter 5107. of the Revised Code who meets all of the following requirements:

(1) Is ineligible to participate in Ohio works first solely as a result of increased income due to employment;

(2) Is not covered by, and does not have access to, medical insurance coverage through the employer with benefits comparable to those provided under this section, as determined in accordance with rules adopted by the director of job and family services under division (B) of this section;

(3) Meets any other requirement established by rule adopted under division (B) of this section.

(B) The director of job and family services shall adopt such rules under Chapter 119. of the Revised Code as are necessary to implement and administer the medical assistance program under this section.

(C) A person seeking to participate in a program of medical

assistance under this section shall apply to the county department 34006
of job and family services in the county in which the applicant 34007
resides. The application shall be made on a form prescribed by the 34008
department of job and family services and furnished by the county 34009
department. 34010

(D) If the county department of job and family services 34011
determines that a person is eligible to receive medical assistance 34012
under this section, the department shall provide assistance, to 34013
the same extent and in the same manner as medical assistance is 34014
provided to a person eligible for medical assistance pursuant to 34015
division (A)(1)(a) of section 5111.01 of the Revised Code, for no 34016
longer than twelve months, beginning the month after the date the 34017
participant's eligibility for Ohio works first is terminated. 34018

Sec. 5111.019. (A) The director of job and family services 34019
shall submit to the United States secretary of health and human 34020
services an amendment to the state medicaid plan to make an 34021
individual who meets all of the following requirements eligible 34022
for medicaid for the amount of time provided by division (B) of 34023
this section: 34024

(1) The individual is the parent of a child under nineteen 34025
years of age and resides with the child; 34026

(2) The individual's family income does not exceed ~~one~~ 34027
~~hundred~~ ninety per cent of the federal poverty guidelines; 34028

(3) The individual is not otherwise eligible for medicaid; 34029

(4) The individual satisfies all relevant requirements 34030
established by rules adopted under division (D) of section 5111.01 34031
of the Revised Code. 34032

(B) An individual is eligible to receive medicaid under this 34033
section for a period that does not exceed two years beginning on 34034
the date on which eligibility is established. 34035

~~(C) If approved by the United States secretary of health and human services and the director of job and family services, the director shall implement the medicaid plan amendment submitted under this section not sooner than July 1, 2000. If a federal waiver is necessary for the United States secretary to approve the amendment, the director of job and family services shall submit a waiver request to the United States secretary not later than ninety days after the effective date of this section.~~

Sec. 5111.02. (A) As used in this chapter, "state medicaid plan service" means a service covered by the medicaid program pursuant to the state medicaid plan, or an amendment to the plan, approved by the United States secretary of health and human services. "State medicaid plan service" does not include either of the following because they are not included in the state medicaid plan or an amendment to the plan:

(1) Services provided under the care management system established under section 5111.16 of the Revised Code;

(2) Services provided under a medicaid waiver component as defined in section 5111.85 of the Revised Code.

(B) The director of job and family services shall adopt, and may amend or rescind, rules under Chapter 119. of the Revised Code establishing the amount, duration, and scope of state medicaid plan services. The rules shall be consistent with federal and state law and the state medicaid plan, and amendments to the plan, approved by the United States secretary of health and human services. The rules may be different for different state medicaid plan services. The rules shall establish all of the following:

(1) The conditions under which the medicaid program shall cover and reimburse state medicaid plan services;

(2) The method of reimbursement applicable to each state

medicaid plan service; 34066

(3) The amount of reimbursement or, in lieu of amounts, 34067
methods by which amounts are to be determined for each state 34068
medicaid plan service; 34069

(4) Procedures for enforcing the rules adopted under this 34070
section that provide due process protections, including procedures 34071
for corrective action plans for, and imposing financial and 34072
administrative sanctions on, persons and government entities that 34073
violate the rules. 34074

Sec. ~~5111.02~~ 5111.021. ~~(A)~~ Under the ~~medical assistance~~ 34075
medicaid program: 34076

~~(1)~~(A) Except as otherwise permitted by federal statute or 34077
regulation and at the department's discretion, reimbursement by 34078
the department of job and family services to a medical provider 34079
for any medical service rendered under the program shall not 34080
exceed the authorized reimbursement level for the same service 34081
under the medicare program established under Title XVIII of the 34082
"Social Security Act," 49 79 Stat. ~~620~~ 286 (~~1935~~ 1965), 42 34083
U.S.C.A. ~~301~~ 1395, as amended. 34084

~~(2)~~(B) Reimbursement for freestanding medical laboratory 34085
charges shall not exceed the customary and usual fee for 34086
laboratory profiles. 34087

~~(3)~~(C) The department may deduct from payments for services 34088
rendered by a medicaid provider under the ~~medical assistance~~ 34089
medicaid program any amounts the provider owes the state as the 34090
result of incorrect ~~medical assistance~~ medicaid payments the 34091
department has made to the provider. 34092

~~(4)~~(D) The department may conduct final fiscal audits in 34093
accordance with the applicable requirements set forth in federal 34094
laws and regulations and determine any amounts the provider may 34095

owe the state. When conducting final fiscal audits, the department 34096
shall consider generally accepted auditing standards, which 34097
include the use of statistical sampling. 34098

~~(5)(E)~~ The number of days of inpatient hospital care for 34099
which reimbursement is made on behalf of a medicaid recipient ~~of~~ 34100
~~medical assistance~~ to a hospital that is not paid under a 34101
diagnostic-related-group prospective payment system shall not 34102
exceed thirty days during a period beginning on the day of the 34103
recipient's admission to the hospital and ending sixty days after 34104
the termination of that hospital stay, except that the department 34105
may make exceptions to this limitation. The limitation does not 34106
apply to children participating in the program for medically 34107
handicapped children established under section 3701.023 of the 34108
Revised Code. 34109

~~(B) The director of job and family services may adopt, amend,~~ 34110
~~or rescind rules under Chapter 119. of the Revised Code~~ 34111
~~establishing the amount, duration, and scope of medical services~~ 34112
~~to be included in the medical assistance program. Such rules shall~~ 34113
~~establish the conditions under which services are covered and~~ 34114
~~reimbursed, the method of reimbursement applicable to each covered~~ 34115
~~service, and the amount of reimbursement or, in lieu of such~~ 34116
~~amounts, methods by which such amounts are to be determined for~~ 34117
~~each covered service. Any rules that pertain to nursing facilities~~ 34118
~~or intermediate care facilities for the mentally retarded shall be~~ 34119
~~consistent with sections 5111.20 to 5111.33 of the Revised Code.~~ 34120

~~(C)(F)~~ The division of any reimbursement between a 34121
collaborating physician or podiatrist and a clinical nurse 34122
specialist, certified nurse-midwife, or certified nurse 34123
practitioner for services performed by the nurse shall be 34124
determined and agreed on by the nurse and collaborating physician 34125
or podiatrist. In no case shall reimbursement exceed the payment 34126
that the physician or podiatrist would have received had the 34127

physician or podiatrist provided the entire service. 34128

Sec. ~~5111.021~~ 5111.022. Under the ~~medical assistance~~ medicaid 34129
program, any amount determined to be owed the state by a final 34130
fiscal audit conducted pursuant to division ~~(A)(4)(D)~~ of section 34131
~~5111.02~~ 5111.021 of the Revised Code, upon the issuance of an 34132
adjudication order pursuant to Chapter 119. of the Revised Code 34133
that contains a finding that there is a preponderance of the 34134
evidence that the provider will liquidate assets or file 34135
bankruptcy in order to prevent payment of the amount determined to 34136
be owed the state, becomes a lien upon the real and personal 34137
property of the provider. Upon failure of the provider to pay the 34138
amount to the state, the director of job and family services shall 34139
file notice of the lien, for which there shall be no charge, in 34140
the office of the county recorder of the county in which it is 34141
ascertained that the provider owns real or personal property. The 34142
director shall notify the provider by mail of the lien, but 34143
absence of proof that the notice was sent does not affect the 34144
validity of the lien. The lien is not valid as against the claim 34145
of any mortgagee, pledgee, purchaser, judgment creditor, or other 34146
lienholder of record at the time the notice is filed. 34147

If the provider acquires real or personal property after 34148
notice of the lien is filed, the lien shall not be valid as 34149
against the claim of any mortgagee, pledgee, subsequent bona fide 34150
purchaser for value, judgment creditor, or other lienholder of 34151
record to such after-acquired property unless the notice of lien 34152
is refiled after the property is acquired by the provider and 34153
before the competing lien attaches to the after-acquired property 34154
or before the conveyance to the subsequent bona fide purchaser for 34155
value. 34156

When the amount has been paid, the provider may record with 34157
the recorder notice of the payment. For recording such notice of 34158

payment, the recorder shall charge and receive from the provider a 34159
base fee of one dollar for services and a housing trust fund fee 34160
of one dollar pursuant to section 317.36 of the Revised Code. 34161

In the event of a distribution of a provider's assets 34162
pursuant to an order of any court under the law of this state 34163
including any receivership, assignment for benefit of creditors, 34164
adjudicated insolvency, or similar proceedings, amounts then or 34165
thereafter due the state under this chapter have the same priority 34166
as provided by law for the payment of taxes due the state and 34167
shall be paid out of the receivership trust fund or other such 34168
trust fund in the same manner as provided for claims for unpaid 34169
taxes due the state. 34170

If the attorney general finds after investigation that any 34171
amount due the state under this chapter is uncollectable, in whole 34172
or in part, the attorney general shall recommend to the director 34173
the cancellation of all or part of the claim. The director may 34174
thereupon effect the cancellation. 34175

Sec. ~~5111.022~~ 5111.023. (A) As used in this section: 34176

(1) "Community mental health facility" means a community 34177
mental health facility that has a quality assurance program 34178
accredited by the joint commission on accreditation of healthcare 34179
organizations or is certified by the department of mental health 34180
or department of job and family services. 34181

(2) "Mental health professional" means a person qualified to 34182
work with mentally ill persons under the standards established by 34183
the director of mental health pursuant to section 5119.611 of the 34184
Revised Code. 34185

(B) The state medicaid plan shall include provision of the 34186
following mental health services when provided by community mental 34187
health facilities: 34188

(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;

(2) Partial-hospitalization mental health services of three to fourteen hours per service day, rendered by persons directly supervised by a mental health professional;

(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional;

(4) Subject to receipt of federal approval, assertive community treatment and intensive home-based mental health services.

(C) The comprehensive annual plan shall certify the availability of sufficient unencumbered community mental health state subsidy and local funds to match federal medicaid reimbursement funds earned by community mental health facilities.

(D) The department of job and family services shall enter into a separate contract with the department of mental health under section 5111.91 of the Revised Code with regard to the component of the medicaid program provided for by this section.

(E) Not later than July 21, 2004, the department of job and family services shall request federal approval to provide assertive community treatment and intensive home-based mental health services under medicaid pursuant to this section.

(F) On receipt of federal approval sought under division (E) of this section, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code

for assertive community treatment and intensive home-based mental health services provided under medicaid pursuant to this section. The director shall consult with the department of mental health in adopting the rules.

Sec. 5111.025. (A) In rules adopted under section 5111.02 of the Revised Code, the director of job and family services shall modify the manner or establish a new manner in which the following are paid under medicaid:

(1) Community mental health facilities for providing mental health services included in the state medicaid plan pursuant to section ~~5111.022~~ 5111.023 of the Revised Code;

(2) Providers of alcohol and drug addiction services for providing alcohol and drug addiction services included in the medicaid program pursuant to rules adopted under section 5111.02 of the Revised Code.

(B) The director's authority to modify the manner, or to establish a new manner, for medicaid to pay for the services specified in division (A) of this section is not limited by any rules adopted under section 5111.02 or 5119.61 of the Revised Code that are in effect on ~~the effective date of this section~~ June 26, 2003, and govern the way medicaid pays for those services. This is the case regardless of what state agency adopted the rules.

Sec. 5111.042. The departments of mental retardation and developmental disabilities and job and family services may approve, reduce, deny, or terminate a service included in the individualized service plan developed for a medicaid recipient with mental retardation or other developmental disability who is eligible for medicaid case management services. ~~The departments shall consider the recommendations a county board of mental retardation and developmental disabilities makes under division~~

~~(B)(1) of section 5126.055 of the Revised Code.~~ If either 34249
department approves, reduces, denies, or terminates a service, 34250
that department shall timely notify the medicaid recipient that 34251
the recipient may request a hearing under section 5101.35 of the 34252
Revised Code. 34253

Sec. 5111.06. (A)(1) As used in this section and in sections 34254
5111.061 and 5111.062 of the Revised Code: 34255

(a) "Provider" means any person, institution, or entity that 34256
furnishes medicaid services under a provider agreement with the 34257
department of job and family services pursuant to Title XIX of the 34258
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 34259
amended. 34260

(b) "Party" has the same meaning as in division (G) of 34261
section 119.01 of the Revised Code. 34262

(c) "Adjudication" has the same meaning as in division (D) of 34263
section 119.01 of the Revised Code. 34264

(2) This section does not apply to any action taken by the 34265
department of job and family services under sections 5111.35 to 34266
5111.62 of the Revised Code. 34267

(B) Except as provided in division (D) of this section and 34268
section 5111.914 of the Revised Code, the department shall do 34269
either of the following by issuing an order pursuant to an 34270
adjudication conducted in accordance with Chapter 119. of the 34271
Revised Code: 34272

(1) Enter into or refuse to enter into a provider agreement 34273
with a provider, or suspend, terminate, renew, or refuse to renew 34274
an existing provider agreement with a provider; 34275

(2) Take any action based upon a final fiscal audit of a 34276
provider. 34277

(C) Any party who is adversely affected by the issuance of an 34278

adjudication order under division (B) of this section may appeal 34279
to the court of common pleas of Franklin county in accordance with 34280
section 119.12 of the Revised Code. 34281

(D) The department is not required to comply with division 34282
(B)(1) of this section whenever any of the following occur: 34283

(1) The terms of a provider agreement require the provider to 34284
have a license, permit, or certificate issued by an official, 34285
board, commission, department, division, bureau, or other agency 34286
of state government other than the department of job and family 34287
services, and the license, permit, or certificate has been denied 34288
or revoked. 34289

(2) The provider agreement is denied, terminated, or not 34290
renewed pursuant to division (C) or (E) of section 5111.03 of the 34291
Revised Code; 34292

(3) The provider agreement is denied, terminated, or not 34293
renewed due to the provider's termination, suspension, or 34294
exclusion from the medicare program established under Title XVIII 34295
of the "Social Security Act," and the termination, suspension, or 34296
exclusion is binding on the provider's participation in the 34297
medicaid program; 34298

(4) The provider agreement is denied, terminated, or not 34299
renewed due to the provider's pleading guilty to or being 34300
convicted of a criminal activity materially related to either the 34301
medicare or medicaid program; 34302

(5) The provider agreement is denied, terminated, or 34303
suspended as a result of action by the United States department of 34304
health and human services and that action is binding on the 34305
provider's participation in the medicaid program; 34306

(6) The provider agreement is terminated or not renewed 34307
because the provider has not billed or otherwise submitted a 34308

medicaid claim to the department for two years or longer, and the 34309
department has determined that the provider has moved from the 34310
address on record with the department without leaving an active 34311
forwarding address with the department. 34312

In the case of a provider described in division (D)(6) of 34313
this section, the department may terminate or not renew the 34314
provider agreement by sending a notice explaining the department's 34315
proposed action to the address on record with the department. The 34316
notice may be sent by regular mail. 34317

(E) The department may withhold payments for services 34318
rendered by a medicaid provider under the medical assistance 34319
program during the pendency of proceedings initiated under 34320
division (B)(1) of this section. If the proceedings are initiated 34321
under division (B)(2) of this section, the department may withhold 34322
payments only to the extent that they equal amounts determined in 34323
a final fiscal audit as being due the state. This division does 34324
not apply if the department fails to comply with section 119.07 of 34325
the Revised Code, requests a continuance of the hearing, or does 34326
not issue a decision within thirty days after the hearing is 34327
completed. This division does not apply to nursing facilities and 34328
intermediate care facilities for the mentally retarded as defined 34329
in section 5111.20 of the Revised Code. 34330

Sec. 5111.061. (A) The department of job and family services 34331
may recover, at any time, a medicaid payment or portion of a 34332
payment made to a provider to which the provider is not entitled. 34333
Among the overpayments that may be recovered under this section 34334
are the following: 34335

(1) Payment for a service, or a day of service, not rendered; 34336

(2) Payment for a day of service at a full per diem rate that 34337
should have been paid at a percentage of the full per diem rate; 34338

(3) Payment of a service, or day of service, that was paid by, or partially paid by, a third-party payer, as defined in section 3901.38 of the Revised Code, and the payment or partial payment was not offset against the amount paid by the medicaid program to reduce or eliminate the amount that was paid by the medicaid program; 34339
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(4) Payment when a medicaid recipient's responsibility for payment was understated and resulted in an overpayment to the provider. 34345
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(B) The department is authorized to recover overpayments under this section prior to or after any of the following: 34348
34349

(1) Adjudication of a final fiscal audit that section 5111.06 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code; 34350
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(2) Adjudication of a finding under any other provision of this chapter or the rules adopted under it; 34353
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(3) Expiration of the time to issue a final fiscal audit that section 5111.06 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code; 34355
34356
34357

(4) Expiration of the time to issue a finding under any other provision of this chapter or the rules adopted under it. 34358
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(C)(1) Subject to division (C)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following: 34360
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34362

(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section 5111.06 of the Revised Code; 34363
34364
34365

(b) Issuing a finding under any other provision of this chapter or the rules adopted under it. 34366
34367

(2) A final fiscal audit or finding issued subsequent to the 34368

recovery of an overpayment under this section shall be reduced by 34369
the amount of the prior recovery, as appropriate. 34370

(D) Nothing in this section limits the department's authority 34371
to recover overpayments pursuant to any other provision of the 34372
Revised Code. 34373

Sec. 5111.062. In any action taken by the department of job 34374
and family services under section 5111.06 or 5111.061 of the 34375
Revised Code or any other provision of this chapter that requires 34376
the department to give notice of an opportunity for a hearing in 34377
accordance with Chapter 119. of the Revised Code, if the 34378
department gives notice of the opportunity for a hearing but the 34379
provider or other entity subject to the notice does not request a 34380
hearing or timely request a hearing in accordance with section 34381
119.07 of the Revised Code, the department is not required to hold 34382
a hearing. The director of job and family service may proceed by 34383
issuing a final adjudication order in accordance with Chapter 119. 34384
of the Revised Code. 34385

Sec. ~~5111.071~~ 5111.07. Commencing in December, 1986, and 34386
every second December thereafter, the director of job and family 34387
services shall establish a dispensing fee, effective the following 34388
January, for licensed pharmacists who are providers under this 34389
chapter. ~~The dispensing fee shall take into consideration the~~ 34390
~~results of the survey conducted under section 5111.07 of the~~ 34391
~~Revised Code.~~ 34392

Sec. 5111.082. The director of job and family services, in 34393
rules adopted under section 5111.02 of the Revised Code, may 34394
establish and implement a supplemental drug rebate program under 34395
which drug manufacturers may be required to provide the department 34396
of job and family services a supplemental rebate as a condition of 34397
having the drug manufacturers' drug products covered by the 34398

medicaid program without prior approval. If necessary, the 34399
director may apply to the United States secretary of health and 34400
human services for a waiver of federal statutes and regulations to 34401
establish the supplemental drug rebate program. 34402

If the director establishes a supplemental drug rebate 34403
program, the director shall consult with drug manufacturers 34404
regarding the establishment and implementation of the program. 34405

~~If the director establishes a supplemental drug rebate 34406
program, the director shall exempt from the program all of a drug 34407
manufacturer's drug products that have been approved by the United 34408
States food and drug administration for the treatment of either of 34409
the following: 34410~~

~~(A) Mental illness, as defined in section 5122.01 of the 34411
Revised Code, including schizophrenia, major depressive disorder, 34412
and bipolar disorder; 34413~~

~~(B) HIV or AIDS, both as defined in section 3701.24 of the 34414
Revised Code. 34415~~

Sec. 5111.10. The director of job and family services may 34416
conduct reviews of the medicaid program. The reviews may include 34417
physical inspections of records and sites where medicaid-funded 34418
services are provided and interviews of providers and recipients 34419
of the services. If the director determines pursuant to a review 34420
that a person or government entity has violated a rule governing 34421
the medicaid program, the director may establish a corrective 34422
action plan for the violator and impose fiscal, administrative, or 34423
both types of sanctions on the violator in accordance with rules 34424
governing the medicaid program. Such action to be taken against a 34425
responsible entity, as defined in section 5101.24 of the Revised 34426
Code, shall be taken in accordance with that section. 34427

Sec. 5111.11. (A) As used in this section, "estate" means all	34428
<u>and section 5111.111 of the Revised Code:</u>	34429
<u>(1) "Estate" includes both of the following:</u>	34430
<u>(a) All real and personal property and other assets to be</u>	34431
<u>administered under Title XXI of the Revised Code and property that</u>	34432
<u>would be administered under that title if not for section 2113.03</u>	34433
<u>or 2113.031 of the Revised Code;</u>	34434
<u>(b) Any other real and personal property and other assets in</u>	34435
<u>which an individual had any legal title or interest at the time of</u>	34436
<u>death (to the extent of the interest), including assets conveyed</u>	34437
<u>to a survivor, heir, or assign of the individual through joint</u>	34438
<u>tenancy, tenancy in common, survivorship, life estate, living</u>	34439
<u>trust, or other arrangement.</u>	34440
<u>(2) "Institution" means a nursing facility, intermediate care</u>	34441
<u>facility for the mentally retarded, or a medical institution.</u>	34442
<u>(3) "Institutionalized individual" means an individual to</u>	34443
<u>whom all of the following apply:</u>	34444
<u>(a) Is an inpatient in an institution;</u>	34445
<u>(b) Is required, as a condition of the medicaid program</u>	34446
<u>paying for the individual's services in the institution, to spend</u>	34447
<u>for costs of medical or nursing care all of the individual's</u>	34448
<u>income except for an amount for personal needs specified by the</u>	34449
<u>department of job and family services;</u>	34450
<u>(c) Cannot reasonably be expected to be discharged from the</u>	34451
<u>institution and return home.</u>	34452
<u>(4) "Intermediate care facility for the mentally retarded"</u>	34453
<u>and "nursing facility" have the same meanings as in section</u>	34454
<u>5111.20 of the Revised Code.</u>	34455
<u>(5) "Time of death" shall not be construed to mean a time</u>	34456
<u>after which a legal title or interest in real or personal property</u>	34457

or other asset may pass by survivorship or other operation of law 34458
due to the death of the decedent or terminate by reason of the 34459
decedent's death. 34460

~~(B) For the purpose of recovering the cost of services~~ 34461
~~correctly paid under the medical assistance program to a recipient~~ 34462
~~age fifty five or older, the~~ The department of job and family 34463
services shall institute an estate recovery program ~~against the~~ 34464
~~property and estates of medical assistance recipients to recover~~ 34465
~~medical assistance correctly paid on their behalf to the extent~~ 34466
~~that federal law and regulations permit the implementation of a~~ 34467
~~program of that nature. The department shall seek to recover~~ 34468
~~medical assistance correctly paid only after the recipient and the~~ 34469
~~recipient's surviving spouse, if any, have died and only at a time~~ 34470
~~when the recipient has no surviving child who is under age~~ 34471
~~twenty one or blind or permanently and totally disabled.~~ 34472

~~The department may enter into a contract with any person~~ 34473
~~under which the person administers the estate recovery program on~~ 34474
~~behalf of the department or performs any of the functions required~~ 34475
~~to carry out the program. The contract may provide for the person~~ 34476
~~to be compensated from the property recovered from the estates of~~ 34477
~~medical assistance recipients or may provide for another manner of~~ 34478
~~compensation agreed to by the person and the department.~~ 34479
~~Regardless of whether it is administered by the department or a~~ 34480
~~person under contract with the department, the program shall be~~ 34481
~~administered in accordance with applicable requirements of federal~~ 34482
~~law and regulations and state law and rules.~~ 34483

~~(C)~~ under which the department shall, except as provided in 34484
divisions (C) and (D) of this section, do both of the following: 34485

(1) For the costs of state medicaid plan services the 34486
medicaid program correctly pays on behalf of an institutionalized 34487
individual of any age, seek adjustment or recovery from the 34488

individual's estate or on the sale of property of the individual 34489
or spouse that is subject to a lien imposed under section 5111.111 34490
of the Revised Code; 34491

(2) For the costs of state medicaid plan services the 34492
medicaid program correctly pays on behalf of an individual 34493
fifty-five years of age or older who is not an institutionalized 34494
individual, seek adjustment or recovery from the individual's 34495
estate. 34496

(C)(1) No adjustment or recovery may be made under division 34497
(B)(1) of this section from an institutionalized individual's 34498
estate or on the sale of property of an institutionalized 34499
individual that is subject to a lien imposed under section 34500
5111.111 of the Revised Code or under division (B)(2) of this 34501
section from an individual's estate while either of the following 34502
are alive: 34503

(a) The spouse of the institutionalized individual or 34504
individual; 34505

(b) The son or daughter of an institutionalized individual or 34506
individual if the son or daughter is under age twenty-one or, 34507
under 42 U.S.C. 1382c, is considered blind or disabled. 34508

(2) No adjustment or recovery may be made under division 34509
(B)(1) of this section from an institutionalized individual's home 34510
that is subject to a lien imposed under section 5111.111 of the 34511
Revised Code while either of the following lawfully reside in the 34512
home: 34513

(a) The institutionalized individual's sibling who resided in 34514
the home for at least one year immediately before the date of the 34515
institutionalized individual's admission to the institution and on 34516
a continuous basis since that time; 34517

(b) The institutionalized individual's son or daughter who 34518

provided care to the institutionalized individual that delayed the 34519
institutionalized individual's institutionalization and resided in 34520
the home for at least two years immediately before the date of the 34521
institutionalized individual's admission to the institution and on 34522
a continuous basis since that time. 34523

(D) The department may shall waive seeking an adjustment or 34524
recovery of medical assistance correctly paid otherwise required 34525
by this section if the director of job and family services 34526
determines, on the basis of criteria established by the United 34527
States secretary of health and human services under 42 U.S.C. 34528
1396p (b)(3), as amended, that adjustment or recovery would work 34529
an undue hardship. The director, in accordance with Chapter 119. 34530
of the Revised Code, shall adopt rules establishing procedures for 34531
waiver of adjustment or recovery due to an undue hardship, which 34532
shall meet the standards specified by the United States secretary 34533
of health and human services under 42 U.S.C. 1396p(b)(3), as 34534
amended. 34535

~~(D) Any action that may be taken by the department under~~ 34536
~~section 5111.111 of the Revised Code may be taken by a person~~ 34537
~~administering the program, or performing actions specified in that~~ 34538
~~section, pursuant to a contract with the department.~~ 34539

(E) For the purpose of determining whether an individual 34540
meets the definition of "institutionalized individual" established 34541
for this section, a rebuttable presumption exists that the 34542
individual cannot reasonably be expected to be discharged from an 34543
institution and return home if either of the following is the 34544
case: 34545

(1) The individual declares that he or she does not intend to 34546
return home; 34547

(2) The individual has been an inpatient in an institution 34548
for at least six months without a discharge plan. 34549

~~Sec. 5111.111. As used in this section, "home and community based services" means services provided pursuant to a waiver under section 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396n, as amended.~~ 34550
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The (A) Except as provided in division (B) of this section and section 5111.12 of the Revised Code, no lien may be imposed against the property of an individual before the individual's death on account of medicaid paid or to be paid on the individual's behalf. 34554
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(B) Except as provided in division (C) of this section, the department of job and family services may ~~place~~ impose a lien against the real property of a ~~medical assistance medicaid~~ recipient ~~or who is an institutionalized individual and against the real property of the~~ recipient's spouse, ~~other than a recipient or spouse of a recipient of home and community based services, that the department may recover as part of the program instituted under section 5111.11 of the Revised Code including any real property that is jointly held by the recipient and spouse.~~ When medical assistance is paid on behalf of any person in circumstances under which federal law and regulations and this section permit the imposition of a lien, The lien may be imposed on account of medicaid paid or to be paid on the recipient's behalf for state medicaid plan services.

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(C) No lien may be imposed under division (B) of this section against the home of a medicaid recipient if any of the following lawfully resides in the home: 34573
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(1) The recipient's spouse; 34576

(2) The recipient's son or daughter who is under twenty-one years of age or, under 42 U.S.C. 1382c, considered to be blind or disabled; 34577
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(3) The recipient's sibling who has an equity interest in the home and resided in the home for at least one year immediately before the date of the recipient's admission to the institution.

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(D) The director of job and family services or a person designated by the director ~~may~~ shall sign a certificate to the effect ~~effectuate a lien required to be imposed under this section.~~ The county department of job and family services shall file for recording and indexing the certificate, or a certified copy, in the real estate mortgage records in the office of the county recorder in every county in which real property of the recipient or spouse is situated. From the time of filing the certificate in the office of the county recorder, the lien attaches to all real property of the recipient or spouse described ~~therein in the certificate~~ for all amounts ~~of aid which are paid or which thereafter are paid,~~ for which adjustment or recovery may be made under section 5111.11 of the Revised Code and, except as provided in division (E) of this section, shall remain a lien until satisfied.

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Upon filing the certificate in the office of the recorder, all persons are charged with notice of the lien and the rights of the department of job and family services thereunder.

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The county recorder shall keep a record of every certificate filed showing its date, the time of filing, the name and residence of the recipient or spouse, and any release, waivers, or satisfaction of the lien.

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The priority of the lien shall be established in accordance with state and federal law.

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The department may waive the priority of its lien to provide for the costs of the last illness as determined by the department, administration, attorney fees, administrator fees, a sum for the payment of the costs of burial, which shall be computed by

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deducting from five hundred dollars whatever amount is available 34611
for the same purpose from all other sources, and a similar sum for 34612
the spouse of the decedent. 34613

(E) A lien imposed with respect to a medicaid recipient under 34614
this section shall dissolve on the recipient's discharge from the 34615
institution and return home. 34616

Sec. 5111.112. The department of job and family services may 34617
enter into a contract with any person or government entity under 34618
which the person or government entity administers the estate 34619
recovery program instituted under section 5111.11 of the Revised 34620
Code on behalf of the department or performs any of the functions 34621
required to carry out the program. The contract may provide for 34622
the person or government entity to be compensated from the 34623
property recovered under the program or may provide for another 34624
manner of compensation agreed to by the person or government 34625
entity and the department. Regardless of whether it is 34626
administered by the department or a person or government entity 34627
under contract with the department, the program shall be 34628
administered in accordance with applicable requirements of federal 34629
law and regulations and state law and rules. 34630

Any action that may be taken by the department under section 34631
5111.111 of the Revised Code may be taken by a person or 34632
government entity administering the program, or performing actions 34633
specified in that section, pursuant to a contract with the 34634
department. 34635

Sec. ~~5111.112~~ 5111.113. (A) As used in this section: 34636

(1) "Adult care facility" has the same meaning as in section 34637
3722.01 of the Revised Code. 34638

(2) "Commissioner" means a person appointed by a probate 34639
court under division (B) of section 2113.03 of the Revised Code to 34640

act as a commissioner. 34641

(3) "Home" has the same meaning as in section 3721.10 of the Revised Code. 34642
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(4) "Personal needs allowance account" means an account or petty cash fund that holds the money of a resident of an adult care facility or home and that the facility or home manages for the resident. 34644
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(B) Except as provided in divisions (C) and (D) of this section, the owner or operator of an adult care facility or home shall transfer to the department of job and family services the money in the personal needs allowance account of a resident of the facility or home who was a recipient of the medical assistance program no earlier than sixty days but not later than ninety days after the resident dies. The adult care facility or home shall transfer the money even though the owner or operator of the facility or home has not been issued letters testamentary or letters of administration concerning the resident's estate. 34648
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(C) If funeral or burial expenses for a resident of an adult care facility or home who has died have not been paid and the only resource the resident had that could be used to pay for the expenses is the money in the resident's personal needs allowance account, or all other resources of the resident are inadequate to pay the full cost of the expenses, the money in the resident's personal needs allowance account shall be used to pay for the expenses rather than being transferred to the department of job and family services pursuant to division (B) of this section. 34658
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(D) If, not later than sixty days after a resident of an adult care facility or home dies, letters testamentary or letters of administration are issued, or an application for release from administration is filed under section 2113.03 of the Revised Code, concerning the resident's estate, the owner or operator of the 34667
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facility or home shall transfer the money in the resident's 34672
personal needs allowance account to the administrator, executor, 34673
commissioner, or person who filed the application for release from 34674
administration. 34675

(E) The transfer or use of money in a resident's personal 34676
needs allowance account in accordance with division (B), (C), or 34677
(D) of this section discharges and releases the adult care 34678
facility or home, and the owner or operator of the facility or 34679
home, from any claim for the money from any source. 34680

(F) If, sixty-one or more days after a resident of an adult 34681
care facility or home dies, letters testamentary or letters of 34682
administration are issued, or an application for release from 34683
administration under section 2113.03 of the Revised Code is filed, 34684
concerning the resident's estate, the department of job and family 34685
services shall transfer the funds to the administrator, executor, 34686
commissioner, or person who filed the application, unless the 34687
department is entitled to recover the money under the estate 34688
recovery program instituted under section 5111.11 of the Revised 34689
Code. 34690

Sec. ~~5111.113~~ 5111.114. As used in this section, "nursing 34691
facility" and "intermediate care facility for the ~~mentally~~ mentally 34692
retarded" have the same meanings as in section 5111.20 of the 34693
Revised Code. 34694

In determining the amount of income that a recipient of 34695
medical assistance must apply monthly toward payment of the cost 34696
of care in a nursing facility or intermediate care facility for 34697
the mentally retarded, the county department of job and family 34698
services shall deduct from the recipient's monthly income a 34699
monthly personal needs allowance in accordance with section 1902 34700
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 34701
1396a, as amended. 34702

For a resident of a nursing facility, the monthly personal needs allowance shall be not less than forty dollars for an individual resident and not less than eighty dollars for a married couple if both spouses are residents of a nursing facility.

For a resident of an intermediate care facility for the mentally retarded, the monthly personal needs allowance shall be forty dollars unless the resident has earned income, in which case the monthly personal needs allowance shall be determined by the state department of job and family services but shall not exceed one hundred five dollars.

Sec. 5111.16. (A) As part of the medicaid program, the department of job and family services shall establish a care management system. The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system.

(B)(1) The department shall implement the care management system in some or all counties and shall designate the medicaid recipients who are required or permitted to participate in the system.

~~(B)(2) In implementing the care management system and designating participants, the department may designate one or more counties as a mandatory managed care enrollment service area where medicaid recipients designated by the department are required to enroll in and obtain health care services through a managed care organization under contract with the department pursuant to section 5111.17 of the Revised Code.~~

(C) Under the care management system, the department may do both of the following:

(1) Require or permit participants in the system to obtain

health care services from providers designated by the department; 34733

(2) ~~require~~ Require or permit participants in the system to 34734
obtain health care services through managed care organizations 34735
under contract with the department pursuant to section 5111.17 of 34736
the Revised Code. 34737

~~(C)~~(D) The director of job and family services may adopt 34738
rules in accordance with Chapter 119. of the Revised Code to 34739
implement this section. 34740

Sec. 5111.176. (A) As used in this section: 34741

(1) "Mandatory managed care enrollment service area" means a 34742
county designated under division (B)(2) of section 5111.16 of the 34743
Revised Code as an area where medicaid recipients are required to 34744
enroll in and obtain health care services through a managed care 34745
organization. 34746

(2) "Mandatory managed care medicaid recipient" means a 34747
medicaid recipient designated under division (B)(2) of section 34748
5111.16 of the Revised Code as a medicaid recipient required to 34749
enroll in and obtain health care services through a managed care 34750
organization in a mandatory managed care enrollment service area. 34751

(3) "Noncontracting hospital" means a hospital to which all 34752
of the following apply: 34753

(a) The hospital participates in the medicaid program; 34754

(b) The hospital is located in a mandatory managed care 34755
enrollment service area; 34756

(c) The hospital has not entered into a contract with a 34757
managed care organization to provide services to mandatory managed 34758
care medicaid recipients. 34759

(B)(1) Subject to division (B)(2) of this section, a managed 34760
care organization under contract with the department pursuant to 34761

section 5111.17 of the Revised Code to provide or arrange for the 34762
provision of health care services to mandatory managed care 34763
medicaid recipients shall reimburse a noncontracting hospital for 34764
providing services to the recipients according to a reimbursement 34765
rate that is the same as the reimbursement rate used by the 34766
department of job and family services to reimburse the hospital 34767
for providing services to medicaid recipients who are not enrolled 34768
in a managed care organization. 34769

(2) The reimbursement rate established under division (B)(1) 34770
of this section applies only to services authorized by the managed 34771
care organization. The establishment of a reimbursement rate under 34772
that division does not restrict the managed care organization from 34773
entering into a contract with a hospital under which the hospital 34774
is reimbursed at a different rate. 34775

(C) A noncontracting hospital shall do both of the following: 34776

(1) Provide hospital services to mandatory managed care 34777
medicaid recipients when the services have been authorized by the 34778
managed care organization in which the recipients are enrolled; 34779

(2) Accept the reimbursement provided by the managed care 34780
organization under division (B) of this section as payment in full 34781
for services provided in accordance with division (C)(1) of this 34782
section. 34783

(D) The director of job and family services may adopt rules 34784
in accordance with Chapter 119. of the Revised Code to implement 34785
this section. 34786

Sec. 5111.177. (A) As used in this section: 34787

(1) "Medicaid managed care organization" means an entity 34788
under contract with the department of job and family services 34789
pursuant to section 5111.17 of the Revised Code that is either of 34790
the following: 34791

(a) A health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code; 34792
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(b) An entity determined by the United States secretary of health and human services to be a medicaid managed care organization as defined in Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396b(m). 34794
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(2) "Managed care premium" means any premium payment, capitation payment, or other payment to be received by a medicaid managed care organization for providing services under a contract with the department pursuant to section 5111.17 of the Revised Code. 34798
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(B) Except as provided in division (C) of this section, beginning January 1, 2006, each medicaid managed care organization shall pay a franchise permit fee each calendar quarter. The department shall collect the fee from each medicaid managed care organization. 34803
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The amount of the fee an organization is required to pay shall be equal to a percentage of the managed care premiums the organization received in the quarter to which the fee applies, excluding the amount of any managed care premiums returned or refunded to enrollees, members, or premium payors during that quarter. For purposes of this calculation, the percentage shall be four and one-half per cent, unless the department adopts rules under division (L) of this section to decrease the percentage or to increase the percentage to not more than six per cent. 34808
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(C) If it is necessary to reduce or eliminate collection of the franchise permit fee required by this section to comply with federal law, the department may reduce or eliminate collection of the fee. 34817
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(D) The franchise permit fee shall be paid on or before the thirtieth day following the end of the calendar quarter to which 34821
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the fee applies. At the time the fee is submitted, the 34823
organization shall file with the department a report on a form 34824
prescribed by the department. The organization shall provide on 34825
the form all information required by the department and shall 34826
include with the form any necessary supporting documentation. 34827

(E) The department may audit the records of any medicaid 34828
managed care organization to determine whether the organization is 34829
in compliance with this section. The department may audit the 34830
records that pertain to a particular calendar quarter at any time 34831
during the five years following the date the franchise permit fee 34832
payment for that quarter was due. 34833

(F)(1) A medicaid managed care organization that does not pay 34834
the franchise permit fee in full by the date the payment is due is 34835
subject to any or all of the following: 34836

(a) A monetary penalty in the amount of five hundred dollars 34837
for each day any part of the fee remains unpaid, except that the 34838
penalty shall not exceed an amount equal to five per cent of the 34839
total fee that was due for the calendar quarter for which the 34840
penalty is being imposed; 34841

(b) Withholdings from future managed care premiums pursuant 34842
to division (G) of this section; 34843

(c) Termination of the organization's medicaid provider 34844
agreement pursuant to division (H) of this section. 34845

(2) Penalties imposed under division (F)(1)(a) of this 34846
section are in addition to and not in lieu of the franchise permit 34847
fee that a medicaid managed care organization is required to pay 34848
each calendar quarter. 34849

(G) If a medicaid managed care organization fails to pay the 34850
full amount of its franchise permit fee when due, or the full 34851
amount of a penalty imposed under division (F)(1)(a) of this 34852

section, the department may withhold an amount equal to the 34853
remaining amount due from any future managed care premiums to be 34854
paid to the organization. The department may withhold amounts 34855
under this division without providing notice to the organization. 34856
The amounts may be withheld until the amount due has been paid. 34857

(H) The department may commence actions to terminate a 34858
medicaid managed care organization's medicaid provider agreement, 34859
and may terminate the agreement subject to division (I) of this 34860
section, if the organization does any of the following: 34861

(1) Fails to pay its franchise permit fee or fails to pay the 34862
fee promptly; 34863

(2) Fails to pay a penalty imposed under division (F)(1)(a) 34864
of this section or fails to pay the penalty promptly; 34865

(3) Fails to cooperate with an audit conducted under division 34866
(E) of this section. 34867

(I) At the request of a medicaid managed care organization, 34868
the department shall grant the organization a hearing in 34869
accordance with Chapter 119. of the Revised Code, if either of the 34870
following is the case: 34871

(1) The department has determined that the organization owes 34872
an additional franchise permit fee or penalty as the result of an 34873
audit conducted under division (E) of this section. 34874

(2) The department is proposing to terminate the 34875
organization's medicaid provider agreement and the provisions of 34876
section 5111.06 of the Revised Code requiring an adjudication in 34877
accordance with Chapter 119. of the Revised Code are applicable. 34878

(J)(1) At the request of a medicaid managed care 34879
organization, the department shall grant the organization a 34880
reconsideration of any issue that arises out of the provisions of 34881
this section and is not subject to division (I) of this section. 34882

The department's decision at the conclusion of the reconsideration 34883
is not subject to appeal under Chapter 119. of the Revised Code or 34884
any other provision of the Revised Code. 34885

(2) In conducting a reconsideration, the department shall do 34886
at least the following: 34887

(a) Specify the time frames within which an organization must 34888
act in order to exercise its opportunity for a reconsideration; 34889

(b) Permit the organization to present written arguments or 34890
other materials that support the organization's position. 34891

(K) There is hereby created in the state treasury the managed 34892
care assessment fund. Money collected from the franchise permit 34893
fees and penalties imposed under this section shall be credited to 34894
the fund. The department shall use the money in the fund to pay 34895
for medicaid services, the department's administrative costs, and 34896
contracts with medicaid managed care organizations. 34897

(L) The director of job and family services may adopt rules 34898
to implement and administer this section. The rules shall be 34899
adopted in accordance with Chapter 119. of the Revised Code. 34900

Sec. 5111.19. The director of job and family services shall 34901
adopt rules governing the calculation and payment of graduate 34902
medical education costs associated with services rendered to 34903
medicaid recipients of the medical assistance program after June 34904
30, 1994. The Subject to section 5111.191 of the Revised Code, the 34905
rules shall provide for reimbursement of graduate medical 34906
education costs associated with services rendered to ~~medical~~ 34907
~~assistance~~ medicaid recipients, including recipients enrolled in 34908
~~health insuring corporations~~ a managed care organization under 34909
contract with the department under section 5111.17 of the Revised 34910
Code, that the department determines are allowable and reasonable. 34911

If the department requires a ~~health insuring corporation~~ 34912

managed care organization to pay a provider for graduate medical 34913
education costs associated with the delivery of services to 34914
~~medical assistance~~ medicaid recipients enrolled in the ~~corporation~~ 34915
organization, the department shall include in its payment to the 34916
~~corporation~~ organization an amount sufficient for the ~~corporation~~ 34917
organization to pay such costs. If the department does not include 34918
in its payments to the ~~health insuring corporation~~ managed care 34919
organization amounts for graduate medical education costs of 34920
providers, all of the following apply: 34921

(A) The Except as provided in section 5111.191 of the Revised 34922
Code, the department shall pay the provider for graduate medical 34923
education costs associated with the delivery of services to 34924
~~medical assistance~~ medicaid recipients enrolled in the ~~corporation~~ 34925
organization; 34926

(B) No provider shall seek reimbursement from the ~~corporation~~ 34927
organization for such costs; 34928

(C) The ~~corporation~~ organization is not required to pay 34929
providers for such costs. 34930

Sec. 5111.191. The department of job and family services 34931
shall not pay a hospital for graduate medical education costs 34932
associated with the delivery of services to any medicaid recipient 34933
if the hospital refuses without good cause to contract with a 34934
managed care organization that contracts with the department under 34935
section 5111.17 of the Revised Code to provide, or arrange for the 34936
provision of, health care services to medicaid recipients residing 34937
in the county, or a mandatory managed care enrollment service area 34938
designated by the department under section 5111.16 of the Revised 34939
Code, in which the hospital is located. The director of job and 34940
family services shall specify in the rules adopted under section 34941
5111.19 of the Revised Code what constitutes good cause for a 34942
hospital to refuse to contract with a managed care organization. 34943

~~Sec. 5111.20. As used in sections 5111.20 to 5111.34 5111.31~~ 34944
of the Revised Code: 34945

~~(A) "Allowable costs" are those costs determined by the~~ 34946
~~department of job and family services to be reasonable and do not~~ 34947
~~include fines paid under sections 5111.35 to 5111.61 and section~~ 34948
~~5111.99 of the Revised Code.~~ 34949

~~(B) "Capital costs" means costs of ownership and nonextensive~~ 34950
~~renovation.~~ 34951

~~(1) "Cost of ownership" means the actual expense incurred for~~ 34952
~~all of the following:~~ 34953

~~(a) Depreciation and interest on any capital assets that cost~~ 34954
~~five hundred dollars or more per item, including the following:~~ 34955

~~(i) Buildings;~~ 34956

~~(ii) Building improvements that are not approved as~~ 34957
~~nonextensive renovations under section 5111.25 or 5111.251 of the~~ 34958
~~Revised Code;~~ 34959

~~(iii) Equipment;~~ 34960

~~(iv) Extensive renovations;~~ 34961

~~(v) Transportation equipment.~~ 34962

~~(b) Amortization and interest on land improvements and~~ 34963
~~leasehold improvements;~~ 34964

~~(c) Amortization of financing costs;~~ 34965

~~(d) Except as provided in division (I) of this section, lease~~ 34966
~~and rent of land, building, and equipment.~~ 34967

~~The costs of capital assets of less than five hundred dollars~~ 34968
~~per item may be considered costs of ownership in accordance with a~~ 34969
~~provider's practice.~~ 34970

~~(2) "Costs of nonextensive renovation" means the actual~~ 34971

~~expense incurred for depreciation or amortization and interest on
renovations that are not extensive renovations.~~ 34972
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~~(C) "Capital lease" and "operating lease" shall be construed
in accordance with generally accepted accounting principles.~~ 34974
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~~(D) "Case mix score" means the measure determined under
section 5111.231 of the Revised Code of the relative direct care
resources needed to provide care and habilitation to a resident of
a nursing facility or intermediate care facility for the mentally
retarded.~~ 34976
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~~(E) "Date of licensure," for a facility originally licensed
as a nursing home under Chapter 3721. of the Revised Code, means
the date specific beds were originally licensed as nursing home
beds under that chapter, regardless of whether they were
subsequently licensed as residential facility beds under section
5123.19 of the Revised Code. For a facility originally licensed as
a residential facility under section 5123.19 of the Revised Code,
"date of licensure" means the date specific beds were originally
licensed as residential facility beds under that section.~~ 34981
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~~(1) If nursing home beds licensed under Chapter 3721. of the
Revised Code or residential facility beds licensed under section
5123.19 of the Revised Code were not required by law to be
licensed when they were originally used to provide nursing home or
residential facility services, "date of licensure" means the date
the beds first were used to provide nursing home or residential
facility services, regardless of the date the present provider
obtained licensure.~~ 34990
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~~(2) If a facility adds nursing home beds or residential
facility beds or extensively renovates all or part of the facility
after its original date of licensure, it will have a different
date of licensure for the additional beds or extensively renovated
portion of the facility, unless the beds are added in a space that~~ 34998
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~~was constructed at the same time as the previously licensed beds~~ 35003
~~but was not licensed under Chapter 3721. or section 5123.19 of the~~ 35004
~~Revised Code at that time.~~ 35005

~~(F) "Desk reviewed" means that costs as reported on a cost~~ 35006
~~report submitted under section 5111.26 of the Revised Code have~~ 35007
~~been subjected to a desk review under division (A) of section~~ 35008
~~5111.27 of the Revised Code and preliminarily determined to be~~ 35009
~~allowable costs.~~ 35010

~~(G) "Direct care costs" means all of the following:~~ 35011

~~(1)(a) Costs for registered nurses, licensed practical~~ 35012
~~nurses, and nurse aides employed by the facility;~~ 35013

~~(b) Costs for direct care staff, administrative nursing~~ 35014
~~staff, medical directors, social services staff, activities staff,~~ 35015
~~psychologists and psychology assistants, social workers and~~ 35016
~~counselors, habilitation staff, qualified mental retardation~~ 35017
~~professionals, program directors, respiratory therapists,~~ 35018
~~habilitation supervisors, and except as provided in division~~ 35019
~~(C)(2) of this section, other persons holding degrees qualifying~~ 35020
~~them to provide therapy;~~ 35021

~~(c) Costs of purchased nursing services;~~ 35022

~~(d) Costs of quality assurance;~~ 35023

~~(e) Costs of training and staff development, employee~~ 35024
~~benefits, payroll taxes, and workers' compensation premiums or~~ 35025
~~costs for self insurance claims and related costs as specified in~~ 35026
~~rules adopted by the director of job and family services in~~ 35027
~~accordance with Chapter 119. of the Revised Code, for personnel~~ 35028
~~listed in divisions (C)(1)(a), (b), and (d) of this section;~~ 35029

~~(f) Costs of consulting and management fees related to direct~~ 35030
~~care;~~ 35031

~~(g) Allocated direct care home office costs.~~ 35032

~~(2) In addition to the costs specified in division (G)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:~~ 35033
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35035

~~(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, and audiologists;~~ 35036
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~~(b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code, for personnel listed in division (G)(2)(a) of this section.~~ 35039
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~~(3) Costs of other direct care resources that are specified as direct care costs in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code.~~ 35045
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~~(H) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.~~ 35049
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~~(I) "Indirect care costs" means all reasonable costs other than direct care costs, other protected costs, or capital costs. "Indirect care costs" includes but is not limited to costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance,~~ 35051
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~~employee 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
this division. Notwithstanding division (B)(1) of this section,
"indirect care costs" also means the cost of equipment, including
vehicles, acquired by operating lease executed before December 1,
1992, if the costs are reported as administrative and general
costs on the facility's cost report for the cost reporting period
ending December 31, 1992.~~

~~(J) "Inpatient days" means all days during which a resident,
regardless of payment source, occupies a bed in a nursing facility
or intermediate care facility for the mentally retarded that is
included in the facility's certified capacity under Title XIX of
the "Social Security Act," 49 Stat. 610 (1935), 42 U.S.C.A. 301,
as amended. Therapeutic or hospital leave days for which payment
is made under section 5111.33 of the Revised Code are considered
inpatient days proportionate to the percentage of the facility's
per resident per day rate paid for those days.~~

~~(K)(B) "Intermediate care facility for the mentally retarded"
means an intermediate care facility for the mentally retarded
certified as in compliance with applicable standards for the
medical assistance medicaid program by the director of health in
accordance with Title XIX of the "Social Security Act."~~

~~(L) "Maintenance and repair expenses" means, except as
provided in division (X)(2) of this section, expenditures that are
necessary and proper to maintain an asset in a normally efficient
working condition and that do not extend the useful life of the
asset two years or more. "Maintenance and repair expenses"
includes but is not limited to the cost of ordinary repairs such
as painting and wallpapering.~~

~~(M)(C)~~ "Nursing facility" means a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX ~~of the "Social Security Act,"~~ and is not an intermediate care facility for the mentally retarded. "Nursing facility" includes a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX ~~of the "Social Security Act,"~~ and is certified as a skilled nursing facility by the director in accordance with Title XVIII ~~of the "Social Security Act."~~

~~(N)~~ "Other protected costs" means costs for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted by the director of job and family services in accordance with Chapter 119. ~~of the Revised Code.~~

~~(O)(D)~~ "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility or intermediate care facility for the mentally retarded.

(E)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility or intermediate care facility for the mentally retarded:

(a) The land on which the facility is located;

(b) The structure in which the facility is located;

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the facility is located;

(d) Any lease or sublease of the land or structure on or in 35127
which the facility is located. 35128

(2) "Owner" does not mean a holder of a debenture or bond 35129
related to the nursing facility or intermediate care facility for 35130
the mentally retarded and purchased at public issue or a regulated 35131
lender that has made a loan related to the facility unless the 35132
holder or lender operates the facility directly or through a 35133
subsidiary. 35134

~~(P) "Patient" includes "resident."~~ 35135

~~(Q) Except as provided in divisions (Q)(1) and (2) of this~~ 35136
~~section, "per diem" means a nursing facility's or intermediate~~ 35137
~~care facility for the mentally retarded's actual, allowable costs~~ 35138
~~in a given cost center in a cost reporting period, divided by the~~ 35139
~~facility's inpatient days for that cost reporting period.~~ 35140

~~(1) When calculating indirect care costs for the purpose of~~ 35141
~~establishing rates under section 5111.24 or 5111.241 of the~~ 35142
~~Revised Code, "per diem" means a facility's actual, allowable~~ 35143
~~indirect care costs in a cost reporting period divided by the~~ 35144
~~greater of the facility's inpatient days for that period or the~~ 35145
~~number of inpatient days the facility would have had during that~~ 35146
~~period if its occupancy rate had been eighty five per cent.~~ 35147

~~(2) When calculating capital costs for the purpose of~~ 35148
~~establishing rates under section 5111.25 or 5111.251 of the~~ 35149
~~Revised Code, "per diem" means a facility's actual, allowable~~ 35150
~~capital costs in a cost reporting period divided by the greater of~~ 35151
~~the facility's inpatient days for that period or the number of~~ 35152
~~inpatient days the facility would have had during that period if~~ 35153
~~its occupancy rate had been ninety five per cent.~~ 35154

~~(R)(F) "Provider" means a person or government entity that~~ 35155
~~operates a nursing facility or intermediate care facility for the~~ 35156
~~mentally retarded under an operator with a provider agreement.~~ 35157

~~(S)(G)~~ "Provider agreement" means a contract between the 35158
department of job and family services and the operator of a 35159
nursing facility or intermediate care facility for the mentally 35160
retarded for the provision of nursing facility services or 35161
intermediate care facility services for the mentally retarded 35162
under the ~~medical assistance~~ medicaid program. 35163

~~(T)~~ "Purchased nursing services" means services that are 35164
provided in a nursing facility by registered nurses, licensed 35165
practical nurses, or nurse aides who are not employees of the 35166
facility. 35167

~~(U)~~ "Reasonable" means that a cost is an actual cost that is 35168
appropriate and helpful to develop and maintain the operation of 35169
patient care facilities and activities, including normal standby 35170
costs, and that does not exceed what a prudent buyer pays for a 35171
given item or services. Reasonable costs may vary from provider to 35172
provider and from time to time for the same provider. 35173

~~(V)~~ "Related party" means an individual or organization that, 35174
to a significant extent, has common ownership with, is associated 35175
or affiliated with, has control of, or is controlled by, the 35176
provider. 35177

~~(1)~~ An individual who is a relative of an owner is a related 35178
party. 35179

~~(2)~~ Common ownership exists when an individual or individuals 35180
possess significant ownership or equity in both the provider and 35181
the other organization. Significant ownership or equity exists 35182
when an individual or individuals possess five per cent ownership 35183
or equity in both the provider and a supplier. Significant 35184
ownership or equity is presumed to exist when an individual or 35185
individuals possess ten per cent ownership or equity in both the 35186
provider and another organization from which the provider 35187
purchases or leases real property. 35188

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.	35189
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	35191
(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:	35192
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	35194
(a) The supplier is a separate bona fide organization.	35195
(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.	35196
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	35199
(c) The types of goods or services are commonly obtained by other nursing facilities or intermediate care facilities for the mentally retarded from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by the facilities.	35200
	35201
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	35204
(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.	35205
	35206
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	35208
(W) "Relative of owner" means an individual who is related to an owner of a nursing facility or intermediate care facility for the mentally retarded by one of the following relationships:	35209
	35210
	35211
(1) Spouse;	35212
(2) Natural parent, child, or sibling;	35213
(3) Adopted parent, child, or sibling;	35214
(4) Step parent, step child, step brother, or step sister;	35215
(5) Father in law, mother in law, son in law, daughter in law, brother in law, or sister in law;	35216
	35217

(6) Grandparent or grandchild;	35218
(7) Foster caregiver, foster child, foster brother, or foster sister.	35219 35220
(X) "Renovation" and "extensive renovation" mean:	35221
(1) Any betterment, improvement, or restoration of a nursing facility or intermediate care facility for the mentally retarded started before July 1, 1993, that meets the definition of a renovation or extensive renovation established in rules adopted by the director of job and family services in effect on December 22, 1992.	35222 35223 35224 35225 35226 35227
(2) In the case of betterments, improvements, and restorations of nursing facilities and intermediate care facilities for the mentally retarded started on or after July 1, 1993:	35228 35229 35230 35231
(a) "Renovation" means the betterment, improvement, or restoration of a nursing facility or intermediate care facility for the mentally retarded beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed. A renovation may include betterment, improvement, restoration, or replacement of assets that are affixed to the building and have a useful life of at least five years. A renovation may include costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project. "Renovation" does not mean construction of additional space for beds that will be added to a facility's licensed or certified capacity.	35232 35233 35234 35235 35236 35237 35238 35239 35240 35241 35242 35243 35244
(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.	35245 35246 35247 35248

~~For the purposes of division (X)(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.~~

(H) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.

(I) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.

Sec. 5111.204. (A) As used in this section ~~and in section 5111.205 of the Revised Code~~, "representative" means a person acting on behalf of an applicant for or recipient of ~~medical assistance~~ medicaid. A representative may be a family member, attorney, hospital social worker, or any other person chosen to act on behalf of an applicant or recipient.

(B) The department of job and family services may require ~~an~~ each applicant for or recipient of ~~medical assistance~~ medicaid who applies or intends to apply for admission to a nursing facility or resides in a nursing facility to undergo an assessment to determine whether the applicant or recipient needs the level of care provided by a nursing facility. ~~To~~ The assessment may be performed concurrently with a long-term care consultation

performed under section 173.42 of the Revised Code. 35279

To the maximum extent possible, the assessment shall be based 35280
on information from the resident assessment instrument ~~specified~~ 35281
~~in rules adopted by the director of job and family services under~~ 35282
~~division (A) of that section 5111.231 5111.24 of the Revised Code~~ 35283
~~provides for.~~ The assessment shall also be based on criteria and 35284
procedures established in rules adopted under division ~~(H)~~(F) of 35285
this section and information provided by the person being assessed 35286
or the person's representative. ~~The~~ 35287

The department of job and family services, or if the 35288
assessment is performed by ~~another~~ an agency ~~designated~~ under 35289
contract with the department pursuant to division (G) of this 35290
section 5101.754 of the Revised Code, the agency, shall, not later 35291
than the time the ~~assessment~~ level of care determination is 35292
required to be ~~performed~~ provided under division (C) of this 35293
section, give written notice of its conclusions and the basis for 35294
them to the person assessed and, if the department of job and 35295
family services or ~~designated entity~~ agency under contract with 35296
the department has been informed that the person has a 35297
representative, to the representative. 35298

(C) The department of job and family services or ~~designated~~ 35299
agency under contract with the department, whichever performs the 35300
assessment, shall ~~perform a complete assessment, or, if~~ 35301
~~circumstances provided by rules adopted under division (H) of this~~ 35302
~~section exist, a partial assessment,~~ provide the level of care 35303
determination as follows: 35304

(1) In the case of a person applying or intending to apply 35305
for admission to a nursing facility while hospitalized, not later 35306
than one of the following: 35307

(a) One working day after the person or the person's 35308
representative submits ~~an~~ the application ~~for admission to the~~ 35309

~~nursing facility~~ or notifies the department of the person's 35310
intention to apply and submits all information required for 35311
providing the level of care determination, as specified in rules 35312
adopted under division (F)(2) of this section; 35313

(b) A later date requested by the person or the person's 35314
representative. 35315

~~(2) In the case of an emergency as determined in accordance~~ 35316
~~with rules adopted under division (H) of this section, not later~~ 35317
~~than one calendar day after the person or the person's~~ 35318
~~representative submits the application or notifies the department~~ 35319
~~of the person's intention to apply.~~ 35320

~~(3) In all other cases a person applying or intending to~~ 35321
~~apply for admission to a nursing facility who is not hospitalized,~~ 35322
not later than one of the following: 35323

(a) Five calendar days after the person or the person's 35324
representative submits the application or notifies the department 35325
of the person's intention to apply and submits all information 35326
required for providing the level of care determination, as 35327
specified in rules adopted under division (F)(2) of this section; 35328

(b) A later date requested by the person or the person's 35329
representative. 35330

(3) In the case of a person who resides in a nursing 35331
facility, not later than one of the following: 35332

(a) Five calendar days after the person or the person's 35333
representative submits an application for medical assistance and 35334
submits all information required for providing the level of care 35335
determination, as specified in rules adopted under division (F)(2) 35336
of this section; 35337

(b) A later date requested by the person or the person's 35338
representative. 35339

(4) In the case of an emergency, as specified in rules 35340
adopted under division (F)(4) of this section, within the number 35341
of days specified in the rules. 35342

~~(D) If the department of job and family services or~~ 35343
~~designated agency conducts a partial assessment under division (C)~~ 35344
~~of this section, it shall complete the rest of the assessment not~~ 35345
~~later than one hundred eighty days after the date the person is~~ 35346
~~admitted to the nursing facility unless the department or~~ 35347
~~designated agency determines the person should be exempt from the~~ 35348
~~assessment.~~ 35349

~~(E) A person is not required to be assessed under this~~ 35350
~~section if the circumstances specified by rule adopted under~~ 35351
~~division (H) of this section exist or the department of job and~~ 35352
~~family services or designated agency determines after a partial~~ 35353
~~assessment that the person should be exempt from the assessment.~~ 35354

~~(F) A person assessed under this section or the person's~~ 35355
~~representative may appeal request a state hearing to dispute the~~ 35356
~~conclusions reached by the department of job and family services~~ 35357
~~or ~~designated~~ agency under contract with the department on the~~ 35358
~~basis of the assessment. The appeal request for a state hearing~~ 35359
~~shall be made in accordance with section 5101.35 of the Revised~~ 35360
~~Code. The department of job and family services or ~~designated~~~~ 35361
~~agency, ~~whichever performs the assessment~~, under contract with the~~ 35362
~~department shall provide to the person or the person's~~ 35363
~~representative and the nursing facility written notice of the~~ 35364
~~person's right to appeal request a state hearing. The notice shall~~ 35365
~~include an explanation of the procedure for ~~filing an appeal~~~~ 35366
~~requesting a state hearing. If a state hearing is requested, the~~ 35367
~~state shall be represented in the hearing by the department of job~~ 35368
~~and family services or the agency under contract with the~~ 35369
~~department, whichever performed the assessment.~~ 35370

~~(G)~~(E) A nursing facility that admits or retains a person 35371
determined pursuant to an assessment required under division (B) 35372
or (C) of this section not to need the level of care provided by 35373
the nursing facility shall not be reimbursed under the ~~medical~~ 35374
~~assistance~~ medicaid program for the person's care. 35375

~~(H)~~(F) The director of job and family services shall adopt 35376
rules in accordance with Chapter 119. of the Revised Code to 35377
implement and administer this section. The rules shall include all 35378
of the following: 35379

(1) Criteria and procedures to be used in determining whether 35380
admission to a nursing facility or continued stay in a nursing 35381
facility is appropriate for the person being assessed. ~~The~~ 35382
~~criteria shall include consideration of whether the person is in~~ 35383
~~need of any of the following:~~ 35384

~~(a) Nursing or rehabilitation services;~~ 35385

~~(b) Assistance with two or more of the activities of daily~~ 35386
~~living;~~ 35387

~~(c) Continuous supervision to prevent harm to the person as a~~ 35388
~~result of cognitive impairment.~~ 35389

(2) Information the person being assessed or the person's 35390
representative must provide to the department or ~~designated~~ 35391
under contract with the department for purposes of the assessment 35392
and providing a level of care determination based on the 35393
assessment; 35394

~~(3) Circumstances under which the department of job and~~ 35395
~~family services or designated agency may perform a partial~~ 35396
~~assessment under division (C) of this section;~~ 35397

~~(4) Circumstances under which a person is not required to be~~ 35398
~~assessed;~~ 35399

(4) Circumstances that constitute an emergency for purposes 35400

of division (C)(4) of this section and the number of days within 35401
which a level of care determination must be provided in the case 35402
of an emergency. 35403

(G) Pursuant to section 5111.91 of the Revised Code, the 35404
department of job and family services may enter into contracts in 35405
the form of interagency agreements with one or more other state 35406
agencies to perform the assessments required under this section. 35407
The interagency agreements shall specify the responsibilities of 35408
each agency in the performance of the assessments. 35409

Sec. 5111.21. ~~(A) Subject to sections 5111.01, 5111.011,~~ 35410
~~5111.012, 5111.02, and 5111.211 of the Revised Code, the~~ 35411
~~department of job and family services shall pay, as provided in~~ 35412
~~sections 5111.20 to 5111.32 of the Revised Code, the reasonable~~ 35413
~~costs of services provided to an eligible medicaid recipient by an~~ 35414
~~eligible nursing facility or intermediate care facility for the~~ 35415
~~mentally retarded.~~ 35416

In order to be eligible for ~~medical assistance~~ medicaid 35417
payments, the operator of a nursing facility or intermediate care 35418
facility for the mentally retarded shall do all of the following: 35419

(1) Enter into a provider agreement with the department of 35420
job and family services as provided in section 5111.22, 5111.671, 35421
or 5111.672 of the Revised Code; 35422

(2) Apply for and maintain a valid license to operate if so 35423
required by law; 35424

(3) Comply with all applicable state and federal laws and 35425
rules. 35426

(B) ~~A~~ The operator of a nursing facility that elects to 35427
obtain and maintain eligibility for payments under the medicaid 35428
program shall qualify all of the facility's medicaid-certified 35429
beds in the medicare program established by Title XVIII ~~of the~~ 35430

~~"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395. The~~ 35431
director of job and family services may adopt rules ~~in accordance~~ 35432
~~with Chapter 119. under section 5111.02~~ of the Revised Code to 35433
establish the time frame in which a nursing facility must comply 35434
with this requirement. 35435

Sec. 5111.22. A provider agreement between the department of 35436
job and family services and a ~~nursing facility or intermediate~~ 35437
~~care facility for the mentally retarded~~ provider shall contain the 35438
following provisions: 35439

(A) The department agrees to make payments to the ~~nursing~~ 35440
~~facility or intermediate care facility for the mentally retarded~~ 35441
provider for ~~patients eligible for~~ medicaid-covered services under 35442
the ~~medical assistance program as provided in sections 5111.20 to~~ 35443
~~5111.32 of the Revised Code~~ the nursing facility or intermediate 35444
care facility for the mentally retarded provides to a resident of 35445
the facility who is a medicaid recipient eligible for such 35446
services. No payment shall be made for the day a ~~recipient~~ 35447
resident is discharged from the facility. 35448

(B) The provider agrees to: 35449

(1) Maintain eligibility as provided in section 5111.21 of 35450
the Revised Code; 35451

(2) Keep records relating to a cost reporting period for the 35452
greater of seven years after the cost report is filed or, if the 35453
department issues ~~an audit a report in accordance with division~~ 35454
~~(B) of a final fiscal audit conducted under~~ section ~~5111.27~~ 35455
5111.021 of the Revised Code, six years after all appeal rights 35456
relating to the audit report are exhausted; 35457

(3) File reports as required by the department; 35458

(4) Open all records relating to the costs of its services 35459
for inspection and audit by the department; 35460

(5) Open its premises for inspection by the department, the 35461
department of health, and any other state or local authority 35462
having authority to inspect; 35463

(6) Supply to the department such information as it requires 35464
concerning the facility's services to ~~patients~~ residents who are 35465
or are eligible to be medicaid recipients; 35466

(7) Comply with section ~~5111.31~~ 5111.222 of the Revised Code. 35467

The provider agreement may contain other provisions that are 35468
consistent with law and considered necessary by the department. 35469

A provider agreement shall be effective for no longer than 35470
twelve months, except that if federal statute or regulations 35471
authorize a longer term, it may be effective for a longer term so 35472
authorized. A provider agreement may be renewed only if the 35473
facility is certified by the department of health for 35474
participation in the medicaid program. 35475

The department of job and family services, in accordance with 35476
rules adopted ~~by the director pursuant to Chapter 119.~~ under 35477
section 5111.02 of the Revised Code, may elect not to enter into, 35478
not to renew, or to terminate a provider agreement when the 35479
department determines that such an agreement would not be in the 35480
best interests of the recipients or of the state. 35481

Sec. 5111.221. The operator of a nursing facility or 35482
intermediate care facility for the mentally retarded may enter 35483
into provider agreements for more than one nursing facility or 35484
intermediate care facility for the mentally retarded. 35485

Sec. ~~5111.31~~ 5111.222. (A) Every provider agreement with the 35486
provider of a nursing facility or intermediate care facility for 35487
the mentally retarded shall: 35488

(1) Prohibit the facility from failing or refusing to retain 35489

as a ~~patient~~ resident any person because the person is, becomes, 35490
or may, as a ~~patient~~ resident in the facility, become a medicaid 35491
recipient ~~of assistance under the medical assistance program~~. For 35492
the purposes of this division, a medicaid recipient ~~of medical~~ 35493
~~assistance~~ who is a ~~patient~~ resident in a facility shall be 35494
considered a ~~patient~~ resident in the facility during any hospital 35495
stays totaling less than twenty-five days during any twelve-month 35496
period. Recipients who have been identified by the department of 35497
job and family services or its designee as requiring the level of 35498
care of an intermediate care facility for the mentally retarded 35499
shall not be subject to a maximum period of absences during which 35500
they are considered ~~patients~~ residents if prior authorization of 35501
the department for visits with relatives and friends and 35502
participation in therapeutic programs is obtained under rules 35503
adopted under section 5111.02 of the Revised Code. 35504

(2) ~~Include~~ Except as provided by division (B)(1) of this 35505
section, include any part of the facility that meets standards for 35506
certification of compliance with federal and state laws and rules 35507
for participation in the ~~medical assistance~~ medicaid program, 35508
~~except that nursing facilities that, during the period beginning~~ 35509
~~July 1, 1987, and ending July 1, 1993, added beds licensed as~~ 35510
~~nursing home beds under Chapter 3721. of the Revised Code are not~~ 35511
~~required to include those beds under a provider agreement unless~~ 35512
~~otherwise required by federal law. Once added to the provider~~ 35513
~~agreement, however, those nursing home beds may not be removed~~ 35514
~~unless the facility withdraws from the medical assistance program~~ 35515
~~in its entirety.~~ 35516

(3) Prohibit the facility from discriminating against any 35517
patient on the basis of race, color, sex, creed, or national 35518
origin. 35519

(4) Except as otherwise prohibited under section 5111.55 of 35520
the Revised Code, prohibit the facility from failing or refusing 35521

to accept a ~~patient~~ person because the ~~patient~~ person is, becomes, 35522
or may, as a ~~patient~~ resident in the facility, become a medicaid 35523
~~recipient of assistance under the medical assistance program~~ if 35524
less than eighty per cent of the ~~patients~~ residents in the 35525
facility are medicaid recipients ~~of medical assistance~~. 35526

(B)(1) Except as provided by division (B)(2) of this section, 35527
the following are not required to be included in a provider 35528
agreement unless otherwise required by federal law: 35529

(a) Beds added during the period beginning July 1, 1987, and 35530
ending July 1, 1993, to a nursing home licensed under Chapter 35531
3721. of the Revised Code; 35532

(b) Beds in an intermediate care facility for the mentally 35533
retarded that are designated for respite care under a medicaid 35534
waiver component operated pursuant to a waiver sought under 35535
section 5111.87 of the Revised Code. 35536

(2) If a provider chooses to include a bed specified in 35537
division (B)(1) of this section in a provider agreement, the bed 35538
may not be removed from the provider agreement unless the provider 35539
withdraws the facility in which the bed is located from the 35540
medicaid program. 35541

(C) Nothing in this section shall bar any religious or 35542
denominational nursing facility or intermediate care facility for 35543
the mentally retarded that is operated, supervised, or controlled 35544
by a religious organization from giving preference to persons of 35545
the same religion or denomination. Nothing in this section shall 35546
bar any facility from giving preference to persons with whom it 35547
has contracted to provide continuing care. 35548

~~(C)~~(D) Nothing in this section shall bar any county home 35549
organized under Chapter 5155. of the Revised Code from admitting 35550
residents exclusively from the county in which the county home is 35551
located. 35552

~~(D)~~(E) No provider of a nursing facility or intermediate care 35553
facility for the mentally retarded with which a provider agreement 35554
is in effect shall violate the provider contract obligations 35555
imposed under this section. 35556

~~(E)~~(F) Nothing in divisions (A) and ~~(B)~~(C) of this section 35557
shall bar any nursing facility or intermediate care facility for 35558
the mentally retarded from retaining ~~patients~~ residents who have 35559
resided in the facility for not less than one year as private pay 35560
patients and who subsequently become medicaid recipients of 35561
~~assistance under the medicaid program~~, but refusing to accept as a 35562
~~patient~~ resident any person who is or may, as a ~~patient~~ resident 35563
in the facility, become a medicaid recipient of ~~assistance under~~ 35564
~~the medicaid program~~, if all of the following apply: 35565

(1) The facility does not refuse to retain any ~~patient~~ 35566
resident who has resided in the facility for not less than one 35567
year as a private pay ~~patient~~ resident because the ~~patient~~ 35568
resident becomes a medicaid recipient of ~~assistance under the~~ 35569
~~medicaid program~~, except as necessary to comply with division 35570
~~(E)~~(F)(2) of this section; 35571

(2) The number of medicaid recipients retained under this 35572
division does not at any time exceed ten per cent of all the 35573
~~patients~~ residents in the facility; 35574

(3) On July 1, 1980, all the ~~patients~~ residents in the 35575
facility were private pay ~~patients~~ residents. 35576

Sec. ~~5111.32~~ 5111.223. Any ~~patient~~ resident has a cause of 35577
action against a nursing facility or intermediate care facility 35578
for the mentally retarded for breach of the provider agreement 35579
obligations or other duties imposed by section ~~5111.31~~ 5111.222 of 35580
the Revised Code. The action may be commenced by the ~~patient~~ 35581
resident, or on ~~his~~ the resident's behalf by ~~his~~ the resident's 35582

sponsor or a residents' rights advocate, as either is defined 35583
under section 3721.10 of the Revised Code, by the filing of a 35584
civil action in the court of common pleas of the county in which 35585
the facility is located, or in the court of common pleas of 35586
Franklin county. 35587

If the court finds that a breach of the provider agreement 35588
obligations imposed by section ~~5111.31~~ 5111.222 of the Revised 35589
Code has occurred, the court may enjoin the facility from engaging 35590
in the practice, order such affirmative relief as may be 35591
necessary, and award to the ~~patient~~ resident and a person or 35592
public agency that brings an action on behalf of a ~~patient~~ 35593
resident actual damages, costs, and reasonable attorney's fees. 35594

Sec. ~~5111.30~~ 5111.224. The department of job and family 35595
services shall terminate ~~the provider a provider's provider~~ 35596
agreement ~~with~~ for a nursing facility or intermediate care 35597
facility for the mentally retarded that does not comply with the 35598
requirements of section 3721.071 of the Revised Code for the 35599
installation of fire extinguishing and fire alarm systems. 35600

Sec. ~~5111.26~~ 5111.23. (A)(1)(a) ~~Except as provided in~~ 35601
~~division (A)(1)(b) of this section, each nursing facility and~~ 35602
~~intermediate care facility for the mentally retarded~~ Each provider 35603
shall file with the department of job and family services an 35604
annual cost report ~~prepared for each of the provider's nursing~~ 35605
facilities and intermediate care facilities for the mentally 35606
retarded that participate in the medicaid program. A provider 35607
shall prepare the reports in accordance with guidelines 35608
established by the department of job and family services. ~~The A~~ 35609
report shall cover a calendar year or the portion of a calendar 35610
year during which the facility participated in the ~~medial~~ 35611
~~assistance~~ medicaid program. ~~All facilities~~ A provider shall file 35612
the reports within ninety days after the end of the calendar year. 35613

The department, for good cause, may grant a fourteen-day extension 35614
of the time for filing cost reports upon written request from a 35615
~~facility provider~~. The director of job and family services shall 35616
prescribe, in rules adopted ~~in accordance with Chapter 119. under~~ 35617
section 5111.02 of the Revised Code, the cost reporting form and a 35618
uniform chart of accounts for the purpose of cost reporting, and 35619
shall distribute cost reporting forms or computer software for 35620
electronic submission of the cost report to each ~~nursing facility~~ 35621
~~and intermediate care facility for the mentally retarded provider~~ 35622
at least sixty days before the ~~facility's~~ reporting date. 35623

~~(b) A facility for which rates are established under section~~ 35624
~~5111.255 of the Revised Code shall submit a cost report no later~~ 35625
~~than ninety days after the end of the facility's first three full~~ 35626
~~calendar months of operation. A facility that opens after the~~ 35627
~~first day of October in any calendar year is not required to file~~ 35628
~~a cost report for that calendar year.~~ 35629

(2) If a ~~nursing facility or intermediate care facility for~~ 35630
~~the mentally retarded provider~~ required to submit a cost reports 35631
report for a nursing facility or intermediate care facility for 35632
the mentally retarded does not file the reports report within the 35633
required time ~~periods~~ period or within fourteen days thereafter if 35634
an extension is granted under division (A)(1)(a) of this section, 35635
or files an incomplete or inadequate report for the facility, the 35636
department shall provide immediate written notice to the ~~facility~~ 35637
provider that ~~its~~ the provider agreement for the facility will be 35638
terminated in thirty days unless the ~~facility~~ provider submits a 35639
complete and adequate cost report for the facility within thirty 35640
days. During the thirty-day termination period or any additional 35641
time allowed for an appeal of the proposed termination of a 35642
provider agreement, the ~~facility~~ provider shall be paid ~~its~~ the 35643
facility's then current per resident per day rate, minus two 35644
dollars. On July 1, 1994, the department shall adjust the 35645

two-dollar reduction to reflect the rate of inflation during the 35646
preceding twelve months, as shown in the consumer price index for 35647
all items for all urban consumers for the north central region, 35648
published by the United States bureau of labor statistics. On July 35649
1, 1995, and the first day of July of each year thereafter, the 35650
department shall adjust the amount of the reduction in effect 35651
during the previous twelve months to reflect the rate of inflation 35652
during the preceding twelve months, as shown in the same index. 35653

(B) No ~~nursing facility or intermediate care facility for the~~ 35654
~~mentally retarded~~ provider shall report fines paid under sections 35655
5111.35 to 5111.62 or section 5111.99 of the Revised Code in any 35656
cost report filed under this section. 35657

(C) The department shall develop an addendum to the cost 35658
report form that a ~~nursing facility or intermediate care facility~~ 35659
~~for the mentally retarded~~ provider may use to set forth costs that 35660
the ~~facility~~ provider believes may be disputed by the department. 35661
~~Any costs reported by the facility on the addendum may be~~ 35662
~~considered by the department in setting the facility's rate. If~~ 35663
~~the department does not consider the costs listed on the addendum~~ 35664
~~in setting the facility's rate, the facility may seek~~ 35665
~~reconsideration of that determination under section 5111.29 of the~~ 35666
~~Revised Code. If the department subsequently includes the costs~~ 35667
~~listed in the addendum in the facility's rate, the department~~ 35668
~~shall pay the facility interest at a reasonable rate established~~ 35669
~~in rules adopted in accordance with Chapter 119. of the Revised~~ 35670
~~Code for the time that the rate paid excluded the costs.~~ 35671

Sec. 5111.231. As used in this section, "franchise permit 35672
fee" means the fee imposed by sections 3721.50 to 3721.58 of the 35673
Revised Code. 35674

A provider of a nursing facility filing the facility's cost 35675
report with the department of job and family services under 35676

section 5111.23 of the Revised Code shall report as a 35677
nonreimbursable expense the cost of the portion of the franchise 35678
permit fee that is deposited into the nursing facility 35679
stabilization fund pursuant to section 3721.561 of the Revised 35680
Code. 35681

~~Sec. 5111.231 5111.24. (A)(1) The department of job and~~ 35682
~~family services shall determine case mix scores for nursing~~ 35683
~~facilities using data for each resident, regardless of payment~~ 35684
~~source, from a resident assessment instrument specified in rules~~ 35685
~~adopted in accordance with Chapter 119. of the Revised Code~~ 35686
~~pursuant to section 1919(e)(5) of the "Social Security Act," 49~~ 35687
~~Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, and the~~ 35688
~~case mix values established by the United States department of~~ 35689
~~health and human services. Except as modified in rules adopted~~ 35690
~~under division (A)(1)(c) of this section, the department also~~ 35691
~~shall use the grouper methodology used on June 30, 1999, by the~~ 35692
~~United States department of health and human services for~~ 35693
~~prospective payment of skilled nursing facilities under the~~ 35694
~~medicare program established by Title XVIII of the "Social~~ 35695
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~ 35696
~~The director of job and family services may adopt rules in~~ 35697
~~accordance with Chapter 119. of the Revised Code that do any of~~ 35698
~~the following:~~ 35699

~~(a) Adjust the case mix values to reflect changes in relative~~ 35700
~~wage differentials that are specific to this state;~~ 35701

~~(b) Express all of the case mix values in numeric terms that~~ 35702
~~are different from the terms specified by the United States~~ 35703
~~department of health and human services but that do not alter the~~ 35704
~~relationship of the case mix values to one another;~~ 35705

~~(c) Modify the grouper methodology as follows:~~ 35706

~~(i) Establish a different hierarchy for assigning residents to case mix categories under the methodology;~~ 35707
35708

~~(ii) Prohibit the use of the index maximizer element of the methodology;~~ 35709
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~~(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;~~ 35711
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~~(iv) Make other changes the nursing facility reimbursement study council established by section 5111.34 of the Revised Code approves.~~ 35714
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35716

~~(2) The department shall determine case mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident assessment instrument and grouper methodology prescribed in rules adopted in accordance with Chapter 119. of the Revised Code and expressed in case mix values established by the department in those rules.~~ 35717
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~~(B) Not later than fifteen days after the end of each Each calendar quarter, each provider of a nursing facility and each provider of an intermediate care facility for the mentally retarded shall submit to the department the compile complete assessment data, from the instrument specified in rules adopted under division (A) of this section, for each resident, regardless of payment source, who was in the facility or on hospital or therapeutic leave from the facility on the last day of the quarter. Providers of a nursing facility shall submit the data to the department of health and, if required by rules, the department of job and family services. Providers of an intermediate care facility for the mentally retarded shall submit the data to the department of job and family services. The data shall be submitted not later than fifteen days after the end of the calendar quarter~~ 35724
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for which the data is compiled. 35738

~~Except as provided in division (C) of this section, the 35739
department, after the end of each calendar year and pursuant to 35740
procedures specified in rules adopted in accordance with Chapter 35741
119. of the Revised Code, shall calculate an annual average 35742
case mix score for each nursing facility and intermediate care 35743
facility for the mentally retarded using the facility's quarterly 35744
case mix scores for that calendar year. 35745~~

~~(C)(1) If a facility does not timely submit information for a 35746
calendar quarter necessary to calculate its case mix score, or 35747
submits incomplete or inaccurate information for a calendar 35748
quarter, the department may assign the facility a quarterly 35749
average case mix score that is five per cent less than the 35750
facility's quarterly average case mix score for the preceding 35751
calendar quarter. If the facility was subject to an exception 35752
review under division (C) of section 5111.27 of the Revised Code 35753
for the preceding calendar quarter, the department may assign a 35754
quarterly average case mix score that is five per cent less than 35755
the score determined by the exception review. If the facility was 35756
assigned a quarterly average case mix score for the preceding 35757
quarter, the department may assign a quarterly average case mix 35758
score that is five per cent less than that score assigned for the 35759
preceding quarter. 35760~~

~~The department may use a quarterly average case mix score 35761
assigned under division (C)(1) of this section, instead of a 35762
quarterly average case mix score calculated based on the 35763
facility's submitted information, to calculate the facility's rate 35764
for direct care costs being established under section 5111.23 of 35765
the Revised Code for one or more months, as specified in rules 35766
adopted under division (D) of this section, of the quarter for 35767
which the rate established under section 5111.23 of the Revised 35768
Code will be paid. 35769~~

~~Before taking action under division (C)(1) of this section, 35770
the department shall permit the facility a reasonable period of 35771
time, specified in rules adopted under division (D) of this 35772
section, to correct the information. In the case of an 35773
intermediate care facility for the mentally retarded, the 35774
department shall not assign a quarterly average case mix score due 35775
to late submission of corrections to assessment information unless 35776
the facility fails to submit corrected information prior to the 35777
eighty first day after the end of the calendar quarter to which 35778
the information pertains. In the case of a nursing facility, the 35779
department shall not assign a quarterly average case mix score due 35780
to late submission of corrections to assessment information unless 35781
the facility fails to submit corrected information prior to the 35782
earlier of the eighty first day after the end of the calendar 35783
quarter to which the information pertains or the deadline for 35784
submission of such corrections established by regulations adopted 35785
by the United States department of health and human services under 35786
Titles XVIII and XIX of the Social Security Act. 35787~~

~~(2) If a facility is paid a rate calculated using a quarterly 35788
average case mix score assigned under division (C)(1) of this 35789
section for more than six months in a calendar year, the 35790
department may assign the facility a cost per case mix unit that 35791
is five per cent less than the facility's actual or assigned cost 35792
per case mix unit for the preceding calendar year. The department 35793
may use the assigned cost per case mix unit, instead of 35794
calculating the facility's actual cost per case mix unit in 35795
accordance with section 5111.23 of the Revised Code, to establish 35796
the facility's rate for direct care costs for the following fiscal 35797
year. 35798~~

~~(3) The department shall take action under division (C)(1) or 35799
(2) of this section only in accordance with rules adopted under 35800
division (D) of this section. The department shall not take an 35801~~

~~action that affects rates for prior payment periods except in~~ 35802
~~accordance with sections 5111.27 and 5111.28 of the Revised Code.~~ 35803

~~(D) The director may adopt rules in accordance with Chapter~~ 35804
~~119. of the Revised Code that~~ the director of job and family 35805
services adopts under section 5111.02 of the Revised Code shall do 35806
any all of the following: 35807

~~(1)(A) Specify the resident assessment instrument that~~ 35808
providers shall use to compile the assessment data required by 35809
this section; 35810

~~(B) Specify whether providers of a nursing facility must~~ 35811
submit the assessment data to the department of job and family 35812
services; 35813

~~(C) Specify the medium or media through which the completed~~ 35814
assessment information data shall be submitted; 35815

~~(2)(D) Establish procedures under which the department will~~ 35816
review the assessment information data shall be reviewed for 35817
accuracy and ~~notify the facility providers shall be notified~~ of 35818
any information data that requires correction; 35819

~~(3)(E) Establish procedures for facilities providers to~~ 35820
correct assessment information. ~~The procedures may prohibit an~~ 35821
~~intermediate care facility for the mentally retarded from~~ 35822
~~submitting corrected assessment information, for the purpose of~~ 35823
~~calculating its annual average case mix score, more than two~~ 35824
~~calendar quarters after the end of the quarter to which the~~ 35825
~~information pertains or, if the information pertains to the~~ 35826
~~quarter ending the thirty first day of December, after the~~ 35827
~~thirty first day of the following March~~ data and specify a 35828
reasonable period of time by which providers shall submit the 35829
corrections. The procedures may limit the content of corrections 35830
by providers of a nursing facilities facility in the manner 35831
required by regulations adopted by the United States department of 35832

health and human services under ~~Titles~~ Title XVIII and Title XIX 35833
of the Social Security Act and prohibit a nursing facility from 35834
~~submitting corrected assessment information, for the purpose of~~ 35835
~~calculating its annual average case mix score, more than the~~ 35836
~~earlier of the following:~~ 35837

~~(a) Two calendar quarters after the end of the quarter to~~ 35838
~~which the information pertains or, if the information pertains to~~ 35839
~~the quarter ending the thirty first day of December, after the~~ 35840
~~thirty first day of the following March;~~ 35841

~~(b) The deadline for submission of such corrections~~ 35842
~~established by regulations adopted by the United States department~~ 35843
~~of health and human services under Titles XVIII and XIX of the~~ 35844
~~Social Security Act.~~ 35845

~~(4) Specify when and how the department will assign case mix~~ 35846
~~scores or costs per case mix unit under division (C) of this~~ 35847
~~section if information necessary to calculate the facility's~~ 35848
~~average annual or quarterly case mix score is not provided or~~ 35849
~~corrected in accordance with the procedures established by the~~ 35850
~~rules. Notwithstanding any other provision of sections 5111.20 to~~ 35851
~~5111.32 of the Revised Code, the rules also may provide for~~ 35852
~~exclusion of case mix scores assigned under division (C) of this~~ 35853
~~section from calculation of the facility's annual average case mix~~ 35854
~~score and the maximum cost per case mix unit for the facility's~~ 35855
~~peer group.~~ 35856

Sec. 5111.263 **5111.25.** (A) As used in this section, "covered 35857
therapy services" means physical therapy, occupational therapy, 35858
audiology, and speech therapy services that are provided by 35859
appropriately licensed therapists or therapy assistants and that 35860
are covered for nursing facility residents either by the medicare 35861
program established under Title XVIII of the "Social Security 35862
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, or the 35863

~~medical assistance~~ medicaid program as specified in rules adopted 35864
by the ~~director of job and family services in accordance with~~ 35865
~~Chapter 119.~~ under section 5111.02 of the Revised Code. 35866

(B) ~~Except as provided in division (C) of this section, the~~ 35867
The costs of non-covered therapy services are not allowable costs 35868
for nursing facilities for the purpose of determining rates under 35869
~~sections 5111.23, 5111.231, 5111.235, 5111.24, 5111.241, 5111.25,~~ 35870
~~5111.251, 5111.255, and 5111.257 of the Revised Code~~ the medicaid 35871
program. 35872

(C) The department of job and family services shall process 35873
no claims for payment under the ~~medical assistance~~ medicaid 35874
program for covered therapy services rendered to a resident of a 35875
nursing facility other than such claims submitted, in accordance 35876
with this section, by a nursing facility that has a valid provider 35877
agreement with the department. 35878

(D) ~~Nursing facilities~~ Providers that have entered into a 35879
provider agreement for a nursing facility may bill the department 35880
of job and family services for covered therapy services ~~at the~~ 35881
nursing facility provides to residents of any nursing facility who 35882
are medicaid recipients ~~of the medical assistance program~~ and not 35883
eligible for the medicare program. 35884

(E) The department shall not process any claim for a covered 35885
therapy service provided to a nursing facility resident who is 35886
eligible for the medicare program unless the claim is for a 35887
copayment or deductible or the conditions in division (E)(1) or 35888
(2) of this section apply: 35889

(1) The covered therapy service provided is, under the 35890
federal statutes, regulations, or policies governing the medicare 35891
program, not covered by the medicare program and the service is, 35892
under the provisions of this chapter or the rules adopted under 35893
~~this chapter~~ section 5111.02 of the Revised Code, covered by the 35894

medical assistance <u>medicaid</u> program.	35895
(2) All of the following apply:	35896
(a) The individual or entity who provided the covered therapy service was eligible to bill the medicare program for the service.	35897 35898
(b) A complete, accurate, and timely claim was submitted to the medicare program and the program denied payment for the service as not medically necessary for the resident. For the purposes of division (E)(2)(b) of this section, a claim is not considered to have been denied by the medicare program until either a denial has been issued following a medicare fair hearing or six months have elapsed since the request for a fair hearing was filed.	35899 35900 35901 35902 35903 35904 35905 35906
(c) The facility is required to provide or arrange for the provision of the service by a licensed therapist or therapy assistant to be in compliance with federal or state nursing facility certification requirements for the medical assistance <u>medicaid</u> program.	35907 35908 35909 35910 35911
(d) The claim for payment for the services under the medical assistance <u>medicaid</u> program is accompanied by documentation that divisions (E)(2)(b) and (c) of this section apply to the service.	35912 35913 35914
(F) The reimbursement allowed by the department for covered therapy services provided to nursing facility residents and billed under division (D) or (E) of this section shall be fifteen per cent less than the fees it pays for the same services rendered to hospital outpatients. The director may adopt rules in accordance with Chapter 119. <u>under section 5111.02</u> of the Revised Code establishing comparable fees for covered therapy services that are not included in its schedule of fees paid for services rendered to hospital outpatients.	35915 35916 35917 35918 35919 35920 35921 35922 35923
(G) A nursing facility's reasonable costs for rehabilitative, restorative, or maintenance therapy services rendered to facility	35924 35925

~~residents by nurses or nurse aides, and the facility's overhead 35926
costs to support provision of therapy services provided to nursing 35927
facility residents, are allowable costs for the purposes of 35928
establishing rates under sections 5111.23, 5111.231, 5111.235, 35929
5111.24, 5111.241, 5111.25, 5111.251, 5111.255, and 5111.257 of 35930
the Revised Code. 35931~~

Sec. 5111.251. If one or more medicaid-certified beds are 35932
relocated from one nursing facility to another nursing facility 35933
owned by a different person or government entity after the 35934
effective date of this section, amortization of the cost of 35935
acquiring operating rights for the transferred beds is not an 35936
allowable cost for the purpose of determining the nursing 35937
facility's medicaid reimbursement rate for nursing facility 35938
services provided during fiscal year 2008 or thereafter. 35939

~~Sec. 5111.33 5111.26. Reimbursement Medicaid payments to 35940
nursing facilities facility and intermediate care facilities 35941
facility for the mentally retarded under sections 5111.20 to 35942
5111.32 of the Revised Code providers shall include payments to 35943
facilities, at a rate equal to the percentage of the per resident 35944
per day rates that the department of job and family services has 35945
established for the a provider's facility under sections 5111.23 35946
to 5111.29 rules adopted under section 5111.02 of the Revised Code 35947
for the fiscal year for which the cost of services payment is 35948
reimbursed made, to reserve a bed for a recipient during a 35949
temporary absence under conditions prescribed by the department, 35950
to include hospitalization for an acute condition, visits with 35951
relatives and friends, and participation in therapeutic programs 35952
outside the facility, when the resident's plan of care provides 35953
for such absence and federal participation in the payments payment 35954
is available. The maximum period during which payments may be made 35955
to reserve a bed shall not exceed the maximum period specified 35956~~

under federal regulations, and shall not be more than thirty days 35957
during any calendar year for hospital stays, visits with relatives 35958
and friends, and participation in therapeutic programs. Recipients 35959
who have been identified by the department as requiring the level 35960
of care of an intermediate care facility for the mentally retarded 35961
shall not be subject to a maximum period during which payments may 35962
be made to reserve a bed if prior authorization of the department 35963
is obtained for hospital stays, visits with relatives and friends, 35964
and participation in therapeutic programs. The rules that the 35965
director of job and family services ~~shall adopt rules under~~ 35966
~~division (B) of~~ adopts under section 5111.02 of the Revised Code 35967
establishing shall establish conditions under which prior 35968
authorization may be obtained. 35969

Sec. ~~5111.25~~ 5111.27. ~~(A) The department of job and family~~ 35970
~~services shall pay each eligible nursing facility a per resident~~ 35971
~~per day rate for its reasonable capital costs established~~ 35972
~~prospectively each fiscal year for each facility. Except as~~ 35973
~~otherwise provided in sections 5111.20 to 5111.32 of the Revised~~ 35974
~~Code, the rate shall be based on the facility's capital costs for~~ 35975
~~the calendar year preceding the fiscal year in which the rate will~~ 35976
~~be paid. The rate shall equal the sum of divisions (A)(1) to (3)~~ 35977
~~of this section:~~ 35978

~~(1) The lesser of the following:~~ 35979

~~(a) Eighty eight and sixty five one hundredths per cent of~~ 35980
~~the facility's desk reviewed, actual, allowable, per diem cost of~~ 35981
~~ownership and eighty five per cent of the facility's actual,~~ 35982
~~allowable, per diem cost of nonextensive renovation determined~~ 35983
~~under division (F) of this section:~~ 35984

~~(b) Eighty eight and sixty five one hundredths per cent of~~ 35985
~~the following limitation:~~ 35986

~~(i) For the fiscal year beginning July 1, 1993, sixteen~~ 35987

dollars per resident day; 35988

(ii) For the fiscal year beginning July 1, 1994, sixteen 35989
dollars per resident day, adjusted to reflect the rate of 35990
inflation for the twelve month period beginning July 1, 1992, and 35991
ending June 30, 1993, using the consumer price index for shelter 35992
costs for all urban consumers for the north central region, 35993
published by the United States bureau of labor statistics; 35994

(iii) For subsequent fiscal years, the limitation in effect 35995
during the previous fiscal year, adjusted to reflect the rate of 35996
inflation for the twelve month period beginning on the first day 35997
of July for the calendar year preceding the calendar year that 35998
precedes the fiscal year and ending on the following thirtieth day 35999
of June, using the consumer price index for shelter costs for all 36000
urban consumers for the north central region, published by the 36001
United States bureau of labor statistics. 36002

(2) Any efficiency incentive determined under division (D) of 36003
this section; 36004

(3) Any amounts for return on equity determined under 36005
division (H) of this section. 36006

Buildings shall be depreciated using the straight line method 36007
over forty years or over a different period approved by the 36008
department. Components and equipment shall be depreciated using 36009
the straight line method over a period designated in rules adopted 36010
by the director of job and family services in accordance with 36011
Chapter 119. of the Revised Code, consistent with the guidelines 36012
of the American hospital association, or over a different period 36013
approved by the department. Any rules adopted under this division 36014
that specify useful lives of buildings, components, or equipment 36015
apply only to assets acquired on or after July 1, 1993. 36016
Depreciation for costs paid or reimbursed by any government agency 36017
shall not be included in cost of ownership or renovation unless 36018

~~that part of the payment under sections 5111.20 to 5111.32 of the Revised Code is used to reimburse the government agency.~~ 36019
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~~(B) The capital cost basis of nursing facility assets shall be determined in the following manner:~~ 36021
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~~(1) For purposes of calculating the rate to be paid for the fiscal year beginning July 1, 1993, for facilities with dates of licensure on or before June 30, 1993, the capital cost basis shall be equal to the following:~~ 36023
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~~(a) For facilities that have not had a change of ownership during the period beginning January 1, 1993, and ending June 30, 1993, the desk reviewed, actual, allowable capital cost basis that is listed on the facility's cost report for the cost reporting period ending December 31, 1992, plus the actual, allowable capital cost basis of any assets constructed or acquired after December 31, 1992, but before July 1, 1993, if the aggregate capital costs of those assets would increase the facility's rate for capital costs by twenty or more cents per resident per day.~~ 36027
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~~(b) For facilities that have a date of licensure or had a change of ownership during the period beginning January 1, 1993, and ending June 30, 1993, the actual, allowable capital cost basis of the person or government entity that owns the facility on June 30, 1993.~~ 36036
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~~Capital cost basis shall be calculated as provided in division (B)(1) of this section subject to approval by the United States health care financing administration of any necessary amendment to the state plan for providing medical assistance.~~ 36041
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~~The department shall include the actual, allowable capital cost basis of assets constructed or acquired during the period beginning January 1, 1993, and ending June 30, 1993, in the calculation for the facility's rate effective July 1, 1993, if the aggregate capital costs of the assets would increase the~~ 36045
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~~facility's rate by twenty or more cents per resident per day and
the facility provides the department with sufficient documentation
of the costs before June 1, 1993. If the facility provides the
documentation after that date, the department shall adjust the
facility's rate to reflect the costs of the assets one month after
the first day of the month after the department receives the
documentation.~~

~~(2) Except as provided in division (B)(4) of this section,
for purposes of calculating the rates to be paid for fiscal years
beginning after June 30, 1994, for facilities with dates of
licensure on or before June 30, 1993, the capital cost basis of
each asset shall be equal to the desk reviewed, actual, allowable,
capital cost basis that is listed on the facility's cost report
for the calendar year preceding the fiscal year during which the
rate will be paid.~~

~~(3) For facilities with dates of licensure after June 30,
1993, the capital cost basis shall be determined in accordance
with the principles of the medicare program established under
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42
U.S.C.A. 301, as amended, except as otherwise provided in sections
5111.20 to 5111.32 of the Revised Code.~~

~~(4) Except as provided in division (B)(5) of this section, if
a provider transfers an interest in a facility to another provider
after June 30, 1993, there shall be no increase in the capital
cost basis of the asset if the providers are related parties. If
the providers are not related parties or if they are related
parties and division (B)(5) of this section requires the
adjustment of the capital cost basis under this division, the
basis of the asset shall be adjusted by the lesser of the
following:~~

~~(a) One half of the change in construction costs during the~~

~~time that the transferor held the asset, as calculated by the
department of job and family services using the "Dodge building
cost indexes, northeastern and north central states," published by
Marshall and Swift;~~ 36081
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~~(b) One half of the change in the consumer price index for
all items for all urban consumers, as published by the United
States bureau of labor statistics, during the time that the
transferor held the asset.~~ 36085
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~~(5) If a provider transfers an interest in a facility to
another provider who is a related party, the capital cost basis of
the asset shall be adjusted as specified in division (B)(4) of
this section for a transfer to a provider that is not a related
party if all of the following conditions are met:~~ 36089
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~~(a) The related party is a relative of owner;~~ 36094

~~(b) Except as provided in division (B)(5)(c)(ii) of this
section, the provider making the transfer retains no ownership
interest in the facility;~~ 36095
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~~(c) The department of job and family services determines that
the transfer is an arm's length transaction pursuant to rules the
department shall adopt in accordance with Chapter 119. of the
Revised Code no later than December 31, 2000. The rules shall
provide that a transfer is an arm's length transaction if all of
the following apply:~~ 36098
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~~(i) Once the transfer goes into effect, the provider that
made the transfer has no direct or indirect interest in the
provider that acquires the facility or the facility itself,
including interest as an owner, officer, director, employee,
independent contractor, or consultant, but excluding interest as a
creditor.~~ 36104
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~~(ii) The provider that made the transfer does not reacquire~~ 36110

~~an interest in the facility except through the exercise of a
creditor's rights in the event of a default. If the provider
reacquires an interest in the facility in this manner, the
department shall treat the facility as if the transfer never
occurred when the department calculates its reimbursement rates
for capital costs.~~ 36111
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~~(iii) The transfer satisfies any other criteria specified in
the rules.~~ 36117
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~~(d) Except in the case of hardship caused by a catastrophic
event, as determined by the department, or in the case of a
provider making the transfer who is at least sixty five years of
age, not less than twenty years have elapsed since, for the same
facility, the capital cost basis was adjusted most recently under
division (B)(5) of this section or actual, allowable cost of
ownership was determined most recently under division (C)(9) of
this section.~~ 36119
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~~(C) As used in this division, "lease expense" means lease
payments in the case of an operating lease and depreciation
expense and interest expense in the case of a capital lease. As
used in this division, "new lease" means a lease, to a different
lessee, of a nursing facility that previously was operated under a
lease.~~ 36127
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~~(1) Subject to the limitation specified in division (A)(1) of
this section, for a lease of a facility that was effective on May
27, 1992, the entire lease expense is an actual, allowable cost of
ownership during the term of the existing lease. The entire lease
expense also is an actual, allowable cost of ownership if a lease
in existence on May 27, 1992, is renewed under either of the
following circumstances:~~ 36133
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~~(a) The renewal is pursuant to a renewal option that was in
existence on May 27, 1992;~~ 36140
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~~(b) The renewal is for the same lease payment amount and
between the same parties as the lease in existence on May 27,
1992.~~ 36142
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~~(2) Subject to the limitation specified in division (A)(1) of
this section, for a lease of a facility that was in existence but
not operated under a lease on May 27, 1992, actual, allowable cost
of ownership shall include the lesser of the annual lease expense
or the annual depreciation expense and imputed interest expense
that would be calculated at the inception of the lease using the
lessor's entire historical capital asset cost basis, adjusted by
the lesser of the following amounts:~~ 36145
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~~(a) One half of the change in construction costs during the
time the lessor held each asset until the beginning of the lease,
as calculated by the department using the "Dodge building cost
indexes, northeastern and north central states," published by
Marshall and Swift;~~ 36153
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~~(b) One half of the change in the consumer price index for
all items for all urban consumers, as published by the United
States bureau of labor statistics, during the time the lessor held
each asset until the beginning of the lease.~~ 36158
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~~(3) Subject to the limitation specified in division (A)(1) of
this section, for a lease of a facility with a date of licensure
on or after May 27, 1992, that is initially operated under a
lease, actual, allowable cost of ownership shall include the
annual lease expense if there was a substantial commitment of
money for construction of the facility after December 22, 1992,
and before July 1, 1993. If there was not a substantial commitment
of money after December 22, 1992, and before July 1, 1993, actual,
allowable cost of ownership shall include the lesser of the annual
lease expense or the sum of the following:~~ 36162
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~~(a) The annual depreciation expense that would be calculated~~ 36172

~~at the inception of the lease using the lessor's entire historical capital asset cost basis;~~ 36173
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~~(b) The greater of the lessor's actual annual amortization of financing costs and interest expense at the inception of the lease or the imputed interest expense calculated at the inception of the lease using seventy per cent of the lessor's historical capital asset cost basis.~~ 36175
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~~(4) Subject to the limitation specified in division (A)(1) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that was not initially operated under a lease and has been in existence for ten years, actual, allowable cost of ownership shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the entire historical capital asset cost basis of the lessor, adjusted by the lesser of the following:~~ 36180
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~~(a) One half of the change in construction costs during the time the lessor held each asset until the beginning of the lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;~~ 36189
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~~(b) One half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.~~ 36194
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~~(5) Subject to the limitation specified in division (A)(1) of this section, for a new lease of a facility that was operated under a lease on May 27, 1992, actual, allowable cost of ownership shall include the lesser of the annual new lease expense or the annual old lease payment. If the old lease was in effect for ten years or longer, the old lease payment from the beginning of the~~ 36198
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~~old lease shall be adjusted by the lesser of the following:~~ 36204

~~(a) One half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;~~ 36205
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~~(b) One half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.~~ 36210
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~~(6) Subject to the limitation specified in division (A)(1) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable cost of ownership shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (C)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be adjusted by the lesser of the following for purposes of calculating the annual amount under division (C)(2), (3), (4), or (6) of this section:~~ 36214
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~~(a) One half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;~~ 36225
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~~(b) One half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.~~ 36230
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~~In the case of a lease under division (C)(3) of this section~~ 36234

~~of a facility for which a substantial commitment of money was made after December 22, 1992, and before July 1, 1993, the old lease payment shall be adjusted for the purpose of determining the annual amount.~~ 36235
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~~(7) For any revision of a lease described in division (C)(1), (2), (3), (4), (5), or (6) of this section, or for any subsequent lease of a facility operated under such a lease, other than execution of a new lease, the portion of actual, allowable cost of ownership attributable to the lease shall be the same as before the revision or subsequent lease.~~ 36239
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~~(8) Except as provided in division (C)(9) of this section, if a provider leases an interest in a facility to another provider who is a related party, the related party's actual, allowable cost of ownership shall include the lesser of the annual lease expense or the reasonable cost to the lessor.~~ 36245
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~~(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable cost of ownership shall include the annual lease expense, subject to the limitations specified in divisions (C)(1) to (7) of this section, if all of the following conditions are met:~~ 36250
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~~(a) The related party is a relative of owner;~~ 36256

~~(b) If the lessor retains an ownership interest, it is, except as provided in division (C)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;~~ 36257
36258
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~~(c) The department of job and family services determines that the lease is an arm's length transaction pursuant to rules the department shall adopt in accordance with Chapter 119. of the Revised Code no later than December 31, 2000. The rules shall provide that a lease is an arm's length transaction if all of the following apply:~~ 36260
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~~(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (C)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.~~ 36266
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~~(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.~~ 36271
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~~(iii) The lease satisfies any other criteria specified in the rules.~~ 36277
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~~(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (B)(5) of this section or actual, allowable cost of ownership was determined most recently under division (C)(9) of this section.~~ 36279
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~~(10) This division does not apply to leases of specific items of equipment.~~ 36286
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~~(D)(1) Subject to division (D)(2) of this section, the department shall pay each nursing facility an efficiency incentive that is equal to fifty per cent of the difference between the following:~~ 36288
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~~(a) Eighty eight and sixty five one hundredths per cent of the facility's desk reviewed, actual, allowable, per diem cost of ownership;~~ 36292
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~~(b) The applicable amount specified in division (E) of this~~ 36295

~~section.~~ 36296

~~(2) The efficiency incentive paid to a nursing facility shall not exceed the greater of the following:~~ 36297
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~~(a) The efficiency incentive the facility was paid during the fiscal year ending June 30, 1994:~~ 36299
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~~(b) Three dollars per resident per day, adjusted annually for rates paid beginning July 1, 1994, for the inflation rate for the twelve month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year for which the efficiency incentive is determined and ending on the thirtieth day of the following June, 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.~~ 36301
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~~(3) For purposes of calculating the efficiency incentive, depreciation for costs that are paid or reimbursed by any government agency shall be considered as costs of ownership, and renovation costs that are paid under division (F) of this section shall not be considered costs of ownership.~~ 36310
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~~(E) The following amounts shall be used to calculate efficiency incentives for nursing facilities under this section:~~ 36315
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~~(1) For facilities with dates of licensure prior to January 1, 1958, four dollars and twenty four cents per patient day;~~ 36317
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~~(2) For facilities with dates of licensure after December 31, 1957, but prior to January 1, 1968:~~ 36319
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~~(a) Five dollars and twenty four cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;~~ 36321
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~~(b) Four dollars and twenty four cents per patient day if the cost of construction was less than three thousand five hundred~~ 36324
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dollars per bed.	36326
(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976:	36327
	36328
(a) Six dollars and twenty four cents per patient day if the cost of construction was five thousand one hundred fifty dollars or more per bed:	36329
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(b) Five dollars and twenty four cents per patient day if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeded three thousand five hundred dollars per bed:	36332
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(c) Four dollars and twenty four cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	36336
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	36338
(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979:	36339
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(a) Seven dollars and twenty four cents per patient day if the cost of construction was six thousand eight hundred dollars or more per bed:	36341
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	36343
(b) Six dollars and twenty four cents per patient day if the cost of construction was less than six thousand eight hundred dollars per bed but exceeded five thousand one hundred fifty dollars per bed:	36344
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(c) Five dollars and twenty four cents per patient day if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeded three thousand five hundred dollars per bed:	36348
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	36351
(d) Four dollars and twenty four cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	36352
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	36354
(5) For facilities with dates of licensure after December 31,	36355

1978, but prior to January 1, 1981: 36356

(a) ~~Seven dollars and seventy four cents per patient day if~~ 36357
~~the cost of construction was seven thousand six hundred~~ 36358
~~twenty five dollars or more per bed;~~ 36359

(b) ~~Seven dollars and twenty four cents per patient day if~~ 36360
~~the cost of construction was less than seven thousand six hundred~~ 36361
~~twenty five dollars per bed but exceeded six thousand eight~~ 36362
~~hundred dollars per bed;~~ 36363

(c) ~~Six dollars and twenty four cents per patient day if the~~ 36364
~~cost of construction was six thousand eight hundred dollars or~~ 36365
~~less per bed but exceeded five thousand one hundred fifty dollars~~ 36366
~~per bed;~~ 36367

(d) ~~Five dollars and twenty four cents per patient day if the~~ 36368
~~cost of construction was five thousand one hundred fifty dollars~~ 36369
~~or less but exceeded three thousand five hundred dollars per bed;~~ 36370

(e) ~~Four dollars and twenty four cents per patient day if the~~ 36371
~~cost of construction was three thousand five hundred dollars or~~ 36372
~~less per bed.~~ 36373

(6) ~~For facilities with dates of licensure in 1981 or any~~ 36374
~~year thereafter prior to December 22, 1992, the following amount:~~ 36375

(a) ~~For facilities with construction costs less than seven~~ 36376
~~thousand six hundred twenty five dollars per bed, the applicable~~ 36377
~~amounts for the construction costs specified in divisions~~ 36378
~~(E)(5)(b) to (c) of this section;~~ 36379

(b) ~~For facilities with construction costs of seven thousand~~ 36380
~~six hundred twenty five dollars or more per bed, six dollars per~~ 36381
~~patient day, provided that for 1981 and annually thereafter prior~~ 36382
~~to December 22, 1992, department shall do both of the following to~~ 36383
~~the six dollar amount:~~ 36384

(i) ~~Adjust the amount for fluctuations in construction costs~~ 36385

~~calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift, using 1980 as the base year;~~ 36386
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~~(ii) Increase the amount, as adjusted for inflation under division (E)(6)(b)(i) of this section, by one dollar and seventy four cents.~~ 36389
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~~(7) For facilities with dates of licensure on or after January 1, 1992, seven dollars and ninety seven cents, adjusted for fluctuations in construction costs between 1991 and 1993 as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift, and then increased by one dollar and seventy four cents.~~ 36392
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~~For the fiscal year that begins July 1, 1994, each of the amounts listed in divisions (E)(1) to (7) of this section shall be increased by twenty five cents. For the fiscal year that begins July 1, 1995, each of those amounts shall be increased by an additional twenty five cents. For subsequent fiscal years, each of those amounts, as increased for the prior fiscal year, shall be adjusted to reflect the rate of inflation for the twelve month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year and ending on the following thirtieth day of June, 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.~~ 36399
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~~If the amount established for a nursing facility under this division is less than the amount that applied to the facility under division (B) of former section 5111.25 of the Revised Code, as the former section existed immediately prior to December 22, 1992, the amount used to calculate the efficiency incentive for~~ 36412
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~~the facility under division (D)(2) of this section shall be the amount that was calculated under division (B) of the former section.~~

~~(F) Beginning July 1, 1993, regardless of the facility's date of licensure or the date of the nonextensive renovations, the rate for the costs of nonextensive renovations for nursing facilities shall be eighty five per cent of the desk reviewed, actual, allowable, per diem, nonextensive renovation costs. This division applies to nonextensive renovations regardless of whether they are made by an owner or a lessee. If the tenancy of a lessee that has made nonextensive renovations ends before the depreciation expense for the renovation costs has been fully reported, the former lessee shall not report the undepreciated balance as an expense.~~

~~(1) For a nonextensive renovation made after July 1, 1993, to qualify for payment under this division, both of the following conditions must be met:~~

~~(a) At least five years have elapsed since the date of licensure of the portion of the facility that is proposed to be renovated, except that this condition does not apply if the renovation is necessary to meet the requirements of federal, state, or local statutes, ordinances, rules, or policies.~~

~~(b) The provider has obtained prior approval from the department of job and family services, and if required the director of health has granted a certificate of need for the renovation under section 3702.52 of the Revised Code. The provider shall submit a plan that describes in detail the changes in capital assets to be accomplished by means of the renovation and the timetable for completing the project. The time for completion of the project shall be no more than eighteen months after the renovation begins. The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code~~

~~that specify criteria and procedures for prior approval of
renovation projects. No provider shall separate a project with the
intent to evade the characterization of the project as a
renovation or as an extensive renovation. No provider shall
increase the scope of a project after it is approved by the
department of job and family services unless the increase in scope
is approved by the department.~~

~~(2) The payment provided for in this division is the only
payment that shall be made for the costs of a nonextensive
renovation. Nonextensive renovation costs shall not be included in
costs of ownership, and a nonextensive renovation shall not affect
the date of licensure for purposes of calculating the efficiency
incentive under divisions (D) and (E) of this section.~~

~~(G) The owner of a nursing facility operating under a
provider agreement shall provide written notice to the department
of job and family services at least forty five days prior to
entering into any contract of sale for the facility or voluntarily
terminating participation in the medical assistance program. After
the date on which a transaction of sale of a nursing facility or
intermediate care facility for the mentally retarded is closed,
the provider who is an owner or former provider who is an owner of
the facility shall refund to the department of job and family
services the amount of excess depreciation paid to the facility
provider or former provider by the department for each year the
owner provider or former provider has operated the facility under
a provider agreement and prorated according to the number of
medicaid patient days for which the facility provider or former
provider has received payment. ~~If a nursing facility is sold after
five or fewer years of operation under a provider agreement, the
refund to the department shall be equal to the excess depreciation
paid to the facility. If a nursing facility is sold after more
than five years but less than ten years of operation under a~~~~

~~provider agreement, the refund to the department shall equal the~~ 36480
~~excess depreciation paid to the facility multiplied by twenty per~~ 36481
~~cent, multiplied by the difference between ten and the number of~~ 36482
~~years that the facility was operated under a provider agreement.~~ 36483
~~If a nursing facility is sold after ten or more years of operation~~ 36484
~~under a provider agreement, the owner shall not refund any excess~~ 36485
~~depreciation to the department. The provider who is an owner and~~ 36486
~~former provider who is an owner of a nursing facility or~~ 36487
~~intermediate care facility for the mentally retarded that is sold~~ 36488
~~or that ~~voluntarily terminates~~ undergoes a voluntary termination~~ 36489
~~or voluntary withdrawal of participation in the medical assistance~~ 36490
~~program as defined in section 5111.65 of the Revised Code also~~ 36491
~~shall refund any other amount that the department properly finds~~ 36492
~~to be due after ~~the~~ a final fiscal audit conducted under ~~this~~~~ 36493
~~division section 5111.021 of the Revised Code. For~~ 36494

~~For the purposes of this division, "depreciation section:~~ 36495

~~(A) "Depreciation paid to the facility provider or former~~ 36496
~~provider" means the amount paid to the nursing facility provider~~ 36497
~~or former provider for cost of ownership pursuant to ~~this section~~~~ 36498
~~rules adopted under section 5111.02 of the Revised Code less any~~ 36499
~~amount paid for interest costs, amortization of financing costs,~~ 36500
~~and lease expenses. ~~For the purposes of this division, "excess~~~~ 36501

~~(B) "Excess depreciation" is the nursing facility's~~ 36502
~~depreciated basis, which is the owner's cost less accumulated~~ 36503
~~depreciation, subtracted from the purchase price net of selling~~ 36504
~~costs but not exceeding the amount of depreciation paid to the~~ 36505
~~facility provider or former provider.~~ 36506

~~A cost report shall be filed with the department within~~ 36507
~~ninety days after the date on which the transaction of sale is~~ 36508
~~closed or participation is voluntarily terminated. The report~~ 36509
~~shall show the accumulated depreciation, the sales price, and~~ 36510
~~other information required by the department. The department shall~~ 36511

~~provide for a bank, trust company, or savings and loan association
to hold in escrow the amount of the last two monthly payments to a
nursing facility made pursuant to division (A)(1) of section
5111.22 of the Revised Code before a sale or termination of
participation or, if the owner fails, within the time required by
this division, to notify the department before entering into a
contract of sale for the facility, the amount of the first two
monthly payments made to the facility after the department learns
of the contract, regardless of whether a new owner is in
possession of the facility. If the amount the owner will be
required to refund under this section is likely to be less than
the amount of the two monthly payments otherwise put into escrow
under this division, the department shall take one of the
following actions instead of withholding the amount of the two
monthly payments:~~

~~(1) In the case of an owner that owns other facilities that
participate in the medical assistance program, obtain a promissory
note in an amount sufficient to cover the amount likely to be
refunded;~~

~~(2) In the case of all other owners, withhold the amount of
the last monthly payment to the nursing facility or, if the owner
fails, within the time required by this division, to notify the
department before entering into a contract of sale for the
facility, the amount of the first monthly payment made to the
facility after the department learns of the contract, regardless
of whether a new owner is in possession of the facility.~~

~~The department shall, within ninety days following the filing
of the cost report, audit the cost report and issue an audit
report to the owner. The department also may audit any other cost
report that the facility has filed during the previous three
years. In the audit report, the department shall state its
findings and the amount of any money owed to the department by the~~

~~nursing facility. The findings shall be subject to adjudication
conducted in accordance with Chapter 119. of the Revised Code. No
later than fifteen days after the owner agrees to a settlement,
any funds held in escrow less any amounts due to the department
shall be released to the owner and amounts due to the department
shall be paid to the department. If the amounts in escrow are less
than the amounts due to the department, the balance shall be paid
to the department within fifteen days after the owner agrees to a
settlement. If the department does not issue its audit report
within the ninety day period, the department shall release any
money held in escrow to the owner. For the purposes of this
section, a~~

~~(C) A transfer of corporate stock, the merger of one
corporation into another, or a consolidation does not constitute a
sale.~~

~~If a nursing facility is not sold or its participation is not
terminated after notice is provided to the department under this
division, the department shall order any payments held in escrow
released to the facility upon receiving written notice from the
owner that there will be no sale or termination. After written
notice is received from a nursing facility that a sale or
termination will not take place, the facility shall provide notice
to the department at least forty five days prior to entering into
any contract of sale or terminating participation at any future
time.~~

~~(H) The department shall pay each eligible proprietary
nursing facility a return on the facility's net equity computed at
the rate of one and one half times the average interest rate on
special issues of public debt obligations issued to the federal
hospital insurance trust fund for the cost reporting period,
except that no facility's return on net equity shall exceed fifty
cents per patient day.~~

~~When calculating the rate for return on net equity, the department shall use the greater of the facility's inpatient days during the applicable cost reporting period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety five per cent.~~ 36576
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~~(I) If a nursing facility would receive a lower rate for capital costs for assets in the facility's possession on July 1, 1993, under this section than it would receive under former section 5111.25 of the Revised Code, as the former section existed immediately prior to December 22, 1992, the facility shall receive for those assets the rate it would have received under the former section for each fiscal year beginning on or after July 1, 1993, until the rate it would receive under this section exceeds the rate it would have received under the former section. Any facility that receives a rate calculated under the former section 5111.25 of the Revised Code for assets in the facility's possession on July 1, 1993, also shall receive a rate calculated under this section for costs of any assets it constructs or acquires after July 1, 1993.~~ 36581
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Sec. 5111.28. ~~(A) If a provider properly amends its cost report under section 5111.27 of the Revised Code and the amended report shows that the provider received a lower rate under the original cost report than it was entitled to receive, the department shall adjust the provider's rate prospectively to reflect the corrected information. The department shall pay the adjusted rate beginning two months after the first day of the month after the provider files the amended cost report. If the department finds, from an exception review of resident assessment information conducted after the effective date of the rate for direct care costs that is based on the assessment information, that inaccurate assessment information resulted in the provider~~ 36595
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~~receiving a lower rate than it was entitled to receive, the~~ 36607
~~department prospectively shall adjust the provider's rate~~ 36608
~~accordingly and shall make payments using the adjusted rate for~~ 36609
~~the remainder of the calendar quarter for which the assessment~~ 36610
~~information is used to determine the rate, beginning one month~~ 36611
~~after the first day of the month after the exception review is~~ 36612
~~completed. This section applies only to medicaid-covered services~~ 36613
that a nursing facility or intermediate care facility for the 36614
mentally retarded provides during fiscal year 2005 or earlier. 36615

(B) If ~~the~~ a provider properly amends its cost report ~~under~~ 36616
in accordance with rules that section ~~5111.27~~ 5111.31 of the 36617
Revised Code provides for, the department of job and family 36618
services makes a finding based on ~~an~~ a final fiscal audit 36619
conducted under ~~that~~ section 5111.021 of the Revised Code, or the 36620
department makes a finding based on an exception review of 36621
resident assessment ~~information conducted under that section~~ data 36622
after the effective date of the rate for direct care costs that is 36623
based on the assessment ~~information~~ data, any of which results in 36624
a determination that the provider has received a higher rate than 36625
it was entitled to receive, the department shall recalculate the 36626
provider's rate using the revised information. The department 36627
shall apply the recalculated rate to the periods when the provider 36628
received the incorrect rate to determine the amount of the 36629
overpayment. The provider shall refund the amount of the 36630
overpayment. 36631

In addition to requiring a refund under this division, the 36632
department may charge the provider interest at the applicable rate 36633
specified in this division from the time the overpayment was made. 36634

(1) If the overpayment resulted from costs reported for 36635
calendar year 1993, the interest shall be no greater than one and 36636
one-half times the average bank prime rate. 36637

(2) If the overpayment resulted from costs reported for 36638
~~subsequent~~ calendar years 1994 through the first half of 2005: 36639

(a) The interest shall be no greater than two times the 36640
average bank prime rate if the overpayment was equal to or less 36641
than one per cent of the total medicaid payments to the provider 36642
for the fiscal year for which the incorrect information was used 36643
to establish a rate. 36644

(b) The interest shall be no greater than two and one-half 36645
times the current average bank prime rate if the overpayment was 36646
greater than one per cent of the total medicaid payments to the 36647
provider for the fiscal year for which the incorrect information 36648
was used to establish a rate. 36649

(C) The department also may impose the following penalties: 36650

(1) If a provider does not furnish invoices or other 36651
documentation that the department requests during an audit within 36652
sixty days after the request, no more than the greater of one 36653
thousand dollars per audit or twenty-five per cent of the 36654
cumulative amount by which the costs for which documentation was 36655
not furnished increased the total medicaid payments to the 36656
provider during the fiscal year for which the costs were used to 36657
establish a rate; 36658

(2) If an owner fails to provide notice of sale of the 36659
facility or voluntary termination of participation in the ~~medical~~ 36660
~~assistance~~ medicaid program, as required by section ~~5111.25~~ 36661
5111.27 or former section 5111.251 of the Revised Code on the day 36662
before the effective date of this amendment, no more than the 36663
current average bank prime rate plus four per cent of the last two 36664
monthly payments. 36665

(D) ~~If the provider continues to participate in the medical~~ 36666
~~assistance program, the department shall deduct any amount that~~ 36667
~~the provider is required to refund under this section, and the~~ 36668

~~amount of any interest charged or penalty imposed under this 36669
section, from the next available payment from the department to 36670
the provider. The department and the provider may enter into an 36671
agreement under which the amount, together with interest, is 36672
deducted in installments from payments from the department to the 36673
provider. 36674~~

~~(E) The department shall transmit refunds and penalties to 36675
the treasurer of state for deposit in the general revenue fund. 36676~~

~~(F) For the purpose of this section, the department shall 36677
determine the average bank prime rate using statistical release 36678
H.15, "selected interest rates," a weekly publication of the 36679
federal reserve board, or any successor publication. If 36680
statistical release H.15, or its successor, ceases to contain the 36681
bank prime rate information or ceases to be published, the 36682
department shall request a written statement of the average bank 36683
prime rate from the federal reserve bank of Cleveland or the 36684
federal reserve board. 36685~~

Sec. 5111.29. If a provider, pursuant to section 5111.28 of 36686
the Revised Code or rules that section 5111.31 provides for, owes 36687
the department of job and family services a refund or is required 36688
to pay interest or a penalty, the department of job and family 36689
services shall deduct the amount of the refund, interest, and 36690
penalty from the next available payment the department makes to 36691
the provider under the medicaid program. If section 5111.681 of 36692
the Revised Code applies, the department shall collect the refund, 36693
interest, and penalty as part of the withholding the department 36694
makes under that section. 36695

The department shall transmit the refunds, interest, and 36696
penalties to the treasurer of state for deposit into the general 36697
revenue fund. 36698

~~Sec. 5111.29 5111.30. (A) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a process under which a nursing facility or intermediate care facility for the mentally retarded, or a group or association of facilities, may seek reconsideration of rates established under sections 5111.23 to 5111.28 of the Revised Code, including a rate for direct care costs recalculated before the effective date of the rate as a result of an exception review of resident assessment information conducted under section 5111.27 of the Revised Code.~~

~~(1) Except as provided in divisions (A)(2) to (4) of this section, the only issue that a facility, group, or association may raise in the rate reconsideration shall be whether the rate was calculated in accordance with sections 5111.23 to 5111.28 of the Revised Code and the rules adopted under those sections. The rules shall permit a facility, group, or association to submit written arguments or other materials that support its position. The rules shall specify time frames within which the facility, group, or association and the department must act. If the department determines, as a result of the rate reconsideration, that the rate established for one or more facilities is less than the rate to which it is entitled, the department shall increase the rate. If the department has paid the incorrect rate for a period of time, the department shall pay the facility the difference between the amount it was paid for that period and the amount it should have been paid.~~

~~(2) The rules shall provide that during a fiscal year, the department, by means of the rate reconsideration process, may increase a facility's rate as calculated under sections 5111.23 to 5111.28 of the Revised Code if the facility demonstrates that its actual, allowable costs have increased because of extreme~~

circumstances. A facility may qualify for a rate increase only if 36730
its per diem, actual, allowable costs have increased to a level 36731
that exceeds its total rate, including any efficiency incentive 36732
and return on equity payment. The rules shall specify the 36733
circumstances that would justify a rate increase under division 36734
(A)(2) of this section. In the case of nursing facilities, the 36735
rules shall provide that the extreme circumstances include 36736
increased security costs for an inner city nursing facility and an 36737
increase in workers' compensation experience rating of greater 36738
than five per cent for a facility that has an appropriate claims 36739
management program but do not include a change of ownership that 36740
results from bankruptcy, foreclosure, or findings of violations of 36741
certification requirements by the department of health. In the 36742
case of intermediate care facilities for the mentally retarded, 36743
the rules shall provide that the extreme circumstances include, 36744
but are not limited to, renovations approved under division (D) of 36745
section 5111.251 of the Revised Code, an increase in workers' 36746
compensation experience rating of greater than five per cent for a 36747
facility that has an appropriate claims management program, 36748
increased security costs for an inner city facility, and a change 36749
of ownership that results from bankruptcy, foreclosure, or 36750
findings of violations of certification requirements by the 36751
department of health. An increase under division (A)(2) of this 36752
section is subject to any rate limitations or maximum rates 36753
established by sections 5111.23 to 5111.28 of the Revised Code for 36754
specific cost centers. Any rate increase granted under division 36755
(A)(2) of this section shall take effect on the first day of the 36756
first month after the department receives the request. 36757

(3) The rules shall provide that the department, through the 36758
rate reconsideration process, may increase a facility's rate as 36759
calculated under sections 5111.23 to 5111.28 of the Revised Code 36760
if the department, in its sole discretion, determines that the 36761

~~rate as calculated under those sections works an extreme hardship
on the facility.~~ 36762
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~~(4) The rules shall provide that when beds certified for the
medical assistance program are added to an existing facility,
replaced at the same site, or subject to a change of ownership or
lease, the department, through the rate reconsideration process,
shall increase the facility's rate for capital costs
proportionately, as limited by any applicable limitation under
section 5111.25 or 5111.251 of the Revised Code, to account for
the costs of the beds that are added, replaced, or subject to a
change of ownership or lease. The department shall make this
increase one month after the first day of the month after the
department receives sufficient documentation of the costs. Any
rate increase granted under division (A)(4) of this section after
June 30, 1993, shall remain in effect until the effective date of
a rate calculated under section 5111.25 or 5111.251 of the Revised
Code that includes costs incurred for a full calendar year for the
bed addition, bed replacement, or change of ownership or lease.
The facility shall report double accumulated depreciation in an
amount equal to the depreciation included in the rate adjustment
on its cost report for the first year of operation. During the
term of any loan used to finance a project for which a rate
adjustment is granted under division (A)(4) of this section, if
the facility is operated by the same provider, the facility shall
subtract from the interest costs it reports on its cost report an
amount equal to the difference between the following:~~ 36764
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~~(a) The actual, allowable interest costs for the loan during
the calendar year for which the costs are being reported;~~ 36788
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~~(b) The actual, allowable interest costs attributable to the
loan that were used to calculate the rates paid to the facility
during the same calendar year.~~ 36790
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~~(5) The department's decision at the conclusion of the reconsideration process shall not be subject to any administrative proceedings under Chapter 119. or any other provision of the Revised Code.~~

~~(B) Any audit disallowance~~ All of the following are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code:

(A) Any adverse finding that the department of job and family services makes as the result of an a final fiscal audit conducted under section 5111.27 5111.021 of the Revised Code,~~any;~~

(B) Any adverse finding that results from an exception review of resident assessment information conducted under that data submitted under section 5111.24 of the Revised Code after the effective date of the facility's a nursing facility or intermediate care facility for the mentally retarded's rate that is based on the assessment information,~~and any;~~

(C) Any overpayment deemed under section 5111.683 of the Revised Code;

(D) Any penalty the department imposes under division any of the following:

(1) Division (C) of section 5111.28 of the Revised Code shall be subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code;

(2) Rules that section 5111.31 of the Revised Code provides for;

(3) Section 5111.683 of the Revised Code.

Sec. 5111.31. The rules that the director of job and family services adopts under section 5111.02 of the Revised Code regarding the medicaid program's coverage of services provided by

nursing facilities and intermediate care facilities for the 36822
mentally retarded shall establish requirements for all of the 36823
following: 36824

(A) Amending cost reports submitted under section 5111.23 of 36825
the Revised Code; 36826

(B) Administrative reviews of such cost reports; 36827

(C) Final fiscal audits conducted under section 5111.021 of 36828
the Revised Code; 36829

(D) Exception reviews of resident assessment data submitted 36830
under section 5111.24 of the Revised Code; 36831

(E) Refunds of overpayments identified as a result of any of 36832
the proceedings specified in divisions (B), (C), and (D) of this 36833
section; 36834

(F) The imposition of penalties, requirements that facilities 36835
pay interest, and the making of rate adjustments as a result of 36836
any of the proceedings specified in divisions (B), (C), and (D) of 36837
this section. 36838

Sec. 5111.62. The proceeds of all fines, including interest, 36839
collected under sections 5111.35 to 5111.62 of the Revised Code 36840
shall be deposited in the state treasury to the credit of the 36841
residents protection fund, which is hereby created. ~~Moneys~~ The 36842
proceeds of all fines, including interest, collected under section 36843
173.42 of the Revised Code shall be deposited in the state 36844
treasury to the credit of the residents protection fund. 36845

Moneys in the fund shall be used for the protection of the 36846
health or property of residents of nursing facilities in which the 36847
department of health finds deficiencies, including payment for the 36848
costs of relocation of residents to other facilities, maintenance 36849
of operation of a facility pending correction of deficiencies or 36850

closure, and reimbursement of residents for the loss of money 36851
managed by the facility under section 3721.15 of the Revised Code. 36852
The 36853

The fund shall be maintained and administered by the 36854
department of job and family services under rules developed in 36855
consultation with the departments of health and aging and adopted 36856
by the director of job and family services under Chapter 119. of 36857
the Revised Code. 36858

Sec. 5111.65. As used in sections 5111.65 to 5111.688 of the 36859
Revised Code: 36860

(A) "Change of operator" means an entering operator becoming 36861
the operator of a nursing facility or intermediate care facility 36862
for the mentally retarded in the place of the exiting operator. 36863

(1) Actions that constitute a change of operator include the 36864
following: 36865

(a) A change in an exiting operator's form of legal 36866
organization, including the formation of a partnership or 36867
corporation from a sole proprietorship; 36868

(b) A transfer of all the exiting operator's ownership 36869
interest in the operation of the facility to the entering 36870
operator, regardless of whether ownership of any or all of the 36871
real property or personal property associated with the facility is 36872
also transferred; 36873

(c) A lease of the facility to the entering operator or the 36874
exiting operator's termination of the exiting operator's lease; 36875

(d) If the exiting operator is a partnership, dissolution of 36876
the partnership; 36877

(e) If the exiting operator is a partnership, a change in 36878
composition of the partnership unless both of the following apply: 36879

<u>(i) The change in composition does not cause the partnership's dissolution under state law.</u>	36880
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<u>(ii) The partners agree that the change in composition does not constitute a change in operator.</u>	36882
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<u>(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.</u>	36884
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<u>(2) The following, alone, do not constitute a change of operator:</u>	36888
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<u>(a) A contract for an entity to manage a nursing facility or intermediate care facility for the mentally retarded as the operator's agent, subject to the operator's approval of daily operating and management decisions;</u>	36890
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<u>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility or intermediate care facility for the mentally retarded if an entering operator does not become the operator in place of an exiting operator;</u>	36894
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<u>(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.</u>	36899
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<u>(B) "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility or intermediate care facility for the mentally retarded.</u>	36903
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<u>(C) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility or intermediate care facility for the mentally retarded resides in the facility.</u>	36906
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(D) "Effective date of a voluntary termination" means the day the intermediate care facility for the mentally retarded ceases to accept medicaid patients. 36910
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(E) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid patients other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation. 36913
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(F) "Entering operator" means the person or government entity that will become the operator of a nursing facility or intermediate care facility for the mentally retarded when a change of operator occurs. 36918
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(G) "Exiting operator" means any of the following: 36922

(1) An operator that will cease to be the operator of a nursing facility or intermediate care facility for the mentally retarded on the effective date of a change of operator; 36923
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(2) An operator that will cease to be the operator of a nursing facility or intermediate care facility for the mentally retarded on the effective date of a facility closure; 36926
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(3) An operator of an intermediate care facility for the mentally retarded that is undergoing or has undergone a voluntary termination; 36929
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(4) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation. 36932
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(H)(1) "Facility closure" means discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility or intermediate care facility for the mentally retarded that results in the relocation of all of the facility's residents. A facility closure occurs regardless of any of the following: 36934
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<u>(a) The operator completely or partially replacing the facility by constructing a new facility or transferring the facility's license to another facility;</u>	36940
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<u>(b) The facility's residents relocating to another of the operator's facilities;</u>	36943
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<u>(c) Any action the department of health takes regarding the facility's certification under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may result in the transfer of part of the facility's survey findings to another of the operator's facilities;</u>	36945
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<u>(d) Any action the department of health takes regarding the facility's license under Chapter 3721. of the Revised Code;</u>	36950
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<u>(e) Any action the department of mental retardation and developmental disabilities takes regarding the facility's license under section 5123.19 of the Revised Code.</u>	36952
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<u>(2) A facility closure does not occur if all of the facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the facility not later than thirty days after the evacuation occurs.</u>	36955
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<u>(I) "Fiscal year," "intermediate care facility for the mentally retarded," "nursing home," "operator," "owner," and "provider agreement" have the same meanings as in section 5111.20 of the Revised Code.</u>	36960
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<u>(J) "Voluntary termination" means an operator's voluntary election to terminate the participation of an intermediate care facility for the mentally retarded in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.</u>	36964
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<u>(K) "Voluntary withdrawal of participation" means an</u>	36969

operator's voluntary election to terminate the participation of a 36970
nursing facility in the medicaid program but to continue to 36971
provide service of the type provided by a nursing home. 36972

Sec. 5111.66. An exiting operator or owner of a nursing 36973
facility or intermediate care facility for the mentally retarded 36974
participating in the medicaid program shall provide the department 36975
of job and family services written notice of a facility closure, 36976
voluntary termination, or voluntary withdrawal of participation 36977
not less than ninety days before the effective date of the 36978
facility closure, voluntary termination, or voluntary withdrawal 36979
of participation. The written notice shall include all of the 36980
following: 36981

(A) The name of the exiting operator and, if any, the exiting 36982
operator's authorized agent; 36983

(B) The name of the nursing facility or intermediate care 36984
facility for the mentally retarded that is the subject of the 36985
written notice; 36986

(C) The exiting operator's medicaid provider agreement number 36987
for the facility that is the subject of the written notice; 36988

(D) The effective date of the facility closure, voluntary 36989
termination, or voluntary withdrawal of participation; 36990

(E) The signature of the exiting operator's or owner's 36991
representative. 36992

Sec. 5111.661. An operator shall comply with section 36993
1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965), 36994
42 U.S.C. 1396r(c)(2)(F) if the operator's nursing facility 36995
undergoes a voluntary withdrawal of participation. 36996

Sec. 5111.67. (A) An exiting operator or owner and entering 36997

operator shall provide the department of job and family services 36998
written notice of a change of operator if the nursing facility or 36999
intermediate care facility for the mentally retarded participates 37000
in the medicaid program and the entering operator seeks to 37001
continue the facility's participation. The written notice shall be 37002
provided to the department not later than forty-five days before 37003
the effective date of the change of operator if the change of 37004
operator does not entail the relocation of residents. The written 37005
notice shall be provided to the department not later than ninety 37006
days before the effective date of the change of operator if the 37007
change of operator entails the relocation of residents. The 37008
written notice shall include all of the following: 37009

(1) The name of the exiting operator and, if any, the exiting 37010
operator's authorized agent; 37011

(2) The name of the nursing facility or intermediate care 37012
facility for the mentally retarded that is the subject of the 37013
change of operator; 37014

(3) The exiting operator's medicaid provider agreement number 37015
for the facility that is the subject of the change of operator; 37016

(4) The name of the entering operator; 37017

(5) The effective date of the change of operator; 37018

(6) The manner in which the entering operator becomes the 37019
facility's operator, including through sale, lease, merger, or 37020
other action; 37021

(7) If the manner in which the entering operator becomes the 37022
facility's operator involves more than one step, a description of 37023
each step; 37024

(8) Written authorization from the exiting operator or owner 37025
and entering operator for the department to process a provider 37026
agreement for the entering operator; 37027

(9) The signature of the exiting operator's or owner's representative. 37028
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(B) The entering operator shall include a completed application for a provider agreement with the written notice to the department. The entering operator shall attach to the application the following: 37030
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(1) If the written notice is provided to the department before the date the exiting operator or owner and entering operator complete the transaction for the change of operator, all the proposed leases, management agreements, merger agreements and supporting documents, and sales contracts and supporting documents relating to the facility's change of operator; 37034
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(2) If the written notice is provided to the department on or after the date the exiting operator or owner and entering operator complete the transaction for the change of operator, copies of all the executed leases, management agreements, merger agreements and supporting documents, and sales contracts and supporting documents relating to the facility's change of operator. 37040
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Sec. 5111.671. The department of job and family services may enter into a provider agreement with an entering operator that goes into effect at 12:01 a.m. on the effective date of the change of operator if all of the following requirements are met: 37046
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(A) The department receives a properly completed written notice required by section 5111.67 of the Revised Code on or before the date required by that section. 37050
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(B) The entering operator furnishes to the department copies of all the fully executed leases, management agreements, merger agreements and supporting documents, and sales contracts and supporting documents relating to the change of operator not later than ten days after the effective date of the change of operator. 37053
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(C) The entering operator is eligible for medicaid payments 37058
as provided in section 5111.21 of the Revised Code. 37059

Sec. 5111.672. (A) The department of job and family services 37060
may enter into a provider agreement with an entering operator that 37061
goes into effect at 12:01 a.m. on the date determined under 37062
division (B) of this section if all of the following are the case: 37063

(1) The department receives a properly completed written 37064
notice required by section 5111.67 of the Revised Code. 37065

(2) The entering operator furnishes to the department copies 37066
of all the fully executed leases, management agreements, merger 37067
agreements and supporting documents, and sales contracts and 37068
supporting documents relating to the change of operator. 37069

(3) The requirement of division (A)(1) of this section is met 37070
after the time required by section 5111.67 of the Revised Code, 37071
the requirement of division (A)(2) of this section is met more 37072
than ten days after the effective date of the change of operator, 37073
or both. 37074

(4) The entering operator is eligible for medicaid payments 37075
as provided in section 5111.21 of the Revised Code. 37076

(B) The department shall determine the date a provider 37077
agreement entered into under this section is to go into effect as 37078
follows: 37079

(1) The effective date shall give the department sufficient 37080
time to process the change of operator, assure no duplicate 37081
payments are made, make the withholding required by section 37082
5111.681 of the Revised Code, and withhold the final payment to 37083
the exiting operator until one hundred eighty days after either of 37084
the following: 37085

(a) The date that the exiting operator submits to the 37086
department a properly completed cost report under section 5111.682 37087

<u>of the Revised Code;</u>	37088
<u>(b) The date that the department waives the cost report requirement of section 5111.682 of the Revised Code.</u>	37089 37090
<u>(2) The effective date shall be not earlier than the later of the effective date of the change of operator or the date that the exiting operator or owner and entering operator comply with section 5111.67 of the Revised Code.</u>	37091 37092 37093 37094
<u>(3) The effective date shall be not later than the following after the later of the dates specified in division (B)(2) of this section:</u>	37095 37096 37097
<u>(a) Forty-five days if the change of operator does not entail the relocation of residents;</u>	37098 37099
<u>(b) Ninety days if the change of operator entails the relocation of residents.</u>	37100 37101
<u>Sec. 5111.673. A provider agreement that the department of job and family services enters into with an entering operator under section 5111.671 or 5111.672 of the Revised Code shall satisfy all of the following requirements:</u>	37102 37103 37104 37105
<u>(A) Comply with all applicable federal statutes and regulations;</u>	37106 37107
<u>(B) Comply with section 5111.22 of the Revised Code and all other applicable state statutes and rules;</u>	37108 37109
<u>(C) Include all the terms and conditions of the exiting operator's provider agreement, including, but not limited to, all of the following:</u>	37110 37111 37112
<u>(1) Any plan of correction;</u>	37113
<u>(2) Compliance with health and safety standards;</u>	37114
<u>(3) Compliance with the ownership and financial interest</u>	37115

<u>disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;</u>	37116
<u>(4) Compliance with the civil rights requirements of 45</u>	37117
<u>C.F.R. parts 80, 84, and 90;</u>	37118
<u>(5) Compliance with additional requirements imposed by the</u>	37119
<u>department;</u>	37120
<u>(6) Any sanctions relating to remedies for violation of the</u>	37121
<u>provider agreement, including deficiencies, compliance periods,</u>	37122
<u>accountability periods, monetary penalties, notification for</u>	37123
<u>correction of contract violations, and history of deficiencies.</u>	37124
<u>Sec. 5111.674. In the case of a change of operator, the</u>	37125
<u>exiting operator shall be considered to be the operator of the</u>	37126
<u>nursing facility or intermediate care facility for the mentally</u>	37127
<u>retarded for purposes of the medicaid program, including medicaid</u>	37128
<u>payments, until the effective date of the entering operator's</u>	37129
<u>provider agreement if the provider agreement is entered into under</u>	37130
<u>section 5111.671 or 5111.672 of the Revised Code.</u>	37131
<u>Sec. 5111.675. The department of job and family services may</u>	37132
<u>enter into a provider agreement as provided in section 5111.22 of</u>	37133
<u>the Revised Code, rather than section 5111.671 or 5111.672 of the</u>	37134
<u>Revised Code, with an entering operator if the entering operator</u>	37135
<u>does not agree to a provider agreement that satisfies the</u>	37136
<u>requirements of division (C) of section 5111.673 of the Revised</u>	37137
<u>Code. The department may not enter into the provider agreement</u>	37138
<u>unless the department of health certifies the nursing facility or</u>	37139
<u>intermediate care facility for the mentally retarded under Title</u>	37140
<u>XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.</u>	37141
<u>1396, as amended. The effective date of the provider agreement</u>	37142
<u>shall not precede any of the following:</u>	37143
<u>(A) The date that the department of health certifies the</u>	37144
<u>facility;</u>	37145

(B) The effective date of the change of operator; 37146

(C) The date the requirement of section 5111.67 of the 37147
Revised Code is satisfied. 37148

Sec. 5111.676. The director of job and family services may 37149
adopt rules in accordance with Chapter 119. of the Revised Code 37150
governing adjustments to the medicaid reimbursement rate for a 37151
nursing facility or intermediate care facility for the mentally 37152
retarded that undergoes a change of operator. No rate adjustment 37153
resulting from a change of operator shall be effective before the 37154
effective date of the entering operator's provider agreement. This 37155
is the case regardless of whether the provider agreement is 37156
entered into under section 5111.671, section 5111.672, or, 37157
pursuant to section 5111.675, section 5111.22 of the Revised Code. 37158

Sec. 5111.677. Neither of the following shall affect the 37159
department of job and family services' determination of whether or 37160
when a change of operator occurs or the effective date of an 37161
entering operator's provider agreement under section 5111.671, 37162
section 5111.672, or, pursuant to section 5111.675, section 37163
5111.22 of the Revised Code: 37164

(A) The department of health's determination that a change of 37165
operator has or has not occurred for purposes of licensure under 37166
Chapter 3721. of the Revised Code; 37167

(B) The department of mental retardation and developmental 37168
disabilities' determination that a change of operator has or has 37169
not occurred for purposes of licensure under section 5123.19 of 37170
the Revised Code. 37171

Sec. 5111.68. (A) On receipt of a written notice under 37172
section 5111.66 of the Revised Code of a facility closure, 37173
voluntary termination, or voluntary withdrawal of participation or 37174

a written notice under section 5111.67 of the Revised Code of a 37175
change of operator, the department of job and family services 37176
shall determine the amount of any overpayments made under the 37177
medicaid program to the exiting operator, including overpayments 37178
the exiting operator disputes, and other actual and potential 37179
debts the exiting operator owes or may owe to the department and 37180
United States centers for medicare and medicaid services under the 37181
medicaid program. In determining the exiting operator's other 37182
actual and potential debts to the department under the medicaid 37183
program, the department shall include all of the following that 37184
the department determines is applicable: 37185

(1) Refunds due the department under section 5111.27 of the 37186
Revised Code; 37187

(2) Interest owed to the department and United States centers 37188
for medicare and medicaid services; 37189

(3) Final civil monetary and other penalties for which all 37190
right of appeal has been exhausted; 37191

(4) Third-party liabilities; 37192

(5) Money owed the department and United States centers for 37193
medicare and medicaid services from any outstanding final fiscal 37194
audit, including a final fiscal audit for the last fiscal year or 37195
portion thereof in which the exiting operator participated in the 37196
medicaid program. 37197

(B) If the department is unable to determine the amount of 37198
the overpayments and other debts for any period before the 37199
effective date of the entering operator's provider agreement or 37200
the effective date of the facility closure, voluntary termination, 37201
or voluntary withdrawal of participation, the department shall 37202
make a reasonable estimate of the overpayments and other debts for 37203
the period. The department shall make the estimate using 37204

information available to the department, including prior 37205
determinations of overpayments and other debts. 37206

Sec. 5111.681. (A) Except as provided in division (B) of this 37207
section, the department of job and family services shall withhold 37208
the greater of the following from payment due an exiting operator 37209
under the medicaid program: 37210

(1) The total amount of any overpayments made under the 37211
medicaid program to the exiting operator, including overpayments 37212
the exiting operator disputes, and other actual and potential 37213
debts, including any unpaid penalties, the exiting operator owes 37214
or may owe to the department and United States centers for 37215
medicare and medicaid services under the medicaid program; 37216

(2) An amount equal to the average amount of monthly payments 37217
to the exiting operator under the medicaid program for the 37218
twelve-month period immediately preceding the month that includes 37219
the last day the exiting operator's provider agreement is in 37220
effect or, in the case of a voluntary withdrawal of participation, 37221
the effective date of the voluntary withdrawal of participation. 37222

(B) The department may choose not to make the withholding 37223
under division (A) of this section if an entering operator does 37224
both of the following: 37225

(1) Enters into a nontransferable, unconditional, written 37226
agreement with the department to pay the department any debt the 37227
exiting operator owes the department under the medicaid program; 37228

(2) Provides the department a list of the entering operator's 37229
assets and liabilities that assists the department in determining 37230
whether to make the withholding under division (A) of this 37231
section. 37232

Sec. 5111.682. (A) Except as provided in division (B) of this 37233

section, an exiting operator shall file with the department of job and family services a cost report not later than ninety days after the last day the exiting operator's provider agreement is in effect or, in the case of a voluntary withdrawal of participation, the effective date of the voluntary withdrawal of participation. The cost report shall cover the period that begins with the day after the last day covered by the operator's most recent previous cost report required by section 5111.23 of the Revised Code and ends on the last day the exiting operator's provider agreement is in effect or, in the case of a voluntary withdrawal of participation, the effective date of the voluntary withdrawal of participation. The cost report shall include, as applicable, all of the following:

(1) The sale price of the nursing facility or intermediate care facility for the mentally retarded;

(2) A final depreciation schedule that shows which assets are transferred to the buyer and which assets are not transferred to the buyer;

(3) Any other information the department requires.

(B) The department, at its sole discretion, may waive the requirement that an exiting operator file a cost report in accordance with division (A) of this section.

Sec. 5111.683. If an exiting operator required by section 5111.682 of the Revised Code to file a cost report with the department of job and family services fails to file the cost report in accordance with that section, all payments under the medicaid program for the period the cost report is required to cover are deemed overpayments until the date the department receives the properly completed cost report. The department may impose on the exiting operator a penalty of one hundred dollars

for each calendar day the properly completed cost report is late. 37264

Sec. 5111.684. The department of job and family services may 37265
not provide an exiting operator final payment under the medicaid 37266
program until the department receives all properly completed cost 37267
reports the exiting operator is required to file under sections 37268
5111.23 and 5111.682 of the Revised Code. 37269

Sec. 5111.685. The department of job and family services 37270
shall determine the actual amount of debt an exiting operator owes 37271
the department under the medicaid program by completing all final 37272
fiscal audits not already completed and performing all other 37273
appropriate actions the department determines to be necessary. The 37274
department shall issue a report on this matter not later than one 37275
hundred eighty days after the date the exiting operator files the 37276
properly completed cost report required by section 5111.682 of the 37277
Revised Code with the department or, if the department waives the 37278
cost report requirement for the exiting operator, one hundred 37279
eighty days after the date the department waives the cost report 37280
requirement. The report shall include the department's findings 37281
and the amount of debt the department determines the exiting 37282
operator owes the department and United States centers for 37283
medicare and medicaid services under the medicaid program. Only 37284
the parts of the report that are subject to an adjudication as 37285
specified in section 5111.30 of the Revised Code are subject to an 37286
adjudication conducted in accordance with Chapter 119. of the 37287
Revised Code. 37288

Sec. 5111.686. The department of job and family services 37289
shall release the actual amount withheld under division (A) of 37290
section 5111.681 of the Revised Code, less any amount the exiting 37291
operator owes the department and United States centers for 37292

medicare and medicaid services under the medicaid program, as 37293
follows: 37294

(A) One hundred eighty-one days after the date the exiting 37295
operator files a properly completed cost report required by 37296
section 5111.682 of the Revised Code unless the department issues 37297
the report required by section 5111.685 of the Revised Code not 37298
later than one hundred eighty days after the date the exiting 37299
operator files the properly completed cost report; 37300

(B) Not later than sixty days after the exiting operator 37301
agrees to a final fiscal audit resulting from the report required 37302
by section 5111.685 of the Revised Code if the department issues 37303
the report not later than one hundred eighty days after the date 37304
the exiting operator files a properly completed cost report 37305
required by section 5111.682 of the Revised Code; 37306

(C) One hundred eighty-one days after the date the department 37307
waives the cost report requirement of section 5111.682 of the 37308
Revised Code unless the department issues the report required by 37309
section 5111.685 of the Revised Code not later than one hundred 37310
eighty days after the date the department waives the cost report 37311
requirement; 37312

(D) Not later than sixty days after the exiting operator 37313
agrees to a final fiscal audit resulting from the report required 37314
by section 5111.685 of the Revised Code if the department issues 37315
the report not later than one hundred eighty days after the date 37316
the department waives the cost report requirement of section 37317
5111.682 of the Revised Code. 37318

Sec. 5111.687. The department of job and family services, at 37319
its sole discretion, may release the amount withheld under 37320
division (A) of section 5111.681 of the Revised Code if the 37321
exiting operator submits to the department written notice of a 37322

postponement of a change of operator, facility closure, voluntary termination, or voluntary withdrawal of participation and the transactions leading to the change of operator, facility closure, voluntary termination, or voluntary withdrawal of participation are postponed for at least thirty days but less than ninety days after the date originally proposed for the change of operator, facility closure, voluntary termination, or voluntary withdrawal of participation as reported in the written notice required by section 5111.66 or 5111.67 of the Revised Code. The department shall release the amount withheld if the exiting operator submits to the department written notice of a cancellation or postponement of a change of operator, facility closure, voluntary termination, or voluntary withdrawal of participation and the transactions leading to the change of operator, facility closure, voluntary termination, or voluntary withdrawal of participation are canceled or postponed for more than ninety days after the date originally proposed for the change of operator, facility closure, voluntary termination, or voluntary withdrawal of participation as reported in the written notice required by section 5111.66 or 5111.67 of the Revised Code.

After the department receives a written notice regarding a cancellation or postponement of a facility closure, voluntary termination, or voluntary withdrawal of participation, the exiting operator or owner shall provide new written notice to the department under section 5111.66 of the Revised Code regarding any transactions leading to a facility closure, voluntary termination, or voluntary withdrawal of participation at a future time. After the department receives a written notice regarding a cancellation or postponement of a change of operator, the exiting operator or owner and entering operator shall provide new written notice to the department under section 5111.67 of the Revised Code regarding any transactions leading to a change of operator at a future time.

Sec. 5111.688. The director of job and family services may 37355
adopt rules under section 5111.02 of the Revised Code to implement 37356
sections 5111.65 to 5111.688 of the Revised Code, including rules 37357
applicable to an exiting operator that provides written 37358
notification under section 5111.66 of the Revised Code of a 37359
voluntary withdrawal of participation. Rules adopted under this 37360
section shall comply with section 1919(c)(2)(F) of the "Social 37361
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396r(c)(2)(F), 37362
regarding restrictions on transfers or discharges of nursing 37363
facility residents in the case of a voluntary withdrawal of 37364
participation. The rules may prescribe a medicaid reimbursement 37365
methodology and other procedures that are applicable after the 37366
effective date of a voluntary withdrawal of participation that 37367
differ from the reimbursement methodology and other procedures 37368
that would otherwise apply. 37369

Sec. 5111.85. (A) As used in this section, "medicaid waiver 37370
component" means a component of the medicaid program authorized by 37371
a waiver granted by the United States department of health and 37372
human services under section 1115 or 1915 of the "Social Security 37373
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1315 or 1396n. "Medicaid 37374
waiver component" does not include a care management system 37375
established under section 5111.16 of the Revised Code. 37376

(B) The director of job and family services may adopt rules 37377
under Chapter 119. of the Revised Code governing medicaid waiver 37378
components that establish all of the following: 37379

(1) Eligibility requirements for the medicaid waiver 37380
components; 37381

(2) The type, amount, duration, and scope of services the 37382
medicaid waiver components provide; 37383

(3) The conditions under which the medicaid waiver components 37384

cover services; 37385

(4) The amount the medicaid waiver components pay for 37386
services or the method by which the amount is determined; 37387

(5) The manner in which the medicaid waiver components pay 37388
for services; 37389

(6) Safeguards for the health and welfare of medicaid 37390
recipients receiving services under a medicaid waiver component; 37391

(7) Procedures for enforcing the rules, including 37392
establishing corrective action plans for, and imposing financial 37393
and administrative sanctions on, persons and government entities 37394
that violate the rules. Sanctions shall include terminating 37395
medicaid provider agreements. The procedures shall include due 37396
process protections. 37397

(8) Other policies necessary for the efficient administration 37398
of the medicaid waiver components. 37399

(C) The director of job and family services may adopt 37400
different rules for the different medicaid waiver components. The 37401
rules shall be consistent with the terms of the waiver authorizing 37402
the medicaid waiver component. 37403

~~(D) The director of job and family services may conduct 37404
reviews of the medicaid waiver components. The reviews may include 37405
physical inspections of records and sites where services are 37406
provided under the medicaid waiver components and interviews of 37407
providers and recipients of the services. If the director 37408
determines pursuant to a review that a person or government entity 37409
has violated a rule governing a medicaid waiver component, the 37410
director may establish a corrective action plan for the violator 37411
and impose fiscal, administrative, or both types of sanctions on 37412
the violator in accordance with rules adopted under division (B) 37413
of this section. 37414~~

Sec. 5111.851. (A) As used in sections 5111.851 to 5111.855 37415
of the Revised Code: 37416

"Administrative agency" means, with respect to a home and 37417
community-based services medicaid waiver component, the department 37418
of job and family services or, if a state agency or political 37419
subdivision contracts with the department under section 5111.91 of 37420
the Revised Code to administer the component, that state agency or 37421
political subdivision. 37422

"Home and community-based services medicaid waiver component" 37423
means a medicaid waiver component as defined in section 5111.85 of 37424
the Revised Code under which home and community-based services are 37425
provided as an alternative to hospital, nursing facility, or 37426
intermediate care facility for the mentally retarded services. 37427

"Hospital" has the same meaning as in section 3727.01 of the 37428
Revised Code. 37429

"Intermediate care facility for the mentally retarded" has 37430
the same meaning as in section 5111.20 of the Revised Code. 37431

"Level of care determination" means a determination of 37432
whether an individual needs the level of care provided by a 37433
hospital, nursing facility, or intermediate care facility for the 37434
mentally retarded and whether the individual, if determined to 37435
need that level of care, would receive hospital, nursing facility, 37436
or intermediate care facility for the mentally retarded services 37437
if not for a home and community-based services medicaid waiver 37438
component. 37439

"Nursing facility" has the same meaning as in section 5111.20 37440
of the Revised Code. 37441

"Skilled nursing facility" means a facility certified as a 37442
skilled nursing facility under Title XVIII of the "Social Security 37443
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 37444

(B) The following requirements apply to each home and community-based services medicaid waiver component: 37445
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(1) Only an individual who qualifies for a component shall receive that component's services. 37447
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(2) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed. 37449
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(3) A written plan of care or individual service plan based on an individual assessment of the services that an individual needs to avoid needing hospital, nursing facility, or intermediate care facility for the mentally retarded services shall be created for each individual determined eligible for a component. 37455
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(4) Each individual determined eligible for a component shall receive that component's services in accordance with the individual's level of care determination and written plan of care or individual service plan. 37460
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(5) No individual may receive services under a component while the individual is a hospital inpatient or resident of a skilled nursing facility, nursing facility, or intermediate care facility for the mentally retarded. 37464
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(6) No individual may receive prevocational, educational, or supported employment services under a component if the individual is eligible for such services that are funded with federal funds provided under 29 U.S.C. 730 or the "Individuals with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 37468
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(7) Safeguards shall be taken to protect the health and welfare of individuals receiving services under a component, 37473
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including safeguards established in rules adopted under section 37475
5111.85 of the Revised Code and safeguards established by 37476
licensing and certification requirements that are applicable to 37477
the providers of that component's services. 37478

(8) No services may be provided under a component by a 37479
provider that is subject to standards that 42 U.S.C. 1382e(e)(1) 37480
requires be established if the provider fails to comply with the 37481
standards applicable to the provider. 37482

(9) Individuals determined to be eligible for a component, or 37483
such individuals' representatives, shall be informed of that 37484
component's services, including any choices that the individual or 37485
representative may make regarding the component's services, and 37486
given the choice of either receiving services under that component 37487
or, as appropriate, hospital, nursing facility, or intermediate 37488
care facility for the mentally retarded services if such services 37489
are available. 37490

Sec. 5111.852. The department of job and family services may 37491
review and approve, modify, or deny written plans of care and 37492
individual service plans that section 5111.851 of the Revised Code 37493
requires be created for individuals determined eligible for a home 37494
and community-based services medicaid waiver component. If a state 37495
agency or political subdivision contracts with the department 37496
under section 5111.91 of the Revised Code to administer a home and 37497
community-based services medicaid waiver component and approves, 37498
modifies, or denies a written plan of care or individual service 37499
plan pursuant to the agency's or subdivision's administration of 37500
the component, the department may review the agency's or 37501
subdivision's approval, modification, or denial and order the 37502
agency or subdivision to reverse or modify the approval, 37503
modification, or denial. The state agency or political subdivision 37504
shall comply with the department's order. 37505

The department of job and family services shall be granted 37506
full and immediate access to any records the department needs to 37507
implement its duties under this section. 37508

Sec. 5111.853. Each administrative agency shall maintain, for 37509
a period of time the department of job and family services shall 37510
specify, financial records documenting the costs of services 37511
provided under the home and community-based services medicaid 37512
waiver components that the agency administers, including records 37513
of independent audits. The administrative agency shall make the 37514
financial records available on request to the United States 37515
secretary of health and human services, United States comptroller 37516
general, and their designees. 37517

Sec. 5111.854. Each administrative agency is financially 37518
accountable for funds expended for services provided under the 37519
home and community-based services medicaid waiver components that 37520
the agency administers. 37521

Sec. 5111.855. Each state agency and political subdivision 37522
that enters into a contract with the department of job and family 37523
services under section 5111.91 of the Revised Code to administer a 37524
home and community-based services medicaid waiver component, or 37525
one or more aspects of such a component, shall provide the 37526
department a written assurance that the agency or subdivision will 37527
not violate any of the requirements of sections 5111.85 to 37528
5111.854 of the Revised Code. 37529

Sec. 5111.97 5111.86. (A) As used in this section: 37530

(1) "Hospital" has the same meaning as in section 3727.01 of 37531
the Revised Code. 37532

(2) "Medicaid waiver component" has the same meaning as in 37533

section 5111.85 of the Revised Code. 37534

(3) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 37535

(B) The director of job and family services may submit a ~~request~~ requests to the United States secretary of health and human services pursuant to section 1915 of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended, to obtain waivers of federal medicaid requirements that would otherwise be violated in the creation and implementation of two or more medicaid waiver components under which home and community-based services ~~programs to replace the Ohio home care program being operated pursuant to rules adopted under sections 5111.01 and 5111.02 of the Revised Code and a medicaid waiver granted prior to the effective date of this section~~ are provided to eligible individuals who need the level of care provided by a nursing facility or hospital. In the ~~request~~ requests, the director may specify the following: 37536

(1) ~~That one of the replacement programs will provide home and community based services to individuals in need of nursing facility care, including individuals enrolled in the Ohio home care program;~~ 37537

(2) ~~That the other replacement program will provide services to individuals in need of hospital care, including individuals enrolled in the Ohio home care program;~~ 37538

(3) ~~That there will be a~~ The maximum number of individuals who may be enrolled in ~~the replacement programs in addition to the number of individuals to be transferred from the Ohio home care program~~ each of the medicaid waiver components included in the requests; 37539

(4) ~~That there will be a~~ (2) The maximum amount the department medicaid program may expend each year for each 37540

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individual enrolled in the ~~replacement programs~~ medicaid waiver components; 37565
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~~(5) That there will be a~~ (3) The maximum aggregate amount the 37567
~~department~~ medicaid program may expend each year for all 37568
individuals enrolled in the ~~replacement programs~~ medicaid waiver 37569
components; 37570

~~(6)~~(4) Any other ~~requirement~~ requirements the director 37571
selects for the ~~replacement programs~~ medicaid waiver components. 37572

~~(B)~~(C) If the secretary ~~grants~~ approves the medicaid waivers 37573
requested under this section, the director may create and 37574
implement the ~~replacement programs~~ medicaid waiver components in 37575
accordance with the provisions of the approved waivers ~~granted~~. 37576
The department of job and family services shall administer the 37577
~~replacement programs~~ medicaid waiver components. 37578

~~As the replacement programs are implemented, the director~~ 37579
~~shall reduce the maximum number of individuals who may be enrolled~~ 37580
~~in the Ohio home care program by the number of individuals who are~~ 37581
~~transferred to the replacement programs. When all individuals who~~ 37582
~~are eligible to be transferred to the replacement programs have~~ 37583
~~been transferred, the director may submit to the secretary an~~ 37584
~~amendment to the state medicaid plan to provide for the~~ 37585
~~elimination of the Ohio home care program.~~ 37586

To the extent necessary for the efficient and economical 37587
administration of medicaid waiver components, the director may 37588
transfer an individual enrolled in a medicaid waiver component 37589
that the United States secretary of health and human services 37590
approved before the effective date of this amendment and is 37591
administered by the department to a medicaid waiver component 37592
created under this section if the individual is eligible for the 37593
medicaid waiver component created under this section and the 37594
transfer does not jeopardize the individual's health or safety. 37595

After the first of any medicaid waiver components created 37596
under this section begins to enroll eligible individuals, the 37597
director may submit to the United States secretary of health and 37598
human services an amendment to the medicaid waiver authorizing the 37599
Ohio home care program that provides for the department to cease 37600
enrolling additional individuals in the Ohio home care program. If 37601
the secretary approves the amendment, the director may cease to 37602
enroll additional individuals in the Ohio home care program. 37603

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.884 of 37604
the Revised Code: 37605

(1) "Administrative agency" means the department of job and 37606
family services or, if the department assigns the day-to-day 37607
administration of the medicaid waiver component authorized by the 37608
waiver requested under division (B)(1) of this section to the 37609
department of mental retardation and developmental disabilities 37610
pursuant to section 5111.883 of the Revised Code, the department 37611
of mental retardation and developmental disabilities. 37612

(2) "Intermediate care facility for the mentally retarded" 37613
has the same meaning as in section 5111.20 of the Revised Code. 37614

(3) "Medicaid waiver component" has the same meaning as in 37615
section 5111.85 of the Revised Code. 37616

(B) Not later than January 1, 2007, the director of job and 37617
family services shall submit both of the following to the United 37618
States secretary of health and human services: 37619

(1) An application for a waiver authorizing a medicaid waiver 37620
component under which individuals with mental retardation or a 37621
developmental disability who would receive the intermediate care 37622
facility for the mentally retarded service if that service were 37623
available to the individuals receive instead home and 37624
community-based services; 37625

(2) An amendment to the state medicaid plan to terminate the intermediate care facility for the mentally retarded service under the medicaid program on the date that section 5111.883 of the Revised Code provides for the service to cease to be a state medicaid plan service. 37626
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Sec. 5111.881. 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 phase in the implementation of the medicaid waiver component that the waiver authorizes. As part of the phase-in process, the administrative agency shall do all of the following: 37631
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(A) Select one or more providers to provide home and community-based services under the medicaid waiver component during an initial testing phase; 37637
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(B) During the testing of the component's implementation under division (A) of this section, make adjustments to the component's implementation that the administrative agency and, if the administrative agency is not the department of job and family services, the department agree are necessary for the component to be implemented effectively statewide; 37640
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(C) After the administrative agency and, if the administrative agency is not the department of job and family services, the department agree that the component can be implemented statewide effectively, provide for the component to be implemented statewide; 37646
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(D) Ensure that the phase-in process does not cause any individual receiving the intermediate care facility for the mentally retarded service under the medicaid program on the effective date of this section to suffer an interruption in medicaid-covered services that the individual is eligible to 37651
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receive.

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Sec. 5111.882. An individual enrolled in the medicaid waiver component authorized by the waiver requested under division (B)(1) of section 5111.88 of the Revised Code has the right to choose the provider from which the individual will receive home and community-based services under the component.

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Sec. 5111.883. If the United States secretary of health and human services approves both the waiver requested under division (B)(1) of section 5111.88 of the Revised Code and the amendment to the state medicaid plan submitted under division (B)(2) of that section, the intermediate care facility for the mentally retarded service shall cease to be a covered service under the medicaid program on the date the medicaid waiver component authorized by the waiver begins to be implemented statewide pursuant to section 5111.881 of the Revised Code.

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Sec. 5111.884. 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 department of job and family services may contract with the department of mental retardation and developmental disabilities under section 5111.91 of the Revised Code to assign the day-to-day administration of the medicaid waiver component authorized by the waiver to the department of mental retardation and developmental disabilities.

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Sec. 5111.89. (A) As used in sections 5111.89 to 5111.893 of the Revised Code:

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"Assisted living program" means the medicaid waiver component for which the director of job and family services is authorized by this section to request a medicaid waiver.

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"Assisted living services" means the following home and community-based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming. 37684
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"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 37688
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"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 37690
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"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 37692
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(B) The director of job and family services may submit a request to the United States secretary of health and human services under 42 U.S.C. 1396n to obtain a waiver of federal medicaid requirements that would otherwise be violated in the creation and implementation of a program under which assisted living services are provided to residents of a residential care facility who meet the program's eligibility requirements established under section 5111.891 of the Revised Code. 37694
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If the secretary approves the medicaid waiver requested under this section and the director of budget and management approves the contract, the department of job and family services shall enter into a contract with the department of aging under section 5111.91 of the Revised Code that provides for the department of aging to administer the assisted living program. The contract shall include an estimate of the program's costs. 37702
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The director of job and family services may adopt rules under section 5111.85 of the Revised Code regarding the assisted living program. The director of aging may adopt rules under Chapter 119 of the Revised Code regarding the program. The rules the director of aging adopts shall concern issues not addressed by the rules for the program adopted by the director of job and family 37709
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<u>services.</u>	37715
<u>Sec. 5111.891. To be eligible for the assisted living</u>	37716
<u>program, an individual must meet all of the following</u>	37717
<u>requirements:</u>	37718
<u>(A) Need an intermediate level of care as determined under</u>	37719
<u>rule 5101:3-3-06 of the Administrative Code;</u>	37720
<u>(B) At the time the individual applies for the assisted</u>	37721
<u>living program, be one of the following:</u>	37722
<u>(1) A nursing facility resident seeking to move to a</u>	37723
<u>residential care facility;</u>	37724
<u>(2) A participant of any of the following medicaid waiver</u>	37725
<u>components who would move to a nursing facility if not for the</u>	37726
<u>assisted living program:</u>	37727
<u>(a) The PASSPORT program created under section 173.40 of the</u>	37728
<u>Revised Code;</u>	37729
<u>(b) The medicaid waiver component called the choices program</u>	37730
<u>that the department of aging administers;</u>	37731
<u>(c) A medicaid waiver component that the department of job</u>	37732
<u>and family services administers.</u>	37733
<u>(C) Meet all other eligibility requirements for the assisted</u>	37734
<u>living program established in rules adopted under section 5111.85</u>	37735
<u>of the Revised Code.</u>	37736
<u>Sec. 5111.892. A residential care facility providing services</u>	37737
<u>covered by the assisted living program to an individual enrolled</u>	37738
<u>in the program shall have staff on-site twenty-four hours each day</u>	37739
<u>who are able to do all of the following:</u>	37740
<u>(A) Meet the scheduled and unpredicted needs of the</u>	37741
<u>individuals enrolled in the assisted living program in a manner</u>	37742

that promotes the individuals' dignity and independence; 37743

(B) Provide supervision services for those individuals; 37744

(C) Help keep the individuals safe and secure. 37745

Sec. 5111.893. If the United States secretary of health and 37746
human services approves a medicaid waiver authorizing the assisted 37747
living program, the director of aging shall contract with a person 37748
or government entity to evaluate the program's cost effectiveness. 37749
The director shall provide the results of the evaluation to the 37750
governor, president and minority leader of the senate, and speaker 37751
and minority leader of the house of representatives not later than 37752
June 30, 2007. 37753

Sec. 5111.914. (A) As used in this section, "provider" has 37754
the same meaning as in section 5111.06 of the Revised Code. 37755

(B) If a state agency that enters into a contract with the 37756
department of job and family services under section 5111.91 of the 37757
Revised Code identifies that a medicaid overpayment has been made 37758
to a provider, the state agency may commence actions to recover 37759
the overpayment on behalf of the department. 37760

(C) In recovering an overpayment pursuant to this section, a 37761
state agency shall comply with the following procedures: 37762

(1) The state agency shall attempt to recover the overpayment 37763
by notifying the provider of the overpayment and requesting 37764
voluntary repayment. Not later than five business days after 37765
notifying the provider, the state agency shall notify the 37766
department in writing of the overpayment. The state agency may 37767
negotiate a settlement of the overpayment and notify the 37768
department of the settlement. A settlement negotiated by the state 37769
agency is not valid and shall not be implemented until the 37770
department has given its written approval of the settlement. 37771

(2) If the state agency is unable to obtain voluntary repayment of an overpayment, the agency shall give the provider notice of an opportunity for a hearing in accordance with Chapter 119. of the Revised Code. If the provider timely requests a hearing in accordance with section 119.07 of the Revised Code, the state agency shall conduct the hearing to determine the legal and factual validity of the overpayment. On completion of the hearing, the state agency shall submit its hearing officer's report and recommendation and the complete record of proceedings, including all transcripts, to the director of job and family services for final adjudication. The director may issue a final adjudication order in accordance with Chapter 119. of the Revised Code. The state agency shall pay any attorney's fees imposed under section 119.092 of the Revised Code. The department of job and family services shall pay any attorney's fees imposed under section 2335.39 of the Revised Code. 37772
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(D) In any action taken by a state agency under this section that requires the agency to give notice of an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, if the agency gives notice of the opportunity for a hearing but the provider subject to the notice does not request a hearing or timely request a hearing in accordance with section 119.07 of the Revised Code, the agency is not required to hold a hearing. The agency may request that the director of job and family services issue a final adjudication order in accordance with Chapter 119. of the Revised Code. 37788
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(E) This section does not preclude the department of job and family services from adjudicating a final fiscal audit under section 5111.06 of the Revised Code, recovering overpayments under section 5111.061 of the Revised Code, or making findings or taking other actions authorized by this chapter. 37798
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Sec. ~~5111.88~~ 5111.97. (A) As used in this section, "nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

(B) To the extent funds are available, the director of job and family services may establish the Ohio access success project to help medicaid recipients make the transition from residing in a nursing facility to residing in a community setting. The program may be established as a separate non-medicaid program or integrated into a new or existing program of medicaid-funded home and community-based services authorized by a waiver approved by the United States department of health and human services. The department may limit the number of program participants.

To be eligible for benefits under the project, a medicaid recipient must satisfy all of the following requirements:

(1) Be a recipient of medicaid-funded nursing facility services, at the time of applying for the benefits;

(2) Have resided continuously in a nursing facility for not less than ~~eighteen~~ twelve months prior to applying to participate in the project;

(3) Need the level of care provided by nursing facilities;

(4) For participation in a non-medicaid program, receive services to remain in the community with a projected cost not exceeding eighty per cent of the average monthly medicaid cost of a medicaid recipient in a nursing facility;

(5) For participation in a program established as part of a medicaid-funded home and community-based services waiver program, meet waiver enrollment criteria.

(C) If the director establishes the Ohio access success project, the benefits provided under the project may include payment of all of the following:

(1) The first month's rent in a community setting;	37833
(2) Rental deposits;	37834
(3) Utility deposits;	37835
(4) Moving expenses;	37836
(5) Other expenses not covered by the medicaid program that facilitate a medicaid recipient's move from a nursing facility to a community setting.	37837 37838 37839
(D) If the project is established as a non-medicaid program, no participant may receive more than two thousand dollars worth of benefits under the project.	37840 37841 37842
(E) The director may submit a request to the United States secretary of health and human services pursuant to section 1915 of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended, to create a medicaid home and community-based services waiver program to serve individuals who meet the criteria for participation in the Ohio access success project. The director may adopt rules under Chapter 119. of the Revised Code for the administration and operation of the program.	37843 37844 37845 37846 37847 37848 37849 37850
<u>Sec. 5111.98. (A) The director of job and family services may do all of the following as necessary for the department of job and family services to fulfill the duties it has, as the single state agency for the medicaid program, under the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" Pub. L. No. 108-173, 117 Stat. 2066:</u>	37851 37852 37853 37854 37855 37856
<u>(1) Adopt rules;</u>	37857
<u>(2) Assign duties to county departments of job and family services;</u>	37858 37859
<u>(3) Make payments to the United States department of health and human services from appropriations made to the department of</u>	37860 37861

job and family services for this purpose. 37862

(B) Rules adopted under division (A)(1) of this section shall 37863
be adopted as follows: 37864

(1) If the rules concern the department's duties regarding 37865
service providers, in accordance with Chapter 119. of the Revised 37866
Code; 37867

(2) If the rules concern the department's duties concerning 37868
individuals' eligibility for services, in accordance with section 37869
111.15 of the Revised Code; 37870

(3) If the rules concern the department's duties concerning 37871
financial and operational matters between the department and 37872
county departments of job and family services, in accordance with 37873
section 111.15 of the Revised Code as if the rules were internal 37874
management rules. 37875

Sec. 5111.99. (A) Whoever violates division (B) of section 37876
~~5111.26~~ 5111.23 or division ~~(D)~~(E) of section ~~5111.31~~ 5111.222 of 37877
the Revised Code shall be fined not less than five hundred dollars 37878
nor more than one thousand dollars for the first offense and not 37879
less than one thousand dollars nor more than five thousand dollars 37880
for each subsequent offense. Fines paid under this section shall 37881
be deposited in the state treasury to the credit of the general 37882
revenue fund. 37883

(B) Whoever violates division (D) of section 5111.61 of the 37884
Revised Code is guilty of registering a false complaint, a 37885
misdemeanor of the first degree. 37886

Sec. 5112.03. (A) The director of job and family services 37887
shall adopt, and may amend and rescind, rules in accordance with 37888
Chapter 119. of the Revised Code for the purpose of administering 37889
sections 5112.01 to 5112.21 of the Revised Code, including rules 37890

that do all of the following: 37891

(1) Define as a "disproportionate share hospital" any 37892
hospital included under subsection (b) of section 1923 of the 37893
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 37894
1396r-4(b), as amended, and any other hospital the director 37895
determines appropriate; 37896

(2) Prescribe the form for submission of cost reports under 37897
section 5112.04 of the Revised Code; 37898

(3) Establish, in accordance with division (A) of section 37899
5112.06 of the Revised Code, the assessment rate or rates to be 37900
applied to hospitals under that section; 37901

(4) Establish schedules for hospitals to pay installments on 37902
their assessments under section 5112.06 of the Revised Code and 37903
for governmental hospitals to pay installments on their 37904
intergovernmental transfers under section 5112.07 of the Revised 37905
Code; 37906

(5) Establish procedures to notify hospitals of adjustments 37907
made under division (B)(2)(b) of section 5112.06 of the Revised 37908
Code in the amount of installments on their assessment; 37909

(6) Establish procedures to notify hospitals of adjustments 37910
made under division (D) of section 5112.09 of the Revised Code in 37911
the total amount of their assessment and to adjust for the 37912
remainder of the program year the amount of the installments on 37913
the assessments; 37914

(7) Establish, in accordance with section 5112.08 of the 37915
Revised Code, the methodology for paying hospitals under that 37916
section. 37917

The director shall consult with hospitals when adopting the 37918
rules required by divisions (A)(4) and (5) of this section in 37919
order to minimize hospitals' cash flow difficulties. 37920

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) Recipients of the medical assistance program;

(2) Recipients of financial assistance provided under Chapter 5115. of the Revised Code;

~~(3) Recipients of medical assistance provided under Chapter 5115. of the Revised Code;~~

~~(4)~~ Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;

~~(5)~~(4) Recipients of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended:

~~(6)~~(5) Recipients of Title V of the "Social Security Act";

~~(7)~~(6) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act" and the rules adopted under that title.

Sec. 5112.08. The director of job and family services shall adopt rules under section 5112.03 of the Revised Code establishing a methodology to pay hospitals that is sufficient to expend all money in the indigent care pool. Under the rules:

(A) The department of job and family services may classify similar hospitals into groups and allocate funds for distribution within each group.

(B) The department shall establish a method of allocating funds to hospitals, taking into consideration the relative amount of indigent care provided by each hospital or group of hospitals. The amount to be allocated shall be based on any combination of the following indicators of indigent care that the director

considers appropriate: 37950

(1) Total costs, volume, or proportion of services to 37951
recipients of the medical assistance program, including recipients 37952
enrolled in health insuring corporations; 37953

(2) Total costs, volume, or proportion of services to 37954
low-income patients in addition to recipients of the medical 37955
assistance program, which may include recipients of Title V of the 37956
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 37957
amended, and recipients of financial ~~or medical~~ assistance 37958
provided under Chapter 5115. of the Revised Code; 37959

(3) The amount of uncompensated care provided by the hospital 37960
or group of hospitals; 37961

(4) Other factors that the director considers to be 37962
appropriate indicators of indigent care. 37963

(C) The department shall distribute funds to each hospital or 37964
group of hospitals in a manner that first may provide for an 37965
additional distribution to individual hospitals that provide a 37966
high proportion of indigent care in relation to the total care 37967
provided by the hospital or in relation to other hospitals. The 37968
department shall establish a formula to distribute the remainder 37969
of the funds. The formula shall be consistent with section 1923 of 37970
the "Social Security Act," 42 U.S.C.A. 1396r-4, as amended, shall 37971
be based on any combination of the indicators of indigent care 37972
listed in division (B) of this section that the director considers 37973
appropriate. 37974

(D) The department shall distribute funds to each hospital in 37975
installments not later than ten working days after the deadline 37976
established in rules for each hospital to pay an installment on 37977
its assessment under section 5112.06 of the Revised Code. In the 37978
case of a governmental hospital that makes intergovernmental 37979
transfers, the department shall pay an installment under this 37980

section not later than ten working days after the earlier of that 37981
deadline or the deadline established in rules for the governmental 37982
hospital to pay an installment on its intergovernmental transfer. 37983
If the amount in the hospital care assurance program fund and the 37984
hospital care assurance match fund created under section 5112.18 37985
of the Revised Code is insufficient to make the total 37986
distributions for which hospitals are eligible to receive in any 37987
period, the department shall reduce the amount of each 37988
distribution by the percentage by which the amount is 37989
insufficient. The department shall distribute to hospitals any 37990
amounts not distributed in the period in which they are due as 37991
soon as moneys are available in the funds. 37992

Sec. 5112.17. (A) As used in this section: 37993

(1) "Federal poverty guideline" means the official poverty 37994
guideline as revised annually by the United States secretary of 37995
health and human services in accordance with section 673 of the 37996
"Community Service Block Grant Act," 95 Stat. 511 (1981), 42 37997
U.S.C.A. 9902, as amended, for a family size equal to the size of 37998
the family of the person whose income is being determined. 37999

(2) "Third-party payer" means any private or public entity or 38000
program that may be liable by law or contract to make payment to 38001
or on behalf of an individual for health care services. 38002
"Third-party payer" does not include a hospital. 38003

(B) Each hospital that receives funds distributed under 38004
sections 5112.01 to 5112.21 of the Revised Code shall provide, 38005
without charge to the individual, basic, medically necessary 38006
hospital-level services to individuals who are residents of this 38007
state, are not recipients of the medical assistance program, and 38008
whose income is at or below the federal poverty guideline. 38009
Recipients of disability financial assistance ~~and recipients of~~ 38010
~~disability medical assistance~~ provided under Chapter 5115. of the 38011

Revised Code qualify for services under this section. The director 38012
of job and family services shall adopt rules under section 5112.03 38013
of the Revised Code specifying the hospital services to be 38014
provided under this section. 38015

(C) Nothing in this section shall be construed to prevent a 38016
hospital from requiring an individual to apply for eligibility 38017
under the medical assistance program before the hospital processes 38018
an application under this section. Hospitals may bill any 38019
third-party payer for services rendered under this section. 38020
Hospitals may bill the medical assistance program, in accordance 38021
with Chapter 5111. of the Revised Code and the rules adopted under 38022
that chapter, for services rendered under this section if the 38023
individual becomes a recipient of the program. Hospitals may bill 38024
individuals for services under this section if all of the 38025
following apply: 38026

(1) The hospital has an established post-billing procedure 38027
for determining the individual's income and canceling the charges 38028
if the individual is found to qualify for services under this 38029
section. 38030

(2) The initial bill, and at least the first follow-up bill, 38031
is accompanied by a written statement that does all of the 38032
following: 38033

(a) Explains that individuals with income at or below the 38034
federal poverty guideline are eligible for services without 38035
charge; 38036

(b) Specifies the federal poverty guideline for individuals 38037
and families of various sizes at the time the bill is sent; 38038

(c) Describes the procedure required by division (C)(1) of 38039
this section. 38040

(3) The hospital complies with any additional rules the 38041
department adopts under section 5112.03 of the Revised Code. 38042

Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered.

(D) Each hospital shall collect and report to the department, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section.

(E) This section applies beginning May 22, 1992, regardless of whether the department has adopted rules specifying the services to be provided. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for medically handicapped children established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law.

Sec. 5112.30. As used in sections 5112.30 to 5112.39 of the Revised Code, ~~"intermediate:~~

(A) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code, except that it does not include any such facility operated by the department of mental retardation and developmental disabilities.

(B) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

Sec. 5112.31. The department of job and family services shall do all of the following:

(A) For the purpose of providing home and community-based

services for mentally retarded and developmentally disabled 38072
persons, annually assess each intermediate care facility for the 38073
mentally retarded a franchise permit fee equal to nine dollars and 38074
sixty-three cents multiplied by the product of the following: 38075

(1) The number of beds certified under Title XIX of the 38076
"Social Security Act" on the first day of May of the calendar year 38077
in which the assessment is determined pursuant to division (A) of 38078
section 5112.33 of the Revised Code; 38079

(2) The number of days in the fiscal year beginning on the 38080
first day of July of the same calendar year. 38081

(B) Beginning July 1, ~~2005~~ 2007, and the first day of each 38082
July thereafter, adjust fees determined under division (A) of this 38083
section in accordance with the composite inflation factor 38084
established in rules adopted under section 5112.39 of the Revised 38085
Code. 38086

(C) If the United States secretary of health and human 38087
services determines that the franchise permit fee established by 38088
sections 5112.30 to 5112.39 of the Revised Code would be an 38089
impermissible health care-related tax under section 1903(w) of the 38090
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, ~~the~~ 38091
~~department shall~~ take all necessary actions to cease 38092
implementation of those sections in accordance with rules adopted 38093
under section 5112.39 of the Revised Code. 38094

Sec. 5112.341. (A) In addition to assessing a penalty 38095
pursuant to section 5112.34 of the Revised Code, the department of 38096
job and family services may do either of the following if an 38097
intermediate care facility for the mentally retarded fails to pay 38098
the full amount of a franchise permit fee installment when due: 38099

(1) Withhold an amount equal to the installment and penalty 38100
assessed under section 5112.34 of the Revised Code from a medicaid 38101

<u>payment due the facility until the facility pays the installment</u>	38102
<u>and penalty;</u>	38103
<u>(2) Terminate the facility's medicaid provider agreement.</u>	38104
<u>(B) The department may withhold a medicaid payment under</u>	38105
<u>division (A)(1) of this section without providing notice to the</u>	38106
<u>intermediate care facility for the mentally retarded and without</u>	38107
<u>conducting an adjudication under Chapter 119. of the Revised Code.</u>	38108
Sec. 5115.20. (A) The department of job and family services	38109
shall establish a disability advocacy program and each county	38110
department of job and family services shall establish a disability	38111
advocacy program unit or join with other county departments of job	38112
and family services to establish a joint county disability	38113
advocacy program unit. Through the program the department and	38114
county departments shall cooperate in efforts to assist applicants	38115
for and recipients of assistance under the disability financial	38116
assistance program and the disability medical assistance program,	38117
who might be eligible for supplemental security income benefits	38118
under Title XVI of the "Social Security Act," 86 Stat. 1475	38119
(1972), 42 U.S.C.A. 1383, as amended, in applying for those	38120
benefits.	38121
As part of their disability advocacy programs, the state	38122
department and county departments may enter into contracts for the	38123
services of persons and government entities that in the judgment	38124
of the department or county department have demonstrated expertise	38125
in representing persons seeking supplemental security income	38126
benefits. Each contract shall require the person or entity with	38127
which a department contracts to assess each person referred to it	38128
by the department to determine whether the person appears to be	38129
eligible for supplemental security income benefits, and, if the	38130
person appears to be eligible, assist the person in applying and	38131
represent the person in any proceeding of the social security	38132

administration, including any appeal or reconsideration of a
denial of benefits. The department or county department shall
provide to the person or entity with which it contracts all
records in its possession relevant to the application for
supplemental security income benefits. The department shall
require a county department with relevant records to submit them
to the person or entity.

(B) Each applicant for or recipient of disability financial
assistance ~~or disability medical assistance~~ who, in the judgment
of the department or a county department might be eligible for
supplemental security benefits, shall, as a condition of
eligibility for assistance, apply for such benefits if directed to
do so by the department or county department.

(C) With regard to applicants for and recipients of
disability financial assistance ~~or disability medical assistance~~,
each county department of job and family services shall do all of
the following:

(1) Identify applicants and recipients who might be eligible
for supplemental security income benefits;

(2) Assist applicants and recipients in securing
documentation of disabling conditions or refer them for such
assistance to a person or government entity with which the
department or county department has contracted under division (A)
of this section;

(3) Inform applicants and recipients of available sources of
representation, which may include a person or government entity
with which the department or county department has contracted
under division (A) of this section, and of their right to
represent themselves in reconsiderations and appeals of social
security administration decisions that deny them supplemental
security income benefits. The county department may require the

applicants and recipients, as a condition of eligibility for 38164
assistance, to pursue reconsiderations and appeals of social 38165
security administration decisions that deny them supplemental 38166
security income benefits, and shall assist applicants and 38167
recipients as necessary to obtain such benefits or refer them to a 38168
person or government entity with which the department or county 38169
department has contracted under division (A) of this section. 38170

(4) Require applicants and recipients who, in the judgment of 38171
the county department, are or may be aged, blind, or disabled, to 38172
apply for medical assistance under Chapter 5111. of the Revised 38173
Code, make determinations when appropriate as to eligibility for 38174
medical assistance, and refer their applications when necessary to 38175
the disability determination unit established in accordance with 38176
division (F) of this section for expedited review; 38177

(5) Require each applicant and recipient who in the judgment 38178
of the department or the county department might be eligible for 38179
supplemental security income benefits, as a condition of 38180
eligibility for disability financial assistance ~~or disability~~ 38181
~~medical assistance~~, to execute a written authorization for the 38182
secretary of health and human services to withhold benefits due 38183
that individual and pay to the director of job and family services 38184
or the director's designee an amount sufficient to reimburse the 38185
state and county shares of interim assistance furnished to the 38186
individual. For the purposes of division (C)(5) of this section, 38187
"benefits" and "interim assistance" have the meanings given in 38188
Title XVI of the "Social Security Act." 38189

(D) The director of job and family services shall adopt rules 38190
in accordance with section 111.15 of the Revised Code for the 38191
effective administration of the disability advocacy program. The 38192
rules shall include all of the following: 38193

(1) Methods to be used in collecting information from and 38194

disseminating it to county departments, including the following:	38195
(a) The number of individuals in the county who are disabled recipients of disability financial assistance or disability medical assistance;	38196 38197 38198
(b) The final decision made either by the social security administration or by a court for each application or reconsideration in which an individual was assisted pursuant to this section.	38199 38200 38201 38202
(2) The type and process of training to be provided by the department of job and family services to the employees of the county department of job and family services who perform duties under this section;	38203 38204 38205 38206
(3) Requirements for the written authorization required by division (C)(5) of this section.	38207 38208
(E) The department shall provide basic and continuing training to employees of the county department of job and family services who perform duties under this section. Training shall include but not be limited to all processes necessary to obtain federal disability benefits, and methods of advocacy.	38209 38210 38211 38212 38213
(F) The department shall establish a disability determination unit and develop guidelines for expediting reviews of applications for medical assistance under Chapter 5111. of the Revised Code for persons who have been referred to the unit under division (C)(4) of this section. The department shall make determinations of eligibility for medical assistance for any such person within the time prescribed by federal regulations.	38214 38215 38216 38217 38218 38219 38220
(G) The department may, under rules the director of job and family services adopts in accordance with section 111.15 of the Revised Code, pay a portion of the federal reimbursement described in division (C)(5) of this section to persons or government	38221 38222 38223 38224

entities that assist or represent assistance recipients in 38225
reconsiderations and appeals of social security administration 38226
decisions denying them supplemental security income benefits. 38227

(H) The director shall conduct investigations to determine 38228
whether disability advocacy programs are being administered in 38229
compliance with the Revised Code and the rules adopted by the 38230
director pursuant to this section. 38231

Sec. 5115.22. (A) If a recipient of disability financial 38232
assistance ~~or disability medical assistance~~, or an individual 38233
whose income and resources are included in determining the 38234
recipient's eligibility for the assistance, becomes possessed of 38235
resources or income in excess of the amount allowed to retain 38236
eligibility, or if other changes occur that affect the recipient's 38237
eligibility or need for assistance, the recipient shall notify the 38238
state or county department of job and family services within the 38239
time limits specified in rules adopted by the director of job and 38240
family services in accordance with section 111.15 of the Revised 38241
Code. Failure of a recipient to report possession of excess 38242
resources or income or a change affecting eligibility or need 38243
within those time limits shall be considered prima-facie evidence 38244
of intent to defraud under section 5115.23 of the Revised Code. 38245

(B) As a condition of eligibility for disability financial 38246
assistance ~~or disability medical assistance~~, and as a means of 38247
preventing or reducing the provision of assistance at public 38248
expense, each applicant for or recipient of the assistance shall 38249
make reasonable efforts to secure support from persons responsible 38250
for the applicant's or recipient's support, and from other 38251
sources, including any federal program designed to provide 38252
assistance to individuals with disabilities. The state or county 38253
department of job and family services may provide assistance to 38254
the applicant or recipient in securing other forms of financial 38255

assistance. 38256

Sec. 5115.23. As used in this section, "erroneous payments" 38257
means disability financial assistance payments ~~or disability~~ 38258
~~medical assistance payments~~ made to persons who are not entitled 38259
to receive them, including payments made as a result of 38260
misrepresentation or fraud, and payments made due to an error by 38261
the recipient or by the county department of job and family 38262
services that made the payment. 38263

The department of job and family services shall adopt rules 38264
in accordance with section 111.15 of the Revised Code specifying 38265
the circumstances under which action is to be taken under this 38266
section to recover erroneous payments. The department, or a county 38267
department of job and family services at the request of the 38268
department, shall take action to recover erroneous payments in the 38269
circumstances specified in the rules. The department or county 38270
department may institute a civil action to recover erroneous 38271
payments. 38272

Whenever disability financial assistance ~~or disability~~ 38273
~~medical assistance~~ has been furnished to a recipient for whose 38274
support another person is responsible, the other person shall, in 38275
addition to the liability otherwise imposed, as a consequence of 38276
failure to support the recipient, be liable for all assistance 38277
furnished the recipient. The value of the assistance so furnished 38278
may be recovered in a civil action brought by the county 38279
department of job and family services. 38280

Each county department of job and family services shall 38281
retain fifty per cent of the erroneous payments it recovers under 38282
this section. The department of job and family services shall 38283
receive the remaining fifty per cent. 38284

Sec. 5119.61. Any provision in this chapter that refers to a 38285

board of alcohol, drug addiction, and mental health services also 38286
refers to the community mental health board in an alcohol, drug 38287
addiction, and mental health service district that has a community 38288
mental health board. 38289

The director of mental health with respect to all facilities 38290
and programs established and operated under Chapter 340. of the 38291
Revised Code for mentally ill and emotionally disturbed persons, 38292
shall do all of the following: 38293

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 38294
that may be necessary to carry out the purposes of Chapter 340. 38295
and sections 5119.61 to 5119.63 of the Revised Code. 38296

(1) The rules shall include all of the following: 38297

(a) Rules governing a community mental health agency's 38298
services under section 340.091 of the Revised Code to an 38299
individual referred to the agency under division (C)(2) of section 38300
173.35 of the Revised Code; 38301

(b) For the purpose of division (A)(16) of section 340.03 of 38302
the Revised Code, rules governing the duties of mental health 38303
agencies and boards of alcohol, drug addiction, and mental health 38304
services under section 3722.18 of the Revised Code regarding 38305
referrals of individuals with mental illness or severe mental 38306
disability to adult care facilities and effective arrangements for 38307
ongoing mental health services for the individuals. The rules 38308
shall do at least the following: 38309

(i) Provide for agencies and boards to participate fully in 38310
the procedures owners and managers of adult care facilities must 38311
follow under division (A)(2) of section 3722.18 of the Revised 38312
Code; 38313

(ii) Specify the manner in which boards are accountable for 38314
ensuring that ongoing mental health services are effectively 38315
arranged for individuals with mental illness or severe mental 38316

disability who are referred by the board or mental health agency 38317
under contract with the board to an adult care facility. 38318

(c) Rules governing a board of alcohol, drug addiction, and 38319
mental health services when making a report to the director of 38320
health under section 3722.17 of the Revised Code regarding the 38321
quality of care and services provided by an adult care facility to 38322
a person with mental illness or a severe mental disability. 38323

(2) Rules may be adopted to govern the method of paying a 38324
community mental health facility, as defined in section ~~5111.022~~ 38325
5111.023 of the Revised Code, for providing services listed in 38326
division (B) of that section. Such rules must be consistent with 38327
the contract entered into between the departments of job and 38328
family services and mental health under section 5111.91 of the 38329
Revised Code and include requirements ensuring appropriate service 38330
utilization. 38331

(B) Review and evaluate, and, taking into account the 38332
findings and recommendations of the board of alcohol, drug 38333
addiction, and mental health services of the district served by 38334
the program and the requirements and priorities of the state 38335
mental health plan, including the needs of residents of the 38336
district now residing in state mental institutions, approve and 38337
allocate funds to support community programs, and make 38338
recommendations for needed improvements to boards of alcohol, drug 38339
addiction, and mental health services; 38340

(C) Withhold state and federal funds for any program, in 38341
whole or in part, from a board of alcohol, drug addiction, and 38342
mental health services in the event of failure of that program to 38343
comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, 38344
or 5119.62 of the Revised Code or rules of the department of 38345
mental health. The director shall identify the areas of 38346
noncompliance and the action necessary to achieve compliance. The 38347

director shall offer technical assistance to the board to achieve 38348
compliance. The director shall give the board a reasonable time 38349
within which to comply or to present its position that it is in 38350
compliance. Before withholding funds, a hearing shall be conducted 38351
to determine if there are continuing violations and that either 38352
assistance is rejected or the board is unable to achieve 38353
compliance. Subsequent to the hearing process, if it is determined 38354
that compliance has not been achieved, the director may allocate 38355
all or part of the withheld funds to a public or private agency to 38356
provide the services not in compliance until the time that there 38357
is compliance. The director shall establish rules pursuant to 38358
Chapter 119. of the Revised Code to implement this division. 38359

(D) Withhold state or federal funds from a board of alcohol, 38360
drug addiction, and mental health services that denies available 38361
service on the basis of religion, race, color, creed, sex, 38362
national origin, age, disability as defined in section 4112.01 of 38363
the Revised Code, developmental disability, or the inability to 38364
pay; 38365

(E) Provide consultative services to community mental health 38366
agencies with the knowledge and cooperation of the board of 38367
alcohol, drug addiction, and mental health services; 38368

(F) Provide to boards of alcohol, drug addiction, and mental 38369
health services state or federal funds, in addition to those 38370
allocated under section 5119.62 of the Revised Code, for special 38371
programs or projects the director considers necessary but for 38372
which local funds are not available; 38373

(G) Establish criteria by which a board of alcohol, drug 38374
addiction, and mental health services reviews and evaluates the 38375
quality, effectiveness, and efficiency of services provided 38376
through its community mental health plan. The criteria shall 38377
include requirements ensuring appropriate service utilization. The 38378

department shall assess a board's evaluation of services and the 38379
compliance of each board with this section, Chapter 340. or 38380
section 5119.62 of the Revised Code, and other state or federal 38381
law and regulations. The department, in cooperation with the 38382
board, periodically shall review and evaluate the quality, 38383
effectiveness, and efficiency of services provided through each 38384
board. The department shall collect information that is necessary 38385
to perform these functions. 38386

(H) Develop and operate a community mental health information 38387
system. 38388

Boards of alcohol, drug abuse, and mental health services 38389
shall submit information requested by the department in the form 38390
and manner prescribed by the department. Information collected by 38391
the department shall include, but not be limited to, all of the 38392
following: 38393

(1) Information regarding units of services provided in whole 38394
or in part under contract with a board, including diagnosis and 38395
special needs, demographic information, the number of units of 38396
service provided, past treatment, financial status, and service 38397
dates in accordance with rules adopted by the department in 38398
accordance with Chapter 119. of the Revised Code; 38399

(2) Financial information other than price or price-related 38400
data regarding expenditures of boards and community mental health 38401
agencies, including units of service provided, budgeted and actual 38402
expenses by type, and sources of funds. 38403

Boards shall submit the information specified in division 38404
(H)(1) of this section no less frequently than annually for each 38405
client, and each time the client's case is opened or closed. The 38406
department shall not collect any information for the purpose of 38407
identifying by name any person who receives a service through a 38408
board of alcohol, drug addiction, and mental health services, 38409

except as required by state or federal law to validate appropriate 38410
reimbursement. For the purposes of division (H)(1) of this 38411
section, the department shall use an identification system that is 38412
consistent with applicable nationally recognized standards. 38413

(I) Review each board's community mental health plan 38414
submitted pursuant to section 340.03 of the Revised Code and 38415
approve or disapprove it in whole or in part. Periodically, in 38416
consultation with representatives of boards and after considering 38417
the recommendations of the medical director, the director shall 38418
issue criteria for determining when a plan is complete, criteria 38419
for plan approval or disapproval, and provisions for conditional 38420
approval. The factors that the director considers may include, but 38421
are not limited to, the following: 38422

(1) The mental health needs of all persons residing within 38423
the board's service district, especially severely mentally 38424
disabled children, adolescents, and adults; 38425

(2) The demonstrated quality, effectiveness, efficiency, and 38426
cultural relevance of the services provided in each service 38427
district, the extent to which any services are duplicative of 38428
other available services, and whether the services meet the needs 38429
identified above; 38430

(3) The adequacy of the board's accounting for the 38431
expenditure of funds. 38432

If the director disapproves all or part of any plan, the 38433
director shall provide the board an opportunity to present its 38434
position. The director shall inform the board of the reasons for 38435
the disapproval and of the criteria that must be met before the 38436
plan may be approved. The director shall give the board a 38437
reasonable time within which to meet the criteria, and shall offer 38438
technical assistance to the board to help it meet the criteria. 38439

If the approval of a plan remains in dispute thirty days 38440

prior to the conclusion of the fiscal year in which the board's 38441
current plan is scheduled to expire, the board or the director may 38442
request that the dispute be submitted to a mutually agreed upon 38443
third-party mediator with the cost to be shared by the board and 38444
the department. The mediator shall issue to the board and the 38445
department recommendations for resolution of the dispute. Prior to 38446
the conclusion of the fiscal year in which the current plan is 38447
scheduled to expire, the director, taking into consideration the 38448
recommendations of the mediator, shall make a final determination 38449
and approve or disapprove the plan, in whole or in part. 38450

Sec. 5120.09. Under the supervision and control of the 38451
director of rehabilitation and correction, the division of 38452
business administration shall do all of the following: 38453

(A) Submit the budgets for the several divisions of the 38454
department of rehabilitation and correction, as prepared by the 38455
respective chiefs of those divisions, to the director. The 38456
director, with the assistance of the chief of the division of 38457
business administration, shall compile a departmental budget that 38458
contains all proposals submitted by the chiefs of the divisions 38459
and shall forward the departmental budget to the governor with 38460
comments and recommendations that the director considers 38461
necessary. 38462

(B) Maintain accounts and records and compile statistics that 38463
the director prescribes; 38464

(C) Under the control of the director, coordinate and make 38465
the necessary purchases and requisitions for the department and 38466
its divisions, except as provided under section 5119.16 of the 38467
Revised Code; 38468

(D) Administer within this state federal criminal justice 38469
acts that the governor requires the department to administer. In 38470

order to improve the criminal justice system of this state, the
division of business administration shall apply for, allocate,
disburse, and account for grants that are made available pursuant
to those federal criminal justice acts and grants that are made
available from other federal government sources, state government
sources, or private sources. As used in this division, "criminal
justice system" and "federal criminal justice acts" have the same
meanings as in section ~~181.51~~ 5502.61 of the Revised Code.

(E) Audit the activities of governmental entities, persons as
defined in section 1.59 of the Revised Code, and other types of
nongovernmental entities that are financed in whole or in part by
funds that the department allocates or disburses and that are
derived from grants described in division (D) of this section;

(F) Enter into contracts, including contracts with federal,
state, or local governmental entities, persons as defined in
section 1.59 of the Revised Code, foundations, and other types of
nongovernmental entities, that are necessary for the department to
carry out its duties and that neither the director nor another
section of the Revised Code authorizes another division of the
department to enter;

(G) Exercise other powers and perform other duties that the
director may assign to the division of business administration.

Sec. 5120.51. (A)(1) If the director of rehabilitation and
correction determines that a bill introduced in the general
assembly is likely to have a significant impact on the population
of, or the cost of operating, any or all state correctional
institutions under the administration of the department of
rehabilitation and correction, the department shall prepare a
population and cost impact statement for the bill, in accordance
with division (A)(2) of this section.

(2) A population and cost impact statement required for a bill ~~shall~~ shall estimate the increase or decrease in the correctional institution population that likely would result if the bill were enacted, shall estimate, in dollars, the amount by which revenues or expenditures likely would increase or decrease if the bill were enacted, and briefly shall explain each of the estimates.

A population and cost impact statement required for a bill initially shall be prepared after the bill is referred to a committee of the general assembly in the house of origination but before the meeting of the committee at which the committee is scheduled to vote on whether to recommend the bill for passage. A copy of the statement shall be distributed to each member of the committee that is considering the bill and to the member of the general assembly who introduced it. If the bill is recommended for passage by the committee, the department shall update the statement before the bill is taken up for final consideration by the house of origination. A copy of the updated statement shall be distributed to each member of that house and to the member of the general assembly who introduced the bill. If the bill is passed by the house of origination and is introduced in the second house, the provisions of this division concerning the preparation, updating, and distribution of the statement in the house of origination also apply in the second house.

(B) The governor or any member of the general assembly, at any time, may request the department to prepare a population and cost impact statement for any bill introduced in the general assembly. Upon receipt of a request, the department promptly shall prepare a statement that includes the estimates and explanations described in division (A)(2) of this section and present a copy of it to the governor or member who made the request.

(C) In the preparation of a population and cost impact

statement required by division (A) or (B) of this section, the
department shall use a technologically sophisticated system
capable of estimating future state correctional institution
populations. The system shall have the capability to adjust its
estimates based on actual and proposed changes in sentencing laws
and trends, sentence durations, parole rates, crime rates, and any
other data that affect state correctional institution populations.
The department, in conjunction with the advisory committee
appointed under division (E) of this section, shall review and
update the data used in the system, not less than once every six
months, to improve the accuracy of the system.

(D) At least once every six months, the department shall
provide to the correctional institution inspection committee a
copy of the estimates of state correctional institution
populations obtained through use of the system described in
division (C) of this section and a description of the assumptions
regarding sentencing laws and trends, sentence durations, parole
rates, crime rates, and other relevant data that were made by the
department to obtain the estimates. Additionally, a copy of the
estimates and a description of the assumptions made to obtain them
shall be provided, upon reasonable request, to other legislative
staff, including the staff of the legislative service commission
~~and the legislative budget office of the legislative service~~
~~commission~~, to the office of budget and management, and to the
~~office~~ division of criminal justice services in the department of
public safety.

(E) The correctional institution inspection committee shall
appoint an advisory committee to review the operation of the
system for estimating future state correctional institution
populations that is used by the department in the preparation of
population cost impact statements pursuant to this section and to
join with the department in its reviews and updating of the data

used in the system under division (C) of this section. The 38565
advisory committee shall be comprised of at least one prosecuting 38566
attorney, at least one common pleas court judge, at least one 38567
public defender, at least one person who is a member or staff 38568
employee of the committee, and at least one representative of the 38569
~~office~~ division of criminal justice services in the department of 38570
public safety. 38571

~~Sec. 5121.03~~ 5121.01. As used in ~~this chapter~~ sections 38572
5121.01 to 5121.21 of the Revised Code: 38573

~~(A) Patient means a person receiving care or treatment in a~~ 38574
~~program or facility that provides services to mentally ill~~ 38575
~~individuals.~~ 38576

~~(B)~~ "The department" means the department of mental health or 38577
the department of mental retardation and developmental 38578
disabilities, whichever provides care or treatment to the ~~patient~~ 38579
recipient or resident. 38580

~~(C)~~ (B) "Resident" means a person admitted to an institution 38581
or other facility pursuant to Chapter 5123. of the Revised Code 38582
who is under observation or receiving habilitation and care in an 38583
institution for the mentally retarded. 38584

(C) "Community mental health services recipient" or 38585
"recipient" means a person receiving state-operated community 38586
mental health services. 38587

(D) "State-operated community mental health services" means 38588
community-based services the department of mental health operates 38589
for a board of alcohol, drug addiction, and mental health services 38590
pursuant to a community mental health plan approved under division 38591
(A)(1)(c) of section 340.03 of the Revised Code. 38592

(E) "Applicable cost" means the rate for support applicable 38593
to a ~~patient or resident~~ or recipient as specified in this 38594

section. 38595

The cost for support of ~~patients in hospitals and~~ residents 38596
in institutions under the jurisdiction of ~~the department of mental~~ 38597
~~health or~~ the department of mental retardation and developmental 38598
disabilities, and of residents in private facilities or homes 38599
whose care or treatment is being paid for by the department of 38600
mental retardation and developmental disabilities, shall be based 38601
on the average per capita cost of the care and treatment of such 38602
~~patients or~~ residents. The cost of services for ~~mentally ill~~ 38603
~~patients or~~ mentally retarded residents shall be computed using 38604
the projected average daily per capita cost at the ~~hospital or~~ 38605
institution, or at the discretion of the department under the 38606
jurisdiction of which the ~~hospital or~~ institution is operated, the 38607
subunit thereof in which services are provided. Such costs shall 38608
be computed at least annually for the next prospective period 38609
using generally accepted governmental accounting principles. The 38610
cost of services for mentally retarded residents that are being 38611
cared for and maintained in a private facility or home under the 38612
supervision of the department of mental retardation and 38613
developmental disabilities regional offices and for which a 38614
purchase of services contract is being paid to the private 38615
facility or home by the department shall not be more than the per 38616
diem cost of the contract. The cost of services for a resident 38617
receiving pre-admission care, after-care, day-care, or routine 38618
consultation and treatment services in a community service unit 38619
under the jurisdiction of the department, shall be computed on the 38620
basis of the average cost of such services at the institution at 38621
which they are provided. 38622

The cost for support of a ~~patient receiving~~ recipient of 38623
state-operated community mental health services is an amount 38624
determined using guidelines the department of mental health shall 38625
issue. The guidelines shall be based on cost-findings and 38626

rate-settings applicable to such services. 38627

The appropriate department shall annually determine the 38628
ability to pay of a ~~patient or~~ resident, recipient, or the 38629
~~patient's or~~ resident's or recipient's liable relatives and the 38630
amount that such person shall pay in accordance with section 38631
5121.04 of the Revised Code. 38632

Collections of support payments shall be made by the 38633
department of mental health and the department of mental 38634
retardation and developmental disabilities and, subject to meeting 38635
prior requirements for payment and crediting of such collections 38636
and other available receipts, in accordance with the bond 38637
proceedings applicable to obligations issued pursuant to section 38638
154.20 of the Revised Code, such collections and other available 38639
receipts designated by the director of the department of mental 38640
health and the director of the department of mental retardation 38641
and developmental disabilities for deposit in the special 38642
accounts, together with insurance contract payments provided for 38643
in division (B)(8) of section 5121.04 of the Revised Code, shall 38644
be remitted to the treasurer of state for deposit in the state 38645
treasury to the credit of the mental health operating fund and the 38646
mental retardation operating fund, which are hereby created, to be 38647
used for the general purposes of the department of mental health 38648
and the department of mental retardation and developmental 38649
disabilities. The department of mental health shall make refunds 38650
of overpayment of support charges from the mental health operating 38651
fund, and the department of mental retardation and developmental 38652
disabilities shall make refunds of overpayment of support charges 38653
from the mental retardation operating fund. 38654

Sec. ~~5121.01~~ 5121.02. All ~~patients or~~ residents of a 38655
~~benevolent~~ admitted to an institution, or facility pursuant to 38656
Chapter 5123. of the Revised Code shall be maintained at the 38657

expense of the state. Their traveling and incidental expenses in 38658
conveying them to the institution or facility shall be paid by the 38659
county of commitment. Upon admission, the ~~patients or~~ residents 38660
shall be neatly and comfortably clothed. Thereafter, the expense 38661
of necessary clothing shall be borne by the responsible relatives 38662
or guardian if they are financially able. If not furnished, the 38663
state shall bear the expense. Any required traveling expense after 38664
admission to the institution or facility shall be borne by the 38665
state if the responsible relatives or guardian are unable to do 38666
so. 38667

Sec. ~~5121.02~~ 5121.03. When any person is committed to an 38668
institution under the jurisdiction of ~~the department of mental~~ 38669
~~health or~~ the department of mental retardation and developmental 38670
disabilities pursuant to judicial proceedings, the judge ordering 38671
such commitment shall: 38672

(A) Make a reliable report on the financial condition of such 38673
person and of each of the relatives of the person who are liable 38674
for ~~his~~ the person's support, as provided in section 5121.06 of 38675
the Revised Code and rules and procedures agreed upon by ~~the~~ 38676
~~director of mental health and~~ the director of mental retardation 38677
and developmental disabilities; 38678

(B) Certify to the managing officer of such institution, and 38679
the managing officer shall thereupon enter upon ~~his~~ the managing 38680
officer's records the name and address of any guardian appointed 38681
and of any relative liable for such person's support under section 38682
5121.06 of the Revised Code. 38683

Sec. 5121.04. (A) ~~The department of mental health and the~~ 38684
department of mental retardation and developmental disabilities 38685
shall investigate the financial condition of the ~~patients in~~ 38686
~~hospitals and~~ residents in institutions, residents whose care or 38687

treatment is being paid for in a private facility or home under 38688
the control of the department of mental retardation and 38689
developmental disabilities, and of the relatives named in section 38690
5121.06 of the Revised Code as liable for the support of such 38691
~~patients or residents~~, in order to determine the ability of any 38692
~~patient, resident, or such~~ relatives of residents to pay for the 38693
support of the ~~patient or resident~~ and to provide suitable 38694
clothing as required by the superintendent of the institution. 38695

The department of mental health shall investigate the 38696
financial condition of ~~patients receiving state operated community~~ 38697
~~mental health services~~ recipients and of the liable relatives of 38698
recipients to determine the ~~patient's~~ recipient's or relative's 38699
ability to pay for the ~~patient's~~ recipient's support. In all 38700
cases, in determining ability to pay and the amount to be charged, 38701
due regard shall be had for others who may be dependent for 38702
support upon such relatives or the estate of the ~~patient~~ 38703
recipient. 38704

(B) The department shall follow the provisions of this 38705
division in determining the ability to pay of a ~~patient or~~ 38706
resident or recipient or the ~~patient's or resident's~~ or 38707
recipient's liable relatives and the amount to be charged such 38708
~~patient or resident, recipient,~~ or liable relatives. 38709

(1) Subject to divisions (B)(10) and (11) of this section, a 38710
~~patient or resident~~ or recipient without dependents shall be 38711
liable for the full applicable cost. A ~~patient or resident~~ or 38712
recipient without dependents who has a gross annual income equal 38713
to or exceeding the sum of the full applicable cost, plus fifty 38714
dollars per month, regardless of the source of such income, shall 38715
pay currently the full amount of the applicable cost; if the 38716
~~patient's or resident's~~ or recipient's gross annual income is less 38717
than such sum, not more than fifty dollars per month shall be kept 38718
for personal use by or on behalf of the ~~patient or resident~~ or 38719

recipient, except as permitted in the state plan for providing 38720
medical assistance under Title XIX of the "Social Security Act," 38721
49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the balance 38722
shall be paid currently on the ~~patient's or~~ resident's or 38723
recipient's support. Subject to divisions (B)(10) and (11) of this 38724
section, the estate of a ~~patient or~~ resident or recipient without 38725
dependents shall pay currently any remaining difference between 38726
the applicable cost and the amounts prescribed in this section, or 38727
shall execute an agreement with the department for payment to be 38728
made at some future date under terms suitable to the department. 38729
However, no security interest, mortgage, or lien shall be taken, 38730
granted, or charged against any principal residence of a ~~patient~~ 38731
~~or~~ resident or recipient without dependents under an agreement or 38732
otherwise to secure support payments, and no foreclosure actions 38733
shall be taken on security interests, mortgages, or liens taken, 38734
granted, or charged against principal residences of ~~patients or~~ 38735
residents or recipients prior to October 7, 1977. 38736

(2) The ability to pay of a ~~patient or~~ resident or recipient 38737
with dependents, or of a liable relative of a ~~patient or~~ resident 38738
or recipient either with or without dependents, shall be 38739
determined in accordance with the ~~patient's, resident's,~~ 38740
recipient's, or liable relative's income or other assets, the 38741
needs of others who are dependent on such income and other assets 38742
for support, and, if applicable, divisions (B)(10) and (11) of 38743
this section. 38744

For the first thirty days of care and treatment of each 38745
admission and for the first thirty days of care and treatment from 38746
state-operated community mental health services, but in no event 38747
for more than thirty days in any calendar year, the ~~mentally ill~~ 38748
~~patient or mentally retarded~~ resident or recipient with dependents 38749
or the liable relative of a ~~mentally ill patient or a mentally~~ 38750
~~retarded~~ resident or recipient either with or without dependents 38751

shall be charged an amount equal to the percentage of the average 38752
 applicable cost determined in accordance with the schedule of 38753
 adjusted gross annual income contained after this paragraph. After 38754
 such first thirty days of care and treatment, such ~~mentally ill~~ 38755
~~patient or mentally retarded~~ resident, recipient, or such liable 38756
 relative shall be charged an amount equal to the percentage of a 38757
 base support rate of four dollars per day for ~~mentally ill~~ 38758
~~patients and mentally retarded residents~~ or recipients, as 38759
 determined in accordance with the schedule of gross annual income 38760
 contained after this paragraph, or in accordance with division 38761
 (B)(5) of this section. Beginning January 1, 1978, the department 38762
 shall increase the base rate when the consumer price index average 38763
 is more than 4.0 for the preceding calendar year by not more than 38764
 the average for such calendar year. 38765

Adjusted Gross Annual 38766
 Income of Patient or Resident 38767

or Liable Relative (FN a)	Number of Dependents (FN b)								38768
	1	2	3	4	5	6	7	8 or more	
	Rate of Support (In Percentages)								38770
\$15,000 or less	--	--	--	--	--	--	--	--	38771
15,001 to 17,500	20	--	--	--	--	--	--	--	38772
17,501 to 20,000	25	20	--	--	--	--	--	--	38773
20,001 to 21,000	30	25	20	--	--	--	--	--	38774
21,001 to 22,000	35	30	25	20	--	--	--	--	38775
22,001 to 23,000	40	35	30	25	20	--	--	--	38776
23,001 to 24,000	45	40	35	30	25	20	--	--	38777
24,001 to 25,000	50	45	40	35	30	25	20	--	38778
25,001 to 26,000	55	50	45	40	35	30	25	20	38779
26,001 to 27,000	60	55	50	45	40	35	30	25	38780
27,001 to 28,000	70	60	55	50	45	40	35	30	38781
28,001 to 30,000	80	70	60	55	50	45	40	35	38782
30,001 to 40,000	90	80	70	60	55	50	45	40	38783

40,001 and over 100 90 80 70 60 55 50 45 38785

Footnote a. The ~~patient or~~ resident, recipient, or relative 38786
shall furnish a copy of the ~~patient's~~, resident's, recipient's, or 38787
relative's federal income tax return as evidence of gross annual 38788
income. 38789

Footnote b. The number of dependents includes the liable 38790
relative but excludes ~~the patient or a~~ resident in ~~the hospital or~~ 38791
an institution. "Dependent" includes any person who receives more 38792
than half the person's support from the ~~patient~~ resident, 38793
recipient, or the ~~patient's~~ resident's or recipient's liable 38794
relative. 38795

(3) A ~~patient or~~ resident, recipient, or liable relative 38796
having medical, funeral, or related expenses in excess of four per 38797
cent of the adjusted gross annual income, which expenses were not 38798
covered by insurance, may adjust such gross annual income by 38799
reducing the adjusted gross annual income by the full amount of 38800
such expenses. Proof of such expenses satisfactory to the 38801
department must be furnished. 38802

(4) Additional dependencies may be claimed if: 38803

(a) The liable relative is blind; 38804

(b) The liable relative is over sixty-five; 38805

(c) A child is a college student with expenses in excess of 38806
fifty dollars per month; 38807

(d) The services of a housekeeper, costing in excess of fifty 38808
dollars per month, are required if the person who normally keeps 38809
house for minor children is the ~~patient or~~ resident or recipient. 38810

(5) If with respect to any ~~patient or~~ resident or recipient 38811
with dependents there is chargeable under division (B)(2) of this 38812
section less than fifty per cent of the applicable cost or, if the 38813
base support rate was used, less than fifty per cent of the amount 38814

determined by use of the base support rate, and if with respect to 38815
such ~~patient or~~ resident or recipient there is a liable relative 38816
who has an estate having a value in excess of fifteen thousand 38817
dollars or if such ~~patient or~~ resident or recipient has a 38818
dependent and an estate having a value in excess of fifteen 38819
thousand dollars, there shall be paid with respect to such ~~patient~~ 38820
~~or~~ resident or recipient a total of fifty per cent of the 38821
applicable cost or the base support rate amount, as the case may 38822
be, on a current basis or there shall be executed with respect to 38823
such ~~patient or~~ resident or recipient an agreement with the 38824
department for payment to be made at some future date under terms 38825
suitable to the department. 38826

(6) When a person has been a ~~patient or~~ resident or recipient 38827
for fifteen years and the support charges for which a relative is 38828
liable have been paid for the fifteen-year period, the liable 38829
relative shall be relieved of any further support charges. 38830

(7) The department shall accept voluntary payments from 38831
~~patients or~~ residents, recipients, or liable relatives whose 38832
incomes are below the minimum shown in the schedule set forth in 38833
this division. The department also shall accept voluntary payments 38834
in excess of required amounts from both liable and nonliable 38835
relatives. 38836

(8) If a ~~patient or~~ resident or recipient is covered by an 38837
insurance policy, or other contract that provides for payment of 38838
expenses for care and treatment for mental illness or mental 38839
retardation at or from an institution, or facility (including a 38840
~~hospital or~~ community service unit under the jurisdiction of the 38841
department), or state-operated community mental health service, 38842
the other provisions of this section, except divisions (B)(8), 38843
(10), and (11) of this section, and of section ~~5121.03~~ 5121.01 of 38844
the Revised Code shall be suspended to the extent that such 38845
insurance policy or other contract is in force, and such ~~patient~~ 38846

~~or~~ resident or recipient shall be charged the full amount of the 38847
applicable cost. Any insurance carrier or other third party payor 38848
providing coverage for such care and treatment shall pay for this 38849
support obligation in an amount equal to the lesser of either the 38850
applicable cost or the benefits provided under the policy or other 38851
contract. Whether or not an insured, owner of, or other person 38852
having an interest in such policy or other contract is liable for 38853
support payments under other provisions of this chapter, the 38854
insured, policy owner, or other person shall assign payment 38855
directly to the department of all assignable benefits under the 38856
policy or other contract and shall pay over to the department, 38857
within ten days of receipt, all insurance or other benefits 38858
received as reimbursement or payment for expenses incurred by the 38859
~~patient or~~ resident or recipient or for any other reason. If the 38860
insured, policy owner, or other person refuses to assign such 38861
payment to the department or refuses to pay such received 38862
reimbursements or payments over to the department within ten days 38863
of receipt, the insured's, policy owners', or other person's total 38864
liability for the services equals the applicable statutory 38865
liability for payment for the services as determined under other 38866
provisions of this chapter, plus the amounts payable under the 38867
terms of the policy or other contract. In no event shall this 38868
total liability exceed the full amount of the applicable cost. 38869
Upon its request, the department is entitled to a court order that 38870
compels the insured, owner of, or other person having an interest 38871
in the policy or other contract to comply with the assignment 38872
requirements of this division or that itself serves as a legally 38873
sufficient assignment in compliance with such requirements. 38874
Notwithstanding section 5122.31 of the Revised Code and any other 38875
law relating to confidentiality of records, the managing officer 38876
of the institution or facility where a person is or has been a 38877
~~patient or~~ resident, or the managing officer of the state-operated 38878
community mental health services from which the ~~patient~~ recipient 38879

receives services, shall disclose pertinent medical information 38880
concerning the ~~patient~~ ~~or~~ resident or recipient to the insurance 38881
carrier or other third party payor in question, in order to effect 38882
collection from the carrier or payor of the state's claim for care 38883
and treatment under this division. For such disclosure, the 38884
managing officer is not subject to any civil or criminal 38885
liability. 38886

(9) The rate to be charged for pre-admission care, 38887
after-care, day-care, or routine consultation and treatment 38888
services shall be based upon the ability of the ~~patient~~ ~~or~~ 38889
resident or the ~~patient's~~ ~~or~~ resident's liable relatives to pay. 38890
When it is determined by the department that a charge shall be 38891
made, such charge shall be computed as provided in divisions 38892
(B)(1) and (2) of this section. 38893

(10) If a ~~patient~~ ~~or~~ resident or recipient with or without 38894
dependents is the beneficiary of a trust created pursuant to 38895
section 1339.51 of the Revised Code, then, notwithstanding any 38896
contrary provision of this chapter or of a rule adopted pursuant 38897
to this chapter, divisions (C) and (D) of that section shall apply 38898
in determining the assets or resources of the ~~patient~~ ~~or~~ resident, 38899
the recipient, the ~~patient's~~ ~~or~~ resident's or recipient's estate, 38900
the settlor, or the settlor's estate and to claims arising under 38901
this chapter against the ~~patient~~ ~~or~~ resident, the recipient, the 38902
~~patient's~~ ~~or~~ resident's or recipient's estate, the settlor, or the 38903
settlor's estate. 38904

(11) If the department of mental retardation and 38905
developmental disabilities waives the liability of an individual 38906
and the individual's liable relatives pursuant to section 5123.194 38907
of the Revised Code, the liability of the individual and relative 38908
ceases in accordance with the waiver's terms. 38909

(C) The department may enter into agreements with a ~~patient~~ 38910
~~or~~ resident, a recipient, or a liable relative for support 38911

payments to be made in the future. However, no security interest, 38912
mortgage, or lien shall be taken, granted, or charged against any 38913
principal family residence of a ~~patient~~ or resident or recipient 38914
with dependents or a liable relative under an agreement or 38915
otherwise to secure support payments, and no foreclosure actions 38916
shall be taken on security interests, mortgages or liens taken, 38917
granted, or charged against principal residences of ~~patients~~ or 38918
residents, recipients, or liable relatives prior to October 7, 38919
1977. 38920

(D) The department shall make all investigations and 38921
determinations required by this section within ninety days after a 38922
~~patient~~ or resident is admitted to an institution under the 38923
department's control or a ~~patient~~ recipient begins to receive 38924
state-operated community mental health services, and immediately 38925
shall notify by mail the persons liable of the amount to be 38926
charged. 38927

(E) All actions to enforce the collection of payments agreed 38928
upon or charged by the department shall be commenced within six 38929
years after the date of default of an agreement to pay support 38930
charges or the date such payment becomes delinquent. If a payment 38931
is made pursuant to an agreement which is in default, a new 38932
six-year period for actions to enforce the collection of payments 38933
under such agreement shall be computed from the date of such 38934
payment. For purposes of this division an agreement is in default 38935
or a payment is delinquent if a payment is not made within thirty 38936
days after it is incurred or a payment, pursuant to an agreement, 38937
is not made within thirty days after the date specified for such 38938
payment. In all actions to enforce the collection of payment for 38939
the liability for support, every court of record shall receive 38940
into evidence the proof of claim made by the state together with 38941
all debts and credits, and it shall be prima-facie evidence of the 38942
facts contained in it. 38943

Sec. 5121.05. The department of mental health and the 38944
department of mental retardation and developmental disabilities 38945
may subpoena witnesses, take testimony under oath, and examine any 38946
public records relating to the income and other assets of a 38947
~~patient or~~ resident, recipient, or of a relative liable for such 38948
~~patient's or~~ resident's or recipient's support. All information, 38949
conclusions, and recommendations shall be submitted to the 38950
department by the investigating agent of the department. The 38951
department shall determine the amount of support to be paid, by 38952
whom, and whether clothing shall be furnished by the relatives or 38953
guardian. 38954

Sec. 5121.06. (A) The following persons other than the 38955
~~patient or~~ resident, the recipient, or the ~~patient's or~~ resident's 38956
or recipient's estate are liable relatives and all the following 38957
persons are jointly and severally liable for the support of a 38958
~~patient or~~ resident in a ~~hospital or~~ institution under the control 38959
of ~~the department of mental health or~~ the department of mental 38960
retardation and developmental disabilities or for the support of a 38961
~~patient receiving~~ recipient of state-operated community mental 38962
health services: 38963

(1) The ~~patient or~~ resident, the recipient, or the ~~patient's~~ 38964
~~or~~ resident's or recipient's estate; 38965

(2) The ~~patient's or~~ resident's or recipient's spouse; 38966

(3) The father or mother, or both, of a minor ~~patient or~~ 38967
resident or recipient under the age of eighteen years. 38968

(B) The department shall determine, pursuant to section 38969
5121.04 of the Revised Code, the amount to be charged each such 38970
liable person in the order named in this section, but shall not 38971
collect from any person more than one hundred per cent of the 38972
applicable cost. 38973

(C) An action to collect delinquent payments or to enforce 38974
agreements in default may be brought against any or all persons 38975
named in this section. To the extent parents of adult ~~patients or~~ 38976
residents or recipients, pursuant to the language of this section 38977
previously in force, incurred charges for the support of such 38978
~~patients or~~ residents or recipients between the eighteenth 38979
birthday of such ~~patient or resident~~ or recipient and July 1, 38980
1975, their liability for such period may be cancelled, 38981
compromised, or settled as provided in section 5121.07 of the 38982
Revised Code. 38983

(D) Irrespective of the number of ~~patients or~~ residents or 38984
recipients whose care might be chargeable against a liable 38985
relative, no individual liable relative nor any group of liable 38986
relatives who are members of the same family unit shall be charged 38987
with the support of more than one ~~patient or resident~~ or recipient 38988
during the same period of time, and different periods of time for 38989
which such liable relative has paid the charges for such different 38990
~~patients' or residents'~~ or recipients' care and support shall be 38991
added together for the purpose of completing the maximum 38992
fifteen-year period of liability of such liable relative under 38993
division (B)(6) of section 5121.04 of the Revised Code. 38994

Sec. 5121.061. The authority of the department of mental 38995
health or the department of mental retardation and developmental 38996
disabilities to modify support charges pursuant to section 5121.04 38997
of the Revised Code shall not be exercised until the ~~patient or~~ 38998
resident, recipient, or liable relative has petitioned the 38999
department for modification as provided in section 5121.07 of the 39000
Revised Code and has offered to the department satisfactory proof 39001
of ~~his~~ the resident's, recipient's, or liable relative's earnings 39002
and assets. The department may modify the charges if its 39003
investigation warrants such modification. 39004

Sec. 5121.07. Any person who has been charged with the 39005
payment of the support of a ~~patient or~~ resident of any benevolent 39006
institution; for pre-admission care, after-care, day-care, or 39007
routine consultation and treatment services in a community service 39008
unit under the control of ~~the department of mental health or the~~ 39009
department of mental retardation and developmental disabilities; 39010
or for the cost of state-operated community mental health services 39011
may petition the department for a release from, or modification 39012
of, such charge, and the department, after an investigation, may 39013
cancel or modify such former charge, or may cancel, compromise, or 39014
settle any accrued liability in an amount not exceeding five 39015
thousand dollars. Amounts in excess thereof may be canceled, 39016
compromised, or settled as provided in section 131.02 of the 39017
Revised Code. The department may for due cause increase the amount 39018
previously ordered paid. 39019

Sec. 5121.08. The managing officers of the benevolent 39020
institutions under the control of ~~the department of mental health~~ 39021
~~and~~ the department of mental retardation and developmental 39022
disabilities, the managing officers of state-operated community 39023
mental health services, and the committing court, if requested, 39024
shall submit to the department such information as they may obtain 39025
concerning the financial condition of any ~~patient or~~ recipient, 39026
recipient, or of relatives liable for the ~~patient's or~~ resident's 39027
or recipient's support. 39028

Sec. 5121.09. In case the estate of any ~~patient or~~ resident 39029
in a benevolent institution under the jurisdiction of ~~the~~ 39030
~~department of mental health or the~~ department of mental 39031
retardation and developmental disabilities or ~~receiving~~ recipient 39032
of state-operated community mental health services is sufficient 39033
for the ~~patient's or~~ resident's or recipient's support, without 39034

hardship to any others who may be dependent thereon, and no 39035
guardian has been appointed for such estate, the agent of the 39036
department shall petition the probate court of the proper county 39037
to appoint a guardian. 39038

Sec. 5121.10. Upon the death of a person who is a ~~patient or~~ 39039
resident, or has been a ~~patient or~~ resident, of any benevolent 39040
institution under the jurisdiction of ~~the department of mental~~ 39041
~~health or~~ the department of mental retardation and developmental 39042
disabilities or of a person who is a recipient or has been a 39043
recipient of state-operated community mental health services, or 39044
~~upon the death~~ of a person responsible under section 5121.06 of 39045
the Revised Code for the support of a ~~patient or~~ resident or 39046
recipient, the department may waive the presentation of any claim 39047
for support against the estate of such decedent, when in its 39048
judgment an otherwise dependent person will be directly benefited 39049
by the estate. Claims against an estate for support of a ~~patient~~ 39050
~~or~~ resident or recipient are subject to section 1339.51 and 39051
Chapter 2117. of the Revised Code, and shall be treated, and may 39052
be barred, the same as the claims of other creditors of the 39053
estate, pursuant to that section or chapter. 39054

The department may accept from a guardian or trustee of a 39055
~~patient or~~ resident or recipient a contract agreeing to pay to the 39056
state from the property of the guardian's or trustee's ward before 39057
or at the death of the ward a fixed annual amount for the support 39058
of the ward while the ward is a ~~patient or~~ resident or recipient, 39059
with interest at four per cent per annum. A copy of the contract 39060
shall be filed in the probate court of the proper county and duly 39061
entered as a part of the records concerning the ward. 39062

Sec. 5121.11. The state shall bear the expense of the burial 39063
or cremation of an indigent ~~patient or~~ resident who dies in a 39064
~~state hospital for the mentally ill, or an~~ institution for the 39065

mentally retarded, or in a state correctional institution, if the 39066
body is not claimed for interment or cremation at the expense of 39067
friends or relatives, or is not delivered for anatomical purposes 39068
or for the study of embalming in accordance with section 1713.34 39069
of the Revised Code. The managing officer of the institution shall 39070
provide at the grave of the person or, if the person's cremated 39071
remains are buried, at the grave of the person's cremated remains, 39072
a metal, stone, or concrete marker on which shall be inscribed the 39073
name and age of the person and the date of death. 39074

Sec. 5121.12. The support and maintenance of ~~patients~~ 39075
~~confined in state hospitals for the mentally ill or of~~ residents 39076
confined in state institutions for the mentally retarded, 39077
including those transferred to them from state correctional 39078
institutions, and also including persons under indictment or 39079
conviction for crime, shall be collected and paid in accordance 39080
with this chapter. 39081

Sec. 5121.21. (A) If payment of any amount due the state 39082
under the provisions of Chapter 5121. of the Revised Code is made 39083
on account of a ~~patient or resident~~ or recipient by any liable 39084
relative, as defined in division (A) of section 5121.06 of the 39085
Revised Code, such relative may recover the following amounts from 39086
the following persons; provided, that in no event may such 39087
relative recover in total more than such relative has paid the 39088
state, and provided, that in no event is the person from whom 39089
recovery is sought obliged to pay at a rate of support higher than 39090
such person would have paid had the state proceeded directly 39091
against such person: 39092

(1) Any liable person may recover from the ~~patient or~~ 39093
~~resident~~ or recipient, ~~his~~ the resident's or recipient's guardian, 39094
or from the executor or administrator of the ~~patient's or~~ 39095
resident's or recipient's estate, the full amount of payment made 39096

by such liable relative. 39097

(2) Any liable relative may recover from the ~~patient's or~~ 39098
resident's ~~husband or wife, or recipient's spouse~~ the full amount 39099
of payment made by such liable relative. 39100

(3) A minor ~~patient's or~~ resident's or recipient's mother may 39101
recover from such minor ~~patient's or~~ resident's or recipient's 39102
father the full amount of payment made by such mother. 39103

(4) Any liable relative, other than the ~~patient's or~~ 39104
resident's or recipient's spouse ~~and other than or~~ a minor 39105
~~patient's or~~ resident's or recipient's parent, may recover from 39106
such ~~of a patient's or~~ resident's or recipient's adult ~~sons and~~ 39107
~~daughters~~ children as are liable under division (A)(4) of section 39108
5121.06 of the Revised Code, the full amount of payment made by 39109
such liable relative; provided, that there may be recovered from 39110
each such ~~son or daughter~~ adult child only such proportion of the 39111
total payment as the figure one bears to the total number of such 39112
adult ~~sons and daughters~~ children. 39113

(5) An adult ~~patient's or~~ resident's or recipient's mother 39114
may recover from an adult ~~patient's or~~ resident's or recipient's 39115
father the full amount of payment made by such mother. 39116

Sec. 5121.30. As used in sections 5121.30 to 5121.55 of the 39117
Revised Code: 39118

(A) "Countable assets" means all of the following: 39119

(1) Cash; 39120

(2) Bank deposits; 39121

(3) Securities; 39122

(4) Individual retirement accounts; 39123

(5) Qualified employer plans, including 401(k) and Keogh 39124
plans; 39125

<u>(6) Pension funds;</u>	39126
<u>(7) Annuities;</u>	39127
<u>(8) Funds in a trust created under section 1339.51 of the Revised Code;</u>	39128 39129
<u>(9) Investment property and income;</u>	39130
<u>(10) The cash surrender values of life insurance policies;</u>	39131
<u>(11) Assets acquired by gift, bequest, devise, or inheritance;</u>	39132 39133
<u>(12) Any other asset determined by the department of mental health to be equivalent to the assets enumerated in this division.</u>	39134 39135
<u>(B) "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.</u>	39136 39137 39138 39139 39140 39141 39142
<u>(C) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.</u>	39143 39144 39145 39146 39147 39148
<u>(D) "Hospital" means an institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.</u>	39149 39150 39151
<u>(E) "Liable relative" means both of the following:</u>	39152
<u>(1) A patient's spouse;</u>	39153
<u>(2) A patient's mother or father, or both, if the patient is</u>	39154

under eighteen years of age. 39155

(F) "Patient" means a person admitted to a hospital for 39156
inpatient care or treatment. 39157

Sec. 5121.31. All patients shall be maintained at the expense 39158
of the state. The traveling and incidental expenses in conveying 39159
them to a hospital shall be paid by the county of commitment. On 39160
admission, patients shall be neatly and comfortably clothed. 39161
Thereafter, the expense of necessary clothing shall be borne by 39162
the responsible relatives or guardian if they are financially 39163
able. If not furnished, the state shall bear the expense. Any 39164
required traveling expense after admission to the hospital shall 39165
be borne by the state if the responsible relatives or guardian is 39166
unable to do so. 39167

Sec. 5121.32. On an annual basis, the department of mental 39168
health shall determine both of the following using generally 39169
accepted governmental accounting principles: 39170

(A) The applicable per diem charge for each hospital operated 39171
by the department; 39172

(B) The ancillary per diem rate for each hospital operated by 39173
the department. 39174

In determining a hospital's applicable per diem charge and 39175
ancillary per diem rate, the department shall consider the average 39176
actual per diem cost of maintaining and treating a patient at the 39177
hospital or, at the department's discretion, the average actual 39178
per diem cost of maintaining and treating a patient in a unit of 39179
the hospital. 39180

Sec. 5121.33. Except as provided in sections 5121.35, 39181
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 39182
Code, the department of mental health shall, for each billing 39183

cycle, charge a patient, patient's estate, or liable relative an 39184
amount equal to the sum of the following: 39185

(A) The applicable per diem charge multiplied by the number 39186
of days the patient was admitted to the hospital; 39187

(B) An amount that was previously billed but not paid. 39188

Sec. 5121.34. A patient, patient's estate, and patient's 39189
liable relatives shall be jointly and severally liable for amounts 39190
charged by the department of mental health in accordance with 39191
sections 5121.33 and 5121.35 of the Revised Code. In no case shall 39192
any of the foregoing persons be liable for more than one hundred 39193
per cent of any amount charged. 39194

Sec. 5121.35. The department of mental health shall charge a 39195
patient, patient's estate, or liable relative an amount discounted 39196
from the amount the department charges under section 5121.33 of 39197
the Revised Code if the department determines through the 39198
application process described in section 5121.36 of the Revised 39199
Code or through the financial assessment process described in 39200
section 5121.37 of the Revised Code that the patient, estate, or 39201
relative is eligible for a discount. 39202

Sec. 5121.36. (A) A patient, patient's estate, or liable 39203
relative may apply for a discount by completing an application 39204
form the director of mental health specifies in rules adopted 39205
under section 5121.55 of the Revised Code. The department of 39206
mental health may require a patient, estate, or relative to 39207
furnish any of the following with an application form: 39208

(1) A copy of the patient's, estate's, or liable relative's 39209
federal income tax return for the year preceding the date of 39210
application or, if that is not yet available, the preceding year; 39211

(2) A copy of the patient's, estate's, or liable relative's employee tax withholding return (form W-2) for the year preceding the date of application. 39212
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(B) To be considered, an application must be submitted to the department not later than one hundred twenty days after the date the patient is admitted to a hospital. 39215
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(C) From the information provided by a patient, estate, or relative, the department shall determine whether the department will charge the person a discounted amount in accordance with sections 5121.40 and 5121.41 of the Revised Code. In making this determination, the department shall consider whether the patient is covered by an insurance policy or other contract that provides for payment of expenses and treatment for mental illness. If the department determines that the patient has coverage, the department shall require payment in accordance with section 5121.43 of the Revised Code. 39218
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(D) The department shall notify the person who submitted the application form in writing regarding whether that person will be charged a discounted amount and the per diem rate to be charged. 39228
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(E) In accordance with section 5121.42 of the Revised Code, the department may, at any time, modify an amount charged or change the per diem rate to be charged if the department learns of countable assets or income that was not previously disclosed or was acquired after the application form was submitted. Within a reasonable time, the department shall notify in writing any person affected by a modification or change. 39231
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Sec. 5121.37. After a patient's admittance to a hospital, the department of mental health shall conduct a financial assessment to determine whether the patient, patient's estate, or liable relative will be charged an amount discounted from the amount the 39238
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department charges under section 5121.33 of the Revised Code. The 39242
department shall make the determination in accordance with 39243
sections 5121.40 and 5121.41 of the Revised Code. 39244

If a discounted rate is to be charged, the department shall 39245
notify the person whose financial condition was assessed. The 39246
notice shall specify the per diem rate to be charged. 39247

In accordance with section 5121.42 of the Revised Code, the 39248
department may, at any time, modify an amount charged or change 39249
the per diem rate to be charged if the department learns of 39250
countable assets or income that was not previously disclosed or 39251
was acquired after the assessment was conducted. Within a 39252
reasonable time, the department shall notify in writing any person 39253
affected by a modification or change. 39254

Sec. 5121.38. The department of mental health may subpoena 39255
witnesses, take testimony under oath, and examine any public 39256
records relating to the income and other assets of a patient or of 39257
a relative liable for such patient's support. All information, 39258
conclusions, and recommendations shall be submitted to the 39259
department by the investigating agent of the department. 39260

Sec. 5121.39. The managing officers of the institutions under 39261
the control of the department of mental health shall submit to the 39262
department such information as they may obtain concerning the 39263
financial condition of any patient or relatives liable for the 39264
patient's support. 39265

Sec. 5121.40. (A) A patient, patient's estate, or liable 39266
relative may be eligible to be charged an amount discounted from 39267
the amount the department of mental health charges under section 39268
5121.33 of the Revised Code if the patient, estate, or relative 39269
has countable assets with a total value that is not greater than 39270

an amount equal to fifty per cent of the gross annual income that 39271
corresponds with the family size of the patient, estate, or liable 39272
relative under the federal poverty guidelines. For purposes of 39273
determining family size, the patient is one dependent. One 39274
additional dependent shall be included for each of the following 39275
circumstances and persons: 39276

(1) The patient or liable relative is legally blind or deaf; 39277

(2) The patient or liable relative is of sixty-five years of 39278
age or older; 39279

(3) Each child under eighteen years of age for which the 39280
patient or liable relative is legally responsible for support; 39281

(4) The patient's or liable relative's spouse. 39282

(B) A patient, estate, or relative may, not later than one 39283
hundred twenty days after the patient's admission to a hospital, 39284
surrender the value of countable assets sufficient to reduce 39285
countable assets to not more than the limit described in division 39286
(A) of this section. 39287

Sec. 5121.41. (A) If the assets of a patient, patient's 39288
estate, or liable relative do not exceed the countable asset limit 39289
in section 5121.40 of the Revised Code and the annual income of 39290
the patient, estate, or relative does not exceed four hundred per 39291
cent of the federal poverty level, the patient, estate, or 39292
relative shall be charged an amount discounted from the amount the 39293
department charges under section 5121.33 of the Revised Code for 39294
the first thirty days the patient is admitted as an inpatient in a 39295
hospital. The amount of the discount shall be computed according 39296
to the following schedule: 39297

Annual Gross Income 39298

Expressed as a Percentage of FPL 39299

Inpatient 1 - 176 - 200 - 250 - 300 - 350 - 39300

<u>Days at a</u>	<u>175</u>	<u>199</u>	<u>249</u>	<u>299</u>	<u>349</u>	<u>399</u>	39301
<u>Hospital</u>							39302
	<u>Percentage discount from charged amount</u>						39303
<u>1 - 14</u>	<u>100</u>	<u>90</u>	<u>70</u>	<u>50</u>	<u>30</u>	<u>10</u>	39304
<u>15 - 30</u>	<u>100</u>	<u>95</u>	<u>75</u>	<u>55</u>	<u>35</u>	<u>15</u>	39305

(B) A patient, estate, or relative who is charged a 39306
discounted amount for the first thirty days the patient is 39307
admitted as an inpatient and who has an annual income not greater 39308
than one hundred seventy-five per cent of the federal poverty 39309
level shall not be charged for the days the patient is admitted 39310
beyond the thirtieth day. 39311

(C) A patient, estate, or relative who is charged a 39312
discounted amount for the first thirty days the patient is 39313
admitted as an inpatient and who has an annual income greater than 39314
one hundred seventy-five per cent of the federal poverty level 39315
shall be charged an amount equal to the sum of the following for 39316
the days the patient is admitted beyond the thirtieth day: 39317

(1) The ancillary per diem rate multiplied by the number of 39318
days the patient was admitted to the hospital; 39319

(2) An amount that was previously charged but not paid. 39320

Sec. 5121.42. (A) Except as provided in division (B) of this 39321
section, a patient, patient's estate, or liable relative shall 39322
cease to be eligible for a discount under sections 5121.36 or 39323
5121.37 of the Revised Code on accumulation of countable assets in 39324
excess of an amount equal to fifty per cent of the gross annual 39325
income that corresponds with the family size of the patient, 39326
estate, or relative plus one additional dependent under the 39327
federal poverty guidelines. In making this determination, an 39328
additional dependent shall be included for each of the following 39329
circumstances and persons: 39330

<u>(1) The patient or liable relative is legally blind or deaf;</u>	39331
<u>(2) The patient or liable relative is over sixty-five years of age;</u>	39332 39333
<u>(3) Each child under eighteen years of age for which the patient or liable relative is legally responsible for support;</u>	39334 39335
<u>(4) The patient's or liable relative's spouse.</u>	39336
<u>(B) Money needed to meet the patient's needs and burial fund as determined by a needs assessment conducted by the department of mental health pursuant to rules adopted under section 5119.01 of the Revised Code shall be excluded from any determination the department makes under division (A) of this section.</u>	39337 39338 39339 39340 39341
<u>Sec. 5121.43. If a patient is covered by an insurance policy or other contract that provides for payment of expenses for care and treatment for mental illness at or from an institution, state-operated community mental health service, or facility, including a hospital or community service unit under the jurisdiction of the department of mental health, sections 5121.33 to 5121.55 of the Revised Code are inapplicable to the extent that the policy or contract is in force. Any insurance carrier or other third party payor providing coverage for such care and treatment shall pay for the patient's support obligation in amounts equal to the lesser of amounts charged by the department under section 5121.33 of the Revised Code or the benefits provided under the policy or other contract. Whether or not an insured, owner of, or other person having an interest in such policy or other contract is liable for support payments, the insured, policy owner, or other person shall assign payment directly to the department of all assignable benefits under the policy or other contract and shall pay to the department, within ten days of receipt, all insurance or other benefits received as reimbursement or payment</u>	39342 39343 39344 39345 39346 39347 39348 39349 39350 39351 39352 39353 39354 39355 39356 39357 39358 39359 39360

for expenses incurred by the patient or for any other reason. If 39361
the insured, policy owner, or other person refuses to assign 39362
payment to the department or refuses to pay received 39363
reimbursements or payments to the department within ten days of 39364
receipt, the total liability of the insured, policy owner, or 39365
other person for the services equals the sum of the following: 39366

(A) The amount computed under section 5121.33 of the Revised 39367
Code; 39368

(B) The amounts payable under the terms of the policy or 39369
other contract. 39370

In no event shall this total liability exceed the 39371
department's actual cost of providing care and treatment to a 39372
patient. The department may disqualify patients and liable 39373
relatives who have retained third party funds for future 39374
discounts. The department may request that the attorney general 39375
petition a court of competent jurisdiction to compel the insured, 39376
owner of, or other person having an interest in the policy or 39377
contract to comply with the assignment requirements in this 39378
section. 39379

Sec. 5121.44. The department of mental health may enter into 39380
an extended payment agreement with a patient, patient's estate, or 39381
liable relative who has notified the department that the patient, 39382
estate, or relative cannot reasonably pay an amount the department 39383
has charged. In no case shall the department take a security 39384
interest, mortgage, or lien against the principal family residence 39385
of a patient or liable relative with a dependent. 39386

Sec. 5121.45. (A) For purposes of this section, "delinquent 39387
payment" means an amount owed by a patient, patient's estate, or 39388
liable relative to the department of mental health for which the 39389

person has failed to do either of the following not later than 39390
ninety days after the service associated with the charge was 39391
incurred: 39392

(1) Make payment in full; 39393

(2) Make a payment in accordance with the terms of an 39394
agreement entered into under section 5121.44 of the Revised Code. 39395

(B) An action to enforce the collection of a delinquent 39396
payment shall be commenced not later than six years after the 39397
later of the following: 39398

(1) The last date the department received money to satisfy 39399
the delinquent payment; 39400

(2) The date the charge was due. 39401

(C) In all actions to enforce the collection of delinquent 39402
payments, a court of record shall receive into evidence the proof 39403
of claim document made by the state together with all debts and 39404
credits. The proof of claim document shall be prima-facie evidence 39405
of the facts stated in the document. 39406

Sec. 5121.46. The department of mental health shall not 39407
charge a liable relative under sections 5121.33 and 5121.35 of the 39408
Revised Code who has done either of the following: 39409

(A) Paid all amounts charged by the department for the care 39410
and treatment of a particular patient for fifteen consecutive 39411
years; 39412

(B) Paid amounts charged by the department for the care and 39413
treatment of more than one patient for a total of fifteen 39414
consecutive years. 39415

Sec. 5121.47. Irrespective of the number of patients for 39416
which the department of mental health may charge a liable relative 39417

under sections 5121.33 or 5121.35 of the Revised Code, the 39418
department shall not charge a liable relative or group of liable 39419
relatives who are members of the same family unit for the support 39420
of more than one patient during the same period of time. 39421

Sec. 5121.49. (A) Any person who has been charged under 39422
section 5121.33 or 5121.35 of the Revised Code may petition the 39423
department of mental health to do the following: 39424

(1) Release the person from a charge; 39425

(2) Modify or cancel a charge. 39426

(B) The department shall respond to a petition in writing and 39427
inform the petitioner of whether a release, modification, or 39428
cancellation has been approved. 39429

Sec. 5121.50. When a patient is committed to a hospital 39430
pursuant to judicial proceedings, the judge ordering the 39431
commitment shall: 39432

(A) Make a reliable report on the financial condition of the 39433
patient and of each liable relative, as provided in rules adopted 39434
by the director of mental health; 39435

(B) Certify the report required under division (A) of this 39436
section to the managing officer of the hospital. The managing 39437
officer shall thereupon enter in the managing officer's records 39438
the name and address of any guardian appointed and of any relative 39439
liable for the patient's support. 39440

Sec. 5121.51. In case the estate of any patient in a hospital 39441
is sufficient for the patient's support, without hardship to any 39442
others who may be dependent thereon, and no guardian has been 39443
appointed for such estate, the agent of the department of mental 39444
health shall petition the probate court of the proper county to 39445

appoint a guardian.

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Sec. 5121.52. On the death of a person who is a patient, or has been a patient in a hospital, or on the death of a person responsible under section 5121.34 of the Revised Code for the support of a patient, the department of mental health may waive the presentation of any claim for support against the estate of such decedent, when in its judgment an otherwise dependent person will be directly benefited by the estate. Claims against an estate for support of a patient are subject to section 1339.51 and Chapter 2117. of the Revised Code, and shall be treated, and may be barred, the same as the claims of other creditors of the estate, pursuant to that section or chapter.

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The department of mental health may accept from a guardian or trustee of a patient a contract agreeing to pay to the state from the property of the guardian's or trustee's ward before or at the death of the ward a fixed annual amount for the support of the ward while the ward is a patient, with interest at four per cent per annum. A copy of the contract shall be filed in the probate court of the proper county and duly entered as a part of the records concerning the ward.

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Sec. 5121.53. The state shall bear the expense of the burial or cremation of an indigent patient who dies in a hospital if the body is not claimed for interment or cremation at the expense of friends or relatives, or is not delivered for anatomical purposes or for the study of embalming in accordance with section 1713.34 of the Revised Code. The managing officer of the hospital shall provide at the grave of the patient or, if the patient's cremated remains are buried, at the grave of the patient's cremated remains, a metal, stone, or concrete marker on which shall be inscribed the name and age of the patient and the date of death.

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Sec. 5121.54. (A) If payment of any amount due the state 39476
under the provisions of this chapter is made on account of a 39477
patient by any liable relative, as defined in section 5121.30 of 39478
the Revised Code, the relative may recover the following amounts 39479
from the following persons; provided, that in no event may a 39480
relative recover in total more than the relative has paid the 39481
state, and provided, that in no event is the person from whom 39482
recovery is sought obliged to pay at a rate of support higher than 39483
the person would have paid had the state proceeded directly 39484
against that person: 39485

(1) A liable relative may recover from the patient, the 39486
patient's guardian, or from the executor or administrator of the 39487
patient's estate, the full amount of payment made by the liable 39488
relative. 39489

(2) A parent may recover from the patient's or resident's 39490
spouse the full amount of payment made by the parent for 39491
hospitalization that occurred during the marriage. 39492

Sec. 5121.55. The director of mental health shall adopt rules 39493
in accordance with Chapter 119. of the Revised Code regarding the 39494
application form a person must use to apply for a discount as 39495
described in section 5121.36 of the Revised Code. 39496

Sec. 5122.03. A patient admitted under section 5122.02 of the 39497
Revised Code who requests ~~his~~ release in writing, or whose release 39498
is requested in writing by ~~his~~ the patient's counsel, legal 39499
guardian, parent, spouse, or adult next of kin shall be released 39500
forthwith, except that when: 39501

(A) The patient was admitted on ~~his~~ the patient's own 39502
application and the request for release is made by a person other 39503
than the patient, release may be conditional upon the agreement of 39504

the patient; or 39505

(B) The chief clinical officer of the hospital, within three 39506
court days from the receipt of the request for release, files or 39507
causes to be filed with the court of the county where the patient 39508
is hospitalized or of the county where the patient is a resident, 39509
an affidavit under section 5122.11 of the Revised Code. Release 39510
may be postponed until the hearing held under section 5122.141 of 39511
the Revised Code. A telephone communication within three court 39512
days from the receipt of the request for release from the chief 39513
clinical officer to the court, indicating that the required 39514
affidavit has been mailed, is sufficient compliance with the time 39515
limit for filing such affidavit. 39516

Unless the patient is released within three days from the 39517
receipt of the request by the chief clinical officer, the request 39518
shall serve as a request for an initial hearing under section 39519
5122.141 of the Revised Code. If the court finds that the patient 39520
is a mentally ill person subject to hospitalization by court 39521
order, all provisions of this chapter with respect to involuntary 39522
hospitalization apply to such person. 39523

Judicial proceedings for hospitalization shall not be 39524
commenced with respect to a voluntary patient except pursuant to 39525
this section. 39526

Sections ~~5121.01 to 5121.10~~ 5121.30 to 5121.55 of the Revised 39527
Code apply to persons received in a hospital operated by the 39528
department of mental health on a voluntary application. 39529

The chief clinical officer of the hospital shall provide 39530
reasonable means and arrangements for informing patients of their 39531
rights to release as provided in this section and for assisting 39532
them in making and presenting requests for release or for a 39533
hearing under section 5122.141 of the Revised Code. 39534

Before a patient is released from a public hospital, the 39535

chief clinical officer shall, when possible, notify the board of 39536
the patient's county of residence of the patient's pending release 39537
after ~~he~~ the chief clinical officer has informed the patient that 39538
the board will be so notified. 39539

Sec. 5122.31. (A) All certificates, applications, records, 39540
and reports made for the purpose of this chapter and sections 39541
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 39542
Code, other than court journal entries or court docket entries, 39543
and directly or indirectly identifying a patient or former patient 39544
or person whose hospitalization has been sought under this 39545
chapter, shall be kept confidential and shall not be disclosed by 39546
any person except: 39547

~~(A)~~(1) If the person identified, or the person's legal 39548
guardian, if any, or if the person is a minor, the person's parent 39549
or legal guardian, consents, and if the disclosure is in the best 39550
interests of the person, as may be determined by the court for 39551
judicial records and by the chief clinical officer for medical 39552
records; 39553

~~(B)~~(2) When disclosure is provided for in this chapter or 39554
section 5123.60 of the Revised Code; 39555

~~(C)~~(3) That hospitals, boards of alcohol, drug addiction, and 39556
mental health services, and community mental health agencies may 39557
release necessary medical information to insurers and other 39558
third-party payers, including government entities responsible for 39559
processing and authorizing payment, to obtain payment for goods 39560
and services furnished to the patient; 39561

~~(D)~~(4) Pursuant to a court order signed by a judge; 39562

~~(E)~~(5) That a patient shall be granted access to the 39563
patient's own psychiatric and medical records, unless access 39564
specifically is restricted in a patient's treatment plan for clear 39565

treatment reasons; 39566

~~(F)~~(6) That hospitals and other institutions and facilities 39567
within the department of mental health may exchange psychiatric 39568
records and other pertinent information with other hospitals, 39569
institutions, and facilities of the department, and with community 39570
mental health agencies and boards of alcohol, drug addiction, and 39571
mental health services with which the department has a current 39572
agreement for patient care or services. Records and information 39573
that may be released pursuant to this division shall be limited to 39574
medication history, physical health status and history, financial 39575
status, summary of course of treatment in the hospital, summary of 39576
treatment needs, and a discharge summary, if any. 39577

~~(G)~~(7) That a patient's family member who is involved in the 39578
provision, planning, and monitoring of services to the patient may 39579
receive medication information, a summary of the patient's 39580
diagnosis and prognosis, and a list of the services and personnel 39581
available to assist the patient and the patient's family, if the 39582
patient's treating physician determines that the disclosure would 39583
be in the best interests of the patient. No such disclosure shall 39584
be made unless the patient is notified first and receives the 39585
information and does not object to the disclosure. 39586

~~(H)~~(8) That community mental health agencies may exchange 39587
psychiatric records and certain other information with the board 39588
of alcohol, drug addiction, and mental health services and other 39589
agencies in order to provide services to a person involuntarily 39590
committed to a board. Release of records under this division shall 39591
be limited to medication history, physical health status and 39592
history, financial status, summary of course of treatment, summary 39593
of treatment needs, and discharge summary, if any. 39594

~~(I)~~(9) That information may be disclosed to the executor or 39595
the administrator of an estate of a deceased patient when the 39596
information is necessary to administer the estate; 39597

~~(J)~~(10) That records in the possession of the Ohio historical society may be released to the closest living relative of a deceased patient upon request of that relative;

~~(K)~~(11) That information may be disclosed to staff members of the appropriate board or to staff members designated by the director of mental health for the purpose of evaluating the quality, effectiveness, and efficiency of services and determining if the services meet minimum standards. Information obtained during such evaluations shall not be retained with the name of any patient.

~~(L)~~(12) That records pertaining to the patient's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the patient was committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under this chapter.

~~(M)~~(13) That the department of mental health may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction to ensure continuity of care for inmates who are receiving mental health services in an institution of the department of rehabilitation and correction. The department shall not disclose those records unless the inmate is notified, receives the information, and does not object to the disclosure. The release of records under this division is limited to records regarding an inmate's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

~~(N)~~(14) That a community mental health agency that ceases to operate may transfer to either a community mental health agency

that assumes its caseload or to the board of alcohol, drug 39629
addiction, and mental health services of the service district in 39630
which the patient resided at the time services were most recently 39631
provided any treatment records that have not been transferred 39632
elsewhere at the patient's request. 39633

~~(D)~~(B) Before records are disclosed pursuant to divisions 39634
~~(C)~~(A)(3), ~~(F)~~(6), and ~~(H)~~(8) of this section, the custodian of 39635
the records shall attempt to obtain the patient's consent for the 39636
disclosure. No person shall reveal the contents of a medical 39637
record of a patient except as authorized by law. 39638

(C) The managing officer of a hospital who releases necessary 39639
medical information under division (A)(3) of this section to allow 39640
an insurance carrier or other third party payor to comply with 39641
section 5121.43 of the Revised Code shall neither be subject to 39642
criminal nor civil liability. 39643

Sec. 5123.01. As used in this chapter: 39644

(A) "Chief medical officer" means the licensed physician 39645
appointed by the managing officer of an institution for the 39646
mentally retarded with the approval of the director of mental 39647
retardation and developmental disabilities to provide medical 39648
treatment for residents of the institution. 39649

(B) "Chief program director" means a person with special 39650
training and experience in the diagnosis and management of the 39651
mentally retarded, certified according to division (C) of this 39652
section in at least one of the designated fields, and appointed by 39653
the managing officer of an institution for the mentally retarded 39654
with the approval of the director to provide habilitation and care 39655
for residents of the institution. 39656

(C) "Comprehensive evaluation" means a study, including a 39657
sequence of observations and examinations, of a person leading to 39658

conclusions and recommendations formulated jointly, with 39659
dissenting opinions if any, by a group of persons with special 39660
training and experience in the diagnosis and management of persons 39661
with mental retardation or a developmental disability, which group 39662
shall include individuals who are professionally qualified in the 39663
fields of medicine, psychology, and social work, together with 39664
such other specialists as the individual case may require. 39665

(D) "Education" means the process of formal training and 39666
instruction to facilitate the intellectual and emotional 39667
development of residents. 39668

(E) "Habilitation" means the process by which the staff of 39669
the institution assists the resident in acquiring and maintaining 39670
those life skills that enable the resident to cope more 39671
effectively with the demands of the resident's own person and of 39672
the resident's environment and in raising the level of the 39673
resident's physical, mental, social, and vocational efficiency. 39674
Habilitation includes but is not limited to programs of formal, 39675
structured education and training. 39676

~~(F) "Habilitation center services" means services provided by 39677
a habilitation center certified by the department of mental 39678
retardation and developmental disabilities under section 5123.041 39679
of the Revised Code and covered by the medicaid program pursuant 39680
to rules adopted under section 5111.041 of the Revised Code. 39681~~

~~(G)~~ "Health officer" means any public health physician, 39682
public health nurse, or other person authorized or designated by a 39683
city or general health district. 39684

~~(H)~~(G) "Home and community-based services" means 39685
medicaid-funded home and community-based services specified in 39686
division (B)(1) of section 5111.87 of the Revised Code provided 39687
under the medicaid waiver components the department of mental 39688
retardation and developmental disabilities administers pursuant to 39689

section 5111.871 of the Revised Code. 39690

~~(I)~~(H) "Indigent person" means a person who is unable, 39691
without substantial financial hardship, to provide for the payment 39692
of an attorney and for other necessary expenses of legal 39693
representation, including expert testimony. 39694

~~(J)~~(I) "Institution" means a public or private facility, or a 39695
part of a public or private facility, that is licensed by the 39696
appropriate state department and is equipped to provide 39697
residential habilitation, care, and treatment for the mentally 39698
retarded. 39699

~~(K)~~(J) "Licensed physician" means a person who holds a valid 39700
certificate issued under Chapter 4731. of the Revised Code 39701
authorizing the person to practice medicine and surgery or 39702
osteopathic medicine and surgery, or a medical officer of the 39703
government of the United States while in the performance of the 39704
officer's official duties. 39705

~~(L)~~(K) "Managing officer" means a person who is appointed by 39706
the director of mental retardation and developmental disabilities 39707
to be in executive control of an institution for the mentally 39708
retarded under the jurisdiction of the department. 39709

~~(M)~~(L) "Medicaid" has the same meaning as in section 5111.01 39710
of the Revised Code. 39711

~~(N)~~(M) "Medicaid case management services" means case 39712
management services provided to an individual with mental 39713
retardation or other developmental disability that the state 39714
medicaid plan requires. 39715

~~(O)~~(N) "Mentally retarded person" means a person having 39716
significantly subaverage general intellectual functioning existing 39717
concurrently with deficiencies in adaptive behavior, manifested 39718
during the developmental period. 39719

~~(P)~~(O) "Mentally retarded person subject to 39720
institutionalization by court order" means a person eighteen years 39721
of age or older who is at least moderately mentally retarded and 39722
in relation to whom, because of the person's retardation, either 39723
of the following conditions exist: 39724

(1) The person represents a very substantial risk of physical 39725
impairment or injury to self as manifested by evidence that the 39726
person is unable to provide for and is not providing for the 39727
person's most basic physical needs and that provision for those 39728
needs is not available in the community; 39729

(2) The person needs and is susceptible to significant 39730
habilitation in an institution. 39731

~~(Q)~~(P) "A person who is at least moderately mentally 39732
retarded" means a person who is found, following a comprehensive 39733
evaluation, to be impaired in adaptive behavior to a moderate 39734
degree and to be functioning at the moderate level of intellectual 39735
functioning in accordance with standard measurements as recorded 39736
in the most current revision of the manual of terminology and 39737
classification in mental retardation published by the American 39738
association on mental retardation. 39739

~~(R)~~(O) As used in this division, "substantial functional 39740
limitation," "developmental delay," and "established risk" have 39741
the meanings established pursuant to section 5123.011 of the 39742
Revised Code. 39743

"Developmental disability" means a severe, chronic disability 39744
that is characterized by all of the following: 39745

(1) It is attributable to a mental or physical impairment or 39746
a combination of mental and physical impairments, other than a 39747
mental or physical impairment solely caused by mental illness as 39748
defined in division (A) of section 5122.01 of the Revised Code. 39749

(2) It is manifested before age twenty-two.	39750
(3) It is likely to continue indefinitely.	39751
(4) It results in one of the following:	39752
(a) In the case of a person under three years of age, at least one developmental delay or an established risk;	39753 39754
(b) In the case of a person at least three years of age but under six years of age, at least two developmental delays or an established risk;	39755 39756 39757
(c) In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.	39758 39759 39760 39761 39762 39763 39764
(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.	39765 39766 39767 39768
(S) <u>(R)</u> "Developmentally disabled person" means a person with a developmental disability.	39769 39770
(T) <u>(S)</u> "State institution" means an institution that is tax-supported and under the jurisdiction of the department.	39771 39772
(U) <u>(T)</u> "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in Ohio for a period of one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, financial assistance under Chapter 5115. of the Revised Code, or assistance from a private agency that maintains records of assistance given. A person having a legal settlement in the	39773 39774 39775 39776 39777 39778 39779

state shall be considered as having legal settlement in the 39780
assistance area in which the person resides. No adult person 39781
coming into this state and having a spouse or minor children 39782
residing in another state shall obtain a legal settlement in this 39783
state as long as the spouse or minor children are receiving public 39784
assistance, care, or support at the expense of the other state or 39785
its subdivisions. For the purpose of determining the legal 39786
settlement of a person who is living in a public or private 39787
institution or in a home subject to licensing by the department of 39788
job and family services, the department of mental health, or the 39789
department of mental retardation and developmental disabilities, 39790
the residence of the person shall be considered as though the 39791
person were residing in the county in which the person was living 39792
prior to the person's entrance into the institution or home. 39793
Settlement once acquired shall continue until a person has been 39794
continuously absent from Ohio for a period of one year or has 39795
acquired a legal residence in another state. A woman who marries a 39796
man with legal settlement in any county immediately acquires the 39797
settlement of her husband. The legal settlement of a minor is that 39798
of the parents, surviving parent, sole parent, parent who is 39799
designated the residential parent and legal custodian by a court, 39800
other adult having permanent custody awarded by a court, or 39801
guardian of the person of the minor, provided that: 39802

(1) A minor female who marries shall be considered to have 39803
the legal settlement of her husband and, in the case of death of 39804
her husband or divorce, she shall not thereby lose her legal 39805
settlement obtained by the marriage. 39806

(2) A minor male who marries, establishes a home, and who has 39807
resided in this state for one year without receiving general 39808
assistance prior to July 17, 1995, under former Chapter 5113. of 39809
the Revised Code, financial assistance under Chapter 5115. of the 39810
Revised Code, or assistance from a private agency that maintains 39811

records of assistance given shall be considered to have obtained a 39812
legal settlement in this state. 39813

(3) The legal settlement of a child under eighteen years of 39814
age who is in the care or custody of a public or private child 39815
caring agency shall not change if the legal settlement of the 39816
parent changes until after the child has been in the home of the 39817
parent for a period of one year. 39818

No person, adult or minor, may establish a legal settlement 39819
in this state for the purpose of gaining admission to any state 39820
institution. 39821

~~(V)~~(U)(1) "Resident" means, subject to division (R)(2) of 39822
this section, a person who is admitted either voluntarily or 39823
involuntarily to an institution or other facility pursuant to 39824
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 39825
Code subsequent to a finding of not guilty by reason of insanity 39826
or incompetence to stand trial or under this chapter who is under 39827
observation or receiving habilitation and care in an institution. 39828

(2) "Resident" does not include a person admitted to an 39829
institution or other facility under section 2945.39, 2945.40, 39830
2945.401, or 2945.402 of the Revised Code to the extent that the 39831
reference in this chapter to resident, or the context in which the 39832
reference occurs, is in conflict with any provision of sections 39833
2945.37 to 2945.402 of the Revised Code. 39834

~~(W)~~(V) "Respondent" means the person whose detention, 39835
commitment, or continued commitment is being sought in any 39836
proceeding under this chapter. 39837

~~(X)~~(W) "Working day" and "court day" mean Monday, Tuesday, 39838
Wednesday, Thursday, and Friday, except when such day is a legal 39839
holiday. 39840

~~(Y)~~(X) "Prosecutor" means the prosecuting attorney, village 39841

solicitor, city director of law, or similar chief legal officer 39842
who prosecuted a criminal case in which a person was found not 39843
guilty by reason of insanity, who would have had the authority to 39844
prosecute a criminal case against a person if the person had not 39845
been found incompetent to stand trial, or who prosecuted a case in 39846
which a person was found guilty. 39847

~~(Z)~~(Y) "Court" means the probate division of the court of 39848
common pleas. 39849

Sec. 5123.046. The department of mental retardation and 39850
developmental disabilities shall review each component of the 39851
three-calendar year plan it receives from a county board of mental 39852
retardation and developmental disabilities under section 5126.054 39853
of the Revised Code and, in consultation with the department of 39854
job and family services and office of budget and management, 39855
approve each component that includes all the information and 39856
conditions specified in that section. The fourth component of the 39857
plan shall be approved or disapproved not later than forty-five 39858
days after the fourth component is submitted to the department 39859
under division (B)(3) of section 5126.054 of the Revised Code. If 39860
the department approves all four components of the plan, the plan 39861
is approved. Otherwise, the plan is disapproved. If the plan is 39862
disapproved, the department shall take action against the county 39863
board under division (B) of section 5126.056 of the Revised Code. 39864

In approving plans under this section, the department shall 39865
ensure that the aggregate of all plans provide for the increased 39866
enrollment into home and community-based services during each 39867
state fiscal year of at least five hundred individuals who did not 39868
receive residential services, supported living, or home and 39869
community-based services the prior state fiscal year if the 39870
department has enough additional enrollment available for this 39871
purpose. 39872

The department shall establish protocols that the department shall use to determine whether a county board is complying with the programmatic and financial accountability mechanisms and achieving outcomes specified in its approved plan. If the department determines that a county board is not in compliance with the mechanisms or achieving the outcomes specified in its approved plan, the department may take action under division ~~(G)~~(F) of section 5126.055 of the Revised Code.

Sec. 5123.047. ~~(A) The department of mental retardation and developmental disabilities shall pay the nonfederal share of medicaid expenditures for habilitation center services provided to an individual with mental retardation or other developmental disability unless section 5111.041 of the Revised Code requires a county board of mental retardation and developmental disabilities or a school district to pay the nonfederal share.~~

~~(B)~~ The department of mental retardation and developmental disabilities shall pay the nonfederal share of medicaid expenditures for medicaid case management services if ~~either of the following apply:~~

~~(1)~~ The ~~the~~ services are provided to an individual with mental retardation or other developmental disability who a county board of mental retardation and developmental disabilities has determined under section 5126.041 of the Revised Code is not eligible for county board services.

~~(2)~~ ~~The services are provided to an individual with mental retardation or other developmental disability by a public or private agency with which the department has contracted under section 5123.56 of the Revised Code to provide protective services to the individual.~~

~~(C)~~(B) The department shall pay the nonfederal share of

medicaid expenditures for home and community-based services if 39903
either of the following apply: 39904

(1) The services are provided to an individual with mental 39905
retardation or other developmental disability who a county board 39906
has determined under section 5126.041 of the Revised Code is not 39907
eligible for county board services; 39908

(2) The services are provided to an individual with mental 39909
retardation or other developmental disability given priority for 39910
the services pursuant to division (D)(3) of section 5126.042 of 39911
the Revised Code. The department shall pay the nonfederal share of 39912
medicaid expenditures for home and community-based services 39913
provided to such an individual for as long as the individual 39914
continues to be eligible for and receive the services, regardless 39915
of whether the services are provided after June 30, 2003. 39916

Sec. 5123.049. The director of mental retardation and 39917
developmental disabilities shall adopt rules in accordance with 39918
Chapter 119. of the Revised Code governing the authorization and 39919
payment of home and community-based services, and medicaid case 39920
management services, ~~and habilitation center services~~. The rules 39921
shall provide for private providers of the services to receive one 39922
hundred per cent of the medicaid allowable payment amount and for 39923
government providers of the services to receive the federal share 39924
of the medicaid allowable payment, less the amount withheld as a 39925
fee under section 5123.0412 of the Revised Code and any amount 39926
that may be required by rules adopted under section 5123.0413 of 39927
the Revised Code to be deposited into the state MR/DD risk fund. 39928
The rules shall establish the process by which county boards of 39929
mental retardation and developmental disabilities shall certify 39930
and provide the nonfederal share of medicaid expenditures that the 39931
county board is required by division (A) of section 5126.057 of 39932
the Revised Code to pay. The process shall require a county board 39933

to certify that the county board has funding available at one time 39934
for two months costs for those expenditures. The process may 39935
permit a county board to certify that the county board has funding 39936
available at one time for more than two months costs for those 39937
expenditures. 39938

Sec. 5123.0412. (A) The department of mental retardation and 39939
developmental disabilities shall charge each county board of 39940
mental retardation and developmental disabilities an annual fee 39941
equal to one and one-half per cent of the total value of all 39942
medicaid paid claims for medicaid case management services and 39943
home and community-based services ~~for which the county board~~ 39944
~~contracts or provides itself~~ provided during the year to an 39945
individual eligible for services from the county board. No county 39946
board shall pass the cost of a fee charged to the county board 39947
under this section on to ~~a person or government entity with which~~ 39948
~~the county board contracts to provide the~~ another provider of 39949
these services. 39950

(B) The fees collected under this section shall be deposited 39951
into the ODMR/DD administration and oversight fund and the ODJFS 39952
administration and oversight fund, both of which are hereby 39953
created in the state treasury. The portion of the fees to be 39954
deposited into the ODMR/DD administration and oversight fund and 39955
the portion of the fees to be deposited into the ODJFS 39956
administration and oversight fund shall be the portion specified 39957
in an interagency agreement entered into under division (C) of 39958
this section. The department of mental retardation and 39959
developmental disabilities shall use the money in the ODMR/DD 39960
administration and oversight fund and the department of job and 39961
family services shall use the money in the ODJFS administration 39962
and oversight fund for both of the following purposes: 39963

(1) The administrative and oversight costs of ~~habilitation~~ 39964

~~center services, medicaid case management services, and home and~~ 39965
~~community-based services that a county board develops and monitors~~ 39966
~~and the county board or a person or government entity under~~ 39967
~~contract with the county board provides.~~ The administrative and 39968
oversight costs shall include costs for staff, systems, and other 39969
resources the departments need and dedicate solely to the 39970
following duties associated with the services: 39971

- (a) Eligibility determinations; 39972
- (b) Training; 39973
- (c) Fiscal management; 39974
- (d) Claims processing; 39975
- (e) Quality assurance oversight; 39976
- (f) Other duties the departments identify. 39977

(2) Providing technical support to county boards' local 39978
administrative authority under section 5126.055 of the Revised 39979
Code for the services. 39980

(C) The departments of mental retardation and developmental 39981
disabilities and job and family services shall enter into an 39982
interagency agreement to do both of the following: 39983

- (1) Specify which portion of the fees collected under this 39984
section is to be deposited into the ODMR/DD administration and 39985
oversight fund and which portion is to be deposited into the ODJFS 39986
administration and oversight fund; 39987
- (2) Provide for the departments to coordinate the staff whose 39988
costs are paid for with money in the ODMR/DD administration and 39989
oversight fund and the ODJFS administration and oversight fund. 39990

(D) The departments shall submit an annual report to the 39991
director of budget and management certifying how the departments 39992
spent the money in the ODMR/DD administration and oversight fund 39993
and the ODJFS administration and oversight fund for the purposes 39994

specified in division (B) of this section. 39995

Sec. 5123.34. This chapter attempts to do all of the 39996
following: 39997

(A) Provide humane and scientific treatment and care and the 39998
highest attainable degree of individual development for persons 39999
with mental retardation or a developmental disability; 40000

(B) Promote the study of the causes of mental retardation and 40001
developmental disabilities, with a view to ultimate prevention; 40002

(C) Secure by uniform and systematic management the highest 40003
attainable degree of economy in the administration of the 40004
institutions under the control of the department of mental 40005
retardation and developmental disabilities. 40006

Sections 5123.02 to 5123.04, ~~5123.041 to~~ 5123.042, 5123.043, 40007
5123.10, 5123.21, 5123.221, 5123.25, and 5123.31 of the Revised 40008
Code shall be liberally construed to attain these purposes. 40009

Sec. 5123.701. (A) Except as provided in division (E) of this 40010
section, any person in the community who is eighteen years of age 40011
or older and who is or believes self to be mentally retarded may 40012
make written application to the managing officer of any 40013
institution for temporary admission for short-term care. The 40014
application may be made on behalf of a minor by a parent or 40015
guardian, and on behalf of an adult adjudicated mentally 40016
incompetent by a guardian. 40017

(B) For purposes of this section, short-term care shall be 40018
defined to mean appropriate services provided to a person with 40019
mental retardation for no more than fourteen consecutive days and 40020
for no more than forty-two days in a fiscal year. When 40021
circumstances warrant, the fourteen-day period may be extended at 40022
the discretion of the managing officer. Short-term care is 40023

provided in a developmental center to meet the family's or 40024
caretaker's needs for separation from the person with mental 40025
retardation. 40026

(C) The managing officer of an institution, with the 40027
concurrence of the chief program director, may admit a person for 40028
short-term care only after a medical examination has been made of 40029
the person and only if the managing officer concludes that the 40030
person is mentally retarded. 40031

(D) If application for admission for short-term care of a 40032
minor or of a person adjudicated mentally incompetent is made by 40033
the minor's parent or guardian or by the incompetent's guardian 40034
and the minor or incompetent is admitted, the probate division of 40035
the court of common pleas shall determine, upon petition by the 40036
legal rights service, whether the admission for short-term care is 40037
in the best interest of the minor or the incompetent. 40038

(E) A person who is found not guilty by reason of insanity 40039
shall not admit self to an institution for short-term care unless 40040
a hearing was held regarding the person pursuant to division (A) 40041
of section 2945.40 of the Revised Code and either of the following 40042
applies: 40043

(1) The person was found at the hearing not to be a mentally 40044
retarded person subject to institutionalization by court order; 40045

(2) The person was found at the hearing to be a mentally 40046
retarded person subject to institutionalization by court order, 40047
was involuntarily committed, and was finally discharged. 40048

(F) The mentally retarded person, liable relatives, and 40049
guardians of mentally retarded persons admitted for respite care 40050
shall pay support charges in accordance with sections ~~5121.03~~ 40051
5121.01 to 5121.07 of the Revised Code. 40052

(G) At the conclusion of each period of short-term care, the 40053

person shall return to the person's family or caretaker. Under no
circumstances shall a person admitted for short-term care
according to this section remain in the institution after the
period of short-term care unless the person is admitted according
to section 5123.70, sections 5123.71 to 5123.76, or section
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised
Code.

Sec. 5123.71. (A)(1) Proceedings for the involuntary
institutionalization of a person pursuant to sections 5123.71 to
5123.76 of the Revised Code shall be commenced by the filing of an
affidavit with the probate division of the court of common pleas
of the county where the person resides or where the person is
institutionalized, in the manner and form prescribed by the
department of mental retardation and developmental disabilities
either on information or actual knowledge, whichever is determined
to be proper by the court. The affidavit may be filed only by a
person who has custody of the individual as a parent, guardian, or
service provider or by a person acting on behalf of the department
or a county board of mental retardation and developmental
disabilities. This section does not apply regarding the
institutionalization of a person pursuant to section 2945.39,
2945.40, 2945.401, or 2945.402 of the Revised Code.

The affidavit shall contain an allegation setting forth the
specific category or categories under division ~~(P)~~(O) of section
5123.01 of the Revised Code upon which the commencement of
proceedings is based and a statement of the factual ground for the
belief that the person is a mentally retarded person subject to
institutionalization by court order. Except as provided in
division (A)(2) of this section, the affidavit shall be
accompanied by both of the following:

(a) A comprehensive evaluation report prepared by the

person's evaluation team that includes a statement by the members 40085
of the team certifying that they have performed a comprehensive 40086
evaluation of the person and that they are of the opinion that the 40087
person is a mentally retarded person subject to 40088
institutionalization by court order; 40089

(b) An assessment report prepared by the county board of 40090
mental retardation and developmental disabilities under section 40091
5123.711 of the Revised Code specifying that the individual is in 40092
need of services on an emergency or priority basis. 40093

(2) In lieu of the comprehensive evaluation report, the 40094
affidavit may be accompanied by a written and sworn statement that 40095
the person or the guardian of a person adjudicated incompetent has 40096
refused to allow a comprehensive evaluation and county board 40097
assessment and assessment reports. Immediately after accepting an 40098
affidavit that is not accompanied by the reports of a 40099
comprehensive evaluation and county board assessment, the court 40100
shall cause a comprehensive evaluation and county board assessment 40101
of the person named in the affidavit to be performed. The 40102
evaluation shall be conducted in the least restrictive environment 40103
possible and the assessment shall be conducted in the same manner 40104
as assessments conducted under section 5123.711 of the Revised 40105
Code. The evaluation and assessment must be completed before a 40106
probable cause hearing or full hearing may be held under section 40107
5123.75 or 5123.76 of the Revised Code. 40108

A written report of the evaluation team's findings and the 40109
county board's assessment shall be filed with the court. The 40110
reports shall, consistent with the rules of evidence, be accepted 40111
as probative evidence in any proceeding under section 5123.75 or 40112
5123.76 of the Revised Code. If the counsel for the person who is 40113
evaluated or assessed is known, the court shall send to the 40114
counsel a copy of the reports as soon as possible after they are 40115
filed and prior to any proceedings under section 5123.75 or 40116

5123.76 of the Revised Code. 40117

(B) Any person who is involuntarily detained in an 40118
institution or otherwise is in custody under this chapter shall be 40119
informed of the right to do the following: 40120

(1) Immediately make a reasonable number of telephone calls 40121
or use other reasonable means to contact an attorney, a physician, 40122
or both, to contact any other person or persons to secure 40123
representation by counsel, or to obtain medical assistance, and be 40124
provided assistance in making calls if the assistance is needed 40125
and requested; 40126

(2) Retain counsel and have independent expert evaluation 40127
and, if the person is an indigent person, be represented by 40128
court-appointed counsel and have independent expert evaluation at 40129
court expense; 40130

(3) Upon request, have a hearing to determine whether there 40131
is probable cause to believe that the person is a mentally 40132
retarded person subject to institutionalization by court order. 40133

(C) No person who is being treated by spiritual means through 40134
prayer alone in accordance with a recognized religious method of 40135
healing may be ordered detained or involuntarily committed unless 40136
the court has determined that the person represents a very 40137
substantial risk of self-impairment, self-injury, or impairment or 40138
injury to others. 40139

Sec. 5123.76. (A) The full hearing shall be conducted in a 40140
manner consistent with the procedures outlined in this chapter and 40141
with due process of law. The hearing shall be held by a judge of 40142
the probate division or, upon transfer by the judge of the probate 40143
division, by another judge of the court of common pleas, or a 40144
referee designated by the judge of the probate division. Any 40145
referee designated by the judge of the probate division must be an 40146

attorney. 40147

(1) The following shall be made available to counsel for the 40148
respondent: 40149

(a) All relevant documents, information, and evidence in the 40150
custody or control of the state or prosecutor; 40151

(b) All relevant documents, information, and evidence in the 40152
custody or control of the institution, facility, or program in 40153
which the respondent currently is held or in which the respondent 40154
has been held pursuant to these proceedings; 40155

(c) With the consent of the respondent, all relevant 40156
documents, information, and evidence in the custody or control of 40157
any institution or person other than the state. 40158

(2) The respondent has the right to be represented by counsel 40159
of the respondent's choice and has the right to attend the hearing 40160
except if unusual circumstances of compelling medical necessity 40161
exist that render the respondent unable to attend and the 40162
respondent has not expressed a desire to attend. 40163

(3) If the respondent is not represented by counsel and the 40164
court determines that the conditions specified in division (A)(2) 40165
of this section justify the respondent's absence and the right to 40166
counsel has not been validly waived, the court shall appoint 40167
counsel forthwith to represent the respondent at the hearing, 40168
reserving the right to tax costs of appointed counsel to the 40169
respondent unless it is shown that the respondent is indigent. If 40170
the court appoints counsel, or if the court determines that the 40171
evidence relevant to the respondent's absence does not justify the 40172
absence, the court shall continue the case. 40173

(4) The respondent shall be informed of the right to retain 40174
counsel, to have independent expert evaluation, and, if an 40175
indigent person, to be represented by court appointed counsel and 40176
have expert independent evaluation at court expense. 40177

(5) The hearing may be closed to the public unless counsel 40178
for the respondent requests that the hearing be open to the 40179
public. 40180

(6) Unless objected to by the respondent, the respondent's 40181
counsel, or the designee of the director of mental retardation and 40182
developmental disabilities, the court, for good cause shown, may 40183
admit persons having a legitimate interest in the proceedings. 40184

(7) The affiant under section 5123.71 of the Revised Code 40185
shall be subject to subpoena by either party. 40186

(8) The court shall examine the sufficiency of all documents 40187
filed and shall inform the respondent, if present, and the 40188
respondent's counsel of the nature of the content of the documents 40189
and the reason for which the respondent is being held or for which 40190
the respondent's placement is being sought. 40191

(9) The court shall receive only relevant, competent, and 40192
material evidence. 40193

(10) The designee of the director shall present the evidence 40194
for the state. In proceedings under this chapter, the attorney 40195
general shall present the comprehensive evaluation, assessment, 40196
diagnosis, prognosis, record of habilitation and care, if any, and 40197
less restrictive habilitation plans, if any. The attorney general 40198
does not have a similar presentation responsibility in connection 40199
with a person who has been found not guilty by reason of insanity 40200
and who is the subject of a hearing under section 2945.40 of the 40201
Revised Code to determine whether the person is a mentally 40202
retarded person subject to institutionalization by court order. 40203

(11) The respondent has the right to testify and the 40204
respondent or the respondent's counsel has the right to subpoena 40205
witnesses and documents and to present and cross-examine 40206
witnesses. 40207

(12) The respondent shall not be compelled to testify and shall be so advised by the court.

(13) On motion of the respondent or the respondent's counsel for good cause shown, or upon the court's own motion, the court may order a continuance of the hearing.

(14) To an extent not inconsistent with this chapter, the Rules of Civil Procedure shall be applicable.

(B) Unless, upon completion of the hearing, the court finds by clear and convincing evidence that the respondent named in the affidavit is a mentally retarded person subject to institutionalization by court order, it shall order the respondent's discharge forthwith.

(C) If, upon completion of the hearing, the court finds by clear and convincing evidence that the respondent is a mentally retarded person subject to institutionalization by court order, the court may order the respondent's discharge or order the respondent, for a period not to exceed ninety days, to any of the following:

(1) A public institution, provided that commitment of the respondent to the institution will not cause the institution to exceed its licensed capacity determined in accordance with section 5123.19 of the Revised Code and provided that such a placement is indicated by the comprehensive evaluation report filed pursuant to section 5123.71 of the Revised Code;

(2) A private institution;

(3) A county mental retardation program;

(4) Receive private habilitation and care;

(5) Any other suitable facility, program, or the care of any person consistent with the comprehensive evaluation, assessment, diagnosis, prognosis, and habilitation needs of the respondent.

(D) Any order made pursuant to division (C)(2), (4), or (5) 40238
of this section shall be conditional upon the receipt by the court 40239
of consent by the facility, program, or person to accept the 40240
respondent. 40241

(E) In determining the place to which, or the person with 40242
whom, the respondent is to be committed, the court shall consider 40243
the comprehensive evaluation, assessment, diagnosis, and projected 40244
habilitation plan for the respondent, and shall order the 40245
implementation of the least restrictive alternative available and 40246
consistent with habilitation goals. 40247

(F) If, at any time it is determined by the director of the 40248
facility or program to which, or the person to whom, the 40249
respondent is committed that the respondent could be equally well 40250
habilitated in a less restrictive environment that is available, 40251
the following shall occur: 40252

(1) The respondent shall be released by the director of the 40253
facility or program or by the person forthwith and referred to the 40254
court together with a report of the findings and recommendations 40255
of the facility, program, or person. 40256

(2) The director of the facility or program or the person 40257
shall notify the respondent's counsel and the designee of the 40258
director of mental retardation and developmental disabilities. 40259

(3) The court shall dismiss the case or order placement in 40260
the less restrictive environment. 40261

(G)(1) Except as provided in divisions (G)(2) and (3) of this 40262
section, any person who has been committed under this section may 40263
apply at any time during the ninety-day period for voluntary 40264
admission to an institution under section 5123.69 of the Revised 40265
Code. Upon admission of a voluntary resident, the managing officer 40266
immediately shall notify the court, the respondent's counsel, and 40267
the designee of the director in writing of that fact by mail or 40268

otherwise, and, upon receipt of the notice, the court shall 40269
dismiss the case. 40270

(2) A person who is found incompetent to stand trial or not 40271
guilty by reason of insanity and who is committed pursuant to 40272
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 40273
Code shall not be voluntarily admitted to an institution pursuant 40274
to division (G)(1) of this section until after the termination of 40275
the commitment, as described in division (J) of section 2945.401 40276
of the Revised Code. 40277

(H) If, at the end of any commitment period, the respondent 40278
has not already been discharged or has not requested voluntary 40279
admission status, the director of the facility or program, or the 40280
person to whose care the respondent has been committed, shall 40281
discharge the respondent forthwith, unless at least ten days 40282
before the expiration of that period the designee of the director 40283
of mental retardation and developmental disabilities or the 40284
prosecutor files an application with the court requesting 40285
continued commitment. 40286

(1) An application for continued commitment shall include a 40287
written report containing a current comprehensive evaluation and 40288
assessment, a diagnosis, a prognosis, an account of progress and 40289
past habilitation, and a description of alternative habilitation 40290
settings and plans, including a habilitation setting that is the 40291
least restrictive setting consistent with the need for 40292
habilitation. A copy of the application shall be provided to 40293
respondent's counsel. The requirements for notice under section 40294
5123.73 of the Revised Code and the provisions of divisions (A) to 40295
(E) of this section apply to all hearings on such applications. 40296

(2) A hearing on the first application for continued 40297
commitment shall be held at the expiration of the first ninety-day 40298
period. The hearing shall be mandatory and may not be waived. 40299

(3) Subsequent periods of commitment not to exceed one hundred eighty days each may be ordered by the court if the designee of the director of mental retardation and developmental disabilities files an application for continued commitment, after a hearing is held on the application or without a hearing if no hearing is requested and no hearing required under division (H)(4) of this section is waived. Upon the application of a person involuntarily committed under this section, supported by an affidavit of a licensed physician alleging that the person is no longer a mentally retarded person subject to institutionalization by court order, the court for good cause shown may hold a full hearing on the person's continued commitment prior to the expiration of any subsequent period of commitment set by the court.

(4) A mandatory hearing shall be held at least every two years after the initial commitment.

(5) If the court, after a hearing upon a request to continue commitment, finds that the respondent is a mentally retarded person subject to institutionalization by court order, the court may make an order pursuant to divisions (C), (D), and (E) of this section.

(I) Notwithstanding the provisions of division (H) of this section, no person who is found to be a mentally retarded person subject to institutionalization by court order pursuant to division ~~(P)~~(O)(2) of section 5123.01 of the Revised Code shall be held under involuntary commitment for more than five years.

(J) The managing officer admitting a person pursuant to a judicial proceeding, within ten working days of the admission, shall make a report of the admission to the department.

Sec. 5126.01. As used in this chapter:

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of mental retardation and developmental disabilities pursuant to Chapter 119. of the Revised Code.

(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills.

(2) "Adult services" includes all of the following:

(a) Adult day habilitation services;

(b) Adult day care;

(c) Prevocational services;

(d) Sheltered employment;

(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;

(f) Community employment services and supported employment services.

(B)(1) "Adult day habilitation services" means adult services that do the following:

(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved;

(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community.

(2) "Adult day habilitation services" includes all of the following:

(a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services, educational services, community activities, and any other adult day habilitation services;

(b) Skilled services provided while receiving adult day habilitation services, including such skilled services as behavior management intervention, occupational therapy, speech and language therapy, physical therapy, and nursing services;

(c) Training and education in self-determination designed to help the individual do one or more of the following: develop self-advocacy skills, exercise the individual's civil rights, acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that enable the individual to become more independent, integrated, or productive in the community;

(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in

developing or maintaining social supports;	40391
(e) Counseling and assistance provided to obtain housing, including such counseling as identifying options for either rental or purchase, identifying financial resources, assessing needs for environmental modifications, locating housing, and planning for ongoing management and maintenance of the housing selected;	40392 40393 40394 40395 40396
(f) Transportation necessary to access adult day habilitation services;	40397 40398
(g) Habilitation management, as described in section 5126.14 of the Revised Code.	40399 40400
(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services.	40401 40402 40403
(C) "Community employment services" or "supported employment services" means job training and other services related to employment outside a sheltered workshop. "Community employment services" or "supported employment services" include all of the following:	40404 40405 40406 40407 40408
(1) Job training resulting in the attainment of competitive work, supported work in a typical work environment, or self-employment;	40409 40410 40411
(2) Supervised work experience through an employer paid to provide the supervised work experience;	40412 40413
(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;	40414 40415
(4) Ongoing supervision by an employer paid to provide the supervision.	40416 40417
(D) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the	40418 40419 40420

Revised Code. 40421

"Developmental disability" means a severe, chronic disability 40422
that is characterized by all of the following: 40423

(1) It is attributable to a mental or physical impairment or 40424
a combination of mental and physical impairments, other than a 40425
mental or physical impairment solely caused by mental illness as 40426
defined in division (A) of section 5122.01 of the Revised Code; 40427

(2) It is manifested before age twenty-two; 40428

(3) It is likely to continue indefinitely; 40429

(4) It results in one of the following: 40430

(a) In the case of a person under age three, at least one 40431
developmental delay or an established risk; 40432

(b) In the case of a person at least age three but under age 40433
six, at least two developmental delays or an established risk; 40434

(c) In the case of a person age six or older, a substantial 40435
functional limitation in at least three of the following areas of 40436
major life activity, as appropriate for the person's age: 40437
self-care, receptive and expressive language, learning, mobility, 40438
self-direction, capacity for independent living, and, if the 40439
person is at least age sixteen, capacity for economic 40440
self-sufficiency. 40441

(5) It causes the person to need a combination and sequence 40442
of special, interdisciplinary, or other type of care, treatment, 40443
or provision of services for an extended period of time that is 40444
individually planned and coordinated for the person. 40445

(E) "Early childhood services" means a planned program of 40446
habilitation designed to meet the needs of individuals with mental 40447
retardation or other developmental disabilities who have not 40448
attained compulsory school age. 40449

(F)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.

(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, and installation of specialized electric and plumbing systems necessary to accommodate the individual's medical equipment and supplies.

(3) "Environmental modifications" does not include physical adaptations or improvements to the home that are of general utility or not of direct medical or remedial benefit to the individual, including such adaptations or improvements as carpeting, roof repair, and central air conditioning.

(G) "Family support services" means the services provided under a family support services program operated under section 5126.11 of the Revised Code.

(H) "Habilitation" means the process by which the staff of the facility or agency assists an individual with mental retardation or other developmental disability in acquiring and maintaining those life skills that enable the individual to cope more effectively with the demands of the individual's own person and environment, and in raising the level of the individual's personal, physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal, structured education and training.

~~(I) "Habilitation center services" means services provided by a habilitation center certified by the department of mental retardation and developmental disabilities under section 5123.041~~

~~of the Revised Code and covered by the medicaid program pursuant~~ 40481
~~to rules adopted under section 5111.041 of the Revised Code.~~ 40482

~~(J)~~ "Home and community-based services" means medicaid-funded 40483
home and community-based services specified in division (B)(1) of 40484
section 5111.87 of the Revised Code and provided under the 40485
medicaid waiver components the department of mental retardation 40486
and developmental disabilities administers pursuant to section 40487
5111.871 of the Revised Code. 40488

~~(K)~~(J) "Medicaid" has the same meaning as in section 5111.01 40489
of the Revised Code. 40490

~~(L)~~(K) "Medicaid case management services" means case 40491
management services provided to an individual with mental 40492
retardation or other developmental disability that the state 40493
medicaid plan requires. 40494

~~(M)~~(L) "Mental retardation" means a mental impairment 40495
manifested during the developmental period characterized by 40496
significantly subaverage general intellectual functioning existing 40497
concurrently with deficiencies in the effectiveness or degree with 40498
which an individual meets the standards of personal independence 40499
and social responsibility expected of the individual's age and 40500
cultural group. 40501

~~(N)~~(M) "Residential services" means services to individuals 40502
with mental retardation or other developmental disabilities to 40503
provide housing, food, clothing, habilitation, staff support, and 40504
related support services necessary for the health, safety, and 40505
welfare of the individuals and the advancement of their quality of 40506
life. "Residential services" includes program management, as 40507
described in section 5126.14 of the Revised Code. 40508

~~(O)~~(N) "Resources" means available capital and other assets, 40509
including moneys received from the federal, state, and local 40510
governments, private grants, and donations; appropriately 40511

qualified personnel; and appropriate capital facilities and 40512
equipment. 40513

~~(P)~~(O) "Service and support administration" means the duties 40514
performed by a service and support administrator pursuant to 40515
section 5126.15 of the Revised Code. 40516

~~(Q)~~(P)(1) "Specialized medical, adaptive, and assistive 40517
equipment, supplies, and supports" means equipment, supplies, and 40518
supports that enable an individual to increase the ability to 40519
perform activities of daily living or to perceive, control, or 40520
communicate within the environment. 40521

(2) "Specialized medical, adaptive, and assistive equipment, 40522
supplies, and supports" includes the following: 40523

(a) Eating utensils, adaptive feeding dishes, plate guards, 40524
mylatex straps, hand splints, reaches, feeder seats, adjustable 40525
pointer sticks, interpreter services, telecommunication devices 40526
for the deaf, computerized communications boards, other 40527
communication devices, support animals, veterinary care for 40528
support animals, adaptive beds, supine boards, prone boards, 40529
wedges, sand bags, sidelayers, bolsters, adaptive electrical 40530
switches, hand-held shower heads, air conditioners, humidifiers, 40531
emergency response systems, folding shopping carts, vehicle lifts, 40532
vehicle hand controls, other adaptations of vehicles for 40533
accessibility, and repair of the equipment received. 40534

(b) Nondisposable items not covered by medicaid that are 40535
intended to assist an individual in activities of daily living or 40536
instrumental activities of daily living. 40537

~~(R)~~(O) "Supportive home services" means a range of services 40538
to families of individuals with mental retardation or other 40539
developmental disabilities to develop and maintain increased 40540
acceptance and understanding of such persons, increased ability of 40541
family members to teach the person, better coordination between 40542

school and home, skills in performing specific therapeutic and 40543
management techniques, and ability to cope with specific 40544
situations. 40545

~~(S)~~(R)(1) "Supported living" means services provided for as 40546
long as twenty-four hours a day to an individual with mental 40547
retardation or other developmental disability through any public 40548
or private resources, including moneys from the individual, that 40549
enhance the individual's reputation in community life and advance 40550
the individual's quality of life by doing the following: 40551

(a) Providing the support necessary to enable an individual 40552
to live in a residence of the individual's choice, with any number 40553
of individuals who are not disabled, or with not more than three 40554
individuals with mental retardation and developmental disabilities 40555
unless the individuals are related by blood or marriage; 40556

(b) Encouraging the individual's participation in the 40557
community; 40558

(c) Promoting the individual's rights and autonomy; 40559

(d) Assisting the individual in acquiring, retaining, and 40560
improving the skills and competence necessary to live successfully 40561
in the individual's residence. 40562

(2) "Supported living" includes the provision of all of the 40563
following: 40564

(a) Housing, food, clothing, habilitation, staff support, 40565
professional services, and any related support services necessary 40566
to ensure the health, safety, and welfare of the individual 40567
receiving the services; 40568

(b) A combination of life-long or extended-duration 40569
supervision, training, and other services essential to daily 40570
living, including assessment and evaluation and assistance with 40571
the cost of training materials, transportation, fees, and 40572

supplies;	40573
(c) Personal care services and homemaker services;	40574
(d) Household maintenance that does not include modifications to the physical structure of the residence;	40575 40576
(e) Respite care services;	40577
(f) Program management, as described in section 5126.14 of the Revised Code.	40578 40579
 Sec. 5126.035. (A) As used in this section:	 40580
(1) "Provider" means a person or government entity that provides services to an individual with mental retardation or other developmental disability pursuant to a service contract.	40581 40582 40583
(2) "Service contract" means a contract between a county board of mental retardation and developmental disabilities and a provider under which the provider is to provide services to an individual with mental retardation or other developmental disability.	40584 40585 40586 40587 40588
(B) Each service contract that a county board of mental retardation and developmental disabilities enters into with a provider shall do all <u>both</u> of the following:	40589 40590 40591
(1) Comply with rules adopted under division (E) of this section;	40592 40593
(2) If the provider is to provide home and community-based services, <u>or</u> medicaid case management services, or habilitation center services, comply with all applicable statewide medicaid requirements;	40594 40595 40596 40597
(3) <u>(2)</u> Include a general operating agreement component and an individual service needs addendum.	40598 40599
(C) The general operating agreement component shall include	40600

all of the following:	40601
(1) The roles and responsibilities of the county board	40602
regarding services for individuals with mental retardation or	40603
other developmental disability who reside in the county the county	40604
board serves;	40605
(2) The roles and responsibilities of the provider as	40606
specified in the individual service needs addendum;	40607
(3) Procedures for the county board to monitor the provider's	40608
services;	40609
(4) Procedures for the county board to evaluate the quality	40610
of care and cost effectiveness of the provider's services;	40611
(5) Procedures for payment of eligible claims;	40612
(6) If the provider is to provide home and community-based	40613
services, <u>or</u> medicaid case management services, or habilitation	40614
center services , both of the following:	40615
(a) Procedures for reimbursement that conform to the	40616
statewide reimbursement process and the county board's plan	40617
submitted under section 5126.054 of the Revised Code;	40618
(b) Procedures that ensure that the county board pays the	40619
nonfederal share of the medicaid expenditures that the county	40620
board is required by division (A) of section 5126.057 of the	40621
Revised Code to pay.	40622
(7) Procedures for the county board to perform service	40623
utilization reviews and the implementation of required corrective	40624
actions;	40625
(8) Procedures for the provider to submit claims for payment	40626
for a service no later than three hundred thirty days after the	40627
date the service is provided;	40628
(9) Procedures for rejecting claims for payment that are	40629

submitted after the time required by division ~~(B)(9)~~(C)(8) of this section; 40630
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(10) Procedures for developing, modifying, and executing initial and subsequent service plans. The procedures shall provide for the provider's participation. 40632
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(11) Procedures for affording individuals due process protections; 40635
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(12) General staffing, training, and certification requirements that are consistent with state requirements and compensation arrangements that are necessary to attract, train, and retain competent personnel to deliver the services pursuant to the individual service needs addendum; 40637
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(13) Methods to be used to document services provided and procedures for submitting reports the county board requires; 40642
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(14) Methods for authorizing and documenting within seventy-two hours changes to the individual service needs addendum. The methods shall allow for changes to be initially authorized verbally and subsequently in writing. 40644
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(15) Procedures for modifying the individual service needs addendum in accordance with changes to the recipient's individualized service plan; 40648
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(16) Procedures for terminating the individual service needs addendum within thirty days of a request made by the recipient; 40651
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(17) A requirement that all parties to the contract accept the contract's terms and conditions; 40653
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(18) A designated contact person and the method of contacting the designated person to respond to medical or behavioral problems and allegations of major unusual incidents or unusual incidents; 40655
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(19) Procedures for ensuring the health and welfare of the recipient; 40658
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(20) Procedures for ensuring fiscal accountability and the collection and reporting of programmatic data;	40660 40661
(21) Procedures for implementing the mediation and arbitration process under section 5126.036 of the Revised Code;	40662 40663
(22) Procedures for amending or terminating the contract, including as necessary to make the general operating agreement component consistent with any changes made to the individual service needs addendum;	40664 40665 40666 40667
(23) Anything else allowable under federal and state law that the county board and provider agree to.	40668 40669
(D) The individual service needs addendum shall be consistent with the general operating agreement component and include all of the following:	40670 40671 40672
(1) The name of the individual with mental retardation or other developmental disability who is to receive the services from the provider and any information about the recipient that the provider needs to be able to provide the services;	40673 40674 40675 40676
(2) A clear and complete description of the services that the recipient is to receive as determined using statewide assessment tools;	40677 40678 40679
(3) A copy of the recipient's assessment and individualized service plan;	40680 40681
(4) A clear and complete description of the provider's responsibilities to the recipient and county board in providing appropriate services in a coordinated manner with other providers and in a manner that contributes to and ensures the recipient's health, safety, and welfare.	40682 40683 40684 40685 40686
(E) The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing service contracts. A service contract	40687 40688 40689

does not negate the requirement that a provider of home and 40690
community-based services, or medicaid case management services, ~~or~~ 40691
~~habilitation center services~~ have a medicaid provider agreement 40692
with the department of job and family services. 40693

Sec. 5126.042. (A) As used in this section, "emergency" means 40694
any situation that creates for an individual with mental 40695
retardation or developmental disabilities a risk of substantial 40696
self-harm or substantial harm to others if action is not taken 40697
within thirty days. An "emergency" may include one or more of the 40698
following situations: 40699

(1) Loss of present residence for any reason, including legal 40700
action; 40701

(2) Loss of present caretaker for any reason, including 40702
serious illness of the caretaker, change in the caretaker's 40703
status, or inability of the caretaker to perform effectively for 40704
the individual; 40705

(3) Abuse, neglect, or exploitation of the individual; 40706

(4) Health and safety conditions that pose a serious risk to 40707
the individual or others of immediate harm or death; 40708

(5) Change in the emotional or physical condition of the 40709
individual that necessitates substantial accommodation that cannot 40710
be reasonably provided by the individual's existing caretaker. 40711

(B) If a county board of mental retardation and developmental 40712
disabilities determines that available resources are not 40713
sufficient to meet the needs of all individuals who request 40714
programs and services and may be offered the programs and 40715
services, it shall establish waiting lists for services. The board 40716
may establish priorities for making placements on its waiting 40717
lists according to an individual's emergency status and shall 40718
establish priorities in accordance with divisions (D) and (E) of 40719

this section. 40720

The individuals who may be placed on a waiting list include 40721
individuals with a need for services on an emergency basis and 40722
individuals who have requested services for which resources are 40723
not available. 40724

Except for an individual who is to receive priority for 40725
services pursuant to division (D)(3) of this section, an 40726
individual who currently receives a service but would like to 40727
change to another service shall not be placed on a waiting list 40728
but shall be placed on a service substitution list. The board 40729
shall work with the individual, service providers, and all 40730
appropriate entities to facilitate the change in service as 40731
expeditiously as possible. The board may establish priorities for 40732
making placements on its service substitution lists according to 40733
an individual's emergency status. 40734

In addition to maintaining waiting lists and service 40735
substitution lists, a board shall maintain a long-term service 40736
planning registry for individuals who wish to record their 40737
intention to request in the future a service they are not 40738
currently receiving. The purpose of the registry is to enable the 40739
board to document requests and to plan appropriately. The board 40740
may not place an individual on the registry who meets the 40741
conditions for receipt of services on an emergency basis. 40742

(C) A county board shall establish a separate waiting list 40743
for each of the following categories of services, and may 40744
establish separate waiting lists within the waiting lists: 40745

(1) Early childhood services; 40746

(2) Educational programs for preschool and school age 40747
children; 40748

(3) Adult services; 40749

(4) Service and support administration;	40750
(5) Residential services and supported living;	40751
(6) Transportation services;	40752
(7) Other services determined necessary and appropriate for persons with mental retardation or a developmental disability according to their individual habilitation or service plans;	40753 40754 40755
(8) Family support services provided under section 5126.11 of the Revised Code.	40756 40757
(D) Except as provided in division (G) of this section, a county board shall do, as priorities, all of the following in accordance with the assessment component, approved under section 5123.046 of the Revised Code, of the county board's plan developed under section 5126.054 of the Revised Code:	40758 40759 40760 40761 40762
(1) For the purpose of obtaining additional federal medicaid funds for home and community-based services, <u>and</u> medicaid case management services, and habilitation center services , do both of the following:	40763 40764 40765 40766
(a) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include supported living, residential services, or family support services:	40767 40768 40769 40770 40771 40772
(i) Is twenty-two years of age or older;	40773
(ii) Receives supported living or family support services.	40774
(b) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include adult services:	40775 40776 40777 40778 40779

(i) Resides in the individual's own home or the home of the individual's family and will continue to reside in that home after enrollment in home and community-based services; 40780
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(ii) Receives adult services from the county board. 40783

(2) As federal medicaid funds become available pursuant to division (D)(1) of this section, give an individual who is eligible for home and community-based services and meets any of the following requirements priority for such services over any other individual on a waiting list established under division (C) of this section: 40784
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(a) Does not receive residential services or supported living, either needs services in the individual's current living arrangement or will need services in a new living arrangement, and has a primary caregiver who is sixty years of age or older; 40790
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(b) Is less than twenty-two years of age and has at least one of the following service needs that are unusual in scope or intensity: 40794
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(i) Severe behavior problems for which a behavior support plan is needed; 40797
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(ii) An emotional disorder for which anti-psychotic medication is needed; 40799
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(iii) A medical condition that leaves the individual dependent on life-support medical technology; 40801
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(iv) A condition affecting multiple body systems for which a combination of specialized medical, psychological, educational, or habilitation services are needed; 40803
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(v) A condition the county board determines to be comparable in severity to any condition described in division (D)(2)(b)(i) to (iv) of this section and places the individual at significant risk of institutionalization. 40806
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(c) Is twenty-two years of age or older, does not receive residential services or supported living, and is determined by the county board to have intensive needs for home and community-based services on an in-home or out-of-home basis.

(3) In fiscal years 2002 and 2003, give an individual who is eligible for home and community-based services, resides in an intermediate care facility for the mentally retarded or nursing facility, chooses to move to another setting with the help of home and community-based services, and has been determined by the department of mental retardation and developmental disabilities to be capable of residing in the other setting, priority over any other individual on a waiting list established under division (C) of this section for home and community-based services who does not meet these criteria. The department of mental retardation and developmental disabilities shall identify the individuals to receive priority under division (D)(3) of this section, assess the needs of the individuals, and notify the county boards that are to provide the individuals priority under division (D)(3) of this section of the individuals identified by the department and the individuals' assessed needs.

(E) Except as provided in division (G) of this section and for a number of years and beginning on a date specified in rules adopted under division (K) of this section, a county board shall give an individual who is eligible for home and community-based services, resides in a nursing facility, and chooses to move to another setting with the help of home and community-based services, priority over any other individual on a waiting list established under division (C) of this section for home and community-based services who does not meet these criteria.

(F) If two or more individuals on a waiting list established under division (C) of this section for home and community-based services have priority for the services pursuant to division

(D)(1) or (2) or (E) of this section, a county board may use, 40842
until December 31, ~~2005~~ 2007, criteria specified in rules adopted 40843
under division (K)(2) of this section in determining the order in 40844
which the individuals with priority will be offered the services. 40845
Otherwise, the county board shall offer the home and 40846
community-based services to such individuals in the order they are 40847
placed on the waiting list. 40848

(G)(1) No individual may receive priority for services 40849
pursuant to division (D) or (E) of this section over an individual 40850
placed on a waiting list established under division (C) of this 40851
section on an emergency status. 40852

(2) No more than four hundred individuals in the state may 40853
receive priority for services during the ~~2004~~ 2006 and ~~2005~~ 2007 40854
biennium pursuant to division (D)(2)(b) of this section. 40855

(3) No more than a total of seventy-five individuals in the 40856
state may receive priority for services during state fiscal years 40857
2002 and 2003 pursuant to division (D)(3) of this section. 40858

(4) No more than forty individuals in the state may receive 40859
priority for services pursuant to division (E) of this section for 40860
each year that priority category is in effect as specified in 40861
rules adopted under division (K) of this section. 40862

(H) Prior to establishing any waiting list under this 40863
section, a county board shall develop and implement a policy for 40864
waiting lists that complies with this section and rules adopted 40865
under division (K) of this section. 40866

Prior to placing an individual on a waiting list, the county 40867
board shall assess the service needs of the individual in 40868
accordance with all applicable state and federal laws. The county 40869
board shall place the individual on the appropriate waiting list 40870
and may place the individual on more than one waiting list. The 40871
county board shall notify the individual of the individual's 40872

placement and position on each waiting list on which the 40873
individual is placed. 40874

At least annually, the county board shall reassess the 40875
service needs of each individual on a waiting list. If it 40876
determines that an individual no longer needs a program or 40877
service, the county board shall remove the individual from the 40878
waiting list. If it determines that an individual needs a program 40879
or service other than the one for which the individual is on the 40880
waiting list, the county board shall provide the program or 40881
service to the individual or place the individual on a waiting 40882
list for the program or service in accordance with the board's 40883
policy for waiting lists. 40884

When a program or service for which there is a waiting list 40885
becomes available, the county board shall reassess the service 40886
needs of the individual next scheduled on the waiting list to 40887
receive that program or service. If the reassessment demonstrates 40888
that the individual continues to need the program or service, the 40889
board shall offer the program or service to the individual. If it 40890
determines that an individual no longer needs a program or 40891
service, the county board shall remove the individual from the 40892
waiting list. If it determines that an individual needs a program 40893
or service other than the one for which the individual is on the 40894
waiting list, the county board shall provide the program or 40895
service to the individual or place the individual on a waiting 40896
list for the program or service in accordance with the board's 40897
policy for waiting lists. The county board shall notify the 40898
individual of the individual's placement and position on the 40899
waiting list on which the individual is placed. 40900

(I) A child subject to a determination made pursuant to 40901
section 121.38 of the Revised Code who requires the home and 40902
community-based services provided through a medicaid component 40903
that the department of mental retardation and developmental 40904

disabilities administers under section 5111.871 of the Revised Code shall receive services through that medicaid component. For all other services, a child subject to a determination made pursuant to section 121.38 of the Revised Code shall be treated as an emergency by the county boards and shall not be subject to a waiting list.

(J) Not later than the fifteenth day of March of each even-numbered year, each county board shall prepare and submit to the director of mental retardation and developmental disabilities its recommendations for the funding of services for individuals with mental retardation and developmental disabilities and its proposals for reducing the waiting lists for services.

(K)(1) The department of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing waiting lists established under this section. The rules shall include procedures to be followed to ensure that the due process rights of individuals placed on waiting lists are not violated.

(2) As part of the rules adopted under this division, the department shall adopt rules establishing criteria a county board may use under division (F) of this section in determining the order in which individuals with priority for home and community-based services will be offered the services. The rules shall also specify conditions under which a county board, when there is no individual with priority for home and community-based services pursuant to division (D)(1) or (2) or (E) of this section available and appropriate for the services, may offer the services to an individual on a waiting list for the services but not given such priority for the services. The rules adopted under division (K)(2) of this section shall cease to have effect December 31, 2005 2007.

(3) As part of the rules adopted under this division, the department shall adopt rules specifying both of the following for the priority category established under division (E) of this section:

(a) The number of years, which shall not exceed five, that the priority category will be in effect;

(b) The date that the priority category is to go into effect.

(L) The following shall take precedence over the applicable provisions of this section:

(1) Medicaid rules and regulations;

(2) Any specific requirements that may be contained within a medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services, programs, or supports.

Sec. 5126.054. (A) Each county board of mental retardation and developmental disabilities shall, by resolution, develop a three-calendar year plan that includes the following four components:

(1) An assessment component that includes all of the following:

(a) The number of individuals with mental retardation or other developmental disability residing in the county who need the level of care provided by an intermediate care facility for the mentally retarded, may seek home and community-based services, are given priority for the services pursuant to division (D) of section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;

(b) The source of funds available to the county board to pay the nonfederal share of medicaid expenditures that the county

board is required by division (A) of section 5126.057 of the Revised Code to pay; 40965
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(c) Any other applicable information or conditions that the department of mental retardation and developmental disabilities requires as a condition of approving the component under section 5123.046 of the Revised Code. 40967
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(2) A component that provides for the recruitment, training, and retention of existing and new direct care staff necessary to implement services included in individualized service plans, including behavior management services and health management services such as delegated nursing and other habilitation services, and protect the health and welfare of individuals receiving services included in the individual's individualized service plan by complying with safeguards for unusual and major unusual incidents, day-to-day program management, and other requirements the department shall identify. A county board shall develop this component in collaboration with providers of medicaid-funded services with which the county board contracts. A county board shall include all of the following in the component: 40971
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(a) The source and amount of funds available for the component; 40984
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(b) A plan and timeline for implementing the component with the medicaid providers under contract with the county board; 40986
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(c) The mechanisms the county board shall use to ensure the financial and program accountability of the medicaid provider's implementation of the component. 40988
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(3) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community-based services pursuant to the priority given to them under divisions (D)(1) and (2) of section 5126.042 of the Revised Code and the types of home and 40991
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community-based services the individuals are to receive; 40996

(4) A component that provides for the implementation of 40997
~~habilitation center services,~~ medicaid case management services, 40998
and home and community-based services for individuals who begin to 40999
receive the services on or after the date the plan is approved 41000
under section 5123.046 of the Revised Code. A county board shall 41001
include all of the following in the component: 41002

(a) If the department of mental retardation and developmental 41003
disabilities or department of job and family services requires, an 41004
agreement to pay the nonfederal share of medicaid expenditures 41005
that the county board is required by division (A) of section 41006
5126.057 of the Revised Code to pay; 41007

(b) How the services are to be phased in over the period the 41008
plan covers, including how the county board will serve individuals 41009
on a waiting list established under division (C) of section 41010
5126.042 who are given priority status under division (D)(1) of 41011
that section; 41012

(c) Any agreement or commitment regarding the county board's 41013
funding of home and community-based services that the county board 41014
has with the department at the time the county board develops the 41015
component; 41016

(d) Assurances adequate to the department that the county 41017
board will comply with all of the following requirements: 41018

(i) To provide the types of home and community-based services 41019
specified in the preliminary implementation component required by 41020
division (A)(3) of this section to at least the number of 41021
individuals specified in that component; 41022

(ii) To use any additional funds the county board receives 41023
for the services to improve the county board's resource 41024
capabilities for supporting such services available in the county 41025

at the time the component is developed and to expand the services 41026
to accommodate the unmet need for those services in the county; 41027

(iii) To employ a business manager who is either a new 41028
employee who has earned at least a bachelor's degree in business 41029
administration or a current employee who has the equivalent 41030
experience of a bachelor's degree in business administration. If 41031
the county board will employ a new employee, the county board 41032
shall include in the component a timeline for employing the 41033
employee. 41034

(iv) To employ or contract with a medicaid services manager 41035
who is either a new employee who has earned at least a bachelor's 41036
degree or a current employee who has the equivalent experience of 41037
a bachelor's degree. If the county board will employ a new 41038
employee, the county board shall include in the component a 41039
timeline for employing the employee. Two or three county boards 41040
that have a combined total enrollment in county board services not 41041
exceeding one thousand individuals as determined pursuant to 41042
certifications made under division (B) of section 5126.12 of the 41043
Revised Code may satisfy this requirement by sharing the services 41044
of a medicaid services manager or using the services of a medicaid 41045
services manager employed by or under contract with a regional 41046
council that the county boards establish under section 5126.13 of 41047
the Revised Code. 41048

(e) An agreement to comply with the method, developed by 41049
rules adopted under section 5123.0413 of the Revised Code, of 41050
paying for extraordinary costs, including extraordinary costs for 41051
services to individuals with mental retardation or other 41052
developmental disability, and ensuring the availability of 41053
adequate funds in the event a county property tax levy for 41054
services for individuals with mental retardation or other 41055
developmental disability fails; 41056

(f) Programmatic and financial accountability measures and projected outcomes expected from the implementation of the plan; 41057
41058

(g) Any other applicable information or conditions that the department requires as a condition of approving the component under section 5123.046 of the Revised Code. 41059
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(B) For the purpose of obtaining the department's approval under section 5123.046 of the Revised Code of the plan the county board develops under division (A) of this section, a county board shall do all of the following: 41062
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(1) Submit the components required by divisions (A)(1) and (2) of this section to the department not later than August 1, 2001; 41066
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(2) Submit the component required by division (A)(3) of this section to the department not later than January 31, 2002; 41069
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(3) Submit the component required by division (A)(4) of this section to the department not later than July 1, 2002. 41071
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(C) A county board whose plan developed under division (A) of this section is approved by the department under section 5123.046 of the Revised Code shall update and renew the plan in accordance with a schedule the department shall develop. 41073
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Sec. 5126.055. (A) Except as provided in section 5126.056 of the Revised Code, a county board of mental retardation and developmental disabilities has medicaid local administrative authority to, and shall, do all of the following for an individual with mental retardation or other developmental disability who resides in the county that the county board serves and seeks or receives home and community-based services: 41077
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(1) Perform assessments and evaluations of the individual. As part of the assessment and evaluation process, the county board shall do all of the following: 41084
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(a) Make a recommendation to the department of mental 41087
retardation and developmental disabilities on whether the 41088
department should approve or deny the individual's application for 41089
the services, including on the basis of whether the individual 41090
needs the level of care an intermediate care facility for the 41091
mentally retarded provides; 41092

(b) If the individual's application is denied because of the 41093
county board's recommendation and the individual requests a 41094
hearing under section 5101.35 of the Revised Code, present, with 41095
the department of mental retardation and developmental 41096
disabilities or department of job and family services, whichever 41097
denies the application, the reasons for the recommendation and 41098
denial at the hearing; 41099

(c) If the individual's application is approved, recommend to 41100
the departments of mental retardation and developmental 41101
disabilities and job and family services the services that should 41102
be included in the individual's individualized service plan and, 41103
if either department approves, reduces, denies, or terminates a 41104
service included in the individual's individualized service plan 41105
under section 5111.871 of the Revised Code because of the county 41106
board's recommendation, present, with the department that made the 41107
approval, reduction, denial, or termination, the reasons for the 41108
recommendation and approval, reduction, denial, or termination at 41109
a hearing under section 5101.35 of the Revised Code. 41110

(2) If the individual has been identified by the department 41111
of mental retardation and developmental disabilities as an 41112
individual to receive priority for home and community-based 41113
services pursuant to division (D)(3) of section 5126.042 of the 41114
Revised Code, assist the department in expediting the transfer of 41115
the individual from an intermediate care facility for the mentally 41116
retarded or nursing facility to the home and community-based 41117
services; 41118

(3) In accordance with the rules adopted under section 41119
5126.046 of the Revised Code, perform the county board's duties 41120
under that section regarding assisting the individual's right to 41121
choose a qualified and willing provider of the services and, at a 41122
hearing under section 5101.35 of the Revised Code, present 41123
evidence of the process for appropriate assistance in choosing 41124
providers; 41125

(4) Unless the county board provides the services under 41126
division (A)(5) of this section, contract with the person or 41127
government entity the individual chooses in accordance with 41128
section 5126.046 of the Revised Code to provide the services if 41129
the person or government entity is qualified and agrees to provide 41130
the services. The contract shall contain all the provisions 41131
required by section 5126.035 of the Revised Code and require the 41132
provider to agree to furnish, in accordance with the provider's 41133
medicaid provider agreement and for the authorized reimbursement 41134
rate, the services the individual requires. 41135

(5) If the county board is certified under section 5123.045 41136
of the Revised Code to provide the services and agrees to provide 41137
the services to the individual and the individual chooses the 41138
county board to provide the services, furnish, in accordance with 41139
the county board's medicaid provider agreement and for the 41140
authorized reimbursement rate, the services the individual 41141
requires; 41142

(6) Monitor the services provided to the individual and 41143
ensure the individual's health, safety, and welfare. The 41144
monitoring shall include quality assurance activities. If the 41145
county board provides the services, the department of mental 41146
retardation and developmental disabilities shall also monitor the 41147
services. 41148

(7) Develop, with the individual and the provider of the 41149

individual's services, an effective individualized service plan 41150
that includes coordination of services, recommend that the 41151
departments of mental retardation and developmental disabilities 41152
and job and family services approve the plan, and implement the 41153
plan unless either department disapproves it; 41154

(8) Have an investigative agent conduct investigations under 41155
section 5126.313 of the Revised Code that concern the individual; 41156

(9) Have a service and support administrator perform the 41157
duties under division (B)(9) of section 5126.15 of the Revised 41158
Code that concern the individual. 41159

~~(B) Except as provided in section 5126.056 of the Revised 41160
Code, a county board has medicaid local administrative authority 41161
to, and shall, do all of the following for an individual with 41162
mental retardation or other developmental disability who resides 41163
in the county that the county board serves and seeks or receives 41164
medicaid case management services or habilitation center services, 41165
other than habilitation center services for which a school 41166
district is required by division (E) of section 5111.041 of the 41167
Revised Code to pay the nonfederal share:~~ 41168

~~(1) Perform assessments and evaluations of the individual for 41169
the purpose of recommending to the departments of mental 41170
retardation and developmental disabilities and job and family 41171
services the services that should be included in the individual's 41172
individualized service plan;~~ 41173

~~(2) If the department of mental retardation and developmental 41174
disabilities or department of job and family services approves, 41175
reduces, denies, or terminates a service included in the 41176
individual's individualized service plan under section 5111.041 or 41177
5111.042 of the Revised Code because of the county board's 41178
recommendation under division (B)(1) of this section, present, 41179
with the department that made the approval, reduction, denial, or 41180~~

~~termination, the reasons for the recommendation and approval, 41181
reduction, denial, or termination at a hearing under section 41182
5101.35 of the Revised Code and inform the individual that the 41183
individual may file a complaint with the county board under 41184
section 5126.06 of the Revised Code at the same time the 41185
individual pursues an appeal under section 5101.35 of the Revised 41186
Code; 41187~~

~~(3) In accordance with rules the departments of mental 41188
retardation and developmental disabilities and job and family 41189
services shall adopt in accordance with Chapter 119. of the 41190
Revised Code governing the process for individuals to choose 41191
providers of medicaid case management services and habilitation 41192
center services, assist the individual in choosing the provider of 41193
the services. The rules shall provide for both of the following: 41194~~

~~(a) The county board providing the individual up to date 41195
information about qualified providers that the department of 41196
mental retardation and developmental disabilities shall make 41197
available to the county board; 41198~~

~~(b) If the individual chooses a provider who is qualified and 41199
willing to provide the services but is denied that provider, the 41200
individual receiving timely notice that the individual may request 41201
a hearing under section 5101.35 of the Revised Code and, at the 41202
hearing, the county board presenting evidence of the process for 41203
appropriate assistance in choosing providers. 41204~~

~~(4) Unless the county board provides the services under 41205
division (B)(5) of this section, contract with the person or 41206
government entity that the individual chooses in accordance with 41207
the rules adopted under division (B)(3) of this section to provide 41208
the services if the person or government entity is qualified and 41209
agrees to provide the services. The contract shall contain all the 41210
provisions required by section 5126.035 of the Revised Code and 41211~~

~~require the provider to agree to furnish, in accordance with the
provider's medicaid provider agreement and for the authorized
reimbursement rate, the services the individual requires.~~

~~(5) If the county board is certified under section 5123.041
of the Revised Code to provide the services and agrees to provide
the services to the individual and the individual chooses the
county board to provide the services, furnish, in accordance with
the county board's medicaid provider agreement and for the
authorized reimbursement rate, the services the individual
requires;~~

~~(6) Monitor the services provided to the individual. The
monitoring shall include quality assurance activities. If the
county board provides the services, the department of mental
retardation and developmental disabilities shall also monitor the
services.~~

~~(7) Develop with the individual and the provider of the
individual's services, and with the approval of the departments of
mental retardation and developmental disabilities and job and
family services, implement an effective plan for coordinating the
services in accordance with the individual's approved
individualized service plan;~~

~~(8) Have an investigative agent conduct investigations under
section 5126.313 of the Revised Code that concern the individual;~~

~~(9) Have a service and support administrator perform the
duties under division (B)(9) of section 5126.15 of the Revised
Code that concern the individual.~~

~~(C) A county board shall perform its medicaid local
administrative authority under this section in accordance with all
of the following:~~

~~(1) The county board's plan that the department of mental~~

retardation and developmental disabilities approves under section	41242
5123.046 of the Revised Code;	41243
(2) All applicable federal and state laws;	41244
(3) All applicable policies of the departments of mental	41245
retardation and developmental disabilities and job and family	41246
services and the United States department of health and human	41247
services;	41248
(4) The department of job and family services' supervision	41249
under its authority under section 5111.01 of the Revised Code to	41250
act as the single state medicaid agency;	41251
(5) The department of mental retardation and developmental	41252
disabilities' oversight.	41253
(D) <u>(C)</u> The departments of mental retardation and	41254
developmental disabilities and job and family services shall	41255
communicate with and provide training to county boards regarding	41256
medicaid local administrative authority granted by this section.	41257
The communication and training shall include issues regarding	41258
audit protocols and other standards established by the United	41259
States department of health and human services that the	41260
departments determine appropriate for communication and training.	41261
County boards shall participate in the training. The departments	41262
shall assess the county board's compliance against uniform	41263
standards that the departments shall establish.	41264
(E) <u>(D)</u> A county board may not delegate its medicaid local	41265
administrative authority granted under this section but may	41266
contract with a person or government entity, including a council	41267
of governments, for assistance with its medicaid local	41268
administrative authority. A county board that enters into such a	41269
contract shall notify the director of mental retardation and	41270
developmental disabilities. The notice shall include the tasks and	41271
responsibilities that the contract gives to the person or	41272

government entity. The person or government entity shall comply in 41273
full with all requirements to which the county board is subject 41274
regarding the person or government entity's tasks and 41275
responsibilities under the contract. The county board remains 41276
ultimately responsible for the tasks and responsibilities. 41277

~~(F)~~(E) A county board that has medicaid local administrative 41278
authority under this section shall, through the departments of 41279
mental retardation and developmental disabilities and job and 41280
family services, reply to, and cooperate in arranging compliance 41281
with, a program or fiscal audit or program violation exception 41282
that a state or federal audit or review discovers. The department 41283
of job and family services shall timely notify the department of 41284
mental retardation and developmental disabilities and the county 41285
board of any adverse findings. After receiving the notice, the 41286
county board, in conjunction with the department of mental 41287
retardation and developmental disabilities, shall cooperate fully 41288
with the department of job and family services and timely prepare 41289
and send to the department a written plan of correction or 41290
response to the adverse findings. The county board is liable for 41291
any adverse findings that result from an action it takes or fails 41292
to take in its implementation of medicaid local administrative 41293
authority. 41294

~~(G)~~(F) If the department of mental retardation and 41295
developmental disabilities or department of job and family 41296
services determines that a county board's implementation of its 41297
medicaid local administrative authority under this section is 41298
deficient, the department that makes the determination shall 41299
require that county board do the following: 41300

(1) If the deficiency affects the health, safety, or welfare 41301
of an individual with mental retardation or other developmental 41302
disability, correct the deficiency within twenty-four hours; 41303

(2) If the deficiency does not affect the health, safety, or 41304

welfare of an individual with mental retardation or other 41305
developmental disability, receive technical assistance from the 41306
department or submit a plan of correction to the department that 41307
is acceptable to the department within sixty days and correct the 41308
deficiency within the time required by the plan of correction. 41309

Sec. 5126.056. (A) The department of mental retardation and 41310
developmental disabilities shall take action under division (B) of 41311
this section against a county board of mental retardation and 41312
developmental disabilities if any of the following are the case: 41313

(1) The county board fails to submit to the department all 41314
the components of its three-year plan required by section 5126.054 41315
of the Revised Code within the time required by division (B) of 41316
that section. 41317

(2) The department disapproves the county board's three-year 41318
plan under section 5123.046 of the Revised Code. 41319

(3) The county board fails, as required by division (C) of 41320
section 5126.054 of the Revised Code, to update and renew its 41321
three-year plan in accordance with a schedule the department 41322
develops under that section. 41323

(4) The county board fails to implement its initial or 41324
renewed three-year plan approved by the department. 41325

(5) The county board fails to correct a deficiency within the 41326
time required by division ~~(G)~~(F) of section 5126.055 of the 41327
Revised Code to the satisfaction of the department. 41328

(6) The county board fails to submit an acceptable plan of 41329
correction to the department within the time required by division 41330
~~(G)~~(F)(2) of section 5126.055 of the Revised Code. 41331

(B) If required by division (A) of this section to take 41332
action against a county board, the department shall issue an order 41333
terminating the county board's medicaid local administrative 41334

authority over all or part of home and community-based services, 41335
medicaid case management services, ~~habilitation center services,~~ 41336
~~all or part of two of those services,~~ or all or part of ~~all three~~ 41337
both of those services. The department shall provide a copy of the 41338
order to the board of county commissioners, probate judge, county 41339
auditor, and president and superintendent of the county board. The 41340
department shall specify in the order the medicaid local 41341
administrative authority that the department is terminating, the 41342
reason for the termination, and the county board's option and 41343
responsibilities under this division. 41344

A county board whose medicaid local administrative authority 41345
is terminated may, not later than thirty days after the department 41346
issues the termination order, recommend to the department that 41347
another county board that has not had any of its medicaid local 41348
administrative authority terminated or another entity the 41349
department approves administer the services for which the county 41350
board's medicaid local administrative authority is terminated. The 41351
department may contract with the other county board or entity to 41352
administer the services. If the department enters into such a 41353
contract, the county board shall adopt a resolution giving the 41354
other county board or entity full medicaid local administrative 41355
authority over the services that the other county board or entity 41356
is to administer. The other county board or entity shall be known 41357
as the contracting authority. 41358

If the department rejects the county board's recommendation 41359
regarding a contracting authority, the county board may appeal the 41360
rejection under section 5123.043 of the Revised Code. 41361

If the county board does not submit a recommendation to the 41362
department regarding a contracting authority within the required 41363
time or the department rejects the county board's recommendation 41364
and the rejection is upheld pursuant to an appeal, if any, under 41365
section 5123.043 of the Revised Code, the department shall appoint 41366

an administrative receiver to administer the services for which 41367
the county board's medicaid local administrative authority is 41368
terminated. To the extent necessary for the department to appoint 41369
an administrative receiver, the department may utilize employees 41370
of the department, management personnel from another county board, 41371
or other individuals who are not employed by or affiliated with in 41372
any manner a person that provides home and community-based 41373
services, or medicaid case management services, ~~or habilitation~~ 41374
~~center services~~ pursuant to a contract with any county board. The 41375
administrative receiver shall assume full administrative 41376
responsibility for the county board's services for which the 41377
county board's medicaid local administrative authority is 41378
terminated. 41379

The contracting authority or administrative receiver shall 41380
develop and submit to the department a plan of correction to 41381
remediate the problems that caused the department to issue the 41382
termination order. If, after reviewing the plan, the department 41383
approves it, the contracting authority or administrative receiver 41384
shall implement the plan. 41385

The county board shall transfer control of state and federal 41386
funds it is otherwise eligible to receive for the services for 41387
which the county board's medicaid local administrative authority 41388
is terminated and funds the county board may use under division 41389
(B) of section 5126.057 of the Revised Code to pay the nonfederal 41390
share of the services that the county board is required by 41391
division (A) of that section to pay. The county board shall 41392
transfer control of the funds to the contracting authority or 41393
administrative receiver administering the services. The amount the 41394
county board shall transfer shall be the amount necessary for the 41395
contracting authority or administrative receiver to fulfill its 41396
duties in administering the services, including its duties to pay 41397
its personnel for time worked, travel, and related matters. If the 41398

county board fails to make the transfer, the department may 41399
withhold the state and federal funds from the county board and 41400
bring a mandamus action against the county board in the court of 41401
common pleas of the county served by the county board or in the 41402
Franklin county court of common pleas. The mandamus action may not 41403
require that the county board transfer any funds other than the 41404
funds the county board is required by division (B) of this section 41405
to transfer. 41406

The contracting authority or administrative receiver has the 41407
right to authorize the payment of bills in the same manner that 41408
the county board may authorize payment of bills under this chapter 41409
and section 319.16 of the Revised Code. 41410

Sec. 5126.057. (A) A county board of mental retardation and 41411
developmental disabilities that has medicaid local administrative 41412
authority under division (A) of section 5126.055 of the Revised 41413
Code for home and community-based services shall pay the 41414
nonfederal share of medicaid expenditures for such services 41415
provided to an individual with mental retardation or other 41416
developmental disability who the county board determines under 41417
section 5126.041 of the Revised Code is eligible for county board 41418
services unless division ~~(C)~~(B)(2) of section 5123.047 of the 41419
Revised Code requires the department of mental retardation and 41420
developmental disabilities to pay the nonfederal share. 41421

A county board that ~~has medicaid local administrative~~ 41422
~~authority under division (B) of section 5126.055 of the Revised~~ 41423
~~Code for~~ provides medicaid case management services shall pay the 41424
nonfederal share of medicaid expenditures for such services 41425
provided to an individual with mental retardation or other 41426
developmental disability who the county board determines under 41427
section 5126.041 of the Revised Code is eligible for county board 41428
services ~~unless division (B)(2) of section 5123.047 of the Revised~~ 41429

~~Code requires the department of mental retardation and
developmental disabilities to pay the nonfederal share.~~ 41430
41431

~~A county board shall pay the nonfederal share of medicaid
expenditures for habilitation center services when required to do
so by division (D) of section 5111.041 of the Revised Code.~~ 41432
41433
41434

(B) A county board may use the following funds to pay the 41435
nonfederal share of the services that the county board is required 41436
by division (A) of this section to pay: 41437

(1) To the extent consistent with the levy that generated the 41438
taxes, the following taxes: 41439

(a) Taxes levied pursuant to division (L) of section 5705.19 41440
of the Revised Code and section 5705.222 of the Revised Code; 41441

(b) Taxes levied under section 5705.191 of the Revised Code 41442
that the board of county commissioners allocates to the county 41443
board to pay the nonfederal share of the services. 41444

(2) Funds that the department of mental retardation and 41445
developmental disabilities distributes to the county board under 41446
sections 5126.11, 5126.12, 5126.15, 5126.18, and 5126.44 of the 41447
Revised Code; 41448

~~(3) Funds that the department allocates to the county board
for habilitation center services provided under section 5111.041
of the Revised Code;~~ 41449
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~~(4) Earned federal revenue funds the county board receives
for medicaid services the county board provides pursuant to the
county board's valid medicaid provider agreement.~~ 41452
41453
41454

(C) If by December 31, 2001, the United States secretary of 41455
health and human services approves at least five hundred more 41456
slots for home and community-based services for calendar year 2002 41457
than were available for calendar year 2001, each county board 41458
shall provide, by the last day of calendar year 2001, assurances 41459

to the department of mental retardation and developmental 41460
disabilities that the county board will have for calendar year 41461
2002 at least one-third of the value of one-half, effective mill 41462
levied in the county the preceding year available to pay the 41463
nonfederal share of the services that the county board is required 41464
by division (A) of this section to pay. 41465

If by December 31, 2002, the United States secretary approves 41466
at least five hundred more slots for home and community-based 41467
services for calendar year 2003 than were available for calendar 41468
year 2002, each county board shall provide, by the last day of 41469
calendar year 2002, assurances to the department that the county 41470
board will have for calendar year 2003 at least two-thirds of the 41471
value of one-half, effective mill levied in the county the 41472
preceding year available to pay the nonfederal share of the 41473
services that the county board is required by division (A) of this 41474
section to pay. 41475

If by December 31, 2003, the United States secretary approves 41476
at least five hundred more slots for home and community-based 41477
services for calendar year 2004 than were available for calendar 41478
year 2003, each county board shall provide, by the last day of 41479
calendar year 2003 and each calendar year thereafter, assurances 41480
to the department that the county board will have for calendar 41481
year 2004 and each calendar year thereafter at least the value of 41482
one-half, effective mill levied in the county the preceding year 41483
available to pay the nonfederal share of the services that the 41484
county board is required by division (A) of this section to pay. 41485

(D) Each year, each county board shall adopt a resolution 41486
specifying the amount of funds it will use in the next year to pay 41487
the nonfederal share of the services that the county board is 41488
required by division (A) of this section to pay. The amount 41489
specified shall be adequate to assure that the services will be 41490
available in the county in a manner that conforms to all 41491

applicable state and federal laws. A county board shall state in
its resolution that the payment of the nonfederal share represents
an ongoing financial commitment of the county board. A county
board shall adopt the resolution in time for the county auditor to
make the determination required by division (E) of this section.

(E) Each year, a county auditor shall determine whether the
amount of funds a county board specifies in the resolution it
adopts under division (D) of this section will be available in the
following year for the county board to pay the nonfederal share of
the services that the county board is required by division (A) of
this section to pay. The county auditor shall make the
determination not later than the last day of the year before the
year in which the funds are to be used.

Sec. 5126.12. (A) As used in this section:

(1) "Approved school age class" means a class operated by a
county board of mental retardation and developmental disabilities
and funded by the department of education under section 3317.20 of
the Revised Code.

(2) "Approved preschool unit" means a class or unit operated
by a county board of mental retardation and developmental
disabilities and approved under division (B) of section 3317.05 of
the Revised Code.

(3) "Active treatment" means a continuous treatment program,
which includes aggressive, consistent implementation of a program
of specialized and generic training, treatment, health services,
and related services, that is directed toward the acquisition of
behaviors necessary for an individual with mental retardation or
other developmental disability to function with as much
self-determination and independence as possible and toward the
prevention of deceleration, regression, or loss of current optimal

functional status. 41522

(4) "Eligible for active treatment" means that an individual 41523
with mental retardation or other developmental disability resides 41524
in an intermediate care facility for the mentally retarded 41525
certified under Title XIX of the "Social Security Act," 79 Stat. 41526
286 (1965), 42 U.S.C. 1396, as amended; resides in a state 41527
institution operated by the department of mental retardation and 41528
developmental disabilities; or is enrolled in home and 41529
community-based services. 41530

~~(5) "Community alternative funding system" means the program 41531
under which habilitation center services are reimbursed under the 41532
medicaid program pursuant to section 5111.041 of the Revised Code 41533
and rules adopted under that section. 41534~~

~~(6) "Traditional adult services" means vocational and 41535
nonvocational activities conducted within a sheltered workshop or 41536
adult activity center or supportive home services. 41537~~

(B) Each county board of mental retardation and developmental 41538
disabilities shall certify to the director of mental retardation 41539
and developmental disabilities all of the following: 41540

(1) On or before the fifteenth day of October, the average 41541
daily membership for the first full week of programs and services 41542
during October receiving: 41543

(a) Early childhood services provided pursuant to section 41544
5126.05 of the Revised Code for children who are less than three 41545
years of age on the thirtieth day of September of the academic 41546
year; 41547

(b) Special education for handicapped children in approved 41548
school age classes; 41549

(c) Adult services for persons sixteen years of age and older 41550
operated pursuant to section 5126.05 and division (B) of section 41551

5126.051 of the Revised Code. Separate counts shall be made for
the following:

(i) Persons enrolled in traditional adult services who are
eligible for but not enrolled in active treatment ~~under the
community alternative funding system;~~

(ii) Persons enrolled in traditional adult services who are
eligible for and enrolled in active treatment ~~under the community
alternative funding system;~~

(iii) Persons enrolled in traditional adult services but who
are not eligible for active treatment ~~under the community
alternative funding system;~~

(iv) Persons participating in community employment services.
To be counted as participating in community employment services, a
person must have spent an average of no less than ten hours per
week in that employment during the preceding six months.

(d) Other programs in the county for individuals with mental
retardation and developmental disabilities that have been approved
for payment of subsidy by the department of mental retardation and
developmental disabilities.

The membership in each such program and service in the county
shall be reported on forms prescribed by the department of mental
retardation and developmental disabilities.

The department of mental retardation and developmental
disabilities shall adopt rules defining full-time equivalent
enrollees and for determining the average daily membership
therefrom, except that certification of average daily membership
in approved school age classes shall be in accordance with rules
adopted by the state board of education. The average daily
membership figure shall be determined by dividing the amount
representing the sum of the number of enrollees in each program or

service in the week for which the certification is made by the 41582
number of days the program or service was offered in that week. No 41583
enrollee may be counted in average daily membership for more than 41584
one program or service. 41585

(2) By the fifteenth day of December, the number of children 41586
enrolled in approved preschool units on the first day of December; 41587

(3) On or before the thirtieth day of March, an itemized 41588
report of all income and operating expenditures for the 41589
immediately preceding calendar year, in the format specified by 41590
the department of mental retardation and developmental 41591
disabilities; 41592

(4) By the fifteenth day of February, a report of the total 41593
annual cost per enrollee for operation of programs and services in 41594
the preceding calendar year. The report shall include a grand 41595
total of all programs operated, the cost of the individual 41596
programs, and the sources of funds applied to each program. 41597

(5) That each required certification and report is in 41598
accordance with rules established by the department of mental 41599
retardation and developmental disabilities and the state board of 41600
education for the operation and subsidization of the programs and 41601
services. 41602

(C) To compute payments under this section to the board for 41603
the fiscal year, the department of mental retardation and 41604
developmental disabilities shall use the certification of average 41605
daily membership required by division (B)(1) of this section 41606
exclusive of the average daily membership in any approved school 41607
age class and the number in any approved preschool unit. 41608

(D) The department shall pay each county board for each 41609
fiscal year an amount equal to nine hundred fifty dollars times 41610
the certified number of persons who on the first day of December 41611
of the academic year are under three years of age and are not in 41612

an approved preschool unit. For persons who are at least age 41613
sixteen and are not in an approved school age class, the 41614
department shall pay each county board for each fiscal year the 41615
following amounts: 41616

(1) One thousand dollars times the certified average daily 41617
membership of persons enrolled in traditional adult services who 41618
are eligible for but not enrolled in active treatment ~~under the~~ 41619
~~community alternative funding system;~~ 41620

(2) One thousand two hundred dollars times the certified 41621
average daily membership of persons enrolled in traditional adult 41622
services who are eligible for and enrolled in active treatment 41623
~~under the community alternative funding system;~~ 41624

(3) No less than one thousand five hundred dollars times the 41625
certified average daily membership of persons enrolled in 41626
traditional adult services but who are not eligible for active 41627
treatment ~~under the community alternative funding system;~~ 41628

(4) No less than one thousand five hundred dollars times the 41629
certified average daily membership of persons participating in 41630
community employment services. 41631

(E) The department shall distribute this subsidy to county 41632
boards in quarterly installments of equal amounts. The 41633
installments shall be made not later than the thirtieth day of 41634
September, the thirty-first day of December, the thirty-first day 41635
of March, and the thirtieth day of June. 41636

(F) The director of mental retardation and developmental 41637
disabilities shall make efforts to obtain increases in the 41638
subsidies for early childhood services and adult services so that 41639
the amount of the subsidies is equal to at least fifty per cent of 41640
the statewide average cost of those services minus any applicable 41641
federal reimbursements for those services. The director shall 41642
advise the director of budget and management of the need for any 41643

such increases when submitting the biennial appropriations request 41644
for the department. 41645

(G) In determining the reimbursement of a county board for 41646
the provision of service and support administration, family 41647
support services, and other services required or approved by the 41648
director for which children three through twenty-one years of age 41649
are eligible, the department shall include the average daily 41650
membership in approved school age or preschool units. The 41651
department, in accordance with this section and upon receipt and 41652
approval of the certification required by this section and any 41653
other information it requires to enable it to determine a board's 41654
payments, shall pay the agency providing the specialized training 41655
the amounts payable under this section. 41656

Sec. 5139.01. (A) As used in this chapter: 41657

(1) "Commitment" means the transfer of the physical custody 41658
of a child or youth from the court to the department of youth 41659
services. 41660

(2) "Permanent commitment" means a commitment that vests 41661
legal custody of a child in the department of youth services. 41662

(3) "Legal custody," insofar as it pertains to the status 41663
that is created when a child is permanently committed to the 41664
department of youth services, means a legal status in which the 41665
department has the following rights and responsibilities: the 41666
right to have physical possession of the child; the right and duty 41667
to train, protect, and control the child; the responsibility to 41668
provide the child with food, clothing, shelter, education, and 41669
medical care; and the right to determine where and with whom the 41670
child shall live, subject to the minimum periods of, or periods 41671
of, institutional care prescribed in sections 2152.13 to 2152.18 41672
of the Revised Code; provided, that these rights and 41673

responsibilities are exercised subject to the powers, rights, 41674
duties, and responsibilities of the guardian of the person of the 41675
child, and subject to any residual parental rights and 41676
responsibilities. 41677

(4) Unless the context requires a different meaning, 41678
"institution" means a state facility that is created by the 41679
general assembly and that is under the management and control of 41680
the department of youth services or a private entity with which 41681
the department has contracted for the institutional care and 41682
custody of felony delinquents. 41683

(5) "Full-time care" means care for twenty-four hours a day 41684
for over a period of at least two consecutive weeks. 41685

(6) "Placement" means the conditional release of a child 41686
under the terms and conditions that are specified by the 41687
department of youth services. The department shall retain legal 41688
custody of a child released pursuant to division (C) of section 41689
2152.22 of the Revised Code or division (C) of section 5139.06 of 41690
the Revised Code until the time that it discharges the child or 41691
until the legal custody is terminated as otherwise provided by 41692
law. 41693

(7) "Home placement" means the placement of a child in the 41694
home of the child's parent or parents or in the home of the 41695
guardian of the child's person. 41696

(8) "Discharge" means that the department of youth services' 41697
legal custody of a child is terminated. 41698

(9) "Release" means the termination of a child's stay in an 41699
institution and the subsequent period during which the child 41700
returns to the community under the terms and conditions of 41701
supervised release. 41702

(10) "Delinquent child" has the same meaning as in section 41703

2152.02 of the Revised Code. 41704

(11) "Felony delinquent" means any child who is at least ten 41705
years of age but less than eighteen years of age and who is 41706
adjudicated a delinquent child for having committed an act that if 41707
committed by an adult would be a felony. "Felony delinquent" 41708
includes any adult who is between the ages of eighteen and 41709
twenty-one and who is in the legal custody of the department of 41710
youth services for having committed an act that if committed by an 41711
adult would be a felony. 41712

(12) "Juvenile traffic offender" has the same meaning as in 41713
section 2152.02 of the Revised Code. 41714

(13) "Public safety beds" means all of the following: 41715

(a) Felony delinquents who have been committed to the 41716
department of youth services for the commission of an act, other 41717
than a violation of section 2911.01 or 2911.11 of the Revised 41718
Code, that is a category one offense or a category two offense and 41719
who are in the care and custody of an institution or have been 41720
diverted from care and custody in an institution and placed in a 41721
community corrections facility; 41722

(b) Felony delinquents who, while committed to the department 41723
of youth services and in the care and custody of an institution or 41724
a community corrections facility, are adjudicated delinquent 41725
children for having committed in that institution or community 41726
corrections facility an act that if committed by an adult would be 41727
a misdemeanor or a felony; 41728

(c) Children who satisfy all of the following: 41729

(i) They are at least ten years of age but less than eighteen 41730
years of age. 41731

(ii) They are adjudicated delinquent children for having 41732
committed acts that if committed by an adult would be a felony. 41733

(iii) They are committed to the department of youth services 41734
by the juvenile court of a county that has had one-tenth of one 41735
per cent or less of the statewide adjudications for felony 41736
delinquents as averaged for the past four fiscal years. 41737

(iv) They are in the care and custody of an institution or a 41738
community corrections facility. 41739

(d) Felony delinquents who, while committed to the department 41740
of youth services and in the care and custody of an institution 41741
are serving disciplinary time for having committed an act 41742
described in division (A)~~(19)~~(18)(a), (b), or (c) of this section, 41743
and who have been institutionalized or institutionalized in a 41744
secure facility for the minimum period of time specified in 41745
divisions (A)(1)(b) to (e) of section 2152.16 of the Revised Code. 41746

(e) Felony delinquents who are subject to and serving a 41747
three-year period of commitment order imposed by a juvenile court 41748
pursuant to divisions (A) and (B) of section 2152.17 of the 41749
Revised Code for an act, other than a violation of section 2911.11 41750
of the Revised Code, that would be a category one offense or 41751
category two offense if committed by an adult. 41752

(f) Felony delinquents who are described in divisions 41753
(A)(13)(a) to (e) of this section, who have been granted a 41754
judicial release to court supervision under division (B) of 41755
section 2152.22 of the Revised Code or a judicial release to the 41756
department of youth services supervision under division (C) of 41757
that section from the commitment to the department of youth 41758
services for the act described in divisions (A)(13)(a) to (e) of 41759
this section, who have violated the terms and conditions of that 41760
release, and who, pursuant to an order of the court of the county 41761
in which the particular felony delinquent was placed on release 41762
that is issued pursuant to division (D) of section 2152.22 of the 41763
Revised Code, have been returned to the department for 41764

institutionalization or institutionalization in a secure facility. 41765

(g) Felony delinquents who have been committed to the custody 41766
of the department of youth services, who have been granted 41767
supervised release from the commitment pursuant to section 5139.51 41768
of the Revised Code, who have violated the terms and conditions of 41769
that supervised release, and who, pursuant to an order of the 41770
court of the county in which the particular child was placed on 41771
supervised release issued pursuant to division (F) of section 41772
5139.52 of the Revised Code, have had the supervised release 41773
revoked and have been returned to the department for 41774
institutionalization. A felony delinquent described in this 41775
division shall be a public safety bed only for the time during 41776
which the felony delinquent is institutionalized as a result of 41777
the revocation subsequent to the initial thirty-day period of 41778
institutionalization required by division (F) of section 5139.52 41779
of the Revised Code. 41780

(14) Unless the context requires a different meaning, 41781
"community corrections facility" means a county or multicounty 41782
rehabilitation center for felony delinquents who have been 41783
committed to the department of youth services and diverted from 41784
care and custody in an institution and placed in the 41785
rehabilitation center pursuant to division (E) of section 5139.36 41786
of the Revised Code. 41787

(15) "Secure facility" means any facility that is designed 41788
and operated to ensure that all of its entrances and exits are 41789
under the exclusive control of its staff and to ensure that, 41790
because of that exclusive control, no child who has been 41791
institutionalized in the facility may leave the facility without 41792
permission or supervision. 41793

(16) "Community residential program" means a program that 41794
satisfies both of the following: 41795

(a) It is housed in a building or other structure that has no associated major restraining construction, including, but not limited to, a security fence.

(b) It provides twenty-four-hour care, supervision, and programs for felony delinquents who are in residence.

(17) "Category one offense" and "category two offense" have the same meanings as in section 2151.26 of the Revised Code.

(18) "Disciplinary time" means additional time that the department of youth services requires a felony delinquent to serve in an institution, that delays the felony delinquent's planned release, and that the department imposes upon the felony delinquent following the conduct of an internal due process hearing for having committed any of the following acts while committed to the department and in the care and custody of an institution:

(a) An act that if committed by an adult would be a felony;

(b) An act that if committed by an adult would be a misdemeanor;

(c) An act that is not described in division (A)(18)(a) or (b) of this section and that violates an institutional rule of conduct of the department.

(19) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.

(20) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code.

(21) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.

(22) "Supervised release" means the event of the release of a child under this chapter from an institution and the period after that release during which the child is supervised and assisted by an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community.

(23) "Victim" means the person identified in a police report, complaint, or information as the victim of an act that would have been a criminal offense if committed by an adult and that provided the basis for adjudication proceedings resulting in a child's commitment to the legal custody of the department of youth services.

(24) "Victim's representative" means a member of the victim's family or another person whom the victim or another authorized person designates in writing, pursuant to section 5139.56 of the Revised Code, to represent the victim with respect to proceedings of the release authority of the department of youth services and with respect to other matters specified in that section.

(25) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, other relative, or legal guardian of a child but does not include a person charged with, convicted of, or adjudicated a delinquent child for committing a criminal or delinquent act against the victim or another criminal or delinquent act arising out of the same conduct, criminal or delinquent episode, or plan as the criminal or delinquent act committed against the victim.

(26) "Judicial release to court supervision" means a release of a child from institutional care or institutional care in a secure facility that is granted by a court pursuant to division (B) of section 2152.22 of the Revised Code during the period specified in that division.

(27) "Judicial release to department of youth services supervision" means a release of a child from institutional care or institutional care in a secure facility that is granted by a court pursuant to division (C) of section 2152.22 of the Revised Code during the period specified in that division.

(28) "Juvenile justice system" includes all of the functions of the juvenile courts, the department of youth services, any public or private agency whose purposes include the prevention of delinquency or the diversion, adjudication, detention, or rehabilitation of delinquent children, and any of the functions of the criminal justice system that are applicable to children.

(29) "Metropolitan county criminal justice services agency" means an agency that is established pursuant to division (A) of section ~~181.54~~ 5502.64 of the Revised Code.

(30) "Administrative planning district" means a district that is established pursuant to division (A) or (B) of section ~~181.56~~ 5502.66 of the Revised Code.

(31) "Criminal justice coordinating council" means a criminal justice services agency that is established pursuant to division (D) of section ~~181.56~~ 5502.66 of the Revised Code.

(32) "Comprehensive plan" means a document that coordinates, evaluates, and otherwise assists, on an annual or multi-year basis, all of the functions of the juvenile justice systems of the state or a specified area of the state, that conforms to the priorities of the state with respect to juvenile justice systems, and that conforms with the requirements of all federal criminal justice acts. These functions include, but are not limited to, all of the following:

(a) Delinquency;

(b) Identification, detection, apprehension, and detention of

persons charged with delinquent acts; 41887

(c) Assistance to crime victims or witnesses, except that the 41888
comprehensive plan does not include the functions of the attorney 41889
general pursuant to sections 109.91 and 109.92 of the Revised 41890
Code; 41891

(d) Adjudication or diversion of persons charged with 41892
delinquent acts; 41893

(e) Custodial treatment of delinquent children; 41894

(f) Institutional and noninstitutional rehabilitation of 41895
delinquent children. 41896

(B) There is hereby created the department of youth services. 41897
The governor shall appoint the director of the department with the 41898
advice and consent of the senate. The director shall hold office 41899
during the term of the appointing governor but subject to removal 41900
at the pleasure of the governor. Except as otherwise authorized in 41901
section 108.05 of the Revised Code, the director shall devote the 41902
director's entire time to the duties of the director's office and 41903
shall hold no other office or position of trust or profit during 41904
the director's term of office. 41905

The director is the chief executive and administrative 41906
officer of the department and has all the powers of a department 41907
head set forth in Chapter 121. of the Revised Code. The director 41908
may adopt rules for the government of the department, the conduct 41909
of its officers and employees, the performance of its business, 41910
and the custody, use, and preservation of the department's 41911
records, papers, books, documents, and property. The director 41912
shall be an appointing authority within the meaning of Chapter 41913
124. of the Revised Code. Whenever this or any other chapter or 41914
section of the Revised Code imposes a duty on or requires an 41915
action of the department, the duty or action shall be performed by 41916
the director or, upon the director's order, in the name of the 41917

department.

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Sec. 5139.36. (A) In accordance with this section and the rules adopted under it and from funds appropriated to the department of youth services for the purposes of this section, the department shall make grants that provide financial resources to operate community corrections facilities for felony delinquents.

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(B)(1) Each community corrections facility that intends to seek a grant under this section shall file an application with the department of youth services at the time and in accordance with the procedures that the department shall establish by rules adopted in accordance with Chapter 119. of the Revised Code. In addition to other items required to be included in the application, a plan that satisfies both of the following shall be included:

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(a) It reduces the number of felony delinquents committed to the department from the county or counties associated with the community corrections facility.

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(b) It ensures equal access for minority felony delinquents to the programs and services for which a potential grant would be used.

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(2) The department of youth services shall review each application submitted pursuant to division (B)(1) of this section to determine whether the plan described in that division, the community corrections facility, and the application comply with this section and the rules adopted under it.

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(C) To be eligible for a grant under this section and for continued receipt of moneys comprising a grant under this section, a community corrections facility shall satisfy at least all of the following requirements:

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(1) Be constructed, reconstructed, improved, or financed by

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the Ohio building authority pursuant to section 307.021 of the
Revised Code and Chapter 152. of the Revised Code for the use of
the department of youth services and be designated as a community
corrections facility;

(2) Have written standardized criteria governing the types of
felony delinquents that are eligible for the programs and services
provided by the facility;

(3) Have a written standardized intake screening process and
an intake committee that at least performs both of the following
tasks:

(a) Screens all eligible felony delinquents who are being
considered for admission to the facility in lieu of commitment to
the department;

(b) Notifies, within ten days after the date of the referral
of a felony delinquent to the facility, the committing court
whether the felony delinquent will be admitted to the facility.

(4) Comply with all applicable fiscal and program rules that
the department adopts in accordance with Chapter 119. of the
Revised Code and demonstrate that felony delinquents served by the
facility have been or will be diverted from a commitment to the
department.

(D) The department of youth services shall determine the
method of distribution of the funds appropriated for grants under
this section to community corrections facilities.

(E)(1) The department of youth services shall adopt rules in
accordance with Chapter 119. of the Revised Code to establish the
minimum occupancy threshold of community corrections facilities.

(2) The department may make referrals for the placement of
children in its custody to a community corrections facility ~~if the~~
~~community corrections facility is not meeting the minimum~~

~~occupancy threshold established by the department.~~ At least 41978
forty-five days prior to the referral of a child or within any 41979
shorter period prior to the referral of the child that the 41980
committing court may allow, the department shall notify the 41981
committing court of its intent to place the child in a community 41982
corrections facility. The court shall have thirty days after the 41983
receipt of the notice to approve or disapprove the placement. If 41984
the court does not respond to the notice of the placement within 41985
that thirty-day period, the department shall proceed with the 41986
placement and debit the county in accordance with sections 5139.41 41987
to 5139.43 of the Revised Code. A child placed in a community 41988
corrections facility pursuant to this division shall remain in the 41989
legal custody of the department of youth services during the 41990
period in which the child is in the community corrections 41991
facility. 41992

(3) Counties that are not associated with a community 41993
corrections facility may refer children to a community corrections 41994
facility with the consent of the facility. The department of youth 41995
services shall debit the county that makes the referral in 41996
accordance with sections 5139.41 to 5139.43 of the Revised Code. 41997

(F) If the board or other governing body of a community 41998
corrections facility establishes an advisory board, the board or 41999
other governing authority of the community corrections facility 42000
shall reimburse the members of the advisory board for their actual 42001
and necessary expenses incurred in the performance of their 42002
official duties on the advisory board. The members of advisory 42003
boards shall serve without compensation. 42004

Sec. 5153.16. (A) Except as provided in section 2151.422 of 42005
the Revised Code, in accordance with rules of the department of 42006
job and family services, and on behalf of children in the county 42007
whom the public children services agency considers to be in need 42008

of public care or protective services, the public children 42009
services agency shall do all of the following: 42010

(1) Make an investigation concerning any child alleged to be 42011
an abused, neglected, or dependent child; 42012

(2) Enter into agreements with the parent, guardian, or other 42013
person having legal custody of any child, or with the department 42014
of job and family services, department of mental health, 42015
department of mental retardation and developmental disabilities, 42016
other department, any certified organization within or outside the 42017
county, or any agency or institution outside the state, having 42018
legal custody of any child, with respect to the custody, care, or 42019
placement of any child, or with respect to any matter, in the 42020
interests of the child, provided the permanent custody of a child 42021
shall not be transferred by a parent to the public children 42022
services agency without the consent of the juvenile court; 42023

(3) Accept custody of children committed to the public 42024
children services agency by a court exercising juvenile 42025
jurisdiction; 42026

(4) Provide such care as the public children services agency 42027
considers to be in the best interests of any child adjudicated to 42028
be an abused, neglected, or dependent child the agency finds to be 42029
in need of public care or service; 42030

(5) Provide social services to any unmarried girl adjudicated 42031
to be an abused, neglected, or dependent child who is pregnant 42032
with or has been delivered of a child; 42033

(6) Make available to the bureau for children with medical 42034
handicaps of the department of health at its request any 42035
information concerning a crippled child found to be in need of 42036
treatment under sections 3701.021 to 3701.028 of the Revised Code 42037
who is receiving services from the public children services 42038
agency; 42039

- (7) Provide temporary emergency care for any child considered 42040
by the public children services agency to be in need of such care, 42041
without agreement or commitment; 42042
- (8) Find certified foster homes, within or outside the 42043
county, for the care of children, including handicapped children 42044
from other counties attending special schools in the county; 42045
- (9) Subject to the approval of the board of county 42046
commissioners and the state department of job and family services, 42047
establish and operate a training school or enter into an agreement 42048
with any municipal corporation or other political subdivision of 42049
the county respecting the operation, acquisition, or maintenance 42050
of any children's home, training school, or other institution for 42051
the care of children maintained by such municipal corporation or 42052
political subdivision; 42053
- (10) Acquire and operate a county children's home, establish, 42054
maintain, and operate a receiving home for the temporary care of 42055
children, or procure certified foster homes for this purpose; 42056
- (11) Enter into an agreement with the trustees of any 42057
district children's home, respecting the operation of the district 42058
children's home in cooperation with the other county boards in the 42059
district; 42060
- (12) Cooperate with, make its services available to, and act 42061
as the agent of persons, courts, the department of job and family 42062
services, the department of health, and other organizations within 42063
and outside the state, in matters relating to the welfare of 42064
children, except that the public children services agency shall 42065
not be required to provide supervision of or other services 42066
related to the exercise of parenting time rights granted pursuant 42067
to section 3109.051 or 3109.12 of the Revised Code or 42068
companionship or visitation rights granted pursuant to section 42069
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 42070

juvenile court, pursuant to Chapter 2151. of the Revised Code, or 42071
a common pleas court, pursuant to division (E)(6) of section 42072
3113.31 of the Revised Code, requires the provision of supervision 42073
or other services related to the exercise of the parenting time 42074
rights or companionship or visitation rights; 42075

(13) Make investigations at the request of any superintendent 42076
of schools in the county or the principal of any school concerning 42077
the application of any child adjudicated to be an abused, 42078
neglected, or dependent child for release from school, where such 42079
service is not provided through a school attendance department; 42080

(14) Administer funds provided under Title IV-E of the 42081
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 42082
amended, in accordance with rules adopted under section 5101.141 42083
of the Revised Code; 42084

(15) In addition to administering Title IV-E adoption 42085
assistance funds, enter into agreements to make adoption 42086
assistance payments under section 5153.163 of the Revised Code; 42087

(16) Implement a system of risk assessment, in accordance 42088
with rules adopted by the director of job and family services, to 42089
assist the public children services agency in determining the risk 42090
of abuse or neglect to a child; 42091

(17) Enter into a plan of cooperation with the board of 42092
county commissioners under section 307.983 of the Revised Code and 42093
comply with each fiscal agreement the board enters into under 42094
section 307.98 of the Revised Code that include family services 42095
duties of public children services agencies and contracts the 42096
board enters into under sections 307.981 and 307.982 of the 42097
Revised Code that affect the public children services agency; 42098

(18) Make reasonable efforts to prevent the removal of an 42099
alleged or adjudicated abused, neglected, or dependent child from 42100
the child's home, eliminate the continued removal of the child 42101

from the child's home, or make it possible for the child to return
home safely, except that reasonable efforts of that nature are not
required when a court has made a determination under division
(A)(2) of section 2151.419 of the Revised Code;

(19) Make reasonable efforts to place the child in a timely
manner in accordance with the permanency plan approved under
division (E) of section 2151.417 of the Revised Code and to
complete whatever steps are necessary to finalize the permanent
placement of the child;

(20) Administer a Title IV-A program identified under
division (A)~~(3)~~(4)(c) or ~~(d)~~(e) of section 5101.80 of the Revised
Code that the department of job and family services provides for
the public children services agency to administer under the
department's supervision pursuant to section 5101.801 of the
Revised Code;

(21) Provide independent living services pursuant to sections
2151.81 to 2151.84 of the Revised Code.

(B) The public children services agency shall use the system
implemented pursuant to division (B)(16) of this section in
connection with an investigation undertaken pursuant to division
(F)(1) of section 2151.421 of the Revised Code and may use the
system at any other time the agency is involved with any child
when the agency determines that risk assessment is necessary.

(C) Except as provided in section 2151.422 of the Revised
Code, in accordance with rules of the director of job and family
services, and on behalf of children in the county whom the public
children services agency considers to be in need of public care or
protective services, the public children services agency may do
the following:

(1) Provide or find, with other child serving systems,
specialized foster care for the care of children in a specialized

foster home, as defined in section 5103.02 of the Revised Code, 42133
certified under section 5103.03 of the Revised Code; 42134

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 42135
this section, contract with the following for the purpose of 42136
assisting the agency with its duties: 42137

(i) County departments of job and family services; 42138

(ii) Boards of alcohol, drug addiction, and mental health 42139
services; 42140

(iii) County boards of mental retardation and developmental 42141
disabilities; 42142

(iv) Regional councils of political subdivisions established 42143
under Chapter 167. of the Revised Code; 42144

(v) Private and government providers of services; 42145

(vi) Managed care organizations and prepaid health plans. 42146

(b) A public children services agency contract under division 42147
(C)(2)(a) of this section regarding the agency's duties under 42148
section 2151.421 of the Revised Code may not provide for the 42149
entity under contract with the agency to perform any service not 42150
authorized by the department's rules. 42151

(c) Only a county children services board appointed under 42152
section 5153.03 of the Revised Code that is a public children 42153
services agency may contract under division (C)(2)(a) of this 42154
section. If an entity specified in division (B) or (C) of section 42155
5153.02 of the Revised Code is the public children services agency 42156
for a county, the board of county commissioners may enter into 42157
contracts pursuant to section 307.982 of the Revised Code 42158
regarding the agency's duties. 42159

Sec. 5502.01. (A) The department of public safety shall 42160
administer and enforce the laws relating to the registration, 42161

licensing, sale, and operation of motor vehicles and the laws 42162
pertaining to the licensing of drivers of motor vehicles. 42163

The department shall compile, analyze, and publish statistics 42164
relative to motor vehicle accidents and the causes of them, 42165
prepare and conduct educational programs for the purpose of 42166
promoting safety in the operation of motor vehicles on the 42167
highways, and conduct research and studies for the purpose of 42168
promoting safety on the highways of this state. 42169

(B) The department shall administer the laws and rules 42170
relative to trauma and emergency medical services specified in 42171
Chapter 4765. of the Revised Code. 42172

(C) The department shall administer and enforce the laws 42173
contained in Chapters 4301. and 4303. of the Revised Code and 42174
enforce the rules and orders of the liquor control commission 42175
pertaining to retail liquor permit holders. 42176

(D) The department shall administer the laws governing the 42177
state emergency management agency and shall enforce all additional 42178
duties and responsibilities as prescribed in the Revised Code 42179
related to emergency management services. 42180

(E) The department shall conduct investigations pursuant to 42181
Chapter 5101. of the Revised Code in support of the duty of the 42182
department of job and family services to administer food stamp 42183
programs throughout this state. The department of public safety 42184
shall conduct investigations necessary to protect the state's 42185
property rights and interests in the food stamp program. 42186

(F) The department of public safety shall enforce compliance 42187
with orders and rules of the public utilities commission and 42188
applicable laws in accordance with Chapters 4919., 4921., and 42189
4923. of the Revised Code regarding commercial motor vehicle 42190
transportation safety, economic, and hazardous materials 42191
requirements. 42192

(G) Notwithstanding Chapter 4117. of the Revised Code, the department of public safety may establish requirements for its enforcement personnel, including its enforcement agents described in section 5502.14 of the Revised Code, that include standards of conduct, work rules and procedures, and criteria for eligibility as law enforcement personnel.

(H) The department shall administer, maintain, and operate the Ohio criminal justice network. The Ohio criminal justice network shall be a computer network that supports state and local criminal justice activities. The network shall be an electronic repository for various data, which may include arrest warrants, notices of persons wanted by law enforcement agencies, criminal records, prison inmate records, stolen vehicle records, vehicle operator's licenses, and vehicle registrations and titles.

(I) The department shall coordinate all homeland security activities of all state agencies and shall be a liaison between state agencies and local entities for those activities and related purposes.

(J) Beginning July 1, 2004, the department shall administer and enforce the laws relative to private investigators and security service providers specified in Chapter 4749. of the Revised Code.

(K) The department shall administer criminal justice services in accordance with sections 5502.61 to 5502.66 of the Revised Code.

Sec. ~~181.51~~ 5502.61. As used in sections ~~181.51~~ 5502.61 to ~~181.56~~ 5502.66 of the Revised Code:

(A) "Federal criminal justice acts" means any federal law that authorizes financial assistance and other forms of assistance to be given by the federal government to the states to be used for

the improvement of the criminal and juvenile justice systems of 42223
the states. 42224

(B)(1) "Criminal justice system" includes all of the 42225
functions of the following: 42226

(a) The state highway patrol, county sheriff offices, 42227
municipal and township police departments, and all other law 42228
enforcement agencies; 42229

(b) The courts of appeals, courts of common pleas, municipal 42230
courts, county courts, and mayor's courts, when dealing with 42231
criminal cases; 42232

(c) The prosecuting attorneys, city directors of law, village 42233
solicitors, and other prosecuting authorities when prosecuting or 42234
otherwise handling criminal cases and the county and joint county 42235
public defenders and other public defender agencies or offices; 42236

(d) The department of rehabilitation and correction, 42237
probation departments, county and municipal jails and workhouses, 42238
and any other department, agency, or facility that is concerned 42239
with the rehabilitation or correction of criminal offenders; 42240

(e) Any public or private agency whose purposes include the 42241
prevention of crime or the diversion, adjudication, detention, or 42242
rehabilitation of criminal offenders; 42243

(f) Any public or private agency, the purposes of which 42244
include assistance to crime victims or witnesses. 42245

(2) The inclusion of any public or private agency, the 42246
purposes of which include assistance to crime victims or 42247
witnesses, as part of the criminal justice system pursuant to 42248
division (B)(1) of this section does not limit, and shall not be 42249
construed as limiting, the discretion or authority of the attorney 42250
general with respect to crime victim assistance and criminal 42251
justice programs. 42252

(C) "Juvenile justice system" includes all of the functions of the juvenile courts, the department of youth services, any public or private agency whose purposes include the prevention of delinquency or the diversion, adjudication, detention, or rehabilitation of delinquent children, and any of the functions of the criminal justice system that are applicable to children.

(D) "Comprehensive plan" means a document that coordinates, evaluates, and otherwise assists, on an annual or multi-year basis, any of the functions of the criminal and juvenile justice systems of the state or a specified area of the state, that conforms to the priorities of the state with respect to criminal and juvenile justice systems, and that conforms with the requirements of all federal criminal justice acts. These functions may include, but are not limited to, any of the following:

(1) Crime and delinquency prevention;

(2) Identification, detection, apprehension, and detention of persons charged with criminal offenses or delinquent acts;

(3) Assistance to crime victims or witnesses, except that the comprehensive plan does not include the functions of the attorney general pursuant to sections 109.91 and 109.92 of the Revised Code;

(4) Adjudication or diversion of persons charged with criminal offenses or delinquent acts;

(5) Custodial treatment of criminal offenders, delinquent children, or both;

(6) Institutional and noninstitutional rehabilitation of criminal offenders, delinquent children, or both.

(E) "Metropolitan county criminal justice services agency" means an agency that is established pursuant to division (A) of section ~~181.54~~ 5502.64 of the Revised Code.

(F) "Administrative planning district" means a district that 42283
is established pursuant to division (A) or (B) of section ~~181.56~~ 42284
5502.66 of the Revised Code. 42285

(G) "Criminal justice coordinating council" means a criminal 42286
justice services agency that is established pursuant to division 42287
(D) of section ~~181.56~~ 5502.66 of the Revised Code. 42288

(H) "Local elected official" means any person who is a member 42289
of a board of county commissioners or township trustees or of a 42290
city or village council, judge of the court of common pleas, a 42291
municipal court, or a county court, sheriff, county coroner, 42292
prosecuting attorney, city director of law, village solicitor, or 42293
mayor. 42294

(I) "Juvenile justice coordinating council" means a juvenile 42295
justice services agency that is established pursuant to division 42296
(D) of section ~~181.56~~ 5502.66 of the Revised Code. 42297

Sec. ~~181.52~~ 5502.62. (A) There is hereby created an office in 42298
the department of public safety a division of criminal justice 42299
services. The ~~governor~~ director of public safety, with the 42300
concurrence of the governor, shall appoint a an executive director 42301
of the ~~office,~~ and ~~the director may appoint, within the office,~~ 42302
~~any professional and technical personnel and other employees that~~ 42303
~~are necessary to enable the office to comply with sections 181.51~~ 42304
~~to 181.56 of the Revised Code~~ division of criminal justice 42305
services. The executive director shall be the head of the 42306
division. The executive director shall serve at the pleasure of 42307
the director of public safety. To carry out the duties assigned 42308
under this section and to comply with sections 5502.63 to 5502.66 42309
of the Revised Code, the executive director, subject to the 42310
direction and control of the director of public safety, may 42311
appoint and maintain any necessary staff and may enter into any 42312
necessary contracts and other agreements. The executive director 42313

and the assistant executive director of the ~~office~~ division, and 42314
all professional and technical personnel employed within the 42315
~~office~~ division who are not public employees as defined in section 42316
4117.01 of the Revised Code, shall be in the unclassified civil 42317
service, and all other persons employed within the office shall be 42318
in the classified civil service. ~~The director may enter into any~~ 42319
~~contracts, except contracts governed by Chapter 4117. of the~~ 42320
~~Revised Code, that are necessary for the operation of the office.~~ 42321

(B) Subject to division (E) of this section and subject to 42322
divisions (D) to (F) of section 5120.09 of the Revised Code 42323
insofar as those divisions relate to federal criminal justice acts 42324
that the governor requires the department of rehabilitation and 42325
correction to administer, the ~~office~~ division of criminal justice 42326
services shall do all of the following: 42327

(1) Serve as the state criminal justice services agency and 42328
perform criminal justice system planning in the state, including 42329
any planning that is required by any federal law; 42330

(2) Collect, analyze, and correlate information and data 42331
concerning the criminal justice system in the state; 42332

(3) Cooperate with and provide technical assistance to state 42333
departments, administrative planning districts, metropolitan 42334
county criminal justice services agencies, criminal justice 42335
coordinating councils, agencies, offices, and departments of the 42336
criminal justice system in the state, and other appropriate 42337
organizations and persons; 42338

(4) Encourage and assist agencies, offices, and departments 42339
of the criminal justice system in the state and other appropriate 42340
organizations and persons to solve problems that relate to the 42341
duties of the ~~office~~ division; 42342

(5) Administer within the state any federal criminal justice 42343
acts that the governor requires it to administer; 42344

- (6) Administer funds received under the "Family Violence Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as amended, with all powers necessary for the adequate administration of those funds, including the authority to establish a family violence prevention and services program. 42345
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- (7) Implement the state comprehensive plans; 42350
- (8) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the ~~office~~ division; 42351
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- (9) Monitor or evaluate the performance of criminal justice system projects and programs in the state that are financed in whole or in part by funds granted through the ~~office~~ division; 42354
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- (10) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts, or made available from other federal, state, or private sources, to improve the criminal justice system in the state. All money from such federal grants shall, if the terms under which the money is received require that the money be deposited into an interest-bearing fund or account, be deposited in the state treasury to the credit of the federal program purposes fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. 42357
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- (11) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the ~~office~~ division; 42367
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- (12) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the state; 42370
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- (13) Advise the director of public safety, general assembly, and governor on legislation and other significant matters that 42373
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pertain to the improvement and reform of criminal and juvenile 42375
justice systems in the state; 42376

(14) Prepare and recommend legislation to the director of 42377
public safety, general assembly, and governor for the improvement 42378
of the criminal and juvenile justice systems in the state; 42379

(15) Assist, advise, and make any reports that are requested 42380
or required by the governor, director of public safety, attorney 42381
general, or general assembly; 42382

(16) ~~Adopt~~ Subject to the approval of the director of public 42383
safety, adopt rules pursuant to Chapter 119. of the Revised Code. 42384

(C) Upon the request of the director of public safety or 42385
governor, the ~~office~~ division of criminal justice services may do 42386
any of the following: 42387

(1) Collect, analyze, or correlate information and data 42388
concerning the juvenile justice system in the state; 42389

(2) Cooperate with and provide technical assistance to state 42390
departments, administrative planning districts, metropolitan 42391
county criminal justice service agencies, criminal justice 42392
coordinating councils, agency offices, and the departments of the 42393
juvenile justice system in the state and other appropriate 42394
organizations and persons; 42395

(3) Encourage and assist agencies, offices, and departments 42396
of the juvenile justice system in the state and other appropriate 42397
organizations and persons to solve problems that relate to the 42398
duties of the ~~office~~ division. 42399

(D) Divisions (B) and (C) of this section do not limit the 42400
discretion or authority of the attorney general with respect to 42401
crime victim assistance and criminal justice programs. 42402

(E) Nothing in this section is intended to diminish or alter 42403
the status of the office of the attorney general as a criminal 42404

justice services agency. 42405

Sec. ~~181.251~~ 5502.63. The ~~office~~ division of criminal justice 42406
services in the department of public safety shall prepare a poster 42407
and a brochure that describe safe firearms practices. The poster 42408
and brochure shall contain typeface that is at least one-quarter 42409
inch tall. The ~~office~~ division shall furnish copies of the poster 42410
and brochure free of charge to each federally licensed firearms 42411
dealer in this state. 42412

As used in this section, "federally licensed firearms dealer" 42413
means an importer, manufacturer, or dealer having a license to 42414
deal in destructive devices or their ammunition, issued and in 42415
effect pursuant to the federal "Gun Control Act of 1968," 82 Stat. 42416
1213, 18 U.S.C. 923 et seq., and any amendments or additions to 42417
that act or reenactments of that act. 42418

Sec. ~~181.54~~ 5502.64. (A) A county may enter into an agreement 42419
with the largest city within the county to establish a 42420
metropolitan county criminal justice services agency, if the 42421
population of the county exceeds five hundred thousand or the 42422
population of the city exceeds two hundred fifty thousand. 42423

(B) A metropolitan county criminal justice services agency 42424
shall do all of the following: 42425

(1) Accomplish criminal and juvenile justice systems planning 42426
within its services area; 42427

(2) Collect, analyze, and correlate information and data 42428
concerning the criminal and juvenile justice systems within its 42429
services area; 42430

(3) Cooperate with and provide technical assistance to all 42431
criminal and juvenile justice agencies and systems and other 42432
appropriate organizations and persons within its services area; 42433

(4) Encourage and assist agencies of the criminal and 42434
juvenile justice systems and other appropriate organizations and 42435
persons to solve problems that relate to its duties; 42436

(5) Administer within its services area any federal criminal 42437
justice acts or juvenile justice acts that the ~~office~~ division of 42438
criminal justice services pursuant to section 5139.11 of the 42439
Revised Code or the department of youth services administers 42440
within the state; 42441

(6) Implement the comprehensive plans for its services area; 42442

(7) Monitor or evaluate, within its services area, the 42443
performance of the criminal and juvenile justice systems projects 42444
and programs that are financed in whole or in part by funds 42445
granted through it; 42446

(8) Apply for, allocate, and disburse grants that are made 42447
available pursuant to any federal criminal justice acts, or 42448
pursuant to any other federal, state, or private sources for the 42449
purpose of improving the criminal and juvenile justice systems; 42450

(9) Contract with federal, state, and local agencies, 42451
foundations, corporations, and other businesses or persons to 42452
carry out the duties of the agency. 42453

Sec. ~~181.55~~ 5502.65. (A)(1) When funds are available for 42454
criminal justice purposes pursuant to section ~~181.54~~ 5502.64 of 42455
the Revised Code, the ~~office~~ division of criminal justice services 42456
shall provide funds to metropolitan county criminal justice 42457
services agencies for the purpose of developing, coordinating, 42458
evaluating, and implementing comprehensive plans within their 42459
respective counties. The ~~office~~ division of criminal justice 42460
services shall provide funds to an agency only if it complies with 42461
the conditions of division (B) of this section. 42462

(2) When funds are available for juvenile justice purposes 42463

pursuant to section ~~181.54~~ 5502.64 of the Revised Code, the 42464
department of youth services shall provide funds to metropolitan 42465
county criminal justice services agencies for the purpose of 42466
developing, coordinating, evaluating, and implementing 42467
comprehensive plans within their respective counties. The 42468
department shall provide funds to an agency only if it complies 42469
with the conditions of division (B) of this section. 42470

(B) A metropolitan county criminal justice services agency 42471
shall do all of the following: 42472

(1) Submit, in a form that is acceptable to the ~~office~~ 42473
division of criminal justice services or the department of youth 42474
services pursuant to section 5139.01 of the Revised Code, a 42475
comprehensive plan for the county; 42476

(2) Establish a metropolitan county criminal justice services 42477
supervisory board whose members shall include a majority of the 42478
local elected officials in the county and representatives from law 42479
enforcement agencies, courts, prosecuting authorities, public 42480
defender agencies, rehabilitation and correction agencies, 42481
community organizations, juvenile justice services agencies, 42482
professionals, and private citizens in the county, and that shall 42483
have the authority set forth in division (C) of this section; 42484

(3) Organize in the manner provided in sections 167.01 to 42485
167.03, 302.21 to 302.24, or 713.21 to 713.27 of the Revised Code, 42486
unless the board created pursuant to division (B)(2) of this 42487
section organizes pursuant to these sections. 42488

(C) A metropolitan county criminal justice services 42489
supervisory board shall do all of the following: 42490

(1) Exercise leadership in improving the quality of the 42491
criminal and juvenile justice systems in the county; 42492

(2) Review, approve, and maintain general oversight of the 42493

comprehensive plans for the county and the implementation of the plans; 42494
42495

(3) Review and comment on the overall needs and accomplishments of the criminal and juvenile justice systems in the county; 42496
42497
42498

(4) Establish, as required to comply with this division, task forces, ad hoc committees, and other committees, whose members shall be appointed by the chairperson of the board; 42499
42500
42501

(5) Establish any rules that the board considers necessary and that are consistent with the federal criminal justice acts and section ~~181.52~~ 5502.62 of the Revised Code. 42502
42503
42504

Sec. ~~181.56~~ 5502.66. (A) In counties in which a metropolitan county criminal justice services agency does not exist, the ~~office~~ division of criminal justice services shall discharge the ~~office's~~ division's duties that the ~~governor~~ director of public safety requires it to administer by establishing administrative planning districts for criminal justice programs. An administrative planning district shall contain a group of contiguous counties in which no county has a metropolitan county criminal justice services agency. 42505
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(B) In counties in which a metropolitan county criminal justice services agency does not exist, the department of youth services shall discharge pursuant to section 5139.11 of the Revised Code the department's duty by establishing administrative planning districts for juvenile justice programs. 42514
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(C) All administrative planning districts shall contain a group of contiguous counties in which no county has a metropolitan county criminal justice services agency. 42519
42520
42521

(D) Any county or any combination of contiguous counties within an administrative planning district may form a criminal 42522
42523

justice coordinating council or a juvenile justice coordinating 42524
council for its respective programs, if the county or the group of 42525
counties has a total population in excess of two hundred fifty 42526
thousand. The council shall comply with the conditions set forth 42527
in divisions (B) and (C) of section ~~181.55~~ 5502.65 of the Revised 42528
Code, and exercise within its jurisdiction the powers and duties 42529
set forth in division (B) of section ~~181.54~~ 5502.64 of the Revised 42530
Code. 42531

Sec. 5701.03. As used in Title LVII of the Revised Code: 42532

(A) "Personal property" includes every tangible thing that is 42533
the subject of ownership, whether animate or inanimate, including 42534
a business fixture, and that does not constitute real property as 42535
defined in section 5701.02 of the Revised Code. "Personal 42536
property" also includes every share, portion, right, or interest, 42537
either legal or equitable, in and to every ship, vessel, or boat, 42538
used or designed to be used in business either exclusively or 42539
partially in navigating any of the waters within or bordering on 42540
this state, whether such ship, vessel, or boat is within the 42541
jurisdiction of this state or elsewhere. "Personal property" does 42542
not include money as defined in section 5701.04 of the Revised 42543
Code, motor vehicles registered by the owner thereof, electricity, 42544
or, for purposes of any tax levied on personal property before tax 42545
year 2006, patterns, jigs, dies, or drawings that are held for use 42546
and not for sale in the ordinary course of business, except to the 42547
extent that the value of the electricity, patterns, jigs, dies, or 42548
drawings is included in the valuation of inventory produced for 42549
sale. 42550

(B) "Business fixture" means an item of tangible personal 42551
property that has become permanently attached or affixed to the 42552
land or to a building, structure, or improvement, and that 42553
primarily benefits the business conducted by the occupant on the 42554

premises and not the realty. "Business fixture" includes, but is not limited to, machinery, equipment, signs, storage bins and tanks, whether above or below ground, and broadcasting, transportation, transmission, and distribution systems, whether above or below ground. "Business fixture" also means those portions of buildings, structures, and improvements that are specially designed, constructed, and used for the business conducted in the building, structure, or improvement, including, but not limited to, foundations and supports for machinery and equipment. "Business fixture" does not include fixtures that are common to buildings, including, but not limited to, heating, ventilation, and air conditioning systems primarily used to control the environment for people or animals, tanks, towers, and lines for potable water or water for fire control, electrical and communication lines, and other fixtures that primarily benefit the realty and not the business conducted by the occupant on the premises. For tax year 2006 and each tax year thereafter, railroad tracks are real property and not business fixtures.

Sec. 5703.052. (A) There is hereby created in the state treasury the tax refund fund, from which refunds shall be paid for taxes illegally or erroneously assessed or collected, or for any other reason overpaid, that are levied by Chapter 4301., 4305., 5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 5748., 5749., or ~~5753-~~ 5751., and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised Code. Refunds for fees illegally or erroneously assessed or collected, or for any other reason overpaid, that are levied by sections 3734.90 to 3734.9014 of the Revised Code also shall be paid from the fund. However, refunds for taxes levied under section 5739.101 of the Revised Code shall not be paid from the tax refund fund, but shall be paid as provided in section 5739.104 of the Revised Code.

(B)(1) Upon certification by the tax commissioner to the 42587
treasurer of state of a tax refund or fee refund, or by the 42588
superintendent of insurance of a domestic or foreign insurance tax 42589
refund, the treasurer of state shall place the amount certified to 42590
the credit of the fund. The certified amount transferred shall be 42591
derived from current receipts of the same tax or the fee from 42592
which the refund arose. If current receipts from the tax or fee 42593
from which the refund arose are inadequate to make the transfer of 42594
the amount so certified, the treasurer of state shall transfer 42595
such certified amount from current receipts of the sales tax 42596
levied by section 5739.02 of the Revised Code. 42597

(2) When the treasurer of state provides for the payment of a 42598
refund of a tax or fee from the current receipts of the sales tax, 42599
and the refund is for a tax or fee that is not levied by the 42600
state, the tax commissioner shall recover the amount of that 42601
refund from the next distribution of that tax or fee that 42602
otherwise would be made to the taxing jurisdiction. If the amount 42603
to be recovered would exceed twenty-five per cent of the next 42604
distribution of that tax or fee, the commissioner may spread the 42605
recovery over more than one future distribution, taking into 42606
account the amount to be recovered and the amount of the 42607
anticipated future distributions. In no event may the commissioner 42608
spread the recovery over a period to exceed twenty-four months. 42609

Sec. 5703.053. As used in this section, "postal service" 42610
means the United States postal service. 42611

An application to the tax commissioner for a tax refund under 42612
section 4307.05, 4307.07, 5727.28, 5727.91, 5728.061, 5735.122, 42613
5735.13, 5735.14, 5735.141, 5735.142, 5739.07, 5741.10, 5743.05, 42614
5743.53, 5745.11, 5749.08, or ~~5753.06~~ 5751.08 of the Revised Code 42615
or division (B) of section 5703.05 of the Revised Code, or a fee 42616
refunded under section 3734.905 of the Revised Code, that is 42617

received after the last day for filing under such section shall be 42618
considered to have been filed in a timely manner if: 42619

(A) The application is delivered by the postal service and 42620
the earliest postal service postmark on the cover in which the 42621
application is enclosed is not later than the last day for filing 42622
the application; 42623

(B) The application is delivered by the postal service, the 42624
only postmark on the cover in which the application is enclosed 42625
was affixed by a private postal meter, the date of that postmark 42626
is not later than the last day for filing the application, and the 42627
application is received within seven days of such last day; or 42628

(C) The application is delivered by the postal service, no 42629
postmark date was affixed to the cover in which the application is 42630
enclosed or the date of the postmark so affixed is not legible, 42631
and the application is received within seven days of the last day 42632
for making the application. 42633

Sec. 5703.057. (A) For the efficient administration of the 42634
taxes and fees administered by the tax commissioner, the 42635
commissioner may require that any person filing a tax document 42636
with the department of taxation provide identifying information, 42637
which may include the person's social security number, federal 42638
employer identification number, or other identification number 42639
requested by the commissioner. A person required by the 42640
commissioner to provide identifying information who has 42641
experienced any change with respect to that information shall 42642
notify the commissioner of the change prior to, or upon, filing 42643
the next tax document requiring such identifying information. 42644

(B) When transmitting or otherwise making use of a tax 42645
document that contains a person's social security number, the 42646
commissioner shall take all reasonable measures necessary to 42647
ensure that the number is not capable of being viewed by the 42648

general public, including, when necessary, masking the number so 42649
that it is not readily discernible by the general public. 42650

(C)(1) If the commissioner makes a request for identifying 42651
information and the commissioner does not receive valid 42652
identifying information within thirty days of making the request, 42653
the commissioner may impose a penalty upon the person to whom the 42654
request was directed of up to one hundred dollars. If, after the 42655
expiration of this thirty day period, the commissioner makes one 42656
or more subsequent requests for identifying information and the 42657
person to whom the subsequent request is directed fails to provide 42658
valid identifying information within thirty days of the 42659
commissioner's subsequent request, the commissioner may impose an 42660
additional penalty of up to two hundred dollars for each 42661
subsequent request not complied with in a timely fashion. 42662

(2) If a person required by the commissioner to provide 42663
identifying information does not notify the commissioner of a 42664
change with respect to that information as required under division 42665
(A) of this section within thirty days after filing the next tax 42666
document requiring such identifying information, the commissioner 42667
may impose a penalty of up to fifty dollars. 42668

(3) The penalties provided for under divisions (C)(1) and (2) 42669
of this section may be billed and assessed in the same manner as 42670
the tax or fee with respect to which the identifying information 42671
is sought and are in addition to any applicable criminal penalties 42672
described in division (D) of this section and any other penalties 42673
that may be imposed by the commissioner by law. 42674

(D) Section 5703.26 of the Revised Code applies with respect 42675
to false or fraudulent identifying information provided by a 42676
person to the commissioner under this section. 42677

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of the 42678

Revised Code:	42679
(A) "Tax" includes only those taxes imposed on tangible personal property listed in accordance with Chapter 5711. of the Revised Code and taxes imposed under Chapters 5733., 5739., 5741., and 5747., and 5751. of the Revised Code.	42680 42681 42682 42683
(B) "Taxpayer" means a person subject to or potentially subject to a tax including an employer required to deduct and withhold any amount under section 5747.06 of the Revised Code.	42684 42685 42686
(C) "Audit" means the examination of a taxpayer or the inspection of a visit by an employee of the department of taxation to one or more of the taxpayer's business locations, or other locations designated by the taxpayer, to inspect the books, records, memoranda, or accounts of a taxpayer for the purpose of determining liability for a tax. "Audit" does not include the service of an assessment or any other type of documents and notifications to a taxpayer, and does not include an investigation by an enforcement agent or another employee of the department to verify a taxpayer has the appropriate license or registration, conduct a test purchase, or other similar investigation.	42687 42688 42689 42690 42691 42692 42693 42694 42695 42696 42697
(D) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to section 5711.26, 5711.32, 5733.11, 5739.13, 5741.11, 5741.13, or 5747.13, <u>or 5751.09</u> of the Revised Code.	42698 42699 42700 42701
(E) "County auditor" means the auditor of the county in which the tangible personal property subject to a tax is located.	42702 42703
Sec. 5703.70. (A) On the filing of an application for refund under section 3734.905, 4307.05, 4307.07, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, or 5749.08, <u>or 5751.08</u> of the Revised Code, or an application for	42704 42705 42706 42707 42708

compensation under section 5739.123 of the Revised Code, if the 42709
tax commissioner determines that the amount of the refund or 42710
compensation to which the applicant is entitled is less than the 42711
amount claimed in the application, the commissioner shall give the 42712
applicant written notice by ordinary mail of the amount. The 42713
notice shall be sent to the address shown on the application 42714
unless the applicant notifies the commissioner of a different 42715
address. The applicant shall have sixty days from the date the 42716
commissioner mails the notice to provide additional information to 42717
the commissioner or request a hearing, or both. 42718

(B) If the applicant neither requests a hearing nor provides 42719
additional information to the tax commissioner within the time 42720
prescribed by division (A) of this section, the commissioner shall 42721
take no further action, and the refund amount or compensation 42722
amount denied becomes final. 42723

(C)(1) If the applicant requests a hearing within the time 42724
prescribed by division (A) of this section, the tax commissioner 42725
shall assign a time and place for the hearing and notify the 42726
applicant of such time and place, but the commissioner may 42727
continue the hearing from time to time as necessary. After the 42728
hearing, the commissioner may make such adjustments to the refund 42729
or compensation as the commissioner finds proper, and shall issue 42730
a final determination thereon. 42731

(2) If the applicant does not request a hearing, but provides 42732
additional information, within the time prescribed by division (A) 42733
of this section, the commissioner shall review the information, 42734
make such adjustments to the refund or compensation as the 42735
commissioner finds proper, and issue a final determination 42736
thereon. 42737

(3) The commissioner shall serve a copy of the final 42738
determination made under division (C)(1) or (2) of this section on 42739

the applicant in the manner provided in section 5703.37 of the Revised Code, and the decision is final, subject to appeal under section 5717.02 of the Revised Code.

(D) The tax commissioner shall certify 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, the amount of the refund to be refunded under division (B) or (C) of this section. The commissioner also shall certify to the director and treasurer of state for payment from the general revenue fund the amount of compensation to be paid under division (B) or (C) of this section.

Sec. 5703.80. There is hereby created in the state treasury the property tax administration fund. All money to the credit of the fund shall be used to defray the costs incurred by the department of taxation in administering the taxation of property and the equalization of real property valuation.

Each fiscal year between the first and fifteenth days of July, the tax commissioner shall compute the following amounts for the property in each taxing district in each county, and certify to the director of budget and management the sum of those amounts for all taxing districts in all counties:

(A) ~~Three-tenths~~ For fiscal year 2006, thirty-three hundredths of one per cent of the total amount by which taxes charged against real property on the general tax list of real and public utility property were reduced under section 319.302 of the Revised Code for the preceding tax year;

(B) ~~Fifteen-hundredths~~ For fiscal year 2007 and thereafter, thirty-five hundredths of one per cent of the total amount by which taxes charged against real property on the general tax list of real and public utility property were reduced under section

319.302 of the Revised Code for the preceding tax year; 42770

(C) For fiscal year 2006, one-half of one per cent of the 42771
total amount of taxes charged and payable against public utility 42772
personal property on the general tax list of real and public 42773
utility property for the preceding tax year and of the total 42774
amount of taxes charged and payable against tangible personal 42775
property on the general tax list of personal property of the 42776
preceding tax year and for which returns were filed with the tax 42777
commissioner under section 5711.13 of the Revised Code; 42778

~~(C) Seventy-five~~ (D) For fiscal year 2007, fifty-six 42779
hundredths of one per cent of the total amount of taxes charged 42780
and payable against public utility personal property on the 42781
general tax list of real and public utility property for the 42782
preceding tax year and of the total amount of taxes charged and 42783
payable against tangible personal property on the general tax list 42784
of personal property of the preceding tax year and for which 42785
returns were filed with the tax commissioner under section 5711.13 42786
of the Revised Code; 42787

(E) For fiscal year 2008 and thereafter, six-tenths of one 42788
per cent of the total amount of taxes charged and payable against 42789
public utility personal property on the general tax list of real 42790
and public utility property for the preceding tax year and of the 42791
total amount of taxes charged and payable against tangible 42792
personal property on the general tax list of personal property of 42793
the preceding tax year and for which returns were filed with the 42794
tax commissioner under section 5711.13 of the Revised Code. 42795

After receiving the tax commissioner's certification, the 42796
director of budget and management shall transfer from the general 42797
revenue fund to the property tax administration fund one-fourth of 42798
the amount certified on or before each of the following days: the 42799
first days of August, November, February, and May. 42800

On or before the thirtieth day of June of the fiscal year, 42801
the tax commissioner shall certify to the director of budget and 42802
management the sum of the amounts by which the amounts computed 42803
for a taxing district under ~~divisions (A), (B), and (C)~~ of this 42804
section exceeded the distributions to the taxing district under 42805
division (F) of section 321.24 of the Revised Code, and the 42806
director shall transfer that sum from the property tax 42807
administration fund to the general revenue fund. 42808

Sec. 5705.091. The board of county commissioners of each 42809
county shall establish a county mental retardation and 42810
developmental disabilities general fund. Notwithstanding sections 42811
5705.09 and 5705.10 of the Revised Code, proceeds from levies 42812
under section 5705.222 and division (L) of section 5705.19 of the 42813
Revised Code shall be deposited to the credit of the county mental 42814
retardation and developmental disabilities general fund. Accounts 42815
shall be established within the county mental retardation and 42816
developmental disabilities general fund for each of the several 42817
particular purposes of the levies as specified in the resolutions 42818
under which the levies were approved, and proceeds from different 42819
levies that were approved for the same particular purpose shall be 42820
credited to accounts for that purpose. Other money received by the 42821
county for the purposes of Chapters 3323. and 5126. of the Revised 42822
Code and not required by state or federal law to be deposited to 42823
the credit of a different fund shall also be deposited to the 42824
credit of the county mental retardation and developmental 42825
disabilities general fund, in an account appropriate to the 42826
particular purpose for which the money was received. Unless 42827
otherwise provided by law, an unexpended balance at the end of a 42828
fiscal year in any account in the county mental retardation and 42829
developmental disabilities general fund shall be appropriated the 42830
next fiscal year to the same fund. 42831

A county board of mental retardation and developmental disabilities may request, by resolution, that the board of county commissioners establish a county mental retardation and developmental disabilities capital fund for money to be used for acquisition, construction, or improvement of capital facilities or acquisition of capital equipment used in providing services to mentally retarded and developmentally disabled persons. The county board of mental retardation and developmental disabilities shall transmit a certified copy of the resolution to the board of county commissioners. Upon receiving the resolution, the board of county commissioners shall establish a county mental retardation and developmental disabilities capital fund.

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 ~~habilitation center services~~, 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. 5705.392. A board of county commissioners may adopt as a part of its annual appropriation ~~measure~~ resolution a spending plan, or in the case of an amended appropriation ~~measure~~

resolution, an amended spending plan, setting forth a quarterly 42863
schedule of expenses and expenditures of all any appropriations 42864
for the fiscal year from ~~the~~ any county ~~general~~ fund. The spending 42865
plan or amended spending plan shall be classified to set forth 42866
separately a quarterly schedule of expenses and expenditures for 42867
~~each~~ any office, department, and division, and, within each, the 42868
amount appropriated for personal services. Each office, 42869
department, and division for which a spending plan or amended 42870
spending plan is adopted shall be limited in its expenses and 42871
expenditures of moneys appropriated from the ~~general~~ applicable 42872
fund during any quarter by the schedule established in the 42873
spending plan or amended spending plan. The schedule established 42874
in the spending plan or amended spending plan shall serve as a 42875
limitation during a quarter on ~~the making of~~ entering into 42876
contracts and giving ~~of~~ orders involving the expenditure of money 42877
during that quarter for purposes of division (D) of section 42878
5705.41 of the Revised Code. 42879

The board of county commissioners shall give to each office, 42880
department, or division for which it intends to provide a spending 42881
plan or amended spending plan written notice at least thirty days 42882
before the adoption of the appropriation resolution or amended 42883
appropriation resolution. The notice shall be sent by regular 42884
first class mail or given by personal service, and shall include a 42885
copy of the proposed spending plan or amended spending plan. The 42886
office, department, or division may meet with the board at any 42887
regular session of the board to comment on the notice, express 42888
concerns, or ask questions about the proposed spending plan or 42889
amended spending plan. 42890

Sec. 5711.21. (A) In assessing taxable property the assessor 42891
shall be governed by the rules of assessment prescribed by 42892
sections 5711.01 to 5711.36 of the Revised Code. Wherever any 42893
taxable property is required to be assessed at its true value in 42894

money or at any percentage of true value, the assessor shall be 42895
guided by the statements contained in the taxpayer's return and 42896
such other rules and evidence as will enable the assessor to 42897
arrive at such true value. Wherever the income yield of taxable 42898
property is required to be assessed, and the method of determining 42899
between income and return or distribution of principal, or that of 42900
allocating expenses in determining net income, or that of 42901
ascertaining the source from which partial distributions of income 42902
have been made is not expressly prescribed by sections 5711.01 to 42903
5711.36 of the Revised Code, the assessor shall be guided by the 42904
statements contained in the taxpayer's return and such general 42905
rules as the tax commissioner adopts to enable the assessor to 42906
make such determination. 42907

(B) The true value of the boilers, machinery, equipment, and 42908
any personal property used to generate or distribute ~~the~~ 42909
electricity shall be: 42910

(1) For tax years before tax year 2006, the sum of the 42911
following: 42912

~~(1)~~(a) The true value of the property as it would be 42913
determined under this chapter if none of the electricity were 42914
distributed to others multiplied by the per cent of the 42915
electricity generated in the preceding calendar year that was used 42916
by the person who generated it; plus 42917

~~(2)~~(b) The true value of the property that is production 42918
equipment as it would be determined for an electric company under 42919
section 5727.11 of the Revised Code multiplied by the per cent of 42920
the electricity generated in the preceding calendar year that was 42921
not used by the person who generated it; plus 42922

~~(3)~~(c) The true value of the property that is not production 42923
equipment as it would be determined for an electric company under 42924
section 5727.11 of the Revised Code multiplied by the per cent of 42925

the electricity generated in the preceding calendar year that was 42926
not used by the person who generated it. 42927

(2) For tax year 2006 and each tax year thereafter, the true 42928
value of the property as it would be determined under this chapter 42929
if none of the electricity were distributed to others multiplied 42930
by the per cent of the electricity generated in the preceding 42931
calendar year that was used by the person who generated it. 42932

(C) ~~The~~ For tax years before tax year 2006, true value of 42933
personal property leased to a public utility or interexchange 42934
telecommunications company as defined in section 5727.01 of the 42935
Revised Code and used by the utility or interexchange 42936
telecommunications company directly in the rendition of a public 42937
utility service as defined in division (P) of section 5739.01 of 42938
the Revised Code shall be determined in the same manner that the 42939
true value of such property is determined under section 5727.11 of 42940
the Revised Code if owned by the public utility or interexchange 42941
telecommunications company. 42942

Sec. 5711.22. (A) Deposits not taxed at the source shall be 42943
listed and assessed at their amount in dollars on the day they are 42944
required to be listed. Moneys shall be listed and assessed at the 42945
amount thereof in dollars on hand on the day that they are 42946
required to be listed. In listing investments, the amount of the 42947
income yield of each for the calendar year next preceding the date 42948
of listing shall, except as otherwise provided in this chapter, be 42949
stated in dollars and cents and the assessment thereof shall be at 42950
the amount of such income yield; but any property defined as 42951
investments in either division (A) or (B) of section 5701.06 of 42952
the Revised Code that has not been outstanding for the full 42953
calendar year next preceding the date of listing, except shares of 42954
stock of like kind as other shares of the same corporation 42955
outstanding for the full calendar year next preceding the date of 42956

listing, or which has yielded no income during such calendar year 42957
shall be listed and assessed as unproductive investments, at their 42958
true value in money on the day that such investments are required 42959
to be listed. 42960

Credits and other taxable intangibles shall be listed and 42961
assessed at their true value in money on the day as of which the 42962
same are required to be listed. 42963

Shares of stock of a bank holding company, as defined in 42964
Title 12 U.S.C.A., section 1841, that are required to be listed 42965
for taxation under this division and upon which dividends were 42966
paid during the year of their issuance, which dividends are 42967
subject to taxation under the provisions of Chapter 5747. of the 42968
Revised Code, shall be exempt from the intangibles tax for the 42969
year immediately succeeding their issuance. If such shares bear 42970
dividends the first calendar year after their issuance, which 42971
dividends are subject to taxation under the provisions of Chapter 42972
5747. of the Revised Code, it shall be deemed that the 42973
nondelinquent intangible property tax pursuant to division (A) of 42974
section 5707.04 of the Revised Code was paid on those dividends 42975
paid that first calendar year after the issuance of the shares. 42976

(B)~~(1)~~ Boilers, machinery, equipment, and personal property 42977
the true value of which is determined under division (B) of 42978
section 5711.21 of the Revised Code shall be listed and assessed 42979
at an amount equal to: 42980

(1) For tax years before tax year 2006, the sum of the 42981
products determined under divisions (B)(1)(a), (b), and (c) of 42982
this section. 42983

(a) Multiply the portion of the true value ~~determined~~ 42984
calculated under division (B)(1)(a) of section 5711.21 of the 42985
Revised Code by the assessment rate for the tax year in division 42986
(F) of this section; 42987

(b) Multiply the portion of the true value determined under 42988
division (B)~~(2)~~(1)(b) of section 5711.21 of the Revised Code by 42989
the assessment rate in section 5727.111 of the Revised Code that 42990
is applicable to the production equipment of an electric company; 42991

(c) Multiply the portion of the true value determined under 42992
division (B)~~(3)~~(1)(c) of section 5711.21 of the Revised Code by 42993
the assessment rate in section 5727.111 of the Revised Code that 42994
is applicable to the property of an electric company that is not 42995
production equipment. 42996

(2) Personal For tax year 2006 and each tax year thereafter, 42997
the product calculated by multiplying the portion of the true 42998
value determined under division (B)(2) of section 5711.21 of the 42999
Revised Code by the assessment rate for that tax year in division 43000
(F) of this section. 43001

(C) For tax years before tax year 2006, personal property 43002
leased to a public utility or interexchange telecommunications 43003
company as defined in section 5727.01 of the Revised Code and used 43004
directly in the rendition of a public utility service as defined 43005
in division (P) of section 5739.01 of the Revised Code shall be 43006
listed and assessed at the same percentage of true value in money 43007
that such property is required to be assessed by section 5727.111 43008
of the Revised Code if owned by the public utility or 43009
interexchange telecommunications company. 43010

~~(C)(D)(1) Merchandise or an agricultural product shipped from 43011
outside this state and held in this state in a warehouse or a 43012
place of storage without further manufacturing or processing and 43013
for storage only and for shipment outside this state, but that ~~is~~ 43014
~~taxable because it~~ does not qualify as "not used in business in 43015
this state" under division (B)(1) or (2) of section 5701.08 of the 43016
Revised Code, ~~shall be listed and assessed at a rate of~~ 43017
~~twenty five one hundredths of its true value in money until~~ 43018~~

~~reduced in accordance with the following schedule:~~ 43019

~~(a) For any year, subtract five one hundredths from the rate~~ 43020
~~at which such property was required to be listed and assessed in~~ 43021
~~the preceding year, if the total statewide collection of all real~~ 43022
~~and tangible personal property taxes for the second preceding year~~ 43023
~~exceeded the total statewide collection of all real and tangible~~ 43024
~~personal property taxes for the third preceding year by more than~~ 43025
~~the greater of four per cent or the rate of increase from the~~ 43026
~~third to the second preceding years in the average consumer price~~ 43027
~~index (all urban consumers, all items) prepared by the bureau of~~ 43028
~~labor statistics of the United States department of labor;~~ 43029

~~(b) If no reduction in the assessment rate is made for a~~ 43030
~~year, the rate is the same as for the preceding year.~~ 43031

~~(2) Each year until the year the assessment rate equals zero,~~ 43032
~~the tax commissioner shall determine the assessment rate required~~ 43033
~~under this division and shall notify all county auditors of that~~ 43034
~~rate.~~ 43035

~~(3) Notwithstanding provisions to the contrary in division~~ 43036
~~(B) of section 5701.08 of the Revised Code, during and after the~~ 43037
~~year for which the assessment rate as calculated under this~~ 43038
~~division equals zero, any merchandise or agricultural product~~ 43039
~~shipped from outside this state and held in this state in any~~ 43040
~~warehouse or place of storage, whether public or private, without~~ 43041
~~further manufacturing or processing and for storage only and for~~ 43042
~~shipment outside this state to any person for any purpose is~~ 43043
~~nevertheless not used in business in this state for property tax~~ 43044
~~purposes.~~ 43045

~~(D)(1)(2) Merchandise or an agricultural product owned by a~~ 43046
~~qualified out-of-state person shipped from outside this state and~~ 43047
~~held in this state in a public warehouse without further~~ 43048
~~manufacturing or processing and for temporary storage only and for~~ 43049

shipment inside this state, but that ~~is taxable because it does~~ 43050
not qualify as "not used in business in this state" under division 43051
(B)(1) or (2) of section 5701.08 of the Revised Code, ~~shall be~~ 43052
~~listed and assessed at a rate of twenty five one hundredths of its~~ 43053
~~true value in money until reduced in accordance with the following~~ 43054
~~schedule:~~ 43055

~~(a) For any year, subtract five one hundredths from the rate~~ 43056
~~at which such property was required to be listed and assessed in~~ 43057
~~the preceding year, if the total statewide collection of all real~~ 43058
~~and tangible personal property taxes for the second preceding year~~ 43059
~~exceeded the total statewide collection of all real and tangible~~ 43060
~~personal property taxes for the third preceding year by more than~~ 43061
~~the greater of four per cent or the rate of increase from the~~ 43062
~~third to the second preceding years in the average consumer price~~ 43063
~~index (all urban consumers, all items) prepared by the bureau of~~ 43064
~~labor statistics of the United States department of labor;~~ 43065

~~(b) If no reduction in the assessment rate is made for a~~ 43066
~~year, the rate is the same as for the preceding year.~~ 43067

~~(2) Each year until the year the assessment rate equals zero,~~ 43068
~~the tax commissioner shall determine the assessment rate required~~ 43069
~~under this division and shall notify all county auditors of that~~ 43070
~~rate.~~ 43071

~~(3) Notwithstanding provisions to the contrary in division~~ 43072
~~(B) of section 5701.08 of the Revised Code, during and after the~~ 43073
~~year for which the assessment rate as calculated under this~~ 43074
~~division equals zero, any merchandise or agricultural product~~ 43075
~~described in division (D)(1) of this section is nevertheless not~~ 43076
~~used in business in this state for property tax purposes.~~ 43077

~~(4)(3)~~ As used in division (D)(2) of this section: 43078

(a) "Qualified out-of-state person" means a person that does 43079
not own, lease, or use property, other than merchandise or an 43080

agricultural product described in this division, in this state, 43081
and does not have employees, agents, or representatives in this 43082
state; 43083

(b) "Public warehouse" means a warehouse in this state that 43084
is not subject to the control of or under the supervision of the 43085
owner of the merchandise or agricultural product stored in it, or 43086
staffed by the owner's employees, and from which the property is 43087
to be shipped inside this state. 43088

(E) Personal property valued pursuant to section 5711.15 of 43089
the Revised Code and personal property required to be listed on 43090
the average basis by division (A) of section 5711.16 of the 43091
Revised Code, except property described in division ~~(C)~~ or (D) of 43092
this section, business fixtures, and furniture not held for sale 43093
in the course of business, shall be listed and assessed at the 43094
~~rate of twenty five per cent~~ percentage of its true value in money 43095
~~until reduced to zero~~ in accordance with the following schedule: 43096

~~(1) Beginning in tax year 2002 and for each of tax years 2003 43097
and 2004, subtract one percentage point from the rate at which the 43098
property was required to be listed and assessed in the preceding 43099
year, if the total statewide collection of tangible personal 43100
property taxes for the second preceding year exceeded the total 43101
statewide collection of tangible personal property taxes for the 43102
third preceding year. If no reduction in the assessment rate is 43103
made for a year, the rate is the same as for the preceding year. 43104~~

~~(2) In For tax years 2005 and 2006, the assessment rate shall 43105
be reduced by two percentage points, if the total statewide 43106
collection of tangible personal property taxes for the second 43107
preceding year exceeded the total statewide collection of tangible 43108
personal property taxes for the third preceding year. If no 43109
reduction in the assessment rate is made for a year, the rate is 43110
the same as for the preceding year twenty-three per cent of true 43111~~

<u>value.</u>	43112
(3)(2) For tax year 2007, twenty-one per cent of true value;	43113
<u>(3) For tax year 2008, fourteen per cent of true value;</u>	43114
<u>(4) For tax year 2009, seven per cent of true value;</u>	43115
<u>(5) For tax year 2010 and each tax year thereafter, the</u>	43116
assessment rate shall be reduced by two percentage points. During	43117
<u>zero per cent of true value.</u>	43118
<u>(F) All engines and machinery, and tools and implements, used</u>	43119
<u>or designed to be used in manufacturing as described in section</u>	43120
<u>5711.16 of the Revised Code, in mining, in stone plants and gravel</u>	43121
<u>plants, in laundries, towel, and linen supply and dry cleaning</u>	43122
<u>plants, and in radio and television broadcasting, shall be listed</u>	43123
<u>and assessed at a percentage rate of its true value in money in</u>	43124
<u>accordance with the following schedule:</u>	43125
<u>(1) For all such property not previously used in business in</u>	43126
<u>this state by the owner thereof, or by related member or</u>	43127
<u>predecessor of the owner, other than as inventory, before January</u>	43128
<u>1, 2005, the assessment rate shall be zero per cent of true value;</u>	43129
<u>(2) For all other such property, the assessment rate for tax</u>	43130
<u>year 2005 shall be twenty-five per cent of true value, twelve and</u>	43131
<u>one-half per cent of true value for tax year 2006, and zero per</u>	43132
<u>cent of true value for tax year 2007 and each tax year thereafter.</u>	43133
<u>During</u> and after the tax year that the assessment rate equals	43134
zero, the property described in division (E) <u>or (F)</u> of this	43135
section shall not be listed for taxation.	43136
Each year until the year the assessment rate equals zero, the	43137
tax commissioner shall determine the assessment rate required	43138
under this division and shall notify all county auditors of that	43139
rate.	43140
For purposes of division (E) of this section, "total	43141

~~statewide collection of tangible person property taxes" excludes~~ 43142
~~taxes collected from public utilities and interexchange~~ 43143
~~telecommunications companies on property that is determined to be~~ 43144
~~taxable pursuant to section 5727.06 of the Revised Code.~~ 43145

~~(F)~~(G) Unless otherwise provided by law, all other personal 43146
property used in business that has not been legally regarded as an 43147
improvement on land and considered in arriving at the value of the 43148
real property assessed for taxation shall be listed and assessed 43149
at the rate of twenty-five per cent of its true value in money. 43150

Sec. 5713.01. (A) Each county shall be the unit for assessing 43151
real estate for taxation purposes. The county auditor shall be the 43152
assessor of all the real estate in ~~his~~ the auditor's county for 43153
purposes of taxation, but this section does not affect the power 43154
conferred by Chapter 5727. of the Revised Code upon the tax 43155
commissioner regarding the valuation and assessment of the real 43156
property of railroads for tax years before tax year 2006. 43157

(B) The auditor shall assess all the real estate situated in 43158
the county at its taxable value in accordance with sections 43159
5713.03, 5713.31, and 5715.01 of the Revised Code and with the 43160
rules and methods applicable to ~~his~~ the auditor's county adopted, 43161
prescribed, and promulgated by the tax commissioner. The auditor 43162
shall view and appraise or cause to be viewed and appraised at its 43163
true value in money, each lot or parcel of real estate, including 43164
land devoted exclusively to agricultural use, and the improvements 43165
located thereon at least once in each six-year period and the 43166
taxable values required to be derived therefrom shall be placed on 43167
the auditor's tax list and the county treasurer's duplicate for 43168
the tax year ordered by the commissioner pursuant to section 43169
5715.34 of the Revised Code. The commissioner may grant an 43170
extension of one year or less if ~~he~~ the commissioner finds that 43171
good cause exists for the extension. When the auditor so views and 43172

appraises, ~~he~~ the auditor may enter each structure located thereon 43173
to determine by actual view what improvements have been made 43174
therein or additions made thereto since the next preceding 43175
valuation. The auditor shall revalue and assess at any time all or 43176
any part of the real estate in such county, including land devoted 43177
exclusively to agricultural use, where ~~he~~ the auditor finds that 43178
the true or taxable values thereof have changed, and when a 43179
conservation easement is created under sections 5301.67 to 5301.70 43180
of the Revised Code. ~~He~~ The auditor may increase or decrease the 43181
true or taxable value of any lot or parcel of real estate in any 43182
township, municipal corporation, or other taxing district by an 43183
amount which will cause all real property on the tax list to be 43184
valued as required by law, or ~~he~~ the auditor may increase or 43185
decrease the aggregate value of all real property, or any class of 43186
real property, in the county, township, municipal corporation, or 43187
other taxing district, or in any ward or other division of a 43188
municipal corporation by a per cent or amount which will cause all 43189
property to be properly valued and assessed for taxation in 43190
accordance with Section 36, Article II, Section 2, Article XII, 43191
Ohio Constitution, this section, and sections 5713.03, 5713.31, 43192
and 5715.01 of the Revised Code. 43193

(C) When the auditor determines to reappraise all the real 43194
estate in the county or any class thereof, when the tax 43195
commissioner orders an increase in the aggregate true or taxable 43196
value of the real estate in any taxing subdivision, or when the 43197
taxable value of real estate is increased by the application of a 43198
uniform taxable value per cent of true value pursuant to the order 43199
of the commissioner, ~~he~~ the auditor shall advertise the completion 43200
of ~~his~~ the reappraisal or equalization action in a newspaper of 43201
general circulation in the county once a week for the three 43202
consecutive weeks next preceding the issuance of the tax bills. 43203
When the auditor changes the true or taxable value of any 43204
individual parcels of real estate, ~~he~~ the auditor shall notify the 43205

owner of the real estate, or the person in whose name the same 43206
stands charged on the duplicate, by mail or in person, of the 43207
changes ~~he~~ the auditor has made in the assessments of such 43208
property. Such notice shall be given at least thirty days prior to 43209
the issuance of the tax bills. Failure to receive notice shall not 43210
invalidate any proceeding under this section. 43211

(D) The auditor shall make the necessary abstracts from books 43212
of ~~his~~ the auditor's office containing descriptions of real estate 43213
in such county, together with such platbooks and lists of 43214
transfers of title to land as the auditor deems necessary in the 43215
performance of ~~his~~ the auditor's duties in valuing such property 43216
for taxation. Such abstracts, platbooks, and lists shall be in 43217
such form and detail as the tax commissioner prescribes. 43218

(E) The auditor, with the approval of the tax commissioner, 43219
may appoint and employ such experts, deputies, clerks, or other 43220
employees as ~~he~~ the auditor deems necessary to the performance of 43221
~~his~~ the auditor's duties as assessor, or, with the approval of the 43222
tax commissioner, ~~he~~ the auditor may enter into a contract with an 43223
individual, partnership, firm, company, or corporation to do all 43224
or any part of the work; the amount to be expended in the payment 43225
of the compensation of such employees shall be fixed by the board 43226
of county commissioners. If, in the opinion of the auditor, the 43227
board of county commissioners fails to provide a sufficient amount 43228
for the compensation of such employees, ~~he~~ the auditor may apply 43229
to the tax commissioner for an additional allowance, and the 43230
additional amount of compensation allowed by the commissioner 43231
shall be certified to the board of county commissioners, and the 43232
same shall be final. The salaries and compensation of such 43233
experts, deputies, clerks, and employees shall be paid upon the 43234
warrant of the auditor out of the general fund or the real estate 43235
assessment fund of the county, or both. If the salaries and 43236
compensation are in whole or in part fixed by the commissioner, 43237

they shall constitute a charge against the county regardless of 43238
the amount of money in the county treasury levied or appropriated 43239
for such purposes. 43240

(F) Any contract for goods or services related to the 43241
auditor's duties as assessor, including contracts for mapping, 43242
computers, and reproduction on any medium of any documents, 43243
records, photographs, microfiche, or magnetic tapes, but not 43244
including contracts for the professional services of an appraiser, 43245
shall be awarded pursuant to the competitive bidding procedures 43246
set forth in sections 307.86 to 307.92 of the Revised Code and 43247
shall be paid for, upon the warrant of the auditor, from the real 43248
estate assessment fund. 43249

(G) Experts, deputies, clerks, and other employees, in 43250
addition to their other duties, shall perform such services as the 43251
auditor directs in ascertaining such facts, description, location, 43252
character, dimensions of buildings and improvements, and other 43253
circumstances reflecting upon the value of real estate as will aid 43254
the auditor in fixing its true and taxable value and, in the case 43255
of land valued in accordance with section 5713.31 of the Revised 43256
Code, its current agricultural use value. The auditor may also 43257
summon and examine any person under oath in respect to any matter 43258
pertaining to the value of any real property within the county. 43259

Sec. 5713.08. (A) The county auditor shall make a list of all 43260
real and personal property in the auditor's county, including 43261
money, credits, and investments in bonds, stocks, or otherwise, 43262
~~which that~~ is exempted from taxation. ~~Such~~ The list shall show the 43263
name of the owner, the value of the property exempted, and a 43264
statement in brief form of the ground on which ~~such~~ the exemption 43265
has been granted. It shall be corrected annually by adding thereto 43266
the items of property ~~which that~~ have been exempted during the 43267
year, and by striking therefrom the items ~~which that~~ in the 43268

opinion of the auditor have lost their right of exemption and 43269
~~which~~ that have been reentered on the taxable list. No additions 43270
shall be made to such exempt lists and no additional items of 43271
property shall be exempted from taxation without the consent of 43272
the tax commissioner as is provided for in section 5715.27 of the 43273
Revised Code or without the consent of the housing officer under 43274
section 3735.67 of the Revised Code. When any personal property or 43275
endowment fund of an institution has once been held by the 43276
commissioner to be properly exempt from taxation, it is not 43277
necessary to obtain the commissioner's consent to the exemption of 43278
additional property or investments of the same kind belonging to 43279
the same institution, but such property shall appear on the 43280
abstract filed annually with the commissioner. The commissioner 43281
may revise at any time the list in every county so that no 43282
property is improperly or illegally exempted from taxation. The 43283
auditor shall follow the orders of the commissioner given under 43284
this section. An abstract of ~~such~~ the list shall be filed annually 43285
with the commissioner, on a form approved by the commissioner, and 43286
a copy thereof shall be kept on file in the office of each auditor 43287
for public inspection. 43288

The commissioner shall not consider an application for 43289
exemption of property unless the application has attached thereto 43290
a certificate executed by the county treasurer certifying one of 43291
the following: 43292

(1) That all taxes, assessments, interest, and penalties 43293
levied and assessed against the property sought to be exempted 43294
have been paid in full to the date upon which the application for 43295
exemption is filed, except for such taxes, interest, and penalties 43296
that may be remitted under division (B) of this section; 43297

(2) That the applicant has entered into a valid delinquent 43298
tax contract with the county treasurer pursuant to division (A) of 43299
section 323.31 of the Revised Code to pay all of the delinquent 43300

taxes, assessments, interest, and penalties charged against the
property, except for such taxes, interest, and penalties that may
be remitted under division (B) of this section. If the auditor
receives notice under section 323.31 of the Revised Code that such
a written delinquent tax contract has become void, the auditor
shall strike ~~such the~~ property from the list of exempted property
and reenter ~~such the~~ property on the taxable list. If property is
removed from the exempt list because a written delinquent tax
contract has become void, current taxes shall first be extended
against that property on the general tax list and duplicate of
real and public utility property for the tax year in which the
auditor receives the notice required by division (A) of section
323.31 of the Revised Code that the delinquent tax contract has
become void or, if that notice is not timely made, for the tax
year in which falls the latest date by which the treasurer is
required by ~~such that~~ section to give such notice. A county
auditor shall not remove from any tax list and duplicate the
amount of any unpaid delinquent taxes, assessments, interest, or
penalties owed on property that is placed on the exempt list
pursuant to this division.

(3) That a tax certificate has been issued under section
5721.32 or 5721.33 of the Revised Code with respect to the
property that is the subject of the application, and the tax
certificate is outstanding.

(B) Any taxes, interest, and penalties ~~which that~~ have become
a lien after the property was first used for the exempt purpose,
but in no case prior to the date of acquisition of the title to
the property by the applicant, may be remitted by the
commissioner, except as is provided in division (A) of section
5713.081 of the Revised Code.

(C) Real property acquired by the state in fee simple is
exempt from taxation from the date of acquisition of title or date

of possession, whichever is the earlier date, provided that all 43333
taxes, interest, and penalties as provided in the apportionment 43334
provisions of section 319.20 of the Revised Code have been paid to 43335
the date of acquisition of title or date of possession by the 43336
state, whichever is earlier. The proportionate amount of taxes 43337
that are a lien but not yet determined, assessed, and levied for 43338
the year in which the property is acquired, shall be remitted by 43339
the county auditor for the balance of the year from date of 43340
acquisition of title or date of possession, whichever is earlier. 43341
This section shall not be construed to authorize the exemption of 43342
such property from taxation or the remission of taxes, interest, 43343
and penalties thereon until all private use has terminated. 43344

Real property acquired by the department of natural resources 43345
for which an application for exemption has been filed shall be 43346
removed from the tax list and duplicate and shall not accrue taxes 43347
or penalties while the application for tax exemption is being 43348
processed. 43349

Sec. 5713.34. (A)(1) Upon the conversion of all or any 43350
portion of a tract, lot, or parcel of land devoted exclusively to 43351
agricultural use a portion of the tax savings upon such converted 43352
land shall be recouped as provided for by Section 36, Article II, 43353
Ohio Constitution by levying a charge on such land in an amount 43354
equal to the amount of the tax savings on the converted land 43355
during the three tax years immediately preceding the year in which 43356
the conversion occurs. The charge shall constitute a lien of the 43357
state upon such converted land as of the first day of January of 43358
the tax year in which the charge is levied and shall continue 43359
until discharged as provided by law. 43360

(2) Upon the conversion of an adequately described portion of 43361
a tract, lot, or parcel of land, the county auditor shall divide 43362
any numbered permanent parcel into economic units and value each 43363

unit individually for the purpose of levying the charge under 43364
division (A)(1) of this section against only the converted 43365
portion. 43366

(B) Except as otherwise provided in division (C) or (D) of 43367
this section, a public entity that acquires by any means and 43368
converts land devoted exclusively to agricultural use and a 43369
private entity granted the power of eminent domain that acquires 43370
by any means and converts land devoted exclusively to agricultural 43371
use shall pay the charge levied by division (A) of this section 43372
and shall not, directly or indirectly, transfer the charge to the 43373
person from whom the land is acquired. A person injured by a 43374
violation of this division may recover, in a civil action, any 43375
damages resulting from the violation. 43376

(C) The charge levied by division (A)(1) of this section does 43377
not apply to the conversion of land acquired by a public entity or 43378
the department of natural resources by means other than eminent 43379
domain and thereafter used exclusively for a public purpose that 43380
leaves the land principally undeveloped when ~~either~~ any of the 43381
following conditions applies: 43382

(1) The land is so acquired and converted by one of the 43383
following divisions of the department of natural resources: 43384

(a) The division of forestry; 43385

(b) The division of natural areas and preserves; 43386

(c) The division of wildlife; 43387

(d) The division of parks and recreation; 43388

(2) In the case of land so acquired and converted by a park 43389
district created under Chapter 1545. of the Revised Code, the land 43390
is located within the boundaries of the park district. 43391

~~(2)~~(3) In the case of land so acquired and converted by a 43392
public entity other than a park district created under Chapter 43393

1545. of the Revised Code, the land is located within the 43394
boundaries of any city, local, exempted village, or joint 43395
vocational school district that is wholly or partially located 43396
within the boundaries of the public entity that so acquired and 43397
converted the land. 43398

If all or any portion of a tract, lot, or parcel of such land 43399
is later developed or otherwise converted to a purpose other than 43400
one of the purposes enumerated under division (E)(1) of this 43401
section, the charge levied by division (A)(1) of this section 43402
shall be levied against such developed or converted land as 43403
otherwise required by that division. 43404

The county auditor of the county in which the land is located 43405
shall determine annually whether all or any portion of a tract, 43406
lot, or parcel of land formerly converted to a purpose enumerated 43407
under division (E)(1) of this section has been developed in such a 43408
way or converted to such a purpose as to require the charge levied 43409
by division (A)(1) of this section to be levied against the land 43410
so developed or converted. 43411

(D) Division (B) of this section does not apply to a public 43412
entity that acquires by means other than eminent domain and 43413
converts land devoted exclusively to agricultural use to use for 43414
public, active or passive, outdoor education, recreation, or 43415
similar open space uses when either of the following conditions 43416
applies: 43417

(1) In the case of land so acquired and converted by a park 43418
district created under Chapter 1545. of the Revised Code, the land 43419
is located outside the boundaries of the park district. 43420

(2) In the case of land so acquired and converted by a public 43421
entity other than a park district created under Chapter 1545. of 43422
the Revised Code, the land is located outside the boundaries of 43423
any city, local, exempted village, or joint vocational school 43424

district that is wholly or partially located within the boundaries	43425
of the public entity that so acquired and converted the land.	43426
(E) As used in divisions (C) and (D) of this section:	43427
(1) "Principally undeveloped" means a parcel of real property	43428
that is used for public, active or passive, outdoor education,	43429
recreation, or similar open space uses and contains only the	43430
structures, roadways, and other facilities that are necessary for	43431
such uses.	43432
(2) "Public entity" means any political subdivision of this	43433
state or any agency or instrumentality of a political subdivision.	43434
<u>"Public entity" does not include the department of natural</u>	43435
<u>resources or any of its divisions.</u>	43436
Sec. 5727.01. As used in this chapter:	43437
(A) "Public utility" means each person referred to as a	43438
telephone company, telegraph company, electric company, natural	43439
gas company, pipe-line company, water-works company, water	43440
transportation company, heating company, rural electric company,	43441
railroad company, or combined company.	43442
(B) "Gross receipts" means the entire receipts for business	43443
done by any person from operations as a public utility, or	43444
incidental thereto, or in connection therewith, including any	43445
receipts received under Chapter 4928. of the Revised Code. The	43446
gross receipts for business done by an incorporated company	43447
engaged in operation as a public utility includes the entire	43448
receipts for business done by such company under the exercise of	43449
its corporate powers, whether from the operation as a public	43450
utility or from any other business.	43451
(C) "Rural electric company" means any nonprofit corporation,	43452
organization, association, or cooperative engaged in the business	43453
of supplying electricity to its members or persons owning an	43454

interest therein in an area the major portion of which is rural.	43455
(D) Any person:	43456
(1) Is a telegraph company when engaged in the business of transmitting telegraphic messages to, from, through, or in this state;	43457 43458 43459
(2) Is a telephone company when primarily engaged in the business of providing local exchange telephone service, excluding cellular radio service, in this state;	43460 43461 43462
(3) Is an electric company when engaged in the business of generating, transmitting, or distributing electricity within this state for use by others, but excludes a rural electric company;	43463 43464 43465
(4) Is a natural gas company when engaged in the business of supplying or distributing natural gas for lighting, power, or heating purposes to consumers within this state, excluding a person that is a governmental aggregator or retail natural gas supplier as defined in section 4929.01 of the Revised Code;	43466 43467 43468 43469 43470
(5) Is a pipe-line company when engaged in the business of transporting natural gas, oil, or coal or its derivatives through pipes or tubing, either wholly or partially within this state;	43471 43472 43473
(6) Is a water-works company when engaged in the business of supplying water through pipes or tubing, or in a similar manner, to consumers within this state;	43474 43475 43476
(7) Is a water transportation company when engaged in the transportation of passengers or property, by boat or other watercraft, over any waterway, whether natural or artificial, from one point within this state to another point within this state, or between points within this state and points without this state;	43477 43478 43479 43480 43481
(8) Is a heating company when engaged in the business of supplying water, steam, or air through pipes or tubing to consumers within this state for heating purposes;	43482 43483 43484

(9) Is a railroad company when engaged in the business of 43485
owning or operating a railroad either wholly or partially within 43486
this state on rights-of-way acquired and held exclusively by such 43487
company, or otherwise, and includes a passenger, street, suburban, 43488
or interurban railroad company. 43489

As used in division (D)(2) of this section, "local exchange 43490
telephone service" means making available or furnishing access and 43491
a dial tone to all persons within a local calling area for use in 43492
originating and receiving voice grade communications over a 43493
switched network operated by the provider of the service within 43494
the area and for gaining access to other telecommunication 43495
services. 43496

(E) "Taxable property" means the property required by section 43497
5727.06 of the Revised Code to be assessed by the tax 43498
commissioner, but does not include ~~either of~~ the following: 43499

(1) An item of tangible personal property that for the period 43500
subsequent to the effective date of an air, water, or noise 43501
pollution control certificate and continuing so long as the 43502
certificate is in force, has been certified as part of the 43503
pollution control facility with respect to which the certificate 43504
has been issued; 43505

(2) An item of tangible personal property that during the 43506
construction of a plant or facility and until the item is first 43507
capable of operation, whether actually used in operation or not, 43508
is incorporated in or being held exclusively for incorporation in 43509
that plant or facility; 43510

(3) For tax year 2006 and thereafter, documented costs for 43511
drawings used by a public utility or interexchange 43512
telecommunications company to provide its public utility or 43513
interexchange telecommunication service. Division (E)(3) of this 43514
section does not apply to an electric company or a combined 43515

company engaged in the activity of an electric company. 43516

(F) "Taxing district" means a municipal corporation of 43517
township, or part thereof, in which the aggregate rate of taxation 43518
is uniform. 43519

(G) "Telecommunications service" has the same meaning as in 43520
division (AA) of section 5739.01 of the Revised Code. 43521

(H) "Interexchange telecommunications company" means a person 43522
that is engaged in the business of transmitting telephonic 43523
messages to, from, through, or in this state, but that is not a 43524
telephone company. 43525

(I) "Sale and leaseback transaction" means a transaction in 43526
which a public utility or interexchange telecommunications company 43527
sells any tangible personal property to a person other than a 43528
public utility or interexchange telecommunications company and 43529
leases that property back from the buyer. 43530

(J) "Production equipment" means all taxable steam, nuclear, 43531
hydraulic, and other production plant equipment used to generate 43532
electricity. For tax years prior to 2001, "production equipment" 43533
includes taxable station equipment that is located at a production 43534
plant. 43535

(K) "Tax year" means the year for which property or gross 43536
receipts are subject to assessment under this chapter. This 43537
division does not limit the tax commissioner's ability to assess 43538
and value property or gross receipts outside the tax year. 43539

(L) "Combined company" means any person engaged in the 43540
activity of an electric company or rural electric company that is 43541
also engaged in the activity of a heating company or a natural gas 43542
company, or any combination thereof. 43543

Sec. 5727.02. As used in this chapter, "public utility," 43544
"electric company," "natural gas company," "pipe-line company," 43545

"water-works company," "water transportation company" or "heating company" does not include any of the following: 43546
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(A) Any (1) Except as provided in division (A)(2) of this section, any person that is engaged in some other primary business to which the supplying of electricity, heat, natural gas, water, water transportation, steam, or air to others is incidental. As used in ~~this~~ division (A) of this section and in section 5727.031 of the Revised Code, "supplying of electricity" means generating, transmitting, or distributing electricity. 43548
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(2) For tax year 2006 and each tax year thereafter, a person that is engaged in some other primary business to which the supplying of electricity to others is incidental shall be treated as an "electric company" and a "public utility" for purposes of this chapter solely to the extent required by section 5727.031 of the Revised Code. 43555
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(B) Any person that supplies electricity, natural gas, water, water transportation, steam, or air to its tenants, whether for a separate charge or otherwise; 43561
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(C) Any person whose primary business in this state consists of producing, refining, or marketing petroleum or its products. 43564
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(D) Any person whose primary business in this state consists of producing or gathering natural gas rather than supplying or distributing natural gas to consumers. 43566
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Sec. 5727.031. (A) For tax year 2006 and each tax year thereafter, a person that is engaged in some other primary business to which the supplying of electricity to others is incidental shall file a report under section 5727.08 of the Revised Code as an electric company but shall only report therein as taxable property the amounts required in divisions (B) and (C) of this section. All time limits and other procedural requirements 43569
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of this chapter for the reporting and assessment of property of 43576
electric companies apply to persons required to file a report 43577
under this section. 43578

(B) A person subject to this section shall report the true 43579
value of the boilers, machinery, equipment, and any personal 43580
property used to supply electricity to others, which shall be the 43581
sum of the following: 43582

(1) The true value of the property that is production 43583
equipment as it would be determined for an electric company under 43584
section 5727.11 of the Revised Code multiplied by the per cent of 43585
the electricity generated in the preceding calendar year that was 43586
not used by the person who generated it; plus 43587

(2) The true value of the property that is not production 43588
equipment as it would be determined for an electric company under 43589
section 5727.11 of the Revised Code multiplied by the per cent of 43590
the electricity generated in the preceding calendar year that was 43591
not used by the person who generated it. 43592

(C) The property reported under division (B) of this section 43593
shall be listed and assessed at an amount equal to the sum of the 43594
products determined under divisions (C)(1) and (2) of this 43595
section. 43596

(1) Multiply the portion of the true value determined under 43597
division (B)(1) of this section by the assessment rate in section 43598
5727.111 of the Revised Code that is applicable to the production 43599
equipment of an electric company; 43600

(2) Multiply the portion of the true value determined under 43601
division (B)(2) of this section by the assessment rate in section 43602
5727.111 of the Revised Code that is applicable to the property of 43603
an electric company that is not production equipment. 43604

Sec. 5727.06. (A) Except as otherwise provided by law, the 43605
following constitutes the taxable property of a public utility or 43606
interexchange telecommunications company that shall be assessed by 43607
the tax commissioner: 43608

(1) For tax years before tax year 2006: 43609

(a) In the case of a railroad company, all real property and 43610
tangible personal property owned or operated by the railroad 43611
company in this state on the thirty-first day of December of the 43612
preceding year; 43613

~~(2)~~(b) In the case of a water transportation company, all 43614
tangible personal property, except watercraft, owned or operated 43615
by the water transportation company in this state on the 43616
thirty-first day of December of the preceding year and all 43617
watercraft owned or operated by the water transportation company 43618
in this state during the preceding calendar year; 43619

~~(3)~~(c) In the case of all other public utilities and 43620
interexchange telecommunications companies, all tangible personal 43621
property that on the thirty-first day of December of the preceding 43622
year was both located in this state and: 43623

~~(a)~~(i) Owned by the public utility or interexchange 43624
telecommunications company; or 43625

~~(b)~~(ii) Leased by the public utility or interexchange 43626
telecommunications company under a sale and leaseback transaction. 43627

(2) For tax year 2006 and each tax year thereafter: 43628

(a) In the case of a railroad company, all tangible personal 43629
property owned, leased, or operated by the railroad company in 43630
this state on the thirty-first day of December of the preceding 43631
year; 43632

(b) In the case of a water transportation company, all 43633
tangible personal property, except watercraft, owned, leased, or 43634

operated by the water transportation company in this state on the 43635
thirty-first day of December of the preceding year and all 43636
watercraft owned, leased, or operated by the water transportation 43637
company in this state during the preceding calendar year; 43638

(c) In the case of all other public utilities and 43639
interexchange telecommunications companies, all tangible personal 43640
property owned, leased, or operated by the public utility or 43641
interexchange telecommunications company in this state on the 43642
thirty-first day of December of the preceding year. 43643

(d) Tangible personal property owned by one public utility or 43644
interexchange telecommunications company in this state and leased 43645
or operated by another public utility or interexchange 43646
telecommunications company in this state shall be taxable property 43647
of the public utility or interexchange telecommunications company 43648
the property is leased or operated by and shall not be taxable 43649
property of the public utility or interexchange telecommunications 43650
company the property is owned by. 43651

(B) In the case of an interexchange telecommunications 43652
company, all taxable property shall be subject to the provisions 43653
of this chapter and shall be valued by the commissioner in 43654
accordance with division (A) of section 5727.11 of the Revised 43655
Code. A person described by this division shall file the report 43656
required by section 5727.08 of the Revised Code. Persons described 43657
in this division shall not be considered taxpayers, as defined in 43658
division (B) of section 5711.01 of the Revised Code, and shall not 43659
be required to file a return and list their taxable property under 43660
any provision of Chapter 5711. of the Revised Code. 43661

(C) The lien of the state for taxes levied each year on the 43662
real and personal property of public utilities and interexchange 43663
telecommunications companies shall attach thereto on the 43664
thirty-first day of December of the preceding year. 43665

(D) Property that is required by division (A)(3)(b) of this section to be assessed by the tax commissioner under this chapter shall not be listed by the owner of the property under Chapter 5711. of the Revised Code.

(E) The 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.

(F) For tax year 2006 and each tax year thereafter, real property of a railroad company shall be assessed by the county auditor of the county in which such property is located.

Sec. 5727.10. Annually, the tax commissioner shall determine, in accordance with section 5727.11 of the Revised Code, the true value in money of all taxable property required by division (A)(2) ~~or (3)(b), (c), or (d)~~ of section 5727.06 of the Revised Code to be assessed by the commissioner. The commissioner also shall determine the total taxable value of such property based on the percentages of true value at which the property is required to be assessed by section 5727.111 of the Revised Code.

The commissioner shall be guided by the information contained in the report filed by the public utility and such other evidence and rules as will enable ~~him~~ the commissioner to make these determinations.

Before issuing the preliminary assessment under section 5727.23 of the Revised Code, the commissioner shall notify each public utility of the proposed total taxable value of its taxable property, including any proposed penalty. After receiving such notice, a public utility may, upon written application, within the time prescribed by the commissioner, appear before ~~him~~ the commissioner and be heard in the matter of the proposal. The

commissioner may, on the application of a public utility, or on 43696
~~his~~ the commissioner's own motion, correct the proposal. 43697

Sec. 5727.11. (A) Except as otherwise provided in this 43698
section, the true value of all taxable property required by 43699
division (A)(2) ~~or (3)~~ (b), (c), or (d) of section 5727.06 of the 43700
Revised Code to be assessed by the tax commissioner shall be 43701
determined by a method of valuation using cost as capitalized on 43702
the public utility's books and records less composite annual 43703
allowances as prescribed by the commissioner. If the commissioner 43704
finds that application of this method will not result in the 43705
determination of true value of the public utility's taxable 43706
property, the commissioner may use another method of valuation. 43707

(B)(1) Except as provided in division (B)(2) of this section, 43708
the true value of current gas stored underground is the cost of 43709
that gas shown on the books and records of the public utility on 43710
the thirty-first day of December of the preceding year. 43711

(2) For tax year 2001 and thereafter, the true value of 43712
current gas stored underground is the quotient obtained by 43713
dividing (a) the average value of the current gas stored 43714
underground, which shall be determined by adding the value of the 43715
gas on hand at the end of each calendar month in the calendar year 43716
preceding the tax year, or, if applicable, the last day of 43717
business of each month for a partial month, divided by (b) the 43718
total number of months the natural gas company was in business 43719
during the calendar year prior to the beginning of the tax year. 43720
with the approval of the tax commissioner, a natural gas company 43721
may use a date other than the end of a calendar month to value its 43722
current gas stored underground. 43723

(C) The true value of noncurrent gas stored underground is 43724
thirty-five per cent of the cost of that gas shown on the books 43725
and records of the public utility on the thirty-first day of 43726

December of the preceding year. 43727

(D)(1) Except as provided in division (D)(2) of this section, 43728
the true value of the production equipment of an electric company 43729
and the true value of all taxable property of a rural electric 43730
company is the equipment's or property's cost as capitalized on 43731
the company's books and records less fifty per cent of that cost 43732
as an allowance for depreciation and obsolescence. 43733

(2) The true value of the production equipment of an electric 43734
company or rural electric company purchased, transferred, or 43735
placed into service after the effective date of this amendment is 43736
the purchase price of the equipment as capitalized on the 43737
company's books and records less composite annual allowances as 43738
prescribed by the tax commissioner. 43739

(E) The true value of taxable property described in division 43740
(A)(2) ~~or (3)~~(b), (c), or (d) of section 5727.06 of the Revised 43741
Code shall not include the allowance for funds used during 43742
construction or interest during construction that has been 43743
capitalized on the public utility's books and records as part of 43744
the total cost of the taxable property. This division shall not 43745
apply to the taxable property of an electric company or a rural 43746
electric company, excluding transmission and distribution 43747
property, first placed into service after December 31, 2000, or to 43748
the taxable property a person purchases, which includes transfers, 43749
if that property was used in business by the seller prior to the 43750
purchase. 43751

(F) The true value of watercraft owned or operated by a water 43752
transportation company shall be determined by multiplying the true 43753
value of the watercraft as determined under division (A) of this 43754
section by a fraction, the numerator of which is the number of 43755
revenue-earning miles traveled by the watercraft in the waters of 43756
this state and the denominator of which is the number of 43757

revenue-earning miles traveled by the watercraft in all waters. 43758

(G) The cost of property subject to a sale and leaseback 43759
transaction is the cost of the property as capitalized on the 43760
books and records of the public utility owning the property 43761
immediately prior to the sale and leaseback transaction. 43762

(H) The cost as capitalized on the books and records of a 43763
public utility includes amounts capitalized that represent 43764
regulatory assets, if such amounts previously were included on the 43765
company's books and records as capitalized costs of taxable 43766
personal property. 43767

(I) Any change in the composite annual allowances as 43768
prescribed by the commissioner on a prospective basis shall not be 43769
admissible in any judicial or administrative action or proceeding 43770
as evidence of value with regard to prior years' taxes. 43771
Information about the business, property, or transactions of any 43772
taxpayer obtained by the commissioner for the purpose of adopting 43773
or modifying the composite annual allowances shall not be subject 43774
to discovery or disclosure. 43775

Sec. 5727.111. The taxable property of each public utility, 43776
except a railroad company, and of each interexchange 43777
telecommunications company shall be assessed at the following 43778
percentages of true value: 43779

~~(A)(1) Except as provided in division (A)(2) of this section,~~ 43780
~~fifty per cent in the case of a rural electric company;~~ 43781

~~(2) For tax year 2001 and thereafter, fifty~~ Fifty per cent in 43782
the case of the taxable transmission and distribution property of 43783
a rural electric company, and twenty-five per cent for all its 43784
other taxable property; 43785

(B) In the case of a telephone or telegraph company, 43786
twenty-five per cent for taxable property first subject to 43787

taxation in this state for tax year 1995 or thereafter, and the	43788
following for all other taxable property:	43789
(1) For tax years prior to 2005, eighty-eight per cent;	43790
(2) For tax year 2005, sixty-seven per cent;	43791
(3) For tax year 2006, forty-six per cent;	43792
(4) For tax year 2007 and thereafter, twenty-five per cent.	43793
(C) Twenty-five per cent in the case of a natural gas	43794
company.	43795
(D) Eighty-eight per cent in the case of a pipe-line,	43796
water-works, or heating company;	43797
(E)(1) Except as provided in division (E)(2) or (3) of this	43798
section, one hundred per cent in the case of the taxable	43799
production equipment of an electric company and eighty eight per	43800
cent for all its other taxable property;	43801
(2) For tax year 2001 and thereafter 2005, eighty-eight per	43802
cent in the case of the taxable transmission and distribution	43803
property of an electric company, and twenty-five per cent for all	43804
its other taxable property;	43805
(3) Property listed and assessed under divisions (B)(1) and	43806
(2) of section 5711.22 of the Revised Code and leased to an	43807
electric company shall continue to be assessed at one hundred per	43808
cent for production equipment and eighty eight	43809
<u>(2) For tax year</u>	43810
<u>2006 and each tax year thereafter, eighty-five per cent in the</u>	43811
<u>case of the taxable transmission and distribution property of an</u>	43811
<u>electric company, and twenty-four</u> per cent for all such <u>its</u> other	43812
taxable property until January 1, 2002.	43813
(F) Twenty-five per cent in the case of an interexchange	43814
telecommunications company;	43815
(G) Twenty-five per cent in the case of a water	43816

transportation company.

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Sec. 5727.12. As used in this chapter, "property used in railroad operations" means property used in or determined by the tax commissioner to be held by a railroad for use in railroad operations. In determining the true value of all real and personal property owned or leased by each railroad company and used in railroad operations, the commissioner shall use the unitary method and value all of the property of the company's railroad system as a whole, considering the factors generally used in that method, and weighing each factor appropriately. The true value of the property used in railroad operations shall be apportioned to this state as provided in section 5727.14 of the Revised Code. The commissioner shall separately determine the true value of property owned by the company that the commissioner determines is not used in railroad operations. The commissioner may require the advice of county auditors concerning such values.

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All property of a railroad shall be assessed for taxation at the same percentage of true value at which all other real property in this state is assessed, in the case of real property, and at the percentage of true value provided under divisions (E) ~~and~~ (F), and (G) of section 5711.22 of the Revised Code, in the case of personal property.

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A determination of the value of each tract, lot, or parcel of real property or each item of personal property not used in railroad operations shall be considered a separate determination with respect to which a separate petition for reassessment may be filed under section 5727.47 of the Revised Code.

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Where a line of railroad is subsidized under the terms of the federal regional rail reorganization act or the federal rail revitalization and regulatory reform act, the real and other fixed property shall be assessed solely in the name of its owner.

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Sec. 5727.81. (A) For the purpose of raising revenue for 43848
public education and state and local government operations, an 43849
excise tax is hereby levied and imposed on an electric 43850
distribution company for all electricity distributed by such 43851
company ~~beginning with the measurement period that includes May 1,~~ 43852
~~2001,~~ at the following rates per kilowatt hour of electricity 43853
distributed in a thirty-day period by the company through a meter 43854
of an end user in this state: 43855

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465 <u>.00605</u>	43858
For the next 2,001 to 15,000	\$.00419 <u>.00545</u>	43859
For 15,001 and above	\$.00363 <u>.00472</u>	43860

If no meter is used to measure the kilowatt hours of 43861
electricity distributed by the company, the rates shall apply to 43862
the estimated kilowatt hours of electricity distributed to an 43863
unmetered location in this state. 43864

The electric distribution company shall base the monthly tax 43865
on the kilowatt hours of electricity distributed to an end user 43866
through the meter of the end user that is not measured for a 43867
thirty-day period by dividing the days in the measurement period 43868
into the total kilowatt hours measured during the measurement 43869
period to obtain a daily average usage. The tax shall be 43870
determined by obtaining the sum of divisions (A)(1), (2), and (3) 43871
of this section and multiplying that amount by the number of days 43872
in the measurement period: 43873

(1) Multiplying ~~\$0.00465~~ .00605 per kilowatt hour for the 43874
first sixty-seven kilowatt hours distributed using a daily 43875
average; 43876

(2) Multiplying ~~\$0.00419~~ .00545 for the next sixty-eight to 43877
five hundred kilowatt hours distributed using a daily average; 43878

(3) Multiplying ~~\$0.00363~~ .00472 for the remaining kilowatt 43879
hours distributed using a daily average. 43880

~~Until January 1, 2003, except as provided in division (C) of~~ 43881
~~this section, the electric distribution company shall pay the tax~~ 43882
~~to the treasurer of state in accordance with section 5727.82 of~~ 43883
~~the Revised Code. Beginning January 1, 2003, except~~ Except as 43884
provided in division (C) of this section, the electric 43885
distribution company shall pay the tax to the tax commissioner in 43886
accordance with section 5727.82 of the Revised Code, unless 43887
required to remit each tax payment by electronic funds transfer to 43888
the treasurer of state in accordance with section 5727.83 of the 43889
Revised Code. 43890

Only the distribution of electricity through a meter of an 43891
end user in this state shall be used by the electric distribution 43892
company to compute the amount or estimated amount of tax due. In 43893
the event a meter is not actually read for a measurement period, 43894
the estimated kilowatt hours distributed by an electric 43895
distribution company to bill for its distribution charges shall be 43896
used. 43897

(B) Except as provided in division (C) of this section, each 43898
electric distribution company shall pay the tax imposed by this 43899
section in all of the following circumstances: 43900

(1) The electricity is distributed by the company through a 43901
meter of an end user in this state; 43902

(2) The company is distributing electricity through a meter 43903
located in another state, but the electricity is consumed in this 43904
state in the manner prescribed by the tax commissioner; 43905

(3) The company is distributing electricity in this state 43906
without the use of a meter, but the electricity is consumed in 43907
this state as estimated and in the manner prescribed by the tax 43908
commissioner. 43909

(C)(1) As used in division (C) of this section: 43910

(a) "Total price of electricity" means the aggregate value in 43911
money of anything paid or transferred, or promised to be paid or 43912
transferred, to obtain electricity or electric service, including 43913
but not limited to the value paid or promised to be paid for the 43914
transmission or distribution of electricity and for transition 43915
costs as described in Chapter 4928. of the Revised Code. 43916

(b) "Package" means the provision or the acquisition, at a 43917
combined price, of electricity with other services or products, or 43918
any combination thereof, such as natural gas or other fuels; 43919
energy management products, software, and services; machinery and 43920
equipment acquisition; and financing agreements. 43921

(c) "Single location" means a facility located on contiguous 43922
property separated only by a roadway, railway, or waterway. 43923

(2) Division (C) of this section applies to any commercial or 43924
industrial purchaser's receipt of electricity through a meter of 43925
an end user in this state or through more than one meter at a 43926
single location in this state in a quantity that exceeds 43927
forty-five million kilowatt hours of electricity over the course 43928
of the preceding calendar year, or any commercial or industrial 43929
purchaser that will consume more than forty-five million kilowatt 43930
hours of electricity over the course of the succeeding twelve 43931
months as estimated by the tax commissioner. The tax commissioner 43932
shall make such an estimate upon the written request ~~by~~ of an 43933
applicant for registration as a self-assessing purchaser under 43934
this division. Such a purchaser may elect to self-assess the 43935
excise tax imposed by this section at the rate of \$.00075 per 43936
kilowatt hour on the first five hundred four million kilowatt 43937
hours distributed to that meter or location during the 43938
registration year, and ~~four~~ five per cent of the total price of 43939
all electricity distributed to that meter or location. A qualified 43940

end user that receives electricity through a meter of an end user 43941
in this state or through more than one meter at a single location 43942
in this state and that consumes, over the course of the previous 43943
calendar year, more than forty-five million kilowatt hours in 43944
other than its qualifying manufacturing process, may elect to 43945
self-assess the tax as allowed by this division with respect to 43946
the electricity used in other than its qualifying manufacturing 43947
process. ~~Until January 1, 2003, payment of the tax shall be made~~ 43948
~~directly to the treasurer of state in accordance with divisions~~ 43949
~~(A)(4) and (5) of section 5727.82 of the Revised Code. Beginning~~ 43950
~~January 1, 2003, payment~~ Payment of the tax shall be made directly 43951
to the tax commissioner in accordance with divisions (A)(4) and 43952
(5) of section 5727.82 of the Revised Code, or the treasurer of 43953
state in accordance with section 5727.83 of the Revised Code. If 43954
the electric distribution company serving the self-assessing 43955
purchaser is a municipal electric utility and the purchaser is 43956
within the municipal corporation's corporate limits, payment shall 43957
be made to such municipal corporation's general fund and reports 43958
shall be filed in accordance with divisions (A)(4) and (5) of 43959
section 5727.82 of the Revised Code, except that "municipal 43960
corporation" shall be substituted for "treasurer of state" and 43961
"tax commissioner." A self-assessing purchaser that pays the 43962
excise tax as provided in this division shall not be required to 43963
pay the tax to the electric distribution company from which its 43964
electricity is distributed. If a self-assessing purchaser's 43965
receipt of electricity is not subject to the tax as measured under 43966
this division, the tax on the receipt of such electricity shall be 43967
measured and paid as provided in division (A) of this section. 43968

(3) In the case of the acquisition of a package, unless the 43969
elements of the package are separately stated isolating the total 43970
price of electricity from the price of the remaining elements of 43971
the package, the tax imposed under this section applies to the 43972
entire price of the package. If the elements of the package are 43973

separately stated, the tax imposed under this section applies to 43974
the total price of the electricity. 43975

(4) Any electric supplier that sells electricity as part of a 43976
package shall separately state to the purchaser the total price of 43977
the electricity and, upon request by the tax commissioner, the 43978
total price of each of the other elements of the package. 43979

(5) The tax commissioner may adopt rules relating to the 43980
computation of the total price of electricity with respect to 43981
self-assessing purchasers, which may include rules to establish 43982
the total price of electricity purchased as part of a package. 43983

(6) An annual application for registration as a 43984
self-assessing purchaser shall be made for each qualifying meter 43985
or location on a form prescribed by the tax commissioner. The 43986
registration year begins on the first day of May and ends on the 43987
following thirtieth day of April. Persons may apply after the 43988
first day of May for the remainder of the registration year. In 43989
the case of an applicant applying on the basis of an estimated 43990
consumption of forty-five million kilowatt hours over the course 43991
of the succeeding twelve months, the applicant shall provide such 43992
information as the tax commissioner considers to be necessary to 43993
estimate such consumption. At the time of making the application 43994
and by the first day of May of each year, ~~excluding May 1, 2000,~~ a 43995
self-assessing purchaser shall pay a fee of five hundred dollars 43996
to the tax commissioner, or to the treasurer of state as provided 43997
in section 5727.83 of the Revised Code, for each qualifying meter 43998
or location. The tax commissioner shall immediately pay to the 43999
treasurer of state all amounts that the tax commissioner receives 44000
under this section. The treasurer of state shall deposit such 44001
amounts into the kilowatt hour excise tax administration fund, 44002
which is hereby created in the state treasury. Money in the fund 44003
shall be used to defray the tax commissioner's cost in 44004
administering the tax owed under section 5727.81 of the Revised 44005

Code by self-assessing purchasers. After the application is 44006
approved by the tax commissioner, the registration shall remain in 44007
effect for the current registration year, or until canceled by the 44008
registrant upon written notification to the commissioner of the 44009
election to pay the tax in accordance with division (A) of this 44010
section, or until canceled by the tax commissioner for not paying 44011
the tax or fee under division (C) of this section or for not 44012
meeting the qualifications in division (C)(2) of this section. The 44013
tax commissioner shall give written notice to the electric 44014
distribution company from which electricity is delivered to a 44015
self-assessing purchaser of the purchaser's self-assessing status, 44016
and the electric distribution company is relieved of the 44017
obligation to pay the tax imposed by division (A) of this section 44018
for electricity distributed to that self-assessing purchaser until 44019
it is notified by the tax commissioner that the self-assessing 44020
purchaser's registration is canceled. Within fifteen days of 44021
notification of the canceled registration, the electric 44022
distribution company shall be responsible for payment of the tax 44023
imposed by division (A) of this section on electricity distributed 44024
to a purchaser that is no longer registered as a self-assessing 44025
purchaser. A self-assessing purchaser with a canceled registration 44026
must file a report and remit the tax imposed by division (A) of 44027
this section on all electricity it receives for any measurement 44028
period prior to the tax being reported and paid by the electric 44029
distribution company. A self-assessing purchaser whose 44030
registration is canceled by the tax commissioner is not eligible 44031
to register as a self-assessing purchaser for two years after the 44032
registration is canceled. 44033

(7) If the tax commissioner cancels the self-assessing 44034
registration of a purchaser registered on the basis of its 44035
estimated consumption because the purchaser does not consume at 44036
least forty-five million kilowatt hours of electricity over the 44037
course of the twelve-month period for which the estimate was made, 44038

the tax commissioner shall assess and collect from the purchaser 44039
the difference between (a) the amount of tax that would have been 44040
payable under division (A) of this section on the electricity 44041
distributed to the purchaser during that period, and (b) the 44042
amount of tax paid by the purchaser on such electricity pursuant 44043
to division (C)(2)(a) of this section. The assessment shall be 44044
paid within sixty days after the tax commissioner issues it, 44045
regardless of whether the purchaser files a petition for 44046
reassessment under section 5727.89 of the Revised Code covering 44047
that period. If the purchaser does not pay the assessment within 44048
the time prescribed, the amount assessed is subject to the 44049
additional charge and the interest prescribed by divisions (B) and 44050
(C) of section 5727.82 of the Revised Code, and is subject to 44051
assessment under section 5727.89 of the Revised Code. If the 44052
purchaser is a qualified end user, division (C)(7) of this section 44053
applies only to electricity it consumes in other than its 44054
qualifying manufacturing process. 44055

(D) The tax imposed by this section does not apply to the 44056
distribution of any kilowatt hours of electricity to the federal 44057
government, to an end user located at a federal facility that uses 44058
electricity for the enrichment of uranium, to a qualified 44059
regeneration meter, or to an end user for any day the end user is 44060
a qualified end user. The exemption under this division for a 44061
qualified end user only applies to the manufacturing location 44062
where the qualified end user uses more than three million kilowatt 44063
hours per day in a qualifying manufacturing process. 44064

Sec. 5727.84. (A) As used in this section and sections 44065
5727.85, 5727.86, and 5727.87 of the Revised Code: 44066

(1) "School district" means a city, local, or exempted 44067
village school district. 44068

(2) "Joint vocational school district" means a joint 44069

vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(4) "State education aid" means the sum of state aid amounts computed for a school district or joint vocational school district under Chapter 3317. of the Revised Code.

(5) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code.

(6) "Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code.

(7) "Electric company tax value loss" means the amount determined under division (D) of this section.

(8) "Natural gas company tax value loss" means the amount determined under division (E) of this section.

(9) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.

(10) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.

(11) "Fixed-rate levy loss" means the amount determined under division (G) of this section.

(12) "Fixed-sum levy" means a tax levied on property at

whatever rate is required to produce a specified amount of tax
money or levied in excess of the ten-mill limitation to pay debt
charges, and includes school district emergency levies imposed
pursuant to section 5705.194 of the Revised Code.

(13) "Fixed-sum levy loss" means the amount determined under
division (H) of this section.

(14) "Consumer price index" means the consumer price index
(all items, all urban consumers) prepared by the bureau of labor
statistics of the United States department of labor.

(B) The kilowatt-hour tax receipts fund is hereby created in
the state treasury and shall consist of money arising from the tax
imposed by section 5727.81 of the Revised Code. All Beginning
August 1, 2005, all money in the kilowatt-hour tax receipts fund
shall be credited as follows:

(1) ~~Fifty-nine~~ Sixty-nine and ~~nine two~~ hundred ~~seventy-six~~
thirteen one-thousandths per cent, shall be credited to the
general revenue fund.

(2) Two and ~~six hundred forty-six~~ thirty-five one-thousandths
per cent shall be credited to the local government fund, for
distribution in accordance with section 5747.50 of the Revised
Code.

(3) ~~Three~~ Two hundred ~~seventy-eight~~ ninety-one
one-thousandths per cent shall be credited to the local government
revenue assistance fund, for distribution in accordance with
section 5747.61 of the Revised Code.

(4) ~~Twenty-five~~ Nineteen and ~~four tenths~~ five hundred
thirty-eight one-thousandths per cent shall be credited to the
school district property tax replacement fund, which is hereby
created in the state treasury for the purpose of making the
payments described in section 5727.85 of the Revised Code.

(5) ~~Eleven~~ Eight and ~~six-tenths~~ nine hundred twenty-three
one-thousandths per cent shall be credited to the local government
property tax replacement fund, which is hereby created in the
state treasury for the purpose of making the payments described in
section 5727.86 of the Revised Code.

~~(6) In fiscal years 2002, 2003, 2004, 2005, and 2006, if the
revenue arising from the tax levied by section 5727.81 of the
Revised Code is less than five hundred fifty two million dollars,
the amount credited to the general revenue fund under division
(B)(1) of this section shall be reduced by the amount necessary to
credit to each of the funds in divisions (B)(2) and (3) of this
section the amount it would have received if the tax did raise
five hundred fifty two million dollars for that fiscal year. The
tax commissioner shall certify to the director of budget and
management the amounts that shall be credited under this division.~~

~~(7) Beginning in fiscal year 2007, if the revenue arising
from the tax levied by section 5727.81 of the Revised Code is less
than five hundred fifty two million dollars, the amount credited
to the general revenue fund under division (B)(1) of this section
shall be reduced by the amount necessary to credit to each of the
funds in divisions (B)(2), (3), (4), and (5) of this section the
amount that it would have received if the tax did raise five
hundred fifty two million dollars for that fiscal year. The tax
commissioner shall certify to the director of budget and
management the amounts to be credited under division (B)(7) of
this section.~~

(C) The natural gas tax receipts fund is hereby created in
the state treasury and shall consist of money arising from the tax
imposed by section 5727.811 of the Revised Code. All money in the
fund shall be credited as follows:

(1) Sixty-eight and seven-tenths per cent shall be credited

to the school district property tax replacement fund for the 44161
purpose of making the payments described in section 5727.85 of the 44162
Revised Code. 44163

(2) Thirty-one and three-tenths per cent shall be credited to 44164
the local government property tax replacement fund for the purpose 44165
of making the payments described in section 5727.86 of the Revised 44166
Code. 44167

~~(3) Beginning in fiscal year 2007, if the revenue arising 44168
from the tax levied by section 5727.811 of the Revised Code is 44169
less than ninety million dollars, an amount equal to the 44170
difference between the amount collected and ninety million dollars 44171
shall be transferred from the general revenue fund to each of the 44172
funds in divisions (C)(1) and (2) of this section in the same 44173
percentages as if that amount had been collected as taxes under 44174
section 5727.811 of the Revised Code. The tax commissioner shall 44175
certify to the director of budget and management the amounts that 44176
shall be transferred under this division. 44177~~

(D) Not later than January 1, 2002, the tax commissioner 44178
shall determine for each taxing district its electric company tax 44179
value loss, which is the sum of the applicable amounts described 44180
in divisions (D)(1) to (3) of this section: 44181

(1) The difference obtained by subtracting the amount 44182
described in division (D)(1)(b) from the amount described in 44183
division (D)(1)(a) of this section. 44184

(a) The value of electric company and rural electric company 44185
tangible personal property as assessed by the tax commissioner for 44186
tax year 1998 on a preliminary assessment, or an amended 44187
preliminary assessment if issued prior to March 1, 1999, and as 44188
apportioned to the taxing district for tax year 1998; 44189

(b) The value of electric company and rural electric company 44190
tangible personal property as assessed by the tax commissioner for 44191

tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section.

(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments;

(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

(3) In the case of a taxing district having a nuclear power plant within its territory, any amount, resulting in an electric company tax value loss, obtained by subtracting the amount described in division (D)(1) of this section from the difference obtained by subtracting the amount described in division (D)(3)(b) of this section from the amount described in division (D)(3)(a) of this section.

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2000 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned to the taxing district for tax year 2000;

(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2001 on a preliminary assessment, or an amended preliminary assessment if

issued prior to March 1, 2002, and as apportioned to the taxing district for tax year 2001. 44223
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(E) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in divisions (E)(1) and (2) of this section: 44225
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(1) The difference obtained by subtracting the amount described in division (E)(1)(b) from the amount described in division (E)(1)(a) of this section. 44229
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44231

(a) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2000, and apportioned to the taxing district for tax year 1999; 44232
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(b) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001. 44238
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(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section. 44243
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(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years; 44246
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(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, 44251
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and 1999, as reflected in the preliminary assessment, using an 44253
assessment rate of twenty-five per cent. 44254

(F) The tax commissioner may request that natural gas 44255
companies, electric companies, and rural electric companies file a 44256
report to help determine the tax value loss under divisions (D) 44257
and (E) of this section. The report shall be filed within thirty 44258
days of the commissioner's request. A company that fails to file 44259
the report or does not timely file the report is subject to the 44260
penalty in section 5727.60 of the Revised Code. 44261

(G) Not later than January 1, 2002, the tax commissioner 44262
shall determine for each school district, joint vocational school 44263
district, and local taxing unit its fixed-rate levy loss, which is 44264
the sum of its electric company tax value loss multiplied by the 44265
tax rate in effect in tax year 1998 for fixed-rate levies and its 44266
natural gas company tax value loss multiplied by the tax rate in 44267
effect in tax year 1999 for fixed-rate levies. 44268

(H) Not later than January 1, 2002, the tax commissioner 44269
shall determine for each school district, joint vocational school 44270
district, and local taxing unit its fixed-sum levy loss, which is 44271
the amount obtained by subtracting the amount described in 44272
division (H)(2) of this section from the amount described in 44273
division (H)(1) of this section: 44274

(1) The sum of the electric company tax value loss multiplied 44275
by the tax rate in effect in tax year 1998, and the natural gas 44276
company tax value loss multiplied by the tax rate in effect in tax 44277
year 1999, for fixed-sum levies for all taxing districts within 44278
each school district, joint vocational school district, and local 44279
taxing unit. For the years 2002 through 2006, this computation 44280
shall include school district emergency levies that existed in 44281
1998 in the case of the electric company tax value loss, and 1999 44282
in the case of the natural gas company tax value loss, and all 44283

other fixed-sum levies that existed in 1998 in the case of the
electric company tax value loss and 1999 in the case of the
natural gas company tax value loss and continue to be charged in
the tax year preceding the distribution year. For the years 2007
through 2016 in the case of school district emergency levies, and
for all years after 2006 in the case of all other fixed-sum
levies, this computation shall exclude all fixed-sum levies that
existed in 1998 in the case of the electric company tax value loss
and 1999 in the case of the natural gas company tax value loss,
but are no longer in effect in the tax year preceding the
distribution year. For the purposes of this section, an emergency
levy that existed in 1998 in the case of the electric company tax
value loss, and 1999 in the case of the natural gas company tax
value loss, continues to exist in a year beginning on or after
January 1, 2007, but before January 1, 2017, if, in 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 1998 or 1999, respectively, less the amount of the
payment certified under this division for 2002.

(2) The total taxable value in tax year 1999 less the tax
value loss in each school district, joint vocational school
district, and local taxing unit multiplied by one-fourth of one
mill.

If the amount computed under division (H) of this section for
any school district, joint vocational school district, or local
taxing unit is greater than zero, that amount shall equal the
fixed-sum levy loss reimbursed pursuant to division (E) of section
5727.85 of the Revised Code or division (A)(2) of section 5727.86
of the Revised Code, and the one-fourth of one mill that is
subtracted under division (H)(2) of this section shall be
apportioned among all contributing fixed-sum levies in the
proportion of each levy to the sum of all fixed-sum levies within

each school district, joint vocational school district, or local taxing unit. 44316
44317

(I) Notwithstanding divisions (D), (E), (G), and (H) of this section, in computing the tax value loss, fixed-rate levy loss, and fixed-sum levy loss, the tax commissioner shall use the greater of the 1998 tax rate or the 1999 tax rate in the case of levy losses associated with the electric company tax value loss, but the 1999 tax rate shall not include for this purpose any tax levy approved by the voters after June 30, 1999, and the tax commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas company tax value loss. 44318
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(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately display the levy loss for each levy eligible for reimbursement. 44328
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(K) Not later than September 1, 2001, the tax commissioner shall certify the amount of the fixed-sum levy loss to the county auditor of each county in which a school district with a fixed-sum levy loss has territory. 44336
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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: 44340
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(1) The state education aid offset, which is the difference 44345

obtained by subtracting the amount described in division (A)(1)(b) 44346
of this section from the amount described in division (A)(1)(a) of 44347
this section: 44348

(a) The state education aid computed for the school district 44349
or joint vocational school district for the current fiscal year as 44350
of the thirty-first day of July; 44351

(b) The state education aid that would be computed for the 44352
school district or joint vocational school district for the 44353
current fiscal year as of the thirty-first day of July if the 44354
recognized valuation included the tax value loss for the school 44355
district or joint vocational school district. 44356

(2) The greater of zero or the difference obtained by 44357
subtracting the state education aid offset determined under 44358
division (A)(1) of this section from the fixed-rate levy loss 44359
certified under division (J) of section 5727.84 of the Revised 44360
Code for all taxing districts in each school district and joint 44361
vocational school district. 44362

By the fifth day of August of each such year, the department 44363
of education shall certify the amount so determined under division 44364
(A)(1) of this section to the director of budget and management. 44365

(B) Not later than the thirty-first day of October of the 44366
years 2006 through 2016, the department of education shall 44367
determine all of the following for each school district: 44368

(1) The amount obtained by subtracting the district's state 44369
education aid computed for fiscal year 2002 from the district's 44370
state education aid computed for the current fiscal year; 44371

(2) The inflation-adjusted property tax loss. The 44372
inflation-adjusted property tax loss equals the fixed-rate levy 44373
loss, excluding the tax loss from levies within the ten-mill 44374
limitation to pay debt charges, determined under division (G) of 44375

section 5727.84 of the Revised Code for all taxing districts in 44376
each school district, plus the product obtained by multiplying 44377
that loss by the cumulative percentage increase in the consumer 44378
price index from January 1, 2002, to the thirtieth day of June of 44379
the current year. 44380

(3) The difference obtained by subtracting the amount 44381
computed under division (B)(1) from the amount of the 44382
inflation-adjusted property tax loss. If this difference is zero 44383
or a negative number, no further payments shall be made under 44384
division (C) of this section to the school district from the 44385
school district property tax replacement fund. 44386

(C) The department of education shall pay from the school 44387
district property tax replacement fund to each school district all 44388
of the following: 44389

(1) In February 2002, one-half of the fixed-rate levy loss 44390
certified under division (J) of section 5727.84 of the Revised 44391
Code between the twenty-first and twenty-eighth days of February. 44392

(2) From August 2002 through August 2006, one-half of the 44393
amount calculated for that fiscal year under division (A)(2) of 44394
this section between the twenty-first and twenty-eighth days of 44395
August and of February. 44396

(3) From February 2007 through August 2016, one-half of the 44397
amount calculated for that calendar year under division (B)(3) of 44398
this section between the twenty-first and twenty-eighth days of 44399
August and of February. 44400

(4) For taxes levied within the ten-mill limitation for debt 44401
purposes in tax year 1998 in the case of electric company tax 44402
value losses, and in tax year 1999 in the case of natural gas 44403
company tax value losses, payments shall be made equal to one 44404
hundred per cent of the loss computed as if the tax were a 44405
fixed-rate levy, but those payments shall extend from fiscal year 44406

2006 through fiscal year 2016. 44407

The department of education shall report to each school 44408
district the apportionment of the payments among the school 44409
district's funds based on the certifications under division (J) of 44410
section 5727.84 of the Revised Code. 44411

(D) Not later than January 1, 2002, for all taxing districts 44412
in each joint vocational school district, the tax commissioner 44413
shall certify to the department of education the fixed-rate levy 44414
loss determined under division (G) of section 5727.84 of the 44415
Revised Code. From February 2002 to August 2016, the department 44416
shall pay from the school district property tax replacement fund 44417
to the joint vocational school district one-half of the amount 44418
calculated for that fiscal year under division (A)(2) of this 44419
section between the twenty-first and twenty-eighth days of August 44420
and of February. 44421

(E)(1) Not later than January 1, 2002, for each fixed-sum 44422
levy levied by each school district or joint vocational school 44423
district and for each year for which a determination is made under 44424
division (H) of section 5727.84 of the Revised Code that a 44425
fixed-sum levy loss is to be reimbursed, the tax commissioner 44426
shall certify to the department of education the fixed-sum levy 44427
loss determined under that division. The certification shall cover 44428
a time period sufficient to include all fixed-sum levies for which 44429
the tax commissioner made such a determination. The department 44430
shall pay from the school district property tax replacement fund 44431
to the school district or joint vocational school district 44432
one-half of the fixed-sum levy loss so certified for each year 44433
between the twenty-first and twenty-eighth days of August and of 44434
February. 44435

(2) Beginning in 2003, by the thirty-first day of January of 44436
each year, the tax commissioner shall review the certification 44437

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 3318.111 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 budget and management the amount of the deficiency, and the director shall transfer an amount equal to the deficiency from the school district property tax replacement fund to the half-mill equalization fund.

(G) Beginning in August 2002, and ending in February May 2017, the director of budget and management shall transfer from the school district property tax replacement fund to the general revenue fund each of the following:

(1) Between the twenty-eighth day of August and the fifth day of September, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund;

(2) Between the first and fifth days of ~~March~~ May, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund.

~~(G) By August 5, 2002, the tax commissioner shall estimate the amount of money in the school district property tax replacement fund in excess of the amount necessary to make payments under divisions (C), (D), (E), and (F) of this section. Notwithstanding division (C) of this section, the department of~~

education, in consultation with the tax commissioner and from 44469
those excess funds, may pay any school district four and one half 44470
times the amount certified under division (A)(2) of this section. 44471
Payments shall be made in order from the smallest annual loss to 44472
the largest annual loss. A payment made under this division shall 44473
be in lieu of the payment to be made in August 2002 under division 44474
(C)(2) of this section. No payments shall be made in the manner 44475
established in this division to any school district with annual 44476
losses from permanent improvement fixed rate levies in excess of 44477
twenty thousand dollars, or annual losses from any other 44478
fixed rate levies in excess of twenty thousand dollars. A school 44479
district receiving a payment under this division is no longer 44480
entitled to any further payments under division (C) of this 44481
section. 44482

(H) On the thirty first day of July of 2003, 2004, 2005, and 44483
2006, and on the thirty first day of January and July of 2007 and 44484
each year thereafter, if the amount credited to the school 44485
district property tax replacement fund exceeds the amount needed 44486
to make payments from the fund under divisions (C), (D), (E), and 44487
(F) of this section, the department of education shall distribute 44488
the excess among school districts and joint vocational school 44489
districts. The amount distributed to each district shall bear the 44490
same proportion to the excess remaining in the fund as the ADM of 44491
the district bears to the ADM of all of the districts. For the 44492
purpose of this division, "ADM" means the formula ADM in the case 44493
of a school district, and the average daily membership reported 44494
under section 3317.03 of the Revised Code in the case of a joint 44495
vocational school district. 44496

If, in the opinion of the department of education, the excess 44497
remaining in the school district property tax replacement fund in 44498
any year is not sufficient to warrant distribution under this 44499
division, the excess shall remain to the credit of the fund. 44500

~~Amounts received by a school district or joint vocational
school district under this division shall be used exclusively for
capital improvements.~~

(H) On the first day of June each year, the director of
budget and management shall transfer any balance remaining in the
school district property tax replacement fund after the payments
have been made under divisions (C), (D), (E), (F), and (G) of this
section to the half-mill equalization fund created under section
3318.111 of the Revised Code.

(I) From fiscal year 2002 through fiscal year 2016, if the
total amount in the school district property tax replacement fund
is insufficient to make all payments under divisions (C), (D), ~~and~~
(E), ~~and~~ (F) of this section at the time the payments are to be
made, the director of budget and management shall transfer from
the general revenue fund to the school district property tax
replacement fund the difference between the total amount to be
paid and the total amount in the school district property tax
replacement fund, except that no transfer shall be made by reason
of a deficiency to the extent that it results from the amendment
of section 5727.84 of the Revised Code by Amended Substitute House
Bill No. 95 of the 125th general assembly.

(J) If all ~~or a part~~ of the territory of a school district or
joint vocational school district is merged with an existing
district, or if a part of the territory of a school district or
joint vocational school district is transferred to another an
existing or new district, the department of education, in
consultation with the tax commissioner, shall adjust the payments
made under this section ~~to each of the districts in proportion to~~
~~the tax value loss apportioned to the merged or transferred~~
territory as follows:

(1) For the merger of all of the territory of two or more

districts, the fixed-rate levy loss and the fixed-sum levy loss of 44532
the successor district shall be equal to the sum of the fixed-rate 44533
levy losses and the fixed-sum levy losses for each of the 44534
districts involved in the merger. 44535

(2) For the transfer of a part of one district's territory to 44536
an existing district, the amount of the fixed-rate levy loss that 44537
is transferred to the recipient district shall be an amount equal 44538
to the transferring district's total fixed-rate levy loss times a 44539
fraction, the numerator of which is the value of electric company 44540
tangible personal property located in the part of the territory 44541
that was transferred, and the denominator of which is the total 44542
value of electric company tangible personal property located in 44543
the entire district from which the territory was transferred. The 44544
value of electric company tangible personal property under this 44545
division shall be determined for the most recent year for which 44546
data is available. Fixed-sum levy losses for both districts shall 44547
be determined under division (J)(4) of this section. 44548

(3) For the transfer of a part of the territory of one or 44549
more districts to create a new district: 44550

(a) If the new district is created on or after January 1, 44551
2000, but before January 1, 2005, the new district shall be paid 44552
its current fixed-rate levy loss through August 2006. From 44553
February 2007 to August 2016, the new district shall be paid the 44554
lesser of: (i) the amount calculated under division (B) of this 44555
section or (ii) an amount determined under the schedule in 44556
division (A)(1) of section 5727.86 of the Revised Code, as if for 44557
this purpose the new district was a local taxing unit under that 44558
section. Fixed-sum levy losses for the districts shall be 44559
determined under division (J)(4) of this section. 44560

(b) If the new district is created on or after January 1, 44561
2005, the new district shall be deemed not to have any fixed-rate 44562

levy loss or, except as provided in division (J)(4) of this 44563
section, fixed-sum levy loss. The district or districts from which 44564
the territory was transferred shall have no reduction in their 44565
fixed-rate levy loss, or, except as provided in division (J)(4) of 44566
this section, their fixed-sum levy loss. 44567

(4) If a recipient district under division (J)(2) of this 44568
section or a new district under division (J)(3)(a) or (b) of this 44569
section takes on debt from one or more of the districts from which 44570
territory was transferred, and any of the districts transferring 44571
the territory had fixed-sum levy losses, the department of 44572
education, in consultation with the tax commissioner, shall make 44573
an equitable division of the fixed-sum levy losses. 44574

(K) There is hereby created the public utility property tax 44575
study committee, effective January 1, 2011. The committee shall 44576
consist of the following seven members: the tax commissioner, 44577
three members of the senate appointed by the president of the 44578
senate, and three members of the house of representatives 44579
appointed by the speaker of the house of representatives. The 44580
appointments shall be made not later than January 31, 2011. The 44581
tax commissioner shall be the chairperson of the committee. 44582

The committee shall study the extent to which each school 44583
district or joint vocational school district has been compensated, 44584
under sections 5727.84 and 5727.85 of the Revised Code as enacted 44585
by Substitute Senate Bill No. 3 of the 123rd general assembly and 44586
any subsequent acts, for the property tax loss caused by the 44587
reduction in the assessment rates for natural gas, electric, and 44588
rural electric company tangible personal property. Not later than 44589
June 30, 2011, the committee shall issue a report of its findings, 44590
including any recommendations for providing additional 44591
compensation for the property tax loss or regarding remedial 44592
legislation, to the president of the senate and the speaker of the 44593
house of representatives, at which time the committee shall cease 44594

to exist. 44595

The department of taxation and department of education shall 44596
provide such information and assistance as is required for the 44597
committee to carry out its duties. 44598

Sec. 5731.01. As used in this chapter: 44599

(A) The "value of the gross estate" of the decedent shall 44600
include, to the extent provided in sections 5731.03 to 5731.131 of 44601
the Revised Code, the value, on the ~~dae~~ date of the decedent's 44602
death or on an alternate valuation date prescribed by division (D) 44603
of this section, of all property, real or personal, tangible or 44604
intangible, wherever situated, except real property situated and 44605
tangible personal property having an actual situs outside of this 44606
state. 44607

(B) Subject to the provisions of section 5731.011 of the 44608
Revised Code that permit a valuation of qualified farm property at 44609
its value for its actual qualified use, the value of any property 44610
included in the gross estate shall be the price at which such 44611
property would change hands between a willing buyer and a willing 44612
seller, neither being under any compulsion to buy or sell and both 44613
having reasonable knowledge of relevant facts. All relevant facts 44614
and elements of value as of the valuation date shall be considered 44615
in determining such value. 44616

The rulings and regulations of the internal revenue service 44617
and decisions of the federal courts defining the principles 44618
applicable in determining fair market value for purposes of the 44619
federal estate tax imposed by Subchapter A, Chapter 11 of the 44620
Internal Revenue Code ~~of 1954, 26 U.S.C. 2001, as amended,~~ shall 44621
be applied in determining fair market value for purposes of the 44622
estate taxes imposed by this chapter, to the extent that these 44623
rulings, regulations, and decisions are not inconsistent with the 44624

express provisions of this chapter, but the actual determination 44625
of the fair market value by the internal revenue service of any 44626
asset included in the gross estate is not controlling for purposes 44627
of the estate taxes imposed by this chapter, unless the person 44628
filing the estate tax return and the tax commissioner have agreed 44629
in writing to be bound by the federal determination, as provided 44630
in section 5731.26 of the Revised Code. 44631

(C) In the case of stock and securities of a corporation the 44632
value of which, by reason of their not being listed on an exchange 44633
and by reason of the absence of sales of them, cannot be 44634
determined with reference to bid and asked prices, or with 44635
reference to sales prices, the value of them shall be determined 44636
by taking into consideration, in addition to all other factors, 44637
the value of stock or securities of corporations engaged in the 44638
same or a similar line of business which are listed on an exchange 44639
or which are traded actively in the over-the-counter market. 44640

If a valuation of securities is undertaken by reference to 44641
market transactions and if the block of securities to be valued is 44642
so large in relation to actual sales on existing markets that it 44643
could not be liquidated in a reasonable time without depressing 44644
the market, the price at which the block could be sold, as such, 44645
outside the usual market, as through an underwriter, shall be 44646
considered in determining the value of such block of securities. 44647

(D) "Alternate valuation date" means the date for valuation 44648
of a gross estate permitted by filing an election under this 44649
division. Whether or not an alternate valuation date election is 44650
available to an estate for federal estate tax purposes or, if 44651
available, is made for the estate, the value of the gross estate 44652
may be determined, if the person required to file the estate tax 44653
return so elects, by valuing all the property included in the 44654
gross estate on the alternate date, if any, provided in section 44655
2032 (a) of the Internal Revenue Code ~~of 1954, 26 U.S.C. 2032(a),~~ 44656

~~as amended~~ as such section generally applies, for federal estate 44657
tax purposes, to the estates of persons dying on the decedent's 44658
date of death. 44659

No deduction under this chapter of any item shall be allowed 44660
if allowance is, in effect, given by use of the alternate 44661
valuation date. In the determination of any tax liability of any 44662
estate in which an election is filed under this division, all 44663
provisions in this chapter ~~which~~ that refer to value at the time 44664
of the decedent's death shall be construed for all purposes to 44665
mean the value of such property used in determining the value of 44666
the gross estate. For the purposes of the charitable deduction 44667
under section 5731.17 of the Revised Code, any bequest, legacy, 44668
devise, or transfer enumerated in it shall be valued as of the 44669
date of the decedent's death with adjustment for any difference in 44670
value, not due to mere lapse of time or the occurrence or 44671
nonoccurrence of a contingency, of the property as of the date six 44672
months after the decedent's death, or in case of its earlier 44673
disposition, on such date of disposition. 44674

An election under this division shall be exercised on the 44675
estate tax return by the person required to file the return. When 44676
made, an election under this division is irrevocable. An election 44677
cannot be exercised under this division if a return is filed more 44678
than one year after the time prescribed, including any extensions 44679
of time granted, pursuant to law for filing the return. 44680

(E) Unless otherwise indicated by the context, "county" means 44681
one of the following: 44682

(1) The county in which the decedent's estate is 44683
administered; 44684

(2) If no administration of the decedent's estate is being 44685
had, the county of residence of the decedent at the time of ~~his~~ 44686
death; 44687

(3) If the decedent dies a resident of another state, any 44688
county in which any property subject to tax is located. 44689

(F) "Internal Revenue Code" means the "Internal Revenue Code 44690
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 44691

Sec. 5731.05. (A) Except as provided in divisions (B) and (C) 44692
of this section, the value of the gross estate shall include the 44693
value of all property, to the extent of any interest in property, 44694
of which the decedent has at any time made a transfer, by trust or 44695
otherwise, in contemplation of ~~his~~ death. 44696

(B) Any transfer, except as provided in division (C) of this 44697
section, by trust or otherwise, made within a period of three 44698
years ending with the date of the decedent's death shall be deemed 44699
to have been made in contemplation of death, unless the contrary 44700
is shown. No transfer made before that three-year period shall be 44701
treated as having been made in contemplation of death. 44702

(C) This section does not apply to any of the following: 44703

(1) A bona fide sale for an adequate and full consideration 44704
in money or money's worth; 44705

(2) A transfer of property that would not be included in the 44706
decedent's gross estate if retained by ~~him~~ the decedent until 44707
death; 44708

(3) The first ten thousand dollars of the transfers that were 44709
made by the decedent to each transferee, other than the spouse of 44710
the decedent, in each calendar year, but only to the extent that 44711
those transfers qualify as present interests under section 2503(b) 44712
and (c) of the ~~"Internal Revenue Code of 1986," 26 U.S.C. 2503, as~~ 44713
~~amended.~~ The exclusion provided by division (C)(3) of this section 44714
does not apply to any portion of a transfer that is treated as 44715
being made by the spouse of the decedent under section 2513 of the 44716
~~"Internal Revenue Code of 1986," 26 U.S.C. 2513, as amended.~~ 44717

(4) A transfer of property made to the spouse of the 44718
transferor, except as provided in section 5731.131 of the Revised 44719
Code; 44720

(5) Federal or state gift taxes paid with respect to any 44721
includible transfer. 44722

~~(D) The amendments made to this section by Amended Substitute 44723
House Bill No. 111 and Substitute Senate Bill No. 336 of the 118th 44724
general assembly that are effective on July 1, 1993, shall apply 44725
only to the estates of decedents who die on or after that date. 44726~~

Sec. 5731.131. ~~(A)~~ The value of the gross estate shall 44727
include the value of any property in which the decedent had an 44728
income interest for life as follows: 44729

~~(1)~~(A) If a marital deduction was allowed with respect to the 44730
transfer of such property to the decedent under section 2523(f) of 44731
the "Internal Revenue Code of 1986," 26 U.S.C. 2523(f), as 44732
amended, in connection with the determination of the value of the 44733
taxable estate of the decedent's predeceasing spouse; 44734

~~(2)~~(B) If the decedent's predeceasing spouse was not a 44735
resident of this state at the time of his death and if a marital 44736
deduction was allowed with respect to the transfer of such 44737
property to the decedent under section 2056(b)(7) of the "Internal 44738
Revenue Code of 1986," 26 U.S.C. 2056(b)(7), as amended, in 44739
connection with the determination of the value of the taxable 44740
estate of the decedent's predeceasing spouse; 44741

~~(3)~~(C) If the decedent's predeceasing spouse died prior to 44742
July 1, 1993, and if a marital deduction was allowed with respect 44743
to the transfer of such property to the decedent under division 44744
(A)(1) of section 5731.15 of the Revised Code as it existed prior 44745
to July 1, 1993, in connection with the determination of the value 44746
of the taxable estate of the decedent's predeceasing spouse; 44747

~~(4)(D)~~ If a qualified terminable interest property deduction 44748
was allowed with respect to the transfer of such property to the 44749
decedent under division (B) of section 5731.15 of the Revised 44750
Code, in connection with the determination of the value of the 44751
taxable estate of the decedent's predeceasing spouse. 44752

~~(B) The amendments made to this section by Amended Substitute 44753
House Bill No. 111 and substitute Senate Bill No. 336 of the 118th 44754
general assembly that are effective on July 1, 1993, shall apply 44755
only to the estates of decedents who die on or after that date. 44756~~

Sec. 5731.14. For purposes of the tax levied by section 44757
5731.02 of the Revised Code, the value of the taxable estate shall 44758
be determined by deducting from the value of the gross estate 44759
deductions provided for in sections 5731.15 to 5731.17 ~~and 5731.20~~ 44760
of the Revised Code. 44761

Sec. 5731.18. (A) In addition to the tax levied by section 44762
5731.02 of the Revised Code, a tax is hereby levied upon the 44763
transfer of the estate of every person dying on or after July 1, 44764
1968, who, at the time of ~~his~~ death was a resident of this state, 44765
in an amount equal to the maximum credit allowable by subtitle B, 44766
~~chapter~~ Chapter 11 of the Internal Revenue Code ~~of 1954, 26 U.S.C.~~ 44767
~~2011, as amended~~, for any taxes paid to any state. 44768

(B) The tax levied on any estate under this section shall be 44769
credited with the amount of the tax levied under section 5731.02 44770
of the Revised Code and with the amount of any estate, 44771
inheritance, legacy, or succession taxes actually paid to any 44772
state or territory of the United States or to the District of 44773
Columbia on any property included in the decedent's gross estate 44774
for federal estate tax purposes. 44775

(C) The additional tax levied under this section shall be 44776
administered, collected, and paid as provided in section 5731.24 44777

of the Revised Code.

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Sec. 5731.181. (A) For purposes of this section,
"generation-skipping transfer," "taxable distribution," and
"taxable termination" have the same meaning as in Chapter 13 of
subtitle B of the Internal Revenue Code ~~of 1986, 100 Stat. 2718,~~
~~26 U.S.C. 2601-2624, as amended.~~

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(B) A tax is hereby levied upon every generation-skipping
transfer of property having a situs in this state, that occurs at
the same time as, and as a result of, the death of an individual,
in an amount equal to the credit allowed by Chapter 13 of subtitle
B of the Internal Revenue Code ~~of 1986, 100 Stat. 2718, 26 U.S.C.~~
~~2601-2624, as amended,~~ for any taxes paid to any state in respect
of any property included in the generation-skipping transfer.

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For purposes of this division, "property having a situs in
this state" includes all the following:

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(1) Real property situated in this state;

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(2) Tangible personal property having an actual situs in this
state;

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(3) Intangible personal property employed in carrying on a
business in this state;

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(4) Intangible personal property owned by a trust, the
trustee of which resides in or has its principal place of business
in this state, or, if there is more than one trustee of the trust,
the principal place of administration of which is in this state.

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(C) The return with respect to the generation-skipping tax
levied by division (B) of this section shall be filed in the form
that the tax commissioner shall prescribe, on or before the day
prescribed by law, including extensions, for filing the
generation-skipping transfer tax return under Chapter 13 of
subtitle B of the Internal Revenue Code ~~of 1986, 100 Stat. 2718,~~

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~~26 U.S.C. 2601-2624, as amended,~~ for the same generation-skipping 44808
transfer. The return shall be filed by the distributee in the case 44809
of a taxable distribution and by the trustee in the case of a 44810
taxable termination. 44811

(D) The generation-skipping tax levied by division (B) of 44812
this section shall be paid, without notice or demand by the tax 44813
commissioner, with the return, and shall be charged, collected, 44814
and administered in the same manner as estate taxes levied by this 44815
chapter. This chapter is generally applicable to, except to the 44816
extent it is inconsistent with the nature of, the 44817
generation-skipping tax. 44818

(E) If another state levies a generation-skipping tax on a 44819
transfer described in division (B) of this section, the tax 44820
commissioner may enter into a compromise of the 44821
generation-skipping tax levied by division (B) of this section in 44822
the manner provided in section 5731.35 of the Revised Code, except 44823
that no approval of any probate court is required. If such a 44824
compromise agreement is made, no interest and penalties shall 44825
accrue for the period prior to the execution of the agreement and 44826
for sixty days after its execution. 44827

Sec. 5731.39. (A) No corporation organized or existing under 44828
the laws of this state shall transfer on its books or issue a new 44829
certificate for any share of its capital stock registered in the 44830
name of a decedent, or in trust for a decedent, or in the name of 44831
a decedent and another person or persons, without the written 44832
consent of the tax commissioner. 44833

(B) No safe deposit company, trust company, financial 44834
institution as defined in division (A) of section 5725.01 of the 44835
Revised Code or other corporation or person, having in possession, 44836
control, or custody a deposit standing in the name of a decedent, 44837
or in trust for a decedent, or in the name of a decedent and 44838

another person or persons, shall deliver or transfer an amount in 44839
excess of three-fourths of the total value of such deposit, 44840
including accrued interest and dividends, as of the date of 44841
decedent's death, without the written consent of the tax 44842
commissioner. The written consent of the tax commissioner need not 44843
be obtained prior to the delivery or transfer of amounts having a 44844
value of three-fourths or less of said total value. 44845

(C) No life insurance company shall pay the proceeds of an 44846
annuity or matured endowment contract, or of a life insurance 44847
contract payable to the estate of a decedent, or of any other 44848
insurance contract taxable under Chapter 5731. of the Revised 44849
Code, without the written consent of the tax commissioner. Any 44850
life insurance company may pay the proceeds of any insurance 44851
contract not specified in this division (C) without the written 44852
consent of the tax commissioner. 44853

(D) No trust company or other corporation or person shall pay 44854
the proceeds of any death benefit, retirement, pension or profit 44855
sharing plan in excess of two thousand dollars, without the 44856
written consent of the tax commissioner. Such trust company or 44857
other corporation or person, however, may pay the proceeds of any 44858
death benefit, retirement, pension, or profit-sharing plan which 44859
consists of insurance on the life of the decedent payable to a 44860
beneficiary other than the estate of the insured without the 44861
written consent of the tax commissioner. 44862

(E) No safe deposit company, trust company, financial 44863
institution as defined in division (A) of section 5725.01 of the 44864
Revised Code, or other corporation or person, having in 44865
possession, control, or custody securities, assets, or other 44866
property (including the shares of the capital stock of, or other 44867
interest in, such safe deposit company, trust company, financial 44868
institution as defined in division (A) of section 5725.01 of the 44869
Revised Code, or other corporation), standing in the name of a 44870

decedent, or in trust for a decedent, or in the name of a decedent 44871
and another person or persons, and the transfer of which is 44872
taxable under Chapter 5731. of the Revised Code, shall deliver or 44873
transfer any such securities, assets, or other property which have 44874
a value as of the date of decedent's death in excess of 44875
three-fourths of the total value thereof, without the written 44876
consent of the tax commissioner. The written consent of the tax 44877
commissioner need not be obtained prior to the delivery or 44878
transfer of any such securities, assets, or other property having 44879
a value of three-fourths or less of said total value. 44880

(F) No safe deposit company, financial institution as defined 44881
in division (A) of section 5725.01 of the Revised Code, or other 44882
corporation or person having possession or control of a safe 44883
deposit box or similar receptacle standing in the name of a 44884
decedent or in the name of the decedent and another person or 44885
persons, or to which the decedent had a right of access, except 44886
when such safe deposit box or other receptacle stands in the name 44887
of a corporation or partnership, or in the name of the decedent as 44888
guardian or executor, shall deliver any of the contents thereof 44889
unless the safe deposit box or similar receptacle has been opened 44890
and inventoried in the presence of the tax commissioner or the 44891
commissioner's agent, and a written consent to transfer issued; 44892
provided, however, that a safe deposit company, financial 44893
institution, or other corporation or person having possession or 44894
control of a safe deposit box may deliver wills, deeds to burial 44895
lots, and insurance policies to a representative of the decedent, 44896
but that a representative of the safe deposit company, financial 44897
institution, or other corporation or person must supervise the 44898
opening of the box and make a written record of the wills, deeds, 44899
and policies removed. Such written record shall be included in the 44900
tax commissioner's inventory records. 44901

(G) Notwithstanding any provision of this section: 44902

(1) The tax commissioner may authorize any delivery or 44903
transfer or waive any of the foregoing requirements under such 44904
terms and conditions as the commissioner may prescribe; 44905

(2) An adult care facility, as defined in section 3722.01 of 44906
the Revised Code, or a home, as defined in section 3721.10 of the 44907
Revised Code, may transfer or use the money in a personal needs 44908
allowance account in accordance with section ~~5111.112~~ 5111.113 of 44909
the Revised Code without the written consent of the tax 44910
commissioner, and without the account having been opened and 44911
inventoried in the presence of the commissioner or the 44912
commissioner's agent. 44913

Failure to comply with this section shall render such safe 44914
deposit company, trust company, life insurance company, financial 44915
institution as defined in division (A) of section 5725.01 of the 44916
Revised Code, or other corporation or person liable for the amount 44917
of the taxes and interest due under the provisions of Chapter 44918
5731. of the Revised Code on the transfer of such stock, deposit, 44919
proceeds of an annuity or matured endowment contract or of a life 44920
insurance contract payable to the estate of a decedent, or other 44921
insurance contract taxable under Chapter 5731. of the Revised 44922
Code, proceeds of any death benefit, retirement, pension, or 44923
profit sharing plan in excess of two thousand dollars, or 44924
securities, assets, or other property of any resident decedent, 44925
and in addition thereto, to a penalty of not less than five 44926
hundred or more than five thousand dollars. 44927

Sec. 5733.01. (A) The tax provided by this chapter for 44928
domestic corporations shall be the amount charged against each 44929
corporation organized for profit under the laws of this state and 44930
each nonprofit corporation organized pursuant to Chapter 1729. of 44931
the Revised Code, except as provided in sections 5733.09 and 44932
5733.10 of the Revised Code, for the privilege of exercising its 44933

franchise during the calendar year in which that amount is 44934
payable, and the tax provided by this chapter for foreign 44935
corporations shall be the amount charged against each corporation 44936
organized for profit and each nonprofit corporation organized or 44937
operating in the same or similar manner as nonprofit corporations 44938
organized under Chapter 1729. of the Revised Code, under the laws 44939
of any state or country other than this state, except as provided 44940
in sections 5733.09 and 5733.10 of the Revised Code, for the 44941
privilege of doing business in this state, owning or using a part 44942
or all of its capital or property in this state, holding a 44943
certificate of compliance with the laws of this state authorizing 44944
it to do business in this state, or otherwise having nexus in or 44945
with this state under the Constitution of the United States, 44946
during the calendar year in which that amount is payable. 44947

(B) A corporation is subject to the tax imposed by section 44948
5733.06 of the Revised Code for each calendar year that it is so 44949
organized, doing business, owning or using a part or all of its 44950
capital or property, holding a certificate of compliance, or 44951
otherwise having nexus in or with this state under the 44952
Constitution of the United States, on the first day of January of 44953
that calendar year. 44954

(C) Any corporation subject to this chapter that is not 44955
subject to the federal income tax shall file its returns and 44956
compute its tax liability as required by this chapter in the same 44957
manner as if that corporation were subject to the federal income 44958
tax. 44959

(D) For purposes of this chapter, a federally chartered 44960
financial institution shall be deemed to be organized under the 44961
laws of the state within which its principal office is located. 44962

(E) ~~Any~~ For purposes of this chapter, any person, as defined 44963
in section 5701.01 of the Revised Code, shall be treated as a 44964
corporation ~~for purposes of this chapter~~ if the person is 44965

classified for federal income tax purposes as an association 44966
taxable as a corporation, and an equity interest in the person 44967
shall be treated as capital stock of the person. 44968

(F) For the purposes of this chapter, "disregarded entity" 44969
has the same meaning as in division (D) of section 5745.01 of the 44970
Revised Code. 44971

(1) A person's interest in a disregarded entity, whether held 44972
directly or indirectly, shall be treated as the person's ownership 44973
of the assets and liabilities of the disregarded entity, and the 44974
income, including gain or loss, shall be included in the person's 44975
net income under this chapter. 44976

(2) Any sale, exchange, or other disposition of the person's 44977
interest in the disregarded entity, whether held directly or 44978
indirectly, shall be treated as a sale, exchange, or other 44979
disposition of the person's share of the disregarded entity's 44980
underlying assets or liabilities, and the gain or loss from such 44981
sale, exchange, or disposition shall be included in the person's 44982
net income under this chapter. 44983

(3) The disregarded entity's payroll, property, and sales 44984
factors shall be included in the person's factors. 44985

(G) Notwithstanding any other section of this chapter to the 44986
contrary, the tax a corporation is required to pay under this 44987
chapter shall be as follows: 44988

(1) For financial institutions, the greater of the minimum 44989
payment required under division (E) of section 5733.06 of the 44990
Revised Code or the difference between all taxes charged the 44991
financial institution under this chapter less any credits 44992
allowable against such tax. 44993

(2) For all other corporations, the amount under division 44994
(G)(2)(a) of this section applicable to the tax year specified 44995
less the amount under division (G)(2)(b) of this section: 44996

<u>(a)(i) For tax year 2005, the greater of the minimum payment</u>	44997
<u>required under division (E) of section 5733.06 of the Revised Code</u>	44998
<u>or the difference between all taxes charged the corporation under</u>	44999
<u>this chapter less any credits allowable against such tax except</u>	45000
<u>the qualifying pass-through entity tax credit described in</u>	45001
<u>division (A)(1) and the refundable credits described in divisions</u>	45002
<u>(A)(29), (30), and (31) of section 5733.98 of the Revised Code;</u>	45003
<u>(ii) For tax year 2006, the greater of the minimum payment</u>	45004
<u>required under division (E) of section 5733.06 of the Revised Code</u>	45005
<u>or four-fifths of the difference between all taxes charged the</u>	45006
<u>corporation under this chapter less any credits allowable against</u>	45007
<u>such tax except the qualifying pass-through entity tax credit</u>	45008
<u>described in division (A)(1) and the refundable credits described</u>	45009
<u>in divisions (A)(29), (30), and (31) of section 5733.98 of the</u>	45010
<u>Revised Code;</u>	45011
<u>(iii) For tax year 2007, the greater of the minimum payment</u>	45012
<u>required under division (E) of section 5733.06 of the Revised Code</u>	45013
<u>or three-fifths of the difference between all taxes charged the</u>	45014
<u>corporation under this chapter less any credits allowable against</u>	45015
<u>such tax except the qualifying pass-through entity tax credit</u>	45016
<u>described in division (A)(1) and the refundable credits described</u>	45017
<u>in divisions (A)(29), (30), and (31) of section 5733.98 of the</u>	45018
<u>Revised Code;</u>	45019
<u>(iv) For tax year 2008, the greater of the minimum payment</u>	45020
<u>required under division (E) of section 5733.06 of the Revised Code</u>	45021
<u>or two-fifths of the difference between all taxes charged the</u>	45022
<u>corporation under this chapter less any credits allowable against</u>	45023
<u>such tax except the qualifying pass-through entity tax credit</u>	45024
<u>described in division (A)(1) and the refundable credits described</u>	45025
<u>in divisions (A)(29), (30), and (31) of section 5733.98 of the</u>	45026
<u>Revised Code except the qualifying pass-through entity tax credit</u>	45027
<u>under division (A)(1) and the refundable credits under divisions</u>	45028

(A)(29), (30), and (31) of section 5733.98 of the Revised Code; 45029

(v) For tax year 2009, the greater of the minimum payment 45030
required under division (E) of section 5733.06 of the Revised Code 45031
or one-fifth of the difference between all taxes charged the 45032
corporation under this chapter less any credits allowable against 45033
such tax except the qualifying pass-through entity tax credit 45034
described in division (A)(1) and the refundable credits described 45035
in divisions (A)(29), (30), and (31) of section 5733.98 of the 45036
Revised Code except the qualifying pass-through entity tax credit 45037
under division (A)(1) and the refundable credits under divisions 45038
(A)(29), (30), and (31) of section 5733.98 of the Revised Code; 45039

(vi) For tax year 2010 and each tax year thereafter, no tax. 45040

(b) A corporation shall subtract from the amount calculated 45041
under division (G)(2)(a)(i), (ii), (iii), (iv), or (v) of this 45042
section any qualifying pass-through entity tax credit described in 45043
division (A)(1) or any refundable credit described in division 45044
(A)(29), (30), or (31) of section 5733.98 of the Revised Code to 45045
which the corporation is entitled. Any unused qualifying 45046
pass-through entity tax credit is not refundable. 45047

Sec. 5733.40. As used in sections 5733.40 and 5733.41 and 45048
Chapter 5747. of the Revised Code: 45049

(A)(1) "Adjusted qualifying amount" means either of the 45050
following: 45051

(a) The sum of a each qualifying investor's distributive 45052
share of the income, gain, expense, or loss of a qualifying 45053
pass-through entity for the qualifying taxable year of the 45054
qualifying pass-through entity multiplied by the apportionment 45055
fraction defined in division (B) of this section, subject to 45056
section 5733.401 of the Revised Code and divisions (A)(2) to (7) 45057
of this section; 45058

(b) The sum of a each qualifying beneficiary's share of the 45059
qualifying net income and qualifying net gain distributed by a 45060
qualifying trust for the qualifying taxable year of the qualifying 45061
trust multiplied by the apportionment fraction defined in division 45062
(B) of this section, subject to section 5733.401 of the Revised 45063
Code and divisions (A)(2) to ~~(6)~~(7) of this section. 45064

(2) The sum shall exclude any amount which, pursuant to the 45065
Constitution of the United States, the Constitution of Ohio, or 45066
any federal law is not subject to a tax on or measured by net 45067
income. 45068

(3) ~~The sum shall be increased by~~ For the purposes of 45069
Chapters 5733. and 5747. of the Revised Code, the profit or net 45070
income of the qualifying entity shall be increased by disallowing 45071
all amounts representing expenses, other than amounts described in 45072
division (A)(7) of this section, that the qualifying entity paid 45073
to or incurred with respect to direct or indirect transactions 45074
with one or more related members, excluding the cost of goods sold 45075
calculated in accordance with section 263A of the Internal Revenue 45076
Code and United States department of the treasury regulations 45077
issued thereunder. Nothing in division (A)(3) of this section 45078
shall be construed to limit solely to this chapter the application 45079
of section 263A of the Internal Revenue Code and United States 45080
department of the treasury regulations issued thereunder. 45081

(4) ~~The sum shall be increased by~~ For the purposes of 45082
Chapters 5733. and 5747. of the Revised Code, the profit or net 45083
income of the qualifying entity shall be increased by disallowing 45084
all recognized losses, other than losses from sales of inventory 45085
the cost of which is calculated in accordance with section 263A of 45086
the Internal Revenue Code and United States department of the 45087
treasury regulations issued thereunder, with respect to all direct 45088
or indirect transactions with one or more related members. ~~Losses~~ 45089
For the purposes of Chapters 5733. and 5747. of the Revised Code, 45090

losses from the sales of such inventory shall be allowed only to 45091
the extent calculated in accordance with section 482 of the 45092
Internal Revenue Code and United States department of the treasury 45093
regulations issued thereunder. Nothing in division (A)(4) of this 45094
section shall be construed to limit solely to this section the 45095
application of section 263A and section 482 of the Internal 45096
Revenue Code and United States department of the treasury 45097
regulations issued thereunder. 45098

(5) The sum shall be increased or decreased by an amount 45099
equal to the qualifying investor's or qualifying beneficiary's 45100
distributive or proportionate share of the amount that the 45101
qualifying entity would be required to add or deduct under 45102
divisions (A)(20) and (21) of section 5747.01 of the Revised Code 45103
if the qualifying entity were a taxpayer for the purposes of 45104
Chapter 5747. of the Revised Code. 45105

(6) The sum shall be computed without regard to section 45106
5733.051 or division (D) of section 5733.052 of the Revised Code. 45107

(7) For the purposes of Chapters 5733. and 5747. of the 45108
Revised Code, guaranteed payments or compensation paid to 45109
investors by a qualifying entity that is not subject to the tax 45110
imposed by section 5733.06 of the Revised Code shall be considered 45111
a distributive share of income of the qualifying entity. Division 45112
(A)(7) of this section applies only to such payments or such 45113
compensation paid to an investor who at any time during the 45114
qualifying entity's taxable year holds at least a twenty per cent 45115
direct or indirect interest in the profits or capital of the 45116
qualifying entity. 45117

(B) "Apportionment fraction" means: 45118

(1) With respect to a qualifying pass-through entity other 45119
than a financial institution, the fraction calculated pursuant to 45120
division (B)(2) of section 5733.05 of the Revised Code as if the 45121

qualifying pass-through entity were a corporation subject to the 45122
tax imposed by section 5733.06 of the Revised Code; 45123

(2) With respect to a qualifying pass-through entity that is 45124
a financial institution, the fraction calculated pursuant to 45125
division (C) of section 5733.056 of the Revised Code as if the 45126
qualifying pass-through entity were a financial institution 45127
subject to the tax imposed by section 5733.06 of the Revised Code. 45128

(3) With respect to a qualifying trust, the fraction 45129
calculated pursuant to division (B)(2) of section 5733.05 of the 45130
Revised Code as if the qualifying trust were a corporation subject 45131
to the tax imposed by section 5733.06 of the Revised Code, except 45132
that the property, payroll, and sales fractions shall be 45133
calculated by including in the numerator and denominator of the 45134
fractions only the property, payroll, and sales, respectively, 45135
directly related to the production of income or gain from 45136
acquisition, ownership, use, maintenance, management, or 45137
disposition of tangible personal property located in this state at 45138
any time during the qualifying trust's qualifying taxable year or 45139
of real property located in this state. 45140

(C) "Qualifying beneficiary" means any individual that, 45141
during the qualifying taxable year of a qualifying trust, is a 45142
beneficiary of that trust, but does not include an individual who 45143
is a resident taxpayer for the purposes of Chapter 5747. of the 45144
Revised Code for the entire qualifying taxable year of the 45145
qualifying trust. 45146

(D) "Fiscal year" means an accounting period ending on any 45147
day other than the thirty-first day of December. 45148

(E) "Individual" means a natural person. 45149

(F) "Month" means a calendar month. 45150

(G) "Partnership" has the same meaning as in section 5747.01 45151

of the Revised Code. 45152

(H) "Investor" means any person that, during any portion of a 45153
taxable year of a qualifying pass-through entity, is a partner, 45154
member, shareholder, or investor in that qualifying pass-through 45155
entity. 45156

(I) Except as otherwise provided in section 5733.402 or 45157
5747.401 of the Revised Code, "qualifying investor" means any 45158
investor except those described in divisions (I)(1) to (9) of this 45159
section. 45160

(1) An investor satisfying one of the descriptions under 45161
section 501(a) or (c) of the Internal Revenue Code, a partnership 45162
with equity securities registered with the United States 45163
securities and exchange commission under section 12 of the 45164
"Securities Exchange Act of 1934," as amended, or an investor 45165
described in division (F) of section 3334.01, or division (A) or 45166
(C) of section 5733.09 of the Revised Code for the entire 45167
qualifying taxable year of the qualifying pass-through entity. 45168

(2) An investor who is either an individual or an estate and 45169
is a resident taxpayer for the purposes of section 5747.01 of the 45170
Revised Code for the entire qualifying taxable year of the 45171
qualifying pass-through entity. 45172

(3) An investor who is an individual for whom the qualifying 45173
pass-through entity makes a good faith and reasonable effort to 45174
comply fully and timely with the filing and payment requirements 45175
set forth in division (D) of section 5747.08 of the Revised Code 45176
and section 5747.09 of the Revised Code with respect to the 45177
individual's adjusted qualifying amount for the entire qualifying 45178
taxable year of the qualifying pass-through entity. 45179

(4) An investor that is another qualifying pass-through 45180
entity having only investors described in division (I)(1), (2), 45181
(3), or (6) of this section during the three-year period beginning 45182

twelve months prior to the first day of the qualifying taxable
year of the qualifying pass-through entity. 45183
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(5) An investor that is another pass-through entity having no
investors other than individuals and estates during the qualifying
taxable year of the qualifying pass-through entity in which it is
an investor, and that makes a good faith and reasonable effort to
comply fully and timely with the filing and payment requirements
set forth in division (D) of section 5747.08 of the Revised Code
and section 5747.09 of the Revised Code with respect to investors
that are not resident taxpayers of this state for the purposes of
Chapter 5747. of the Revised Code for the entire qualifying
taxable year of the qualifying pass-through entity in which it is
an investor. 45185
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(6) An investor that is a financial institution required to
calculate the tax in accordance with division ~~(D)~~(E) of section
5733.06 of the Revised Code on the first day of January of the
calendar year immediately following the last day of the financial
institution's calendar or fiscal year in which ends the taxpayer's
taxable year. 45196
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(7) An investor other than an individual that satisfies all
the following: 45202
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(a) The investor submits a written statement to the
qualifying pass-through entity stating that the investor
irrevocably agrees that the investor has nexus with this state
under the Constitution of the United States and is subject to and
liable for the tax calculated under division (A) or (B) of section
5733.06 of the Revised Code with respect to the investor's
adjusted qualifying amount for the entire qualifying taxable year
of the qualifying pass-through entity. The statement is subject to
the penalties of perjury, shall be retained by the qualifying
pass-through entity for no fewer than seven years, and shall be
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delivered to the tax commissioner upon request. 45214

(b) The investor makes a good faith and reasonable effort to 45215
comply timely and fully with all the reporting and payment 45216
requirements set forth in Chapter 5733. of the Revised Code with 45217
respect to the investor's adjusted qualifying amount for the 45218
entire qualifying taxable year of the qualifying pass-through 45219
entity. 45220

(c) Neither the investor nor the qualifying pass-through 45221
entity in which it is an investor, before, during, or after the 45222
qualifying pass-through entity's qualifying taxable year, carries 45223
out any transaction or transactions with one or more related 45224
members of the investor or the qualifying pass-through entity 45225
resulting in a reduction or deferral of tax imposed by Chapter 45226
5733. of the Revised Code with respect to all or any portion of 45227
the investor's adjusted qualifying amount for the qualifying 45228
pass-through entity's taxable year, or that constitute a sham, 45229
lack economic reality, or are part of a series of transactions the 45230
form of which constitutes a step transaction or transactions or 45231
does not reflect the substance of those transactions. 45232

(8) Any other investor that the tax commissioner may 45233
designate by rule. The tax commissioner may adopt rules including 45234
a rule defining "qualifying investor" or "qualifying beneficiary" 45235
and governing the imposition of the withholding tax imposed by 45236
section 5747.41 of the Revised Code with respect to an individual 45237
who is a resident taxpayer for the purposes of Chapter 5747. of 45238
the Revised Code for only a portion of the qualifying taxable year 45239
of the qualifying entity. 45240

(9) An investor that is a trust or fund the beneficiaries of 45241
which, during the qualifying taxable year of the qualifying 45242
pass-through entity, are limited to the following: 45243

(a) A person that is or may be the beneficiary of a trust 45244

subject to Subchapter D of Chapter 1 of Subtitle A of the Internal Revenue Code. 45245
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(b) A person that is or may be the beneficiary of or the recipient of payments from a trust or fund that is a nuclear decommissioning reserve fund, a designated settlement fund, or any other trust or fund established to resolve and satisfy claims that may otherwise be asserted by the beneficiary or a member of the beneficiary's family. Sections 267(c)(4), 468A(e), and 468B(d)(2) of the Internal Revenue Code apply to the determination of whether such a person satisfies division (I)(9) of this section. 45247
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(c) A person who is or may be the beneficiary of a trust that, under its governing instrument, is not required to distribute all of its income currently. Division (I)(9)(c) of this section applies only if the trust, prior to the due date for filing the qualifying pass-through entity's return for taxes imposed by section 5733.41 and sections 5747.41 to 5747.453 of the Revised Code, irrevocably agrees in writing that for the taxable year during or for which the trust distributes any of its income to any of its beneficiaries, the trust is a qualifying trust and will pay the estimated tax, and will withhold and pay the withheld tax, as required under sections 5747.40 to 5747.453 of the Revised Code. 45255
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For the purposes of division (I)(9) of this section, a trust or fund shall be considered to have a beneficiary other than persons described under divisions (I)(9)(a) to (c) of this section if a beneficiary would not qualify under those divisions under the doctrines of "economic reality," "sham transaction," "step doctrine," or "substance over form." A trust or fund described in division (I)(9) of this section bears the burden of establishing by a preponderance of the evidence that any transaction giving rise to the tax benefits provided under division (I)(9) of this section does not have as a principal purpose a claim of those tax 45267
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benefits. Nothing in this section shall be construed to limit 45277
solely to this section the application of the doctrines referred 45278
to in this paragraph. 45279

(J) "Qualifying net gain" means any recognized net gain with 45280
respect to the acquisition, ownership, use, maintenance, 45281
management, or disposition of tangible personal property located 45282
in this state at any time during a trust's qualifying taxable year 45283
or real property located in this state. 45284

(K) "Qualifying net income" means any recognized income, net 45285
of related deductible expenses, other than distributions 45286
deductions with respect to the acquisition, ownership, use, 45287
maintenance, management, or disposition of tangible personal 45288
property located in this state at any time during the trust's 45289
qualifying taxable year or real property located in this state. 45290

(L) "Qualifying entity" means a qualifying pass-through 45291
entity or a qualifying trust. 45292

(M) "Qualifying trust" means a trust subject to subchapter J 45293
of the Internal Revenue Code that, during any portion of the 45294
trust's qualifying taxable year, has income or gain from the 45295
acquisition, management, ownership, use, or disposition of 45296
tangible personal property located in this state at any time 45297
during the trust's qualifying taxable year or real property 45298
located in this state. "Qualifying trust" does not include a 45299
person described in section 501(c) of the Internal Revenue Code or 45300
a person described in division (C) of section 5733.09 of the 45301
Revised Code. 45302

(N) "Qualifying pass-through entity" means a pass-through 45303
entity as defined in section 5733.04 of the Revised Code, 45304
excluding: a person described in section 501(c) of the Internal 45305
Revenue Code; a partnership with equity securities registered 45306
with the United States securities and exchange commission under 45307

section 12 of the Securities Exchange Act of 1934, as amended, or 45308
a person described in division (C) of section 5733.09 of the 45309
Revised Code. 45310

(O) "Quarter" means the first three months, the second three 45311
months, the third three months, or the last three months of a 45312
qualifying entity's qualifying taxable year. 45313

(P) "Related member" has the same meaning as in division 45314
(A)(6) of section 5733.042 of the Revised Code without regard to 45315
division (B) of that section. However, for the purposes of 45316
divisions (A)(3) and (4) of this section only, "related member" 45317
has the same meaning as in division (A)(6) of section 5733.042 of 45318
the Revised Code without regard to division (B) of that section, 45319
but shall be applied by substituting "forty per cent" for "twenty 45320
per cent" wherever "twenty per cent" appears in division (A) of 45321
that section. 45322

(Q) "Return" or "report" means the notifications and reports 45323
required to be filed pursuant to sections 5747.42 to 5747.45 of 45324
the Revised Code for the purpose of reporting the tax imposed 45325
under section 5733.41 or 5747.41 of the Revised Code, and included 45326
declarations of estimated tax when so required. 45327

(R) "Qualifying taxable year" means the calendar year or the 45328
qualifying entity's fiscal year ending during the calendar year, 45329
or fractional part thereof, for which the adjusted qualifying 45330
amount is calculated pursuant to sections 5733.40 and 5733.41 or 45331
sections 5747.40 to 5747.453 of the Revised Code. 45332

(S) "Distributive share" includes the sum of the income, 45333
gain, expense, or loss of a disregarded entity or qualified 45334
subchapter S subsidiary. 45335

Sec. 5733.41. The purpose of the tax imposed by this section 45336
is to complement and to reinforce the tax imposed under section 45337

5733.06 of the Revised Code. 45338

For the same purposes for which the tax is levied under 45339
section 5733.06 of the Revised Code, there is hereby levied a tax 45340
on every qualifying pass-through entity having at least one 45341
qualifying investor that is not an individual. The tax imposed by 45342
this section is imposed on the sum of the adjusted qualifying 45343
amounts of the qualifying pass-through entity's qualifying 45344
investors that are not individuals at the ~~rate specified in~~ 45345
~~division (B) of section 5733.06 of the Revised Code that is in~~ 45346
~~effect on the last day of~~ following rates for the entity's taxable 45347
year years ending in the following calendar years: in 2005, six and 45348
eight-tenths per cent; in 2006, five and one-tenth per cent; in 45349
2007, three and four-tenths per cent; in 2008, one and 45350
seven-tenths per cent; in 2009 and thereafter, zero per cent. 45351

The tax imposed by this section applies only if the 45352
qualifying entity has nexus with this state under the Constitution 45353
of the United States for any portion of the qualifying entity's 45354
qualifying taxable year, and the sum of the qualifying entity's 45355
adjusted qualifying amounts exceeds one thousand dollars for the 45356
qualifying entity's qualifying taxable year. This section does not 45357
apply to a pass-through entity if all of the partners, 45358
shareholders, members, or investors of the pass-through entity are 45359
taxpayers for the purposes of section 5733.04 of the Revised Code 45360
without regard to section 5733.09 of the Revised Code for the 45361
entire qualifying taxable year of the pass-through entity. 45362

If, prior to the due date of the return, a qualifying 45363
pass-through entity receives from an investor a written 45364
representation, under penalties of perjury, that the investor is 45365
described in division (I)(1), (2), (6), (7), (8), or (9) of 45366
section 5733.40 of the Revised Code for the qualifying 45367
pass-through entity's entire qualifying taxable year, the 45368
qualifying pass-through entity is not required to withhold or pay 45369

the taxes or estimated taxes imposed under this section or 45370
sections 5747.41 to 5747.453 of the Revised Code with respect to 45371
that investor for that qualifying taxable year, and is not subject 45372
to any interest or interest penalties for failure to withhold or 45373
pay those taxes or estimated taxes with respect to that investor 45374
for that qualifying taxable year. 45375

If, prior to the due date of the return, a qualifying trust 45376
receives from a beneficiary of that trust a written 45377
representation, under penalties of perjury, that the beneficiary 45378
is a resident taxpayer for the purposes of Chapter 5747. of the 45379
Revised Code for the qualifying trust's entire qualifying taxable 45380
year, the qualifying trust is not required to withhold or pay the 45381
taxes or estimated taxes imposed under this section or sections 45382
5747.41 to 5747.453 of the Revised Code with respect to that 45383
beneficiary for that qualifying taxable year, and is not subject 45384
to any interest or interest penalties for failure to withhold or 45385
pay those taxes or estimated taxes with respect to that 45386
beneficiary for that qualifying taxable year. 45387

The tax commissioner may adopt rules for the purpose of the 45388
tax levied by this section or section 5747.41 of the Revised Code, 45389
including a rule defining "qualifying investor" or "qualifying 45390
beneficiary", and a rule requiring or permitting a qualifying 45391
entity to combine its income with related members and to pay the 45392
tax and estimated tax on a combined basis. 45393

Sections 5747.10 to 5747.19 and 5747.42 to 5747.453 of the 45394
Revised Code apply to a qualifying entity subject to the tax 45395
imposed under this section. 45396

The levy of the tax under this section does not prevent a 45397
municipal corporation or a joint economic development district 45398
created under section 715.70 or 715.71 or sections 715.72 to 45399
715.81 of the Revised Code from levying a tax on income. 45400

Sec. 5739.02. For the purpose of providing revenue with which 45401
to meet the needs of the state, for the use of the general revenue 45402
fund of the state, for the purpose of securing a thorough and 45403
efficient system of common schools throughout the state, for the 45404
purpose of affording revenues, in addition to those from general 45405
property taxes, permitted under constitutional limitations, and 45406
from other sources, for the support of local governmental 45407
functions, and for the purpose of reimbursing the state for the 45408
expense of administering this chapter, an excise tax is hereby 45409
levied on each retail sale made in this state. 45410

(A)(1) The tax shall be collected as provided in section 45411
5739.025 of the Revised Code, provided that on and after July 1, 45412
2003, and on or before June 30, 2005, the rate of tax shall be six 45413
per cent. On and after July 1, 2005, the rate of the tax shall be 45414
five and one-half per cent. The tax applies and is collectible 45415
when the sale is made, regardless of the time when the price is 45416
paid or delivered. 45417

(2) In the case of the lease or rental, with a fixed term of 45418
more than thirty days or an indefinite term with a minimum period 45419
of more than thirty days, of any motor vehicles designed by the 45420
manufacturer to carry a load of not more than one ton, watercraft, 45421
outboard motor, or aircraft, or of any tangible personal property, 45422
other than motor vehicles designed by the manufacturer to carry a 45423
load of more than one ton, to be used by the lessee or renter 45424
primarily for business purposes, the tax shall be collected by the 45425
vendor at the time the lease or rental is consummated and shall be 45426
calculated by the vendor on the basis of the total amount to be 45427
paid by the lessee or renter under the lease agreement. If the 45428
total amount of the consideration for the lease or rental includes 45429
amounts that are not calculated at the time the lease or rental is 45430
executed, the tax shall be calculated and collected by the vendor 45431

at the time such amounts are billed to the lessee or renter. In 45432
the case of an open-end lease or rental, the tax shall be 45433
calculated by the vendor on the basis of the total amount to be 45434
paid during the initial fixed term of the lease or rental, and for 45435
each subsequent renewal period as it comes due. As used in this 45436
division, "motor vehicle" has the same meaning as in section 45437
4501.01 of the Revised Code, and "watercraft" includes an outdrive 45438
unit attached to the watercraft. 45439

A lease with a renewal clause and a termination penalty or 45440
similar provision that applies if the renewal clause is not 45441
exercised is presumed to be a sham transaction. In such a case, 45442
the tax shall be calculated and paid on the basis of the entire 45443
length of the lease period, including any renewal periods, until 45444
the termination penalty or similar provision no longer applies. 45445
The taxpayer shall bear the burden, by a preponderance of the 45446
evidence, that the transaction or series of transactions is not a 45447
sham transaction. 45448

(3) Except as provided in division (A)(2) of this section, in 45449
the case of a sale, the price of which consists in whole or in 45450
part of the lease or rental of tangible personal property, the tax 45451
shall be measured by the installments of that lease or rental. 45452

(4) In the case of a sale of a physical fitness facility 45453
service or recreation and sports club service, the price of which 45454
consists in whole or in part of a membership for the receipt of 45455
the benefit of the service, the tax applicable to the sale shall 45456
be measured by the installments thereof. 45457

(B) The tax does not apply to the following: 45458

(1) Sales to the state or any of its political subdivisions, 45459
or to any other state or its political subdivisions if the laws of 45460
that state exempt from taxation sales made to this state and its 45461
political subdivisions; 45462

(2) Sales of food for human consumption off the premises where sold;	45463 45464
(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;	45465 45466 45467
(4) Sales of newspapers and of magazine subscriptions and sales or transfers of magazines distributed as controlled circulation publications;	45468 45469 45470
(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;	45471 45472 45473 45474
(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;	45475 45476 45477 45478 45479 45480 45481 45482 45483 45484
(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;	45485 45486 45487 45488 45489 45490
(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be	45491 45492 45493

titled under section 1548.06 of the Revised Code, watercraft 45494
documented with the United States coast guard, snowmobiles, and 45495
all-purpose vehicles as defined in section 4519.01 of the Revised 45496
Code; 45497

(9) Sales of services or tangible personal property, other 45498
than motor vehicles, mobile homes, and manufactured homes, by 45499
churches, organizations exempt from taxation under section 45500
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 45501
organizations operated exclusively for charitable purposes as 45502
defined in division (B)(12) of this section, provided that the 45503
number of days on which such tangible personal property or 45504
services, other than items never subject to the tax, are sold does 45505
not exceed six in any calendar year. If the number of days on 45506
which such sales are made exceeds six in any calendar year, the 45507
church or organization shall be considered to be engaged in 45508
business and all subsequent sales by it shall be subject to the 45509
tax. In counting the number of days, all sales by groups within a 45510
church or within an organization shall be considered to be sales 45511
of that church or organization, except that sales made by separate 45512
student clubs and other groups of students of a primary or 45513
secondary school, and sales made by a parent-teacher association, 45514
booster group, or similar organization that raises money to 45515
support or fund curricular or extracurricular activities of a 45516
primary or secondary school, shall not be considered to be sales 45517
of such school, and sales by each such club, group, association, 45518
or organization shall be counted separately for purposes of the 45519
six-day limitation. This division does not apply to sales by a 45520
noncommercial educational radio or television broadcasting 45521
station. 45522

(10) Sales not within the taxing power of this state under 45523
the Constitution of the United States; 45524

(11) Except for transactions that are sales under division 45525

(B)(3)(s) of section 5739.01 of the Revised Code, the 45526
transportation of persons or property, unless the transportation 45527
is by a private investigation and security service; 45528

(12) Sales of tangible personal property or services to 45529
churches, to organizations exempt from taxation under section 45530
501(c)(3) of the Internal Revenue Code of 1986, and to any other 45531
nonprofit organizations operated exclusively for charitable 45532
purposes in this state, no part of the net income of which inures 45533
to the benefit of any private shareholder or individual, and no 45534
substantial part of the activities of which consists of carrying 45535
on propaganda or otherwise attempting to influence legislation; 45536
sales to offices administering one or more homes for the aged or 45537
one or more hospital facilities exempt under section 140.08 of the 45538
Revised Code; and sales to organizations described in division (D) 45539
of section 5709.12 of the Revised Code. 45540

"Charitable purposes" means the relief of poverty; the 45541
improvement of health through the alleviation of illness, disease, 45542
or injury; the operation of an organization exclusively for the 45543
provision of professional, laundry, printing, and purchasing 45544
services to hospitals or charitable institutions; the operation of 45545
a home for the aged, as defined in section 5701.13 of the Revised 45546
Code; the operation of a radio or television broadcasting station 45547
that is licensed by the federal communications commission as a 45548
noncommercial educational radio or television station; the 45549
operation of a nonprofit animal adoption service or a county 45550
humane society; the promotion of education by an institution of 45551
learning that maintains a faculty of qualified instructors, 45552
teaches regular continuous courses of study, and confers a 45553
recognized diploma upon completion of a specific curriculum; the 45554
operation of a parent-teacher association, booster group, or 45555
similar organization primarily engaged in the promotion and 45556
support of the curricular or extracurricular activities of a 45557

primary or secondary school; the operation of a community or area 45558
center in which presentations in music, dramatics, the arts, and 45559
related fields are made in order to foster public interest and 45560
education therein; the production of performances in music, 45561
dramatics, and the arts; or the promotion of education by an 45562
organization engaged in carrying on research in, or the 45563
dissemination of, scientific and technological knowledge and 45564
information primarily for the public. 45565

Nothing in this division shall be deemed to exempt sales to 45566
any organization for use in the operation or carrying on of a 45567
trade or business, or sales to a home for the aged for use in the 45568
operation of independent living facilities as defined in division 45569
(A) of section 5709.12 of the Revised Code. 45570

(13) Building and construction materials and services sold to 45571
construction contractors for incorporation into a structure or 45572
improvement to real property under a construction contract with 45573
this state or a political subdivision of this state, or with the 45574
United States government or any of its agencies; building and 45575
construction materials and services sold to construction 45576
contractors for incorporation into a structure or improvement to 45577
real property that are accepted for ownership by this state or any 45578
of its political subdivisions, or by the United States government 45579
or any of its agencies at the time of completion of the structures 45580
or improvements; building and construction materials sold to 45581
construction contractors for incorporation into a horticulture 45582
structure or livestock structure for a person engaged in the 45583
business of horticulture or producing livestock; building 45584
materials and services sold to a construction contractor for 45585
incorporation into a house of public worship or religious 45586
education, or a building used exclusively for charitable purposes 45587
under a construction contract with an organization whose purpose 45588
is as described in division (B)(12) of this section; building 45589

materials and services sold to a construction contractor for 45590
incorporation into a building under a construction contract with 45591
an organization exempt from taxation under section 501(c)(3) of 45592
the Internal Revenue Code of 1986 when the building is to be used 45593
exclusively for the organization's exempt purposes; building and 45594
construction materials sold for incorporation into the original 45595
construction of a sports facility under section 307.696 of the 45596
Revised Code; and building and construction materials and services 45597
sold to a construction contractor for incorporation into real 45598
property outside this state if such materials and services, when 45599
sold to a construction contractor in the state in which the real 45600
property is located for incorporation into real property in that 45601
state, would be exempt from a tax on sales levied by that state; 45602

(14) Sales of ships or vessels or rail rolling stock used or 45603
to be used principally in interstate or foreign commerce, and 45604
repairs, alterations, fuel, and lubricants for such ships or 45605
vessels or rail rolling stock; 45606

(15) Sales to persons primarily engaged in any of the 45607
activities mentioned in division (B)(43)(a) or (g) of this 45608
section, to persons engaged in making retail sales, or to persons 45609
who purchase for sale from a manufacturer tangible personal 45610
property that was produced by the manufacturer in accordance with 45611
specific designs provided by the purchaser, of packages, including 45612
material, labels, and parts for packages, and of machinery, 45613
equipment, and material for use primarily in packaging tangible 45614
personal property produced for sale, including any machinery, 45615
equipment, and supplies used to make labels or packages, to 45616
prepare packages or products for labeling, or to label packages or 45617
products, by or on the order of the person doing the packaging, or 45618
sold at retail. "Packages" includes bags, baskets, cartons, 45619
crates, boxes, cans, bottles, bindings, wrappings, and other 45620
similar devices and containers, but does not include motor 45621

vehicles or bulk tanks, trailers, or similar devices attached to 45622
motor vehicles. "Packaging" means placing in a package. Division 45623
(B)~~(14)~~(15) of this section does not apply to persons engaged in 45624
highway transportation for hire. 45625

(16) Sales of food to persons using food stamp benefits to 45626
purchase the food. As used in this division, "food" has the same 45627
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 45628
2012, as amended, and federal regulations adopted pursuant to that 45629
act. 45630

(17) Sales to persons engaged in farming, agriculture, 45631
horticulture, or floriculture, of tangible personal property for 45632
use or consumption directly in the production by farming, 45633
agriculture, horticulture, or floriculture of other tangible 45634
personal property for use or consumption directly in the 45635
production of tangible personal property for sale by farming, 45636
agriculture, horticulture, or floriculture; or material and parts 45637
for incorporation into any such tangible personal property for use 45638
or consumption in production; and of tangible personal property 45639
for such use or consumption in the conditioning or holding of 45640
products produced by and for such use, consumption, or sale by 45641
persons engaged in farming, agriculture, horticulture, or 45642
floriculture, except where such property is incorporated into real 45643
property; 45644

(18) Sales of drugs for a human being, dispensed pursuant to 45645
a prescription; insulin as recognized in the official United 45646
States pharmacopoeia; urine and blood testing materials when used 45647
by diabetics or persons with hypoglycemia to test for glucose or 45648
acetone; hypodermic syringes and needles when used by diabetics 45649
for insulin injections; epoetin alfa when purchased for use in the 45650
treatment of persons with medical disease; hospital beds when 45651
purchased for use by persons with medical problems for medical 45652
purposes; and medical oxygen and medical oxygen-dispensing 45653

equipment when purchased for use by persons with medical problems	45654
for medical purposes;	45655
(19) Sales of prosthetic devices, durable medical equipment	45656
for home use, or mobility enhancing equipment, when made pursuant	45657
to a prescription and when such devices or equipment are for use	45658
by a human being.	45659
(20) Sales of emergency and fire protection vehicles and	45660
equipment to nonprofit organizations for use solely in providing	45661
fire protection and emergency services, including trauma care and	45662
emergency medical services, for political subdivisions of the	45663
state;	45664
(21) Sales of tangible personal property manufactured in this	45665
state, if sold by the manufacturer in this state to a retailer for	45666
use in the retail business of the retailer outside of this state	45667
and if possession is taken from the manufacturer by the purchaser	45668
within this state for the sole purpose of immediately removing the	45669
same from this state in a vehicle owned by the purchaser;	45670
(22) Sales of services provided by the state or any of its	45671
political subdivisions, agencies, instrumentalities, institutions,	45672
or authorities, or by governmental entities of the state or any of	45673
its political subdivisions, agencies, instrumentalities,	45674
institutions, or authorities;	45675
(23) Sales of motor vehicles to nonresidents of this state	45676
upon the presentation of an affidavit executed in this state by	45677
the nonresident purchaser affirming that the purchaser is a	45678
nonresident of this state, that possession of the motor vehicle is	45679
taken in this state for the sole purpose of immediately removing	45680
it from this state, that the motor vehicle will be permanently	45681
titled and registered in another state, and that the motor vehicle	45682
will not be used in this state;	45683
(24) Sales to persons engaged in the preparation of eggs for	45684

sale of tangible personal property used or consumed directly in 45685
such preparation, including such tangible personal property used 45686
for cleaning, sanitizing, preserving, grading, sorting, and 45687
classifying by size; packages, including material and parts for 45688
packages, and machinery, equipment, and material for use in 45689
packaging eggs for sale; and handling and transportation equipment 45690
and parts therefor, except motor vehicles licensed to operate on 45691
public highways, used in intraplant or interplant transfers or 45692
shipment of eggs in the process of preparation for sale, when the 45693
plant or plants within or between which such transfers or 45694
shipments occur are operated by the same person. "Packages" 45695
includes containers, cases, baskets, flats, fillers, filler flats, 45696
cartons, closure materials, labels, and labeling materials, and 45697
"packaging" means placing therein. 45698

(25)(a) Sales of water to a consumer for residential use, 45699
except the sale of bottled water, distilled water, mineral water, 45700
carbonated water, or ice; 45701

(b) Sales of water by a nonprofit corporation engaged 45702
exclusively in the treatment, distribution, and sale of water to 45703
consumers, if such water is delivered to consumers through pipes 45704
or tubing. 45705

(26) Fees charged for inspection or reinspection of motor 45706
vehicles under section 3704.14 of the Revised Code; 45707

(27) Sales to persons licensed to conduct a food service 45708
operation pursuant to section 3717.43 of the Revised Code, of 45709
tangible personal property primarily used directly for the 45710
following: 45711

(a) To prepare food for human consumption for sale; 45712

(b) To preserve food that has been or will be prepared for 45713
human consumption for sale by the food service operator, not 45714
including tangible personal property used to display food for 45715

selection by the consumer;	45716
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	45717 45718
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	45719 45720
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	45721 45722 45723 45724
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	45725 45726 45727
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	45728 45729 45730
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	45731 45732 45733 45734 45735 45736
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	45737 45738 45739 45740 45741
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or	45742 45743 45744 45745

recording any interactive, one- or two-way electromagnetic 45746
communications, including voice, image, data, and information, 45747
through the use of any medium, including, but not limited to, 45748
poles, wires, cables, switching equipment, computers, and record 45749
storage devices and media, and component parts for the tangible 45750
personal property. The exemption provided in this division shall 45751
be in lieu of all other exemptions under division (B)(43)(a) of 45752
this section to which the vendor may otherwise be entitled, based 45753
upon the use of the thing purchased in providing the 45754
telecommunications, mobile telecommunications, or satellite 45755
broadcasting service. 45756

(35) Sales of investment metal bullion and investment coins. 45757
"Investment metal bullion" means any elementary precious metal 45758
that has been put through a process of smelting or refining, 45759
including, but not limited to, gold, silver, platinum, and 45760
palladium, and which is in such state or condition that its value 45761
depends upon its content and not upon its form. "Investment metal 45762
bullion" does not include fabricated precious metal that has been 45763
processed or manufactured for one or more specific and customary 45764
industrial, professional, or artistic uses. "Investment coins" 45765
means numismatic coins or other forms of money and legal tender 45766
manufactured of gold, silver, platinum, palladium, or other metal 45767
under the laws of the United States or any foreign nation with a 45768
fair market value greater than any statutory or nominal value of 45769
such coins. 45770

(36)(a) Sales where the purpose of the consumer is to use or 45771
consume the things transferred in making retail sales and 45772
consisting of newspaper inserts, catalogues, coupons, flyers, gift 45773
certificates, or other advertising material that prices and 45774
describes tangible personal property offered for retail sale. 45775

(b) Sales to direct marketing vendors of preliminary 45776
materials such as photographs, artwork, and typesetting that will 45777

be used in printing advertising material; of printed matter that 45778
offers free merchandise or chances to win sweepstake prizes and 45779
that is mailed to potential customers with advertising material 45780
described in division (B)(36)(a) of this section; and of equipment 45781
such as telephones, computers, facsimile machines, and similar 45782
tangible personal property primarily used to accept orders for 45783
direct marketing retail sales. 45784

(c) Sales of automatic food vending machines that preserve 45785
food with a shelf life of forty-five days or less by refrigeration 45786
and dispense it to the consumer. 45787

For purposes of division (B)(36) of this section, "direct 45788
marketing" means the method of selling where consumers order 45789
tangible personal property by United States mail, delivery 45790
service, or telecommunication and the vendor delivers or ships the 45791
tangible personal property sold to the consumer from a warehouse, 45792
catalogue distribution center, or similar fulfillment facility by 45793
means of the United States mail, delivery service, or common 45794
carrier. 45795

(37) Sales to a person engaged in the business of 45796
horticulture or producing livestock of materials to be 45797
incorporated into a horticulture structure or livestock structure; 45798

(38) Sales of personal computers, computer monitors, computer 45799
keyboards, modems, and other peripheral computer equipment to an 45800
individual who is licensed or certified to teach in an elementary 45801
or a secondary school in this state for use by that individual in 45802
preparation for teaching elementary or secondary school students; 45803

(39) Sales to a professional racing team of any of the 45804
following: 45805

(a) Motor racing vehicles; 45806

(b) Repair services for motor racing vehicles; 45807

(c) Items of property that are attached to or incorporated in 45808
motor racing vehicles, including engines, chassis, and all other 45809
components of the vehicles, and all spare, replacement, and 45810
rebuilt parts or components of the vehicles; except not including 45811
tires, consumable fluids, paint, and accessories consisting of 45812
instrumentation sensors and related items added to the vehicle to 45813
collect and transmit data by means of telemetry and other forms of 45814
communication. 45815

(40) Sales of used manufactured homes and used mobile homes, 45816
as defined in section 5739.0210 of the Revised Code, made on or 45817
after January 1, 2000; 45818

(41) Sales of tangible personal property and services to a 45819
provider of electricity used or consumed directly and primarily in 45820
generating, transmitting, or distributing electricity for use by 45821
others, including property that is or is to be incorporated into 45822
and will become a part of the consumer's production, transmission, 45823
or distribution system and that retains its classification as 45824
tangible personal property after incorporation; fuel or power used 45825
in the production, transmission, or distribution of electricity; 45826
and tangible personal property and services used in the repair and 45827
maintenance of the production, transmission, or distribution 45828
system, including only those motor vehicles as are specially 45829
designed and equipped for such use. The exemption provided in this 45830
division shall be in lieu of all other exemptions in division 45831
(B)(43)(a) of this section to which a provider of electricity may 45832
otherwise be entitled based on the use of the tangible personal 45833
property or service purchased in generating, transmitting, or 45834
distributing electricity. 45835

(42) Sales to a person providing services under division 45836
(B)(3)(s) of section 5739.01 of the Revised Code of tangible 45837
personal property and services used directly and primarily in 45838
providing taxable services under that section. 45839

(43) Sales where the purpose of the purchaser is to do any of 45840
the following: 45841

(a) To incorporate the thing transferred as a material or a 45842
part into tangible personal property to be produced for sale by 45843
manufacturing, assembling, processing, or refining; or to use or 45844
consume the thing transferred directly in producing tangible 45845
personal property for sale by mining, including, without 45846
limitation, the extraction from the earth of all substances that 45847
are classed geologically as minerals, production of crude oil and 45848
natural gas, farming, agriculture, horticulture, or floriculture, 45849
or directly in the rendition of a public utility service, except 45850
that the sales tax levied by this section shall be collected upon 45851
all meals, drinks, and food for human consumption sold when 45852
transporting persons. Persons engaged in rendering farming, 45853
agricultural, horticultural, or floricultural services, and 45854
services in the exploration for, and production of, crude oil and 45855
natural gas, for others are deemed engaged directly in farming, 45856
agriculture, horticulture, and floriculture, or exploration for, 45857
and production of, crude oil and natural gas. This paragraph does 45858
not exempt from "retail sale" or "sales at retail" the sale of 45859
tangible personal property that is to be incorporated into a 45860
structure or improvement to real property. 45861

(b) To hold the thing transferred as security for the 45862
performance of an obligation of the vendor; 45863

(c) To resell, hold, use, or consume the thing transferred as 45864
evidence of a contract of insurance; 45865

(d) To use or consume the thing directly in commercial 45866
fishing; 45867

(e) To incorporate the thing transferred as a material or a 45868
part into, or to use or consume the thing transferred directly in 45869
the production of, magazines distributed as controlled circulation 45870

publications;	45871
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	45872 45873 45874 45875 45876
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	45877 45878 45879
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	45880 45881 45882 45883 45884 45885
(i) To use the thing transferred as qualified research and development equipment;	45886 45887
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(36) of this section.	45888 45889 45890 45891 45892 45893 45894 45895 45896 45897 45898 45899 45900
(k) To use or consume the thing transferred to fulfill a	45901

contractual obligation incurred by a warrantor pursuant to a 45902
warranty provided as a part of the price of the tangible personal 45903
property sold or by a vendor of a warranty, maintenance or service 45904
contract, or similar agreement the provision of which is defined 45905
as a sale under division (B)(7) of section 5739.01 of the Revised 45906
Code; 45907

(l) To use or consume the thing transferred in the production 45908
of a newspaper for distribution to the public; 45909

(m) To use tangible personal property to perform a service 45910
listed in division (B)(3) of section 5739.01 of the Revised Code, 45911
if the property is or is to be permanently transferred to the 45912
consumer of the service as an integral part of the performance of 45913
the service. 45914

As used in division (B)(43) of this section, "thing" includes 45915
all transactions included in divisions (B)(3)(a), (b), and (e) of 45916
section 5739.01 of the Revised Code. 45917

(44) Sales conducted through a coin operated device that 45918
activates vacuum equipment or equipment that dispenses water, 45919
whether or not in combination with soap or other cleaning agents 45920
or wax, to the consumer for the consumer's use on the premises in 45921
washing, cleaning, or waxing a motor vehicle, provided no other 45922
personal property or personal service is provided as part of the 45923
transaction. 45924

(45) Sales of replacement and modification parts for engines, 45925
airframes, instruments, and interiors in, and paint for, aircraft 45926
used primarily in a fractional aircraft ownership program, and 45927
sales of services for the repair, modification, and maintenance of 45928
such aircraft, and machinery, equipment, and supplies primarily 45929
used to provide those services. 45930

(46) Sales of telecommunications service that is used 45931
directly and primarily to perform the functions of a call center. 45932

As used in this division, "call center" means any physical
location where telephone calls are placed or received in high
volume for the purpose of making sales, marketing, customer
service, technical support, or other specialized business
activity, and that employs at least fifty individuals that engage
in call center activities on a full-time basis, or sufficient
individuals to fill fifty full-time equivalent positions.

(C) For the purpose of the proper administration of this
chapter, and to prevent the evasion of the tax, it is presumed
that all sales made in this state are subject to the tax until the
contrary is established.

~~(D)~~(D) The levy of this tax on retail sales of recreation
and sports club service shall not prevent a municipal corporation
from levying any tax on recreation and sports club dues or on any
income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under
this chapter is not part of the price, but is a tax collection for
the benefit of the state, and of counties levying an additional
sales tax pursuant to section 5739.021 or 5739.026 of the Revised
Code and of transit authorities levying an additional sales tax
pursuant to section 5739.023 of the Revised Code. Except for the
discount authorized under section 5739.12 of the Revised Code and
the effects of any rounding pursuant to section 5703.055 of the
Revised Code, no person other than the state or such a county or
transit authority shall derive any benefit from the collection or
payment of the tax levied by this section or section 5739.021,
5739.023, or 5739.026 of the Revised Code.

Sec. 5739.025. As used in this section, "local tax" means a
tax imposed pursuant to section 5739.021, 5739.023, 5739.026,
5741.021, 5741.022, or 5741.023 of the Revised Code.

(A) The taxes levied by sections 5739.02 and 5741.02 of the Revised Code shall be collected as follows:

(1) On and after July 1, 2003, and on or before June 30, 2005, in accordance with the following schedule:

If the price is at least	But not more than	The amount of the tax is
\$.01	\$.15	No tax
.16	.16	1¢
.17	.33	2¢
.34	.50	3¢
.51	.66	4¢
.67	.83	5¢
.84	1.00	6¢

If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety-nine cents in accordance with the schedule above.

(2) On and after July 1, 2005, and on and before December 31, 2005, in accordance with the following schedule:

If the price is at least	But not more than	The amount of the tax is
\$.01	\$.15	No tax
.16	.20 <u>.18</u>	1¢
.21 <u>.19</u>	.40 <u>.36</u>	2¢
.41 <u>.37</u>	.60 <u>.54</u>	3¢

-.61	-.80	4¢	45992
<u>.55</u>	<u>.72</u>		
-.81	1.00	5¢	45993
<u>.73</u>	<u>.90</u>		
<u>.91</u>	<u>1.09</u>	6¢	45994
<u>1.10</u>	<u>1.27</u>	7¢	45995
<u>1.28</u>	<u>1.46</u>	8¢	45996
<u>1.47</u>	<u>1.64</u>	9¢	45997
<u>1.65</u>	<u>1.82</u>	10¢	45998
<u>1.83</u>	<u>2.00</u>	11¢	45999

If the price exceeds ~~one dollar~~ two dollars, the tax is ~~five~~ eleven cents on each ~~one dollar~~ two dollars. If the price exceeds ~~one dollar~~ two dollars or a multiple thereof by not more than ~~twenty~~ eighteen cents, the amount of tax is ~~five~~ eleven cents for each ~~one dollar~~ two dollars plus one cent. If the price exceeds ~~one dollar~~ two dollars or a multiple thereof by more than ~~twenty~~ eighteen cents, the amount of tax is ~~five~~ eleven cents for each ~~one dollar~~ two dollars plus the amount of tax for prices ~~twenty-one~~ nineteen cents through one dollar and ninety-nine cents in accordance with the schedule above.

(B) On and after July 1, 2003, and on and before June 30, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:

(1) When the combined rate of state and local tax is six and one-fourth per cent:

If the price		The amount of	46017
is at least	But not more than	the tax is	46018
\$.01	\$.15	No tax	46019
.16	.16	1¢	46020
.17	.32	2¢	46021

.33	.48	3¢	46022
.49	.64	4¢	46023
.65	.80	5¢	46024
.81	.96	6¢	46025
.97	1.12	7¢	46026
1.13	1.28	8¢	46027
1.29	1.44	9¢	46028
1.45	1.60	10¢	46029
1.61	1.76	11¢	46030
1.77	1.92	12¢	46031
1.93	2.08	13¢	46032
2.09	2.24	14¢	46033
2.25	2.40	15¢	46034
2.41	2.56	16¢	46035
2.57	2.72	17¢	46036
2.73	2.88	18¢	46037
2.89	3.04	19¢	46038
3.05	3.20	20¢	46039
3.21	3.36	21¢	46040
3.37	3.52	22¢	46041
3.53	3.68	23¢	46042
3.69	3.84	24¢	46043
3.85	4.00	25¢	46044

If the price exceeds four dollars, the tax is twenty-five 46045
cents on each four dollars. If the price exceeds four dollars or a 46046
multiple thereof by not more than sixteen cents, the amount of tax 46047
is twenty-five cents for each four dollars plus one cent. If the 46048
price exceeds four dollars or a multiple thereof by more than 46049
sixteen cents, the amount of tax is twenty-five cents for each 46050
four dollars plus the amount of tax for prices seventeen cents 46051
through three dollars and ninety-nine cents in accordance with the 46052
schedule above. 46053

(2) When the combined rate of state and local tax is six and one-half per cent: 46054
46055

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	46056 46057 46058
.16	.30	2¢	46059
.31	.46	3¢	46060
.47	.61	4¢	46061
.62	.76	5¢	46062
.77	.92	6¢	46063
.93	1.07	7¢	46064
1.08	1.23	8¢	46065
1.24	1.38	9¢	46066
1.39	1.53	10¢	46067
1.54	1.69	11¢	46068
1.70	1.84	12¢	46069
1.85	2.00	13¢	46070

If the price exceeds two dollars, the tax is thirteen cents 46071
on each two dollars. If the price exceeds two dollars or a 46072
multiple thereof by not more than fifteen cents, the amount of tax 46073
is thirteen cents for each two dollars plus one cent. If the price 46074
exceeds two dollars or a multiple thereof by more than fifteen 46075
cents, the amount of tax is thirteen cents for each two dollars 46076
plus the amount of tax for prices sixteen cents through one dollar 46077
and ninety-nine cents in accordance with the schedule above. 46078

(3) When the combined rate of state and local tax is six and three-fourths per cent: 46079
46080

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	46081 46082 46083
.16	.29	2¢	46084
.30	.44	3¢	46085

.45	.59	4¢	46086
.60	.74	5¢	46087
.75	.88	6¢	46088
.89	1.03	7¢	46089
1.04	1.18	8¢	46090
1.19	1.33	9¢	46091
1.34	1.48	10¢	46092
1.49	1.62	11¢	46093
1.63	1.77	12¢	46094
1.78	1.92	13¢	46095
1.93	2.07	14¢	46096
2.08	2.22	15¢	46097
2.23	2.37	16¢	46098
2.38	2.51	17¢	46099
2.52	2.66	18¢	46100
2.67	2.81	19¢	46101
2.82	2.96	20¢	46102
2.97	3.11	21¢	46103
3.12	3.25	22¢	46104
3.26	3.40	23¢	46105
3.41	3.55	24¢	46106
3.56	3.70	25¢	46107
3.71	3.85	26¢	46108
3.86	4.00	27¢	46109

If the price exceeds four dollars, the tax is twenty-seven 46110
cents on each four dollars. If the price exceeds four dollars or a 46111
multiple thereof by not more than fourteen cents, the amount of 46112
tax is twenty-seven cents for each four dollars plus one cent. If 46113
the price exceeds four dollars or a multiple thereof by more than 46114
fourteen but by not more than twenty-nine cents, the amount of tax 46115
is twenty-seven cents for each four dollars plus two cents. If the 46116
price exceeds four dollars or a multiple thereof by more than 46117
twenty-nine cents the amount of tax is twenty-seven cents for each 46118

four dollars plus the amount of tax for prices thirty cents 46119
through three dollars and ninety-nine cents in accordance with the 46120
schedule above. 46121

(4) When the combined rate of state and local tax is seven 46122
per cent: 46123

If the price	The amount of	46124
is at least	the tax is	46125
But not more than		
\$.01	No tax	46126
.16	2¢	46127
.29	3¢	46128
.43	4¢	46129
.58	5¢	46130
.72	6¢	46131
.86	7¢	46132

If the price exceeds one dollar, the tax is seven cents on 46133
each one dollar. If the price exceeds one dollar or a multiple 46134
thereof by not more than fifteen cents, the amount of tax is seven 46135
cents for each one dollar plus one cent. If the price exceeds one 46136
dollar or a multiple thereof by more than fifteen cents, the 46137
amount of tax is seven cents for each one dollar plus the amount 46138
of tax for prices sixteen cents through ninety-nine cents in 46139
accordance with the schedule above. 46140

(5) When the combined rate of state and local tax is seven 46141
and one-fourth per cent: 46142

If the price	The amount of	46143
is at least	the tax is	46144
But not more than		
\$.01	No tax	46145
.16	2¢	46146
.28	3¢	46147
.42	4¢	46148
.56	5¢	46149
.69	6¢	46150

.83	.96	7¢	46151
.97	1.10	8¢	46152
1.11	1.24	9¢	46153
1.25	1.37	10¢	46154
1.38	1.51	11¢	46155
1.52	1.65	12¢	46156
1.66	1.79	13¢	46157
1.80	1.93	14¢	46158
1.94	2.06	15¢	46159
2.07	2.20	16¢	46160
2.21	2.34	17¢	46161
2.35	2.48	18¢	46162
2.49	2.62	19¢	46163
2.63	2.75	20¢	46164
2.76	2.89	21¢	46165
2.90	3.03	22¢	46166
3.04	3.17	23¢	46167
3.18	3.31	24¢	46168
3.32	3.44	25¢	46169
3.45	3.58	26¢	46170
3.59	3.72	27¢	46171
3.73	3.86	28¢	46172
3.87	4.00	29¢	46173

If the price exceeds four dollars, the tax is twenty-nine 46174
cents on each four dollars. If the price exceeds four dollars or a 46175
multiple thereof by not more than thirteen cents, the amount of 46176
tax is twenty-nine cents for each four dollars plus one cent. If 46177
the price exceeds four dollars or a multiple thereof by more than 46178
thirteen cents but by not more than twenty-seven cents, the amount 46179
of tax is twenty-nine cents for each four dollars plus two cents. 46180
If the price exceeds four dollars or a multiple thereof by more 46181
than twenty-seven cents, the amount of tax is twenty-nine cents 46182
for each four dollars plus the amount of tax for prices 46183

twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above. 46184
46185

(6) When the combined rate of state and local tax is seven and one-half per cent: 46186
46187

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	46190
.16	.26	2¢	46191
.27	.40	3¢	46192
.41	.53	4¢	46193
.54	.65	5¢	46194
.66	.80	6¢	46195
.81	.93	7¢	46196
.94	1.06	8¢	46197
1.07	1.20	9¢	46198
1.21	1.33	10¢	46199
1.34	1.46	11¢	46200
1.47	1.60	12¢	46201
1.61	1.73	13¢	46202
1.74	1.86	14¢	46203
1.87	2.00	15¢	46204

If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety-nine cents in accordance with the schedule above. 46205
46206
46207
46208
46209
46210
46211
46212

(7) When the combined rate of state and local tax is seven and three-fourths per cent: 46213
46214

If the price The amount of 46215

is at least	But not more than	the tax is	46216
\$.01	\$.15	No tax	46217
.16	.25	2¢	46218
.26	.38	3¢	46219
.39	.51	4¢	46220
.52	.64	5¢	46221
.65	.77	6¢	46222
.78	.90	7¢	46223
.91	1.03	8¢	46224
1.04	1.16	9¢	46225
1.17	1.29	10¢	46226
1.30	1.41	11¢	46227
1.42	1.54	12¢	46228
1.55	1.67	13¢	46229
1.68	1.80	14¢	46230
1.81	1.93	15¢	46231
1.94	2.06	16¢	46232
2.07	2.19	17¢	46233
2.20	2.32	18¢	46234
2.33	2.45	19¢	46235
2.46	2.58	20¢	46236
2.59	2.70	21¢	46237
2.71	2.83	22¢	46238
2.84	2.96	23¢	46239
2.97	3.09	24¢	46240
3.10	3.22	25¢	46241
3.23	3.35	26¢	46242
3.36	3.48	27¢	46243
3.49	3.61	28¢	46244
3.62	3.74	29¢	46245
3.75	3.87	30¢	46246
3.88	4.00	31¢	46247
If the price exceeds four dollars, the tax is thirty-one			46248

cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(8) When the combined rate of state and local tax is eight per cent:

If the price is at least	But not more than	The amount of the tax is
\$.01	\$.15	No tax
.16	.25	2¢
.26	.37	3¢
.38	.50	4¢
.51	.62	5¢
.63	.75	6¢
.76	.87	7¢
.88	1.00	8¢

If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty-five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty-five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for

prices twenty-six cents through ninety-nine cents in accordance 46281
with the schedule above. 46282

(9) When the combined rate of state and local tax is eight 46283
and one-fourth per cent: 46284

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	46287
.16	.24	2¢	46288
.25	.36	3¢	46289
.37	.48	4¢	46290
.49	.60	5¢	46291
.61	.72	6¢	46292
.73	.84	7¢	46293
.85	.96	8¢	46294
.97	1.09	9¢	46295
1.10	1.21	10¢	46296
1.22	1.33	11¢	46297
1.34	1.45	12¢	46298
1.46	1.57	13¢	46299
1.58	1.69	14¢	46300
1.70	1.81	15¢	46301
1.82	1.93	16¢	46302
1.94	2.06	17¢	46303
2.07	2.18	18¢	46304
2.19	2.30	19¢	46305
2.31	2.42	20¢	46306
2.43	2.54	21¢	46307
2.55	2.66	22¢	46308
2.67	2.78	23¢	46309
2.79	2.90	24¢	46310
2.91	3.03	25¢	46311
3.04	3.15	26¢	46312

3.16	3.27	27¢	46313
3.28	3.39	28¢	46314
3.40	3.51	29¢	46315
3.52	3.63	30¢	46316
3.64	3.75	31¢	46317
3.76	3.87	32¢	46318
3.88	4.00	33¢	46319

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(10) When the combined rate of state and local tax is eight and one-half per cent:

If the price		The amount of	46334
is at least	But not more than	the tax is	46335
\$.01	\$.15	No tax	46336
.16	.23	2¢	46337
.24	.35	3¢	46338
.36	.47	4¢	46339
.48	.58	5¢	46340
.59	.70	6¢	46341
.71	.82	7¢	46342
.83	.94	8¢	46343
.95	1.05	9¢	46344

1.06	1.17	10¢	46345
1.18	1.29	11¢	46346
1.30	1.41	12¢	46347
1.42	1.52	13¢	46348
1.53	1.64	14¢	46349
1.65	1.76	15¢	46350
1.77	1.88	16¢	46351
1.89	2.00	17¢	46352

If the price exceeds two dollars, the tax is seventeen cents 46353
on each two dollars. If the price exceeds two dollars or a 46354
multiple thereof by not more than eleven cents, the amount of tax 46355
is seventeen cents for each two dollars plus one cent. If the 46356
price exceeds two dollars or a multiple thereof by more than 46357
eleven cents but by not more than twenty-three cents, the amount 46358
of tax is seventeen cents for each two dollars plus two cents. If 46359
the price exceeds two dollars or a multiple thereof by more than 46360
twenty-three cents, the amount of tax is seventeen cents for each 46361
two dollars plus the amount of tax for prices twenty-four cents 46362
through one dollar and ninety-nine cents in accordance with the 46363
schedule above. 46364

(11) When the combined rate of state and local tax is eight 46365
and three-fourths per cent: 46366

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	46369
.16	.22	2¢	46370
.23	.34	3¢	46371
.35	.45	4¢	46372
.46	.57	5¢	46373
.58	.68	6¢	46374
.69	.80	7¢	46375
.81	.91	8¢	46376

.92	1.02	9¢	46377
1.03	1.14	10¢	46378
1.15	1.25	11¢	46379
1.26	1.37	12¢	46380
1.38	1.48	13¢	46381
1.49	1.60	14¢	46382
1.61	1.71	15¢	46383
1.72	1.82	16¢	46384
1.83	1.94	17¢	46385
1.95	2.05	18¢	46386
2.06	2.17	19¢	46387
2.18	2.28	20¢	46388
2.29	2.40	21¢	46389
2.41	2.51	22¢	46390
2.52	2.62	23¢	46391
2.63	2.74	24¢	46392
2.75	2.85	25¢	46393
2.86	2.97	26¢	46394
2.98	3.08	27¢	46395
3.09	3.20	28¢	46396
3.21	3.31	29¢	46397
3.32	3.42	30¢	46398
3.43	3.54	31¢	46399
3.55	3.65	32¢	46400
3.66	3.77	33¢	46401
3.78	3.88	34¢	46402
3.89	4.00	35¢	46403

If the price exceeds four dollars, the tax is thirty-five 46404
cents on each four dollars. If the price exceeds four dollars or a 46405
multiple thereof by not more than eleven cents, the amount of tax 46406
is thirty-five cents for each four dollars plus one cent. If the 46407
price exceeds four dollars or a multiple thereof by more than 46408
eleven cents but by not more than twenty-two cents, the amount of 46409

tax is thirty-five cents for each four dollars plus two cents. If 46410
the price exceeds four dollars or a multiple thereof by more than 46411
twenty-two cents, the amount of tax is thirty-five cents for each 46412
four dollars plus the amount of tax for prices twenty-three cents 46413
through three dollars and ninety-nine cents in accordance with the 46414
schedule above. 46415

(12) When the combined rate of state and local tax is nine 46416
per cent: 46417

If the price	The amount of	46418
is at least	the tax is	46419
But not more than		
\$.01	No tax	46420
.16	2¢	46421
.23	3¢	46422
.34	4¢	46423
.45	5¢	46424
.56	6¢	46425
.67	7¢	46426
.78	8¢	46427
.89	9¢	46428

If the price exceeds one dollar, the tax is nine cents on 46429
each one dollar. If the price exceeds one dollar or a multiple 46430
thereof by not more than eleven cents, the amount of tax is nine 46431
cents for each one dollar plus one cent. If the price exceeds one 46432
dollar or a multiple thereof by more than eleven cents but by not 46433
more than twenty-two cents, the amount of tax is nine cents for 46434
each one dollar plus two cents. If the price exceeds one dollar or 46435
a multiple thereof by more than twenty-two cents, the amount of 46436
tax is nine cents for each one dollar plus the amount of tax for 46437
prices twenty-three cents through ninety-nine cents in accordance 46438
with the schedule above. 46439

(C) On and after July 1, 2005, and on and before December 31, 46440
2005, the combined taxes levied by sections 5739.02 and 5741.02 46441

and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 46442
5741.022, and 5741.023 of the Revised Code shall be collected in 46443
accordance with the following schedules: 46444

(1) When the total rate of local tax is one-fourth per cent: 46445

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	46448
.16	.19	1¢	46449
.20	.38	2¢	46450
.39	.57	3¢	46451
.58	.76	4¢	46452
.77	.95	5¢	46453
.96	1.14	6¢	46454
1.15	1.33	7¢	46455
1.34	1.52	8¢	46456
1.53	1.71	9¢	46457
1.72	1.90	10¢	46458
1.91	2.09	11¢	46459
2.10	2.28	12¢	46460
2.29	2.47	13¢	46461
2.48	2.66	14¢	46462
2.67	2.85	15¢	46463
2.86	3.04	16¢	46464
3.05	3.23	17¢	46465
3.24	3.42	18¢	46466
3.43	3.61	19¢	46467
3.62	3.80	20¢	46468
3.81	4.00	21¢	46469

~~If the price exceeds four dollars, the tax is twenty one~~ 46470
~~cents on each four dollars. If the price exceeds four dollars or a~~ 46471
~~multiple thereof by not more than nineteen cents, the amount of~~ 46472
~~tax is twenty one cents for each four dollars plus one cent. If~~ 46473

~~the price exceeds four dollars or a multiple thereof by more than
nineteen cents, the amount of tax is twenty one cents for each
four dollars plus the amount of tax for prices twenty cents
through three dollars and ninety nine cents in accordance with the
schedule above.~~

~~(2) When the combined rate of local tax is one half per cent:~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	46482
.16	.18	1¢	46483
.19	.36	2¢	46484
.37	.54	3¢	46485
.55	.72	4¢	46486
.73	.90	5¢	46487
.91	1.09	6¢	46488
1.10	1.27	7¢	46489
1.28	1.46	8¢	46490
1.47	1.64	9¢	46491
1.65	1.82	10¢	46492
1.83	2.00	11¢	46493

~~If the price exceeds two dollars, the tax is eleven cents on
each two dollars. If the price exceeds two dollars or a multiple
thereof by not more than eighteen cents, the amount of tax is
eleven cents for each two dollars plus one cent. If the price
exceeds two dollars or a multiple thereof by more than eighteen
cents, the amount of tax is eleven cents for each two dollars plus
the amount of tax for prices nineteen cents through one dollar and
ninety nine cents in accordance with the schedule above.~~

~~(3) When the combined rate of local tax is three fourths per
cent:~~

If the price	But not	The amount	
is at least	more than	of the tax is	
			46504
			46505

\$.01	\$.15	No tax	46506
.16	.17	1¢	46507
.18	.34	2¢	46508
.35	.52	3¢	46509
.53	.69	4¢	46510
.70	.86	5¢	46511
.87	1.04	6¢	46512
1.05	1.21	7¢	46513
1.22	1.39	8¢	46514
1.40	1.56	9¢	46515
1.57	1.73	10¢	46516
1.74	1.91	11¢	46517
1.92	2.08	12¢	46518
2.09	2.26	13¢	46519
2.27	2.43	14¢	46520
2.44	2.60	15¢	46521
2.61	2.78	16¢	46522
2.79	2.95	17¢	46523
2.96	3.13	18¢	46524
3.14	3.30	19¢	46525
3.31	3.47	20¢	46526
3.48	3.65	21¢	46527
3.66	3.82	22¢	46528
3.83	4.00	23¢	46529

If the price exceeds four dollars, the tax is twenty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety-nine cents in accordance with the schedule above.

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~~(4)~~(2) When the combined rate of local tax is ~~one~~ one-half 46539
per cent: 46540

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	46541
.16	.17	1¢	46542
.18	.34	2¢	46543
.35	.50	3¢	46544
.51	.67	4¢	46545
.68	.83	5¢	46546
.84	1.00	6¢	46547

If the price exceeds one dollar, the tax is six cents on each 46550
one dollar. If the price exceeds one dollar or a multiple thereof 46551
by not more than seventeen cents, the amount of tax is six cents 46552
for each one dollar plus one cent. If the price exceeds one dollar 46553
or a multiple thereof by more than seventeen cents, the amount of 46554
tax is six cents for each one dollar plus the amount of tax for 46555
prices eighteen cents through ninety-nine cents in accordance with 46556
the schedule above. 46557

~~(5)~~(3) When the combined rate of local tax is ~~one and~~ 46558
~~one-fourth~~ three-fourths per cent: 46559

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	46560
.16	.16	1¢	46561
.17	.32	2¢	46562
.33	.48	3¢	46563
.49	.64	4¢	46564
.65	.80	5¢	46565
.81	.96	6¢	46566
.97	1.12	7¢	46567
1.13	1.28	8¢	46568

1.29	1.44	9¢	46571
1.45	1.60	10¢	46572
1.61	1.76	11¢	46573
1.77	1.92	12¢	46574
1.93	2.08	13¢	46575
2.09	2.24	14¢	46576
2.25	2.40	15¢	46577
2.41	2.56	16¢	46578
2.57	2.72	17¢	46579
2.73	2.88	18¢	46580
2.89	3.04	19¢	46581
3.05	3.20	20¢	46582
3.21	3.36	21¢	46583
3.37	3.52	22¢	46584
3.53	3.68	23¢	46585
3.69	3.84	24¢	46586
3.85	4.00	25¢	46587

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the schedule above.

~~(6)~~(4) When the combined rate of local tax is one ~~and~~ ~~one-half~~ per cent:

If the price	But not	The amount	46599
is at least	more than	of the tax is	46600
\$.01	\$.15	No tax	46601
.16	.30	2¢	46602

.31	.46	3¢	46603
.47	.61	4¢	46604
.62	.76	5¢	46605
.77	.92	6¢	46606
.93	1.07	7¢	46607
1.08	1.23	8¢	46608
1.24	1.38	9¢	46609
1.39	1.53	10¢	46610
1.54	1.69	11¢	46611
1.70	1.84	12¢	46612
1.85	2.00	13¢	46613

If the price exceeds two dollars, the tax is thirteen cents 46614
on each two dollars. If the price exceeds two dollars or a 46615
multiple thereof by not more than fifteen cents, the amount of tax 46616
is thirteen cents for each two dollars plus one cent. If the price 46617
exceeds two dollars or a multiple thereof by more than fifteen 46618
cents, the amount of tax is thirteen cents for each two dollars 46619
plus the amount of tax for prices sixteen cents through one dollar 46620
and ninety-nine cents in accordance with the schedule above. 46621

~~(7)(5)~~ When the combined rate of local tax is one and 46622
~~three-fourths~~ one-fourth per cent: 46623

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	46624
.16	.29	2¢	46625
.30	.44	3¢	46626
.45	.59	4¢	46627
.60	.74	5¢	46628
.75	.88	6¢	46629
.89	1.03	7¢	46630
1.04	1.18	8¢	46631
1.19	1.33	9¢	46632

1.34	1.48	10¢	46635
1.49	1.62	11¢	46636
1.63	1.77	12¢	46637
1.78	1.92	13¢	46638
1.93	2.07	14¢	46639
2.08	2.22	15¢	46640
2.23	2.37	16¢	46641
2.38	2.51	17¢	46642
2.52	2.66	18¢	46643
2.67	2.81	19¢	46644
2.82	2.96	20¢	46645
2.97	3.11	21¢	46646
3.12	3.25	22¢	46647
3.26	3.40	23¢	46648
3.41	3.55	24¢	46649
3.56	3.70	25¢	46650
3.71	3.85	26¢	46651
3.86	4.00	27¢	46652

If the price exceeds four dollars, the tax is twenty-seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty-seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty-nine cents, the amount of tax is twenty-seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-nine cents the amount of tax is twenty-seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety-nine cents in accordance with the schedule above.

~~(8)~~(6) When the combined rate of local tax is ~~two~~ one and one-half per cent:

If the price	But not	The amount	46667
is at least	more than	of the tax is	46668
\$.01	\$.15	No tax	46669
.16	.28	2¢	46670
.29	.42	3¢	46671
.43	.57	4¢	46672
.58	.71	5¢	46673
.72	.85	6¢	46674
.86	1.00	7¢	46675

If the price exceeds one dollar, the tax is seven cents on 46676
each one dollar. If the price exceeds one dollar or a multiple 46677
thereof by not more than fifteen cents, the amount of tax is seven 46678
cents for each one dollar plus one cent. If the price exceeds one 46679
dollar or a multiple thereof by more than fifteen cents, the 46680
amount of tax is seven cents for each one dollar plus the amount 46681
of tax for prices sixteen cents through ninety-nine cents in 46682
accordance with the schedule above. 46683

~~(9)(7)~~ When the combined rate of local tax is ~~two~~ one and 46684
~~one-fourth~~ three-fourths per cent: 46685

If the price	But not	The amount	46686
is at least	more than	of the tax is	46687
\$.01	\$.15	No tax	46688
.16	.27	2¢	46689
.28	.41	3¢	46690
.42	.55	4¢	46691
.56	.68	5¢	46692
.69	.82	6¢	46693
.83	.96	7¢	46694
.97	1.10	8¢	46695
1.11	1.24	9¢	46696
1.25	1.37	10¢	46697
1.38	1.51	11¢	46698

1.52	1.65	12¢	46699
1.66	1.79	13¢	46700
1.80	1.93	14¢	46701
1.94	2.06	15¢	46702
2.07	2.20	16¢	46703
2.21	2.34	17¢	46704
2.35	2.48	18¢	46705
2.49	2.62	19¢	46706
2.63	2.75	20¢	46707
2.76	2.89	21¢	46708
2.90	3.03	22¢	46709
3.04	3.17	23¢	46710
3.18	3.31	24¢	46711
3.32	3.44	25¢	46712
3.45	3.58	26¢	46713
3.59	3.72	27¢	46714
3.73	3.86	28¢	46715
3.87	4.00	29¢	46716

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above.

~~(10)~~(8) When the combined rate of local tax is two ~~and~~ ~~one-half~~ per cent:

If the price	But not	The amount	46731
is at least	more than	of the tax is	46732
\$.01	\$.15	No tax	46733
.16	.26	2¢	46734
.27	.40	3¢	46735
.41	.53	4¢	46736
.54	.65	5¢	46737
.66	.80	6¢	46738
.81	.93	7¢	46739
.94	1.06	8¢	46740
1.07	1.20	9¢	46741
1.21	1.33	10¢	46742
1.34	1.46	11¢	46743
1.47	1.60	12¢	46744
1.61	1.73	13¢	46745
1.74	1.86	14¢	46746
1.87	2.00	15¢	46747

If the price exceeds two dollars, the tax is fifteen cents on 46748
each two dollars. If the price exceeds two dollars or a multiple 46749
thereof by not more than fifteen cents, the amount of tax is 46750
fifteen cents for each two dollars plus one cent. If the price 46751
exceeds two dollars or a multiple thereof by more than fifteen 46752
cents, the amount of tax is fifteen cents for each two dollars 46753
plus the amount of tax for prices sixteen cents through one dollar 46754
and ninety-nine cents in accordance with the schedule above. 46755

~~(11)~~(9) When the combined rate of local tax is two and 46756
~~three-fourths~~ one-fourth per cent: 46757

If the price	But not	The amount	46758
is at least	more than	of the tax is	46759
\$.01	\$.15	No tax	46760
.16	.25	2¢	46761
.26	.38	3¢	46762

.39	.51	4¢	46763
.52	.64	5¢	46764
.65	.77	6¢	46765
.78	.90	7¢	46766
.91	1.03	8¢	46767
1.04	1.16	9¢	46768
1.17	1.29	10¢	46769
1.30	1.41	11¢	46770
1.42	1.54	12¢	46771
1.55	1.67	13¢	46772
1.68	1.80	14¢	46773
1.81	1.93	15¢	46774
1.94	2.06	16¢	46775
2.07	2.19	17¢	46776
2.20	2.32	18¢	46777
2.33	2.45	19¢	46778
2.46	2.58	20¢	46779
2.59	2.70	21¢	46780
2.71	2.83	22¢	46781
2.84	2.96	23¢	46782
2.97	3.09	24¢	46783
3.10	3.22	25¢	46784
3.23	3.35	26¢	46785
3.36	3.48	27¢	46786
3.49	3.61	28¢	46787
3.62	3.74	29¢	46788
3.75	3.87	30¢	46789
3.88	4.00	31¢	46790

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than

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twelve cents but not more than twenty-five cents, the amount of
tax is thirty-one cents for each four dollars plus two cents. If
the price exceeds four dollars or a multiple thereof by more than
twenty-five cents, the amount of tax is thirty-one cents for each
four dollars plus the amount of tax for prices twenty-six cents
through three dollars and ninety-nine cents in accordance with the
schedule above.

~~(12)~~(10) When the combined rate of local tax is ~~three two and~~
one-half per cent:

If the price is at least	But not more than	The amount of the tax is
\$.01	\$.15	No tax
.16	.25	2¢
.26	.37	3¢
.38	.50	4¢
.51	.62	5¢
.63	.75	6¢
.76	.87	7¢
.88	1.00	8¢

If the price exceeds one dollar, the tax is eight cents on
each one dollar. If the price exceeds one dollar or a multiple
thereof by not more than twelve cents, the amount of tax is eight
cents for each one dollar plus one cent. If the price exceeds one
dollar or a multiple thereof by more than twelve cents but not
more than twenty-five cents, the amount of tax is eight cents for
each one dollar plus two cents. If the price exceeds one dollar or
a multiple thereof by more than twenty-five cents, the amount of
tax is eight cents for each one dollar plus the amount of tax for
prices twenty-six cents through ninety-nine cents in accordance
with the schedule above.

(11) When the combined rate of local tax is two and
three-fourths per cent:

<u>If the price</u>	<u>But not</u>	<u>The amount</u>	
<u>is at least</u>	<u>more than</u>	<u>of the tax is</u>	
<u>\$.01</u>	<u>\$.15</u>	<u>No tax</u>	46828
<u>.16</u>	<u>.24</u>	<u>2¢</u>	46829
<u>.25</u>	<u>.36</u>	<u>3¢</u>	46830
<u>.37</u>	<u>.48</u>	<u>4¢</u>	46831
<u>.49</u>	<u>.60</u>	<u>5¢</u>	46832
<u>.61</u>	<u>.72</u>	<u>6¢</u>	46833
<u>.73</u>	<u>.84</u>	<u>7¢</u>	46834
<u>.85</u>	<u>.96</u>	<u>8¢</u>	46835
<u>.97</u>	<u>1.09</u>	<u>9¢</u>	46836
<u>1.10</u>	<u>1.21</u>	<u>10¢</u>	46837
<u>1.22</u>	<u>1.33</u>	<u>11¢</u>	46838
<u>1.34</u>	<u>1.45</u>	<u>12¢</u>	46839
<u>1.46</u>	<u>1.57</u>	<u>13¢</u>	46840
<u>1.58</u>	<u>1.69</u>	<u>14¢</u>	46841
<u>1.70</u>	<u>1.81</u>	<u>15¢</u>	46842
<u>1.82</u>	<u>1.93</u>	<u>16¢</u>	46843
<u>1.94</u>	<u>2.06</u>	<u>17¢</u>	46844
<u>2.07</u>	<u>2.18</u>	<u>18¢</u>	46845
<u>2.19</u>	<u>2.30</u>	<u>19¢</u>	46846
<u>2.31</u>	<u>2.42</u>	<u>20¢</u>	46847
<u>2.43</u>	<u>2.54</u>	<u>21¢</u>	46848
<u>2.55</u>	<u>2.66</u>	<u>22¢</u>	46849
<u>2.67</u>	<u>2.78</u>	<u>23¢</u>	46850
<u>2.79</u>	<u>2.90</u>	<u>24¢</u>	46851
<u>2.91</u>	<u>3.03</u>	<u>25¢</u>	46852
<u>3.04</u>	<u>3.15</u>	<u>26¢</u>	46853
<u>3.16</u>	<u>3.27</u>	<u>27¢</u>	46854
<u>3.28</u>	<u>3.39</u>	<u>28¢</u>	46855
<u>3.40</u>	<u>3.51</u>	<u>29¢</u>	46856
<u>3.52</u>	<u>3.63</u>	<u>30¢</u>	46857
<u>3.64</u>	<u>3.75</u>	<u>31¢</u>	46858
			46859
			46860

<u>3.76</u>	<u>3.87</u>	<u>32¢</u>	46861
<u>3.88</u>	<u>4.00</u>	<u>33¢</u>	46862

If the price exceeds four dollars, the tax is thirty-three 46863
cents on each four dollars. If the price exceeds four dollars or a 46864
multiple thereof by not more than eleven cents, the amount of tax 46865
is thirty-three cents for each four dollars plus one cent. If the 46866
price exceeds four dollars or a multiple thereof by more than 46867
eleven cents but not more than twenty-four cents, the amount of 46868
tax is thirty-three cents for each four dollars plus two cents. If 46869
the price exceeds four dollars or a multiple thereof by more than 46870
twenty-four cents, the amount of tax is thirty-three cents for 46871
each four dollars plus the amount of tax for prices twenty-six 46872
cents through three dollars and ninety-nine cents in accordance 46873
with the schedule above. 46874

(12) When the combined rate of local tax is three per cent: 46875

<u>If the price</u>	<u>But not</u>	<u>The amount</u>	
<u>is at least</u>	<u>more than</u>	<u>of the tax is</u>	
<u>\$.01</u>	<u>\$.15</u>	<u>No tax</u>	46878
<u>.16</u>	<u>.23</u>	<u>2¢</u>	46879
<u>.24</u>	<u>.35</u>	<u>3¢</u>	46880
<u>.36</u>	<u>.47</u>	<u>4¢</u>	46881
<u>.48</u>	<u>.58</u>	<u>5¢</u>	46882
<u>.59</u>	<u>.70</u>	<u>6¢</u>	46883
<u>.71</u>	<u>.82</u>	<u>7¢</u>	46884
<u>.83</u>	<u>.94</u>	<u>8¢</u>	46885
<u>.95</u>	<u>1.05</u>	<u>9¢</u>	46886
<u>1.06</u>	<u>1.17</u>	<u>10¢</u>	46887
<u>1.18</u>	<u>1.29</u>	<u>11¢</u>	46888
<u>1.30</u>	<u>1.41</u>	<u>12¢</u>	46889
<u>1.42</u>	<u>1.52</u>	<u>13¢</u>	46890
<u>1.53</u>	<u>1.64</u>	<u>14¢</u>	46891
<u>1.65</u>	<u>1.76</u>	<u>15¢</u>	46892

<u>1.77</u>	<u>1.88</u>	<u>16¢</u>	46893
<u>1.89</u>	<u>2.00</u>	<u>17¢</u>	46894

If the price exceeds two dollars, the tax is seventeen cents 46895
on each two dollars. If the price exceeds two dollars or a 46896
multiple thereof by not more than eleven cents, the amount of tax 46897
is seventeen cents for each two dollars plus one cent. If the 46898
price exceeds two dollars or a multiple thereof by more than 46899
eleven cents but not more than twenty-three cents, the amount of 46900
tax is seventeen cents for each two dollars plus two cents. If the 46901
price exceeds two dollars or a multiple thereof by more than 46902
twenty-three cents, the amount of tax is seventeen cents for each 46903
two dollars plus the amount of tax for prices twenty-four cents 46904
through one dollar and ninety-nine cents in accordance with the 46905
schedule above. 46906

(D) In lieu of collecting the tax pursuant to the schedules 46907
set forth in divisions (A), (B), and (C) of this section, a vendor 46908
may compute the tax on each sale as follows: 46909

(1) On sales of fifteen cents or less, no tax shall apply. 46910

(2) On sales in excess of fifteen cents, multiply the price 46911
by the aggregate rate of taxes in effect under sections 5739.02 46912
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 46913
5741.022, and 5741.023 of the Revised Code. The computation shall 46914
be carried out to six decimal places. If the result is a 46915
fractional amount of a cent, the calculated tax shall be increased 46916
to the next highest cent and that amount shall be collected by the 46917
vendor. 46918

(E) On and after January 1, 2006, a vendor shall compute the 46919
tax on each sale by multiplying the price by the aggregate rate of 46920
taxes in effect under sections 5739.02 and 5741.02, and sections 46921
5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of 46922
the Revised Code. The computation shall be carried out to three 46923

decimal places. If the result is a fractional amount of a cent, 46924
the calculated tax shall be rounded to a whole cent using a method 46925
that rounds up to the next cent whenever the third decimal place 46926
is greater than four. A vendor may elect to compute the tax due on 46927
a transaction on an item or an invoice basis. 46928

(F) In auditing a vendor, the tax commissioner shall consider 46929
the method prescribed by this section that was used by the vendor 46930
in determining and collecting the tax due under this chapter on 46931
taxable transactions. If the vendor correctly collects and remits 46932
the tax due under this chapter in accordance with the schedules in 46933
divisions (A), (B), and (C) of this section or in accordance with 46934
the computation prescribed in division (D) or (E) of this section, 46935
the commissioner shall not assess any additional tax on those 46936
transactions. 46937

(G)(1) With respect to a sale of a fractional ownership 46938
program aircraft used primarily in a fractional aircraft ownership 46939
program, including all accessories attached to such aircraft, the 46940
tax shall be calculated pursuant to divisions (A) to (E) of this 46941
section, provided that the tax commissioner shall modify those 46942
calculations so that the maximum tax on each program aircraft is 46943
eight hundred dollars. In the case of a sale of a fractional 46944
interest that is less than one hundred per cent of the program 46945
aircraft, the tax charged on the transaction shall be eight 46946
hundred dollars multiplied by a fraction, the numerator of which 46947
is the percentage of ownership or possession in the aircraft being 46948
purchased in the transaction, and the denominator of which is one 46949
hundred per cent. 46950

(2) Notwithstanding any other provision of law to the 46951
contrary, the tax calculated under division (G)(1) of this section 46952
and paid with respect to the sale of a fractional ownership 46953
program aircraft used primarily in a fractional aircraft ownership 46954
program shall be credited to the general revenue fund. 46955

Sec. 5739.10. (A) In addition to the tax levied by section 46956
5739.02 of the Revised Code and any tax levied pursuant to section 46957
5739.021, 5739.023, or 5739.026 of the Revised Code, and to secure 46958
the same objectives specified in those sections, there is hereby 46959
levied upon the privilege of engaging in the business of making 46960
retail sales, an excise tax ~~of six per cent on and after July 1,~~ 46961
~~2003, and on and before June 30, 2005, and an excise tax of five~~ 46962
~~per cent on and after July 1, 2005~~ equal to the tax levied by 46963
section 5739.02 of the Revised Code, or, in the case of retail 46964
sales subject to a tax levied pursuant to section 5739.021, 46965
5739.023, or 5739.026 of the Revised Code, a percentage equal to 46966
the aggregate rate of such taxes and the tax levied by section 46967
5739.02 of the Revised Code of the receipts derived from all 46968
retail sales, except those to which the excise tax imposed by 46969
section 5739.02 of the Revised Code is made inapplicable by 46970
division (B) of that section. 46971

(B) For the purpose of this section, no vendor shall be 46972
required to maintain records of sales of food for human 46973
consumption off the premises where sold, and no assessment shall 46974
be made against any vendor for sales of food for human consumption 46975
off the premises where sold, solely because the vendor has no 46976
records of, or has inadequate records of, such sales; provided 46977
that where a vendor does not have adequate records of receipts 46978
from the vendor's sales of food for human consumption on the 46979
premises where sold, the tax commissioner may refuse to accept the 46980
vendor's return and, upon the basis of test checks of the vendor's 46981
business for a representative period, and other information 46982
relating to the sales made by such vendor, determine the 46983
proportion that taxable retail sales bear to all of the vendor's 46984
retail sales. The tax imposed by this section shall be determined 46985
by deducting from the sum representing five and one-half or six 46986
per cent, as applicable under division (A) of this section, or, in 46987

the case of retail sales subject to a tax levied pursuant to 46988
section 5739.021, 5739.023, or 5739.026 of the Revised Code, a 46989
percentage equal to the aggregate rate of such taxes and the tax 46990
levied by section 5739.02 of the Revised Code of the receipts from 46991
such retail sales, the amount of tax paid to the state or to a 46992
clerk of a court of common pleas. The section does not affect any 46993
duty of the vendor under sections 5739.01 to 5739.19 and 5739.26 46994
to 5739.31 of the Revised Code, nor the liability of any consumer 46995
to pay any tax imposed by or pursuant to section 5739.02, 46996
5739.021, 5739.023, or 5739.026 of the Revised Code. 46997

Sec. 5741.02. (A)(1) For the use of the general revenue fund 46998
of the state, an excise tax is hereby levied on the storage, use, 46999
or other consumption in this state of tangible personal property 47000
or the benefit realized in this state of any service provided. The 47001
tax shall be collected as provided in section 5739.025 of the 47002
Revised Code, provided that on and after July 1, 2003, and on or 47003
before June 30, 2005, the rate of the tax shall be six per cent. 47004
On and after July 1, 2005, the rate of the tax shall be five and 47005
one-half per cent. 47006

(2) In the case of the lease or rental, with a fixed term of 47007
more than thirty days or an indefinite term with a minimum period 47008
of more than thirty days, of any motor vehicles designed by the 47009
manufacturer to carry a load of not more than one ton, watercraft, 47010
outboard motor, or aircraft, or of any tangible personal property, 47011
other than motor vehicles designed by the manufacturer to carry a 47012
load of more than one ton, to be used by the lessee or renter 47013
primarily for business purposes, the tax shall be collected by the 47014
seller at the time the lease or rental is consummated and shall be 47015
calculated by the seller on the basis of the total amount to be 47016
paid by the lessee or renter under the lease or rental agreement. 47017
If the total amount of the consideration for the lease or rental 47018
includes amounts that are not calculated at the time the lease or 47019

rental is executed, the tax shall be calculated and collected by 47020
the seller at the time such amounts are billed to the lessee or 47021
renter. In the case of an open-end lease or rental, the tax shall 47022
be calculated by the seller on the basis of the total amount to be 47023
paid during the initial fixed term of the lease or rental, and for 47024
each subsequent renewal period as it comes due. As used in this 47025
division, "motor vehicle" has the same meaning as in section 47026
4501.01 of the Revised Code, and "watercraft" includes an outdrive 47027
unit attached to the watercraft. 47028

(3) Except as provided in division (A)(2) of this section, in 47029
the case of a transaction, the price of which consists in whole or 47030
part of the lease or rental of tangible personal property, the tax 47031
shall be measured by the installments of those leases or rentals. 47032

(B) Each consumer, storing, using, or otherwise consuming in 47033
this state tangible personal property or realizing in this state 47034
the benefit of any service provided, shall be liable for the tax, 47035
and such liability shall not be extinguished until the tax has 47036
been paid to this state; provided, that the consumer shall be 47037
relieved from further liability for the tax if the tax has been 47038
paid to a seller in accordance with section 5741.04 of the Revised 47039
Code or prepaid by the seller in accordance with section 5741.06 47040
of the Revised Code. 47041

(C) The tax does not apply to the storage, use, or 47042
consumption in this state of the following described tangible 47043
personal property or services, nor to the storage, use, or 47044
consumption or benefit in this state of tangible personal property 47045
or services purchased under the following described circumstances: 47046

(1) When the sale of property or service in this state is 47047
subject to the excise tax imposed by sections 5739.01 to 5739.31 47048
of the Revised Code, provided said tax has been paid; 47049

(2) Except as provided in division (D) of this section, 47050

tangible personal property or services, the acquisition of which, 47051
if made in Ohio, would be a sale not subject to the tax imposed by 47052
sections 5739.01 to 5739.31 of the Revised Code; 47053

(3) Property or services, the storage, use, or other 47054
consumption of or benefit from which this state is prohibited from 47055
taxing by the Constitution of the United States, laws of the 47056
United States, or the Constitution of this state. This exemption 47057
shall not exempt from the application of the tax imposed by this 47058
section the storage, use, or consumption of tangible personal 47059
property that was purchased in interstate commerce, but that has 47060
come to rest in this state, provided that fuel to be used or 47061
transported in carrying on interstate commerce that is stopped 47062
within this state pending transfer from one conveyance to another 47063
is exempt from the excise tax imposed by this section and section 47064
5739.02 of the Revised Code; 47065

(4) Transient use of tangible personal property in this state 47066
by a nonresident tourist or vacationer, or a non-business use 47067
within this state by a nonresident of this state, if the property 47068
so used was purchased outside this state for use outside this 47069
state and is not required to be registered or licensed under the 47070
laws of this state; 47071

(5) Tangible personal property or services rendered, upon 47072
which taxes have been paid to another jurisdiction to the extent 47073
of the amount of the tax paid to such other jurisdiction. Where 47074
the amount of the tax imposed by this section and imposed pursuant 47075
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 47076
exceeds the amount paid to another jurisdiction, the difference 47077
shall be allocated between the tax imposed by this section and any 47078
tax imposed by a county or a transit authority pursuant to section 47079
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 47080
to the respective rates of such taxes. 47081

As used in this subdivision, "taxes paid to another jurisdiction" means the total amount of retail sales or use tax or similar tax based upon the sale, purchase, or use of tangible personal property or services rendered legally, levied by and paid to another state or political subdivision thereof, or to the District of Columbia, where the payment of such tax does not entitle the taxpayer to any refund or credit for such payment.

(6) The transfer of a used manufactured home or used mobile home, as defined by section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(7) Drugs that are or are intended to be distributed free of charge to a practitioner licensed to prescribe, dispense, and administer drugs to a human being in the course of a professional practice and that by law may be dispensed only by or upon the order of such a practitioner.

(8) Computer equipment and related software leased from a lessor located outside this state and initially received in this state on behalf of the consumer by a third party that will retain possession of such property for not more than ninety days and that will, within that ninety-day period, deliver such property to the consumer at a location outside this state. Division (C)(8) of this section does not provide exemption from taxation for any otherwise taxable charges associated with such property while it is in this state or for any subsequent storage, use, or consumption of such property in this state by or on behalf of the consumer.

(D) The tax applies to the storage, use, or other consumption in this state of tangible personal property or services, the acquisition of which at the time of sale was excepted under division (E) of section 5739.01 of the Revised Code from the tax imposed by section 5739.02 of the Revised Code, but which has subsequently been temporarily or permanently stored, used, or

otherwise consumed in a taxable manner. 47113

(E)(1) If any transaction is claimed to be exempt under 47114
division (E) of section 5739.01 of the Revised Code or under 47115
section 5739.02 of the Revised Code, with the exception of 47116
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 47117
Code, the consumer shall provide to the seller, and the seller 47118
shall obtain from the consumer, a certificate specifying the 47119
reason that the transaction is not subject to the tax. The 47120
certificate shall be provided either in a hard copy form or 47121
electronic form, as prescribed by the tax commissioner. If the 47122
transaction is claimed to be exempt under division (B)(13) of 47123
section 5739.02 of the Revised Code, the exemption certificate 47124
shall be provided by both the contractor and contractee. Such 47125
contractee shall be deemed to be the consumer of all items 47126
purchased under the claim of exemption, if it is subsequently 47127
determined that the exemption is not properly claimed. The 47128
certificate shall be in such form as the tax commissioner by rule 47129
prescribes. The seller shall maintain records, including exemption 47130
certificates, of all sales on which a consumer has claimed an 47131
exemption, and provide them to the tax commissioner on request. 47132

(2) If no certificate is provided or obtained within the 47133
period for filing the return for the period in which the 47134
transaction is consummated, it shall be presumed that the tax 47135
applies. The failure to have so provided or obtained a certificate 47136
shall not preclude a seller or consumer from establishing, within 47137
one hundred twenty days of the giving of notice by the 47138
commissioner of intention to levy an assessment, that the 47139
transaction is not subject to the tax. 47140

(F) A seller who files a petition for reassessment contesting 47141
the assessment of tax on transactions for which the seller 47142
obtained no valid exemption certificates, and for which the seller 47143
failed to establish that the transactions were not subject to the 47144

tax during the one-hundred-twenty-day period allowed under 47145
division (E) of this section, may present to the tax commissioner 47146
additional evidence to prove that the transactions were exempt. 47147
The seller shall file such evidence within ninety days of the 47148
receipt by the seller of the notice of assessment, except that, 47149
upon application and for reasonable cause, the tax commissioner 47150
may extend the period for submitting such evidence thirty days. 47151

(G) For the purpose of the proper administration of sections 47152
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 47153
of the tax hereby levied, it shall be presumed that any use, 47154
storage, or other consumption of tangible personal property in 47155
this state is subject to the tax until the contrary is 47156
established. 47157

(H) The tax collected by the seller from the consumer under 47158
this chapter is not part of the price, but is a tax collection for 47159
the benefit of the state, and of counties levying an additional 47160
use tax pursuant to section 5741.021 or 5741.023 of the Revised 47161
Code and of transit authorities levying an additional use tax 47162
pursuant to section 5741.022 of the Revised Code. Except for the 47163
discount authorized under section 5741.12 of the Revised Code and 47164
the effects of any rounding pursuant to section 5703.055 of the 47165
Revised Code, no person other than the state or such a county or 47166
transit authority shall derive any benefit from the collection of 47167
such tax. 47168

Sec. 5743.02. To provide revenues for the general revenue 47169
fund, an excise tax on sales of cigarettes is hereby levied at the 47170
rate of ~~twenty seven and one half~~ fifty mills on each cigarette. 47171

Only one sale of the same article shall be used in computing 47172
the amount of tax due. 47173

The treasurer of state shall place to the credit of the tax 47174

refund fund created by section 5703.052 of the Revised Code, out 47175
of receipts from the tax levied by this section, amounts equal to 47176
the refunds certified by the tax commissioner pursuant to section 47177
5743.05 of the Revised Code. The balance of taxes collected under 47178
such section, after the credits to the tax refund fund, shall be 47179
paid into the general revenue fund. 47180

Sec. 5743.32. To provide revenue for the general revenue fund 47181
of the state, an excise tax is hereby levied on the use, 47182
consumption, or storage for consumption of cigarettes by consumers 47183
in this state at the rate of ~~twenty seven and one half~~ fifty mills 47184
on each cigarette. The tax shall not apply if the tax levied by 47185
section 5743.02 of the Revised Code has been paid. 47186

The money received into the state treasury from the excise 47187
tax levied by this section shall be credited to the general 47188
revenue fund. 47189

Sec. 5743.51. (A) To provide revenue for the general revenue 47190
fund of the state, an excise tax on tobacco products is hereby 47191
levied at the rate of ~~seventeen~~ thirty per cent of the wholesale 47192
price of the tobacco product received by a distributor or sold by 47193
a manufacturer to a retail dealer located in this state. Each 47194
distributor who brings tobacco products, or causes tobacco 47195
products to be brought, into this state for distribution within 47196
this state, or any out-of-state distributor who sells tobacco 47197
products to wholesale or retail dealers located in this state for 47198
resale by those wholesale or retail dealers is liable for the tax 47199
imposed by this section. Only one sale of the same article shall 47200
be used in computing the amount of the tax due. 47201

(B) The treasurer of state shall place to the credit of the 47202
tax refund fund created by section 5703.052 of the Revised Code, 47203
out of the receipts from the tax levied by this section, amounts 47204

equal to the refunds certified by the tax commissioner pursuant to 47205
section 5743.53 of the Revised Code. The balance of the taxes 47206
collected under this section shall be paid into the general 47207
revenue fund. 47208

(C) The commissioner may adopt rules as are necessary to 47209
assist in the enforcement and administration of sections 5743.51 47210
to 5743.66 of the Revised Code, including rules providing for the 47211
remission of penalties imposed. 47212

(D) A manufacturer is not liable for payment of the tax 47213
imposed by this section for sales of tobacco products to a retail 47214
dealer that has filed a signed statement with the manufacturer in 47215
which the retail dealer agrees to pay and be liable for the tax, 47216
as long as the manufacturer has provided a copy of the statement 47217
to the tax commissioner. 47218

Sec. 5743.62. (A) To provide revenue for the general revenue 47219
fund of the state, an excise tax is hereby levied on the seller of 47220
tobacco products in this state at the rate of ~~seventeen~~ thirty per 47221
cent of the wholesale price of the tobacco product whenever the 47222
tobacco product is delivered to a consumer in this state for the 47223
storage, use, or other consumption of such tobacco products. The 47224
tax imposed by this section applies only to sellers having nexus 47225
in this state, as defined in section 5741.01 of the Revised Code. 47226

(B) A seller of tobacco products who has nexus in this state 47227
as defined in section 5741.01 of the Revised Code shall register 47228
with the tax commissioner and supply any information concerning 47229
the seller's contacts with this state as may be required by the 47230
tax commissioner. A seller who does not have nexus in this state 47231
may voluntarily register with the tax commissioner. A seller who 47232
voluntarily registers with the tax commissioner is entitled to the 47233
same benefits and is subject to the same duties and requirements 47234
as a seller required to be registered with the tax commissioner 47235

under this division.

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(C) Each seller of tobacco products subject to the tax levied by this section, on or before the last day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due, payable to the treasurer of state. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the tax commissioner on or before the last day of the month following the reporting period. If the return is filed and the amount of the tax shown on the return to be due is paid on or before the date the return is required to be filed, the seller is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.

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(D) The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund.

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(E) Each seller of tobacco products subject to the tax levied by this section shall mark on the invoices of tobacco products sold that the tax levied by that section has been paid and shall indicate the seller's account number as assigned by the tax commissioner.

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Sec. 5743.63. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the storage, use, or other consumption of tobacco products at the rate of ~~seventeen~~ thirty per cent of the wholesale price of the tobacco product, provided the tax has not been paid by the seller as provided in section 5743.62 of the Revised Code, or by the distributor as provided in section 5743.51 of the Revised Code.

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(B) Each person subject to the tax levied by this section, on 47267
or before the last day of each month, shall file with the tax 47268
commissioner a return for the preceding month showing any 47269
information the tax commissioner finds necessary for the proper 47270
administration of sections 5743.51 to 5743.66 of the Revised Code, 47271
together with remittance of the tax due, payable to the treasurer 47272
of state. The return and payment of the tax required by this 47273
section shall be filed in such a manner that it is received by the 47274
tax commissioner on or before the last day of the month following 47275
the reporting period. 47276

(C) The tax commissioner shall immediately forward to the 47277
treasurer of state all money received from the tax levied by this 47278
section, and the treasurer shall credit the amount to the general 47279
revenue fund. 47280

Sec. 5747.01. Except as otherwise expressly provided or 47281
clearly appearing from the context, any term used in this chapter 47282
that is not otherwise defined in this section has the same meaning 47283
as when used in a comparable context in the laws of the United 47284
States relating to federal income taxes or if not used in a 47285
comparable context in those laws, has the same meaning as in 47286
section 5733.40 of the Revised Code. Any reference in this chapter 47287
to the Internal Revenue Code includes other laws of the United 47288
States relating to federal income taxes. 47289

As used in this chapter: 47290

(A) "Adjusted gross income" or "Ohio adjusted gross income" 47291
means federal adjusted gross income, as defined and used in the 47292
Internal Revenue Code, adjusted as provided in this section: 47293

(1) Add interest or dividends on obligations or securities of 47294
any state or of any political subdivision or authority of any 47295
state, other than this state and its subdivisions and authorities. 47296

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002 ~~or after 2004~~, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002, ~~2003~~, or 2004 thereafter. "Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by

(b)(i) the deductions to adjusted gross income required under 47328
division (A) of this section, (ii) the amount of federal income 47329
taxes attributable to such income, and (iii) the amount of taxable 47330
income that has been included in the adjusted gross income of a 47331
beneficiary by reason of a prior accumulation distribution. Any 47332
undistributed net income included in the adjusted gross income of 47333
a beneficiary shall reduce the undistributed net income of the 47334
trust commencing with the earliest years of the accumulation 47335
period. 47336

(7) Deduct the amount of wages and salaries, if any, not 47337
otherwise allowable as a deduction but that would have been 47338
allowable as a deduction in computing federal adjusted gross 47339
income for the taxable year, had the targeted jobs credit allowed 47340
and determined under sections 38, 51, and 52 of the Internal 47341
Revenue Code not been in effect. 47342

(8) Deduct any interest or interest equivalent on public 47343
obligations and purchase obligations to the extent that the 47344
interest or interest equivalent is included in federal adjusted 47345
gross income. 47346

(9) Add any loss or deduct any gain resulting from the sale, 47347
exchange, or other disposition of public obligations to the extent 47348
that the loss has been deducted or the gain has been included in 47349
computing federal adjusted gross income. 47350

(10) Deduct or add amounts, as provided under section 5747.70 47351
of the Revised Code, related to contributions to variable college 47352
savings program accounts made or tuition ~~credits~~ units purchased 47353
pursuant to Chapter 3334. of the Revised Code. 47354

(11)(a) Deduct, to the extent not otherwise allowable as a 47355
deduction or exclusion in computing federal or Ohio adjusted gross 47356
income for the taxable year, the amount the taxpayer paid during 47357
the taxable year for medical care insurance and qualified 47358

long-term care insurance for the taxpayer, the taxpayer's spouse,
and dependents. No deduction for medical care insurance under
division (A)(11) of this section shall be allowed either to any
taxpayer who is eligible to participate in any subsidized health
plan maintained by any employer of the taxpayer or of the
taxpayer's spouse, or to any taxpayer who is entitled to, or on
application would be entitled to, benefits under part A of Title
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.
301, as amended. For the purposes of division (A)(11)(a) of this
section, "subsidized health plan" means a health plan for which
the employer pays any portion of the plan's cost. The deduction
allowed under division (A)(11)(a) of this section shall be the net
of any related premium refunds, related premium reimbursements, or
related insurance premium dividends received during the taxable
year.

(b) Deduct, to the extent not otherwise deducted or excluded
in computing federal or Ohio adjusted gross income during the
taxable year, the amount the taxpayer paid during the taxable
year, not compensated for by any insurance or otherwise, for
medical care of the taxpayer, the taxpayer's spouse, and
dependents, to the extent the expenses exceed seven and one-half
per cent of the taxpayer's federal adjusted gross income.

(c) For purposes of division (A)(11) of this section,
"medical care" has the meaning given in section 213 of the
Internal Revenue Code, subject to the special rules, limitations,
and exclusions set forth therein, and "qualified long-term care"
has the same meaning given in section 7702(B)(b) of the Internal
Revenue Code.

(12)(a) Deduct any amount included in federal adjusted gross
income solely because the amount represents a reimbursement or
refund of expenses that in any year the taxpayer had deducted as
an itemized deduction pursuant to section 63 of the Internal

Revenue Code and applicable United States department of the 47391
treasury regulations. The deduction otherwise allowed under 47392
division (A)(12)(a) of this section shall be reduced to the extent 47393
the reimbursement is attributable to an amount the taxpayer 47394
deducted under this section in any taxable year. 47395

(b) Add any amount not otherwise included in Ohio adjusted 47396
gross income for any taxable year to the extent that the amount is 47397
attributable to the recovery during the taxable year of any amount 47398
deducted or excluded in computing federal or Ohio adjusted gross 47399
income in any taxable year. 47400

(13) Deduct any portion of the deduction described in section 47401
1341(a)(2) of the Internal Revenue Code, for repaying previously 47402
reported income received under a claim of right, that meets both 47403
of the following requirements: 47404

(a) It is allowable for repayment of an item that was 47405
included in the taxpayer's adjusted gross income for a prior 47406
taxable year and did not qualify for a credit under division (A) 47407
or (B) of section 5747.05 of the Revised Code for that year; 47408

(b) It does not otherwise reduce the taxpayer's adjusted 47409
gross income for the current or any other taxable year. 47410

(14) Deduct an amount equal to the deposits made to, and net 47411
investment earnings of, a medical savings account during the 47412
taxable year, in accordance with section 3924.66 of the Revised 47413
Code. The deduction allowed by division (A)(14) of this section 47414
does not apply to medical savings account deposits and earnings 47415
otherwise deducted or excluded for the current or any other 47416
taxable year from the taxpayer's federal adjusted gross income. 47417

(15)(a) Add an amount equal to the funds withdrawn from a 47418
medical savings account during the taxable year, and the net 47419
investment earnings on those funds, when the funds withdrawn were 47420
used for any purpose other than to reimburse an account holder 47421

for, or to pay, eligible medical expenses, in accordance with 47422
section 3924.66 of the Revised Code; 47423

(b) Add the amounts distributed from a medical savings 47424
account under division (A)(2) of section 3924.68 of the Revised 47425
Code during the taxable year. 47426

(16) Add any amount claimed as a credit under section 47427
5747.059 of the Revised Code to the extent that such amount 47428
satisfies either of the following: 47429

(a) The amount was deducted or excluded from the computation 47430
of the taxpayer's federal adjusted gross income as required to be 47431
reported for the taxpayer's taxable year under the Internal 47432
Revenue Code; 47433

(b) The amount resulted in a reduction of the taxpayer's 47434
federal adjusted gross income as required to be reported for any 47435
of the taxpayer's taxable years under the Internal Revenue Code. 47436

(17) Deduct the amount contributed by the taxpayer to an 47437
individual development account program established by a county 47438
department of job and family services pursuant to sections 329.11 47439
to 329.14 of the Revised Code for the purpose of matching funds 47440
deposited by program participants. On request of the tax 47441
commissioner, the taxpayer shall provide any information that, in 47442
the tax commissioner's opinion, is necessary to establish the 47443
amount deducted under division (A)(17) of this section. 47444

(18) Beginning in taxable year 2001 but not for any taxable 47445
year beginning after December 31, 2005, if the taxpayer is married 47446
and files a joint return and the combined federal adjusted gross 47447
income of the taxpayer and the taxpayer's spouse for the taxable 47448
year does not exceed one hundred thousand dollars, or if the 47449
taxpayer is single and has a federal adjusted gross income for the 47450
taxable year not exceeding fifty thousand dollars, deduct amounts 47451
paid during the taxable year for qualified tuition and fees paid 47452

to an eligible institution for the taxpayer, the taxpayer's 47453
spouse, or any dependent of the taxpayer, who is a resident of 47454
this state and is enrolled in or attending a program that 47455
culminates in a degree or diploma at an eligible institution. The 47456
deduction may be claimed only to the extent that qualified tuition 47457
and fees are not otherwise deducted or excluded for any taxable 47458
year from federal or Ohio adjusted gross income. The deduction may 47459
not be claimed for educational expenses for which the taxpayer 47460
claims a credit under section 5747.27 of the Revised Code. 47461

(19) Add any reimbursement received during the taxable year 47462
of any amount the taxpayer deducted under division (A)(18) of this 47463
section in any previous taxable year to the extent the amount is 47464
not otherwise included in Ohio adjusted gross income. 47465

(20)(a)(i) Add five-sixths of the amount of depreciation 47466
expense allowed by subsection (k) of section 168 of the Internal 47467
Revenue Code, including the taxpayer's proportionate or 47468
distributive share of the amount of depreciation expense allowed 47469
by that subsection to a pass-through entity in which the taxpayer 47470
has a direct or indirect ownership interest. 47471

(ii) Add five-sixths of the amount of qualifying section 179 47472
depreciation expense, including a person's proportionate or 47473
distributive share of the amount of qualifying section 179 47474
depreciation expense allowed to any pass-through entity in which 47475
the person has a direct or indirect ownership. For the purposes of 47476
this division, "qualifying section 179 depreciation expense" means 47477
the difference between (I) the amount of depreciation expense 47478
directly or indirectly allowed to the taxpayer under section 179 47479
of the Internal Revenue Code, and (II) the amount of depreciation 47480
expense directly or indirectly allowed to the taxpayer under 47481
section 179 of the Internal Revenue Code as that section existed 47482
on December 31, 2002. 47483

The tax commissioner, under procedures established by the 47484

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.

(b) Nothing in division (A)(20) of this section shall be
construed to adjust or modify the adjusted basis of any asset.

(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
methods of apportionment enumerated in section 5747.21 of the
Revised Code.

(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.

(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.

(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 47516
methods of apportionment enumerated in section 5747.21 of the 47517
Revised Code. 47518

(c) No deduction is available under division (A)(21)(a) of 47519
this section with regard to any depreciation allowed by section 47520
168(k) of the Internal Revenue Code and by the qualifying section 47521
179 depreciation expense amount to the extent that such 47522
depreciation resulted in or increased a federal net operating loss 47523
carryback or carryforward to a taxable year to which division 47524
(A)(20)(d) of this section does not apply. 47525

(B) "Business income" means income, including gain or loss, 47526
arising from transactions, activities, and sources in the regular 47527
course of a trade or business and includes income, gain, or loss 47528
from real property, tangible property, and intangible property if 47529
the acquisition, rental, management, and disposition of the 47530
property constitute integral parts of the regular course of a 47531
trade or business operation. "Business income" includes income, 47532
including gain or loss, from a partial or complete liquidation of 47533
a business, including, but not limited to, gain or loss from the 47534
sale or other disposition of goodwill. 47535

(C) "Nonbusiness income" means all income other than business 47536
income and may include, but is not limited to, compensation, rents 47537
and royalties from real or tangible personal property, capital 47538
gains, interest, dividends and distributions, patent or copyright 47539
royalties, or lottery winnings, prizes, and awards. 47540

(D) "Compensation" means any form of remuneration paid to an 47541
employee for personal services. 47542

(E) "Fiduciary" means a guardian, trustee, executor, 47543
administrator, receiver, conservator, or any other person acting 47544
in any fiduciary capacity for any individual, trust, or estate. 47545

(F) "Fiscal year" means an accounting period of twelve months 47546

ending on the last day of any month other than December. 47547

(G) "Individual" means any natural person. 47548

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 47549
47550

(I) "Resident" means any of the following, provided that 47551
division (I)(3) of this section applies only to taxable years of a 47552
trust beginning in 2002,~~2003~~, or ~~2004~~ thereafter: 47553

(1) An individual who is domiciled in this state, subject to 47554
section 5747.24 of the Revised Code; 47555

(2) The estate of a decedent who at the time of death was 47556
domiciled in this state. The domicile tests of section 5747.24 of 47557
the Revised Code and any election under section 5747.25 of the 47558
Revised Code are not controlling for purposes of division (I)(2) 47559
of this section. 47560

(3) A trust that, in whole or part, resides in this state. If 47561
only part of a trust resides in this state, the trust is a 47562
resident only with respect to that part. 47563

For the purposes of division (I)(3) of this section: 47564

(a) A trust resides in this state for the trust's current 47565
taxable year to the extent, as described in division (I)(3)(d) of 47566
this section, that the trust consists directly or indirectly, in 47567
whole or in part, of assets, net of any related liabilities, that 47568
were transferred, or caused to be transferred, directly or 47569
indirectly, to the trust by any of the following: 47570

(i) A person, a court, or a governmental entity or 47571
instrumentality on account of the death of a decedent, but only if 47572
the trust is described in division (I)(3)(e)(i) or (ii) of this 47573
section; 47574

(ii) A person who was domiciled in this state for the 47575
purposes of this chapter when the person directly or indirectly 47576

transferred assets to an irrevocable trust, but only if at least
one of the trust's qualifying beneficiaries is domiciled in this
state for the purposes of this chapter during all or some portion
of the trust's current taxable year;

(iii) A person who was domiciled in this state for the
purposes of this chapter when the trust document or instrument or
part of the trust document or instrument became irrevocable, but
only if at least one of the trust's qualifying beneficiaries is a
resident domiciled in this state for the purposes of this chapter
during all or some portion of the trust's current taxable year. If
a trust document or instrument became irrevocable upon the death
of a person who at the time of death was domiciled in this state
for purposes of this chapter, that person is a person described in
division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor
is not considered to be the owner of the net assets of the trust
under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead
trust, "qualifying beneficiary" has the same meaning as "potential
current beneficiary" as defined in section 1361(e)(2) of the
Internal Revenue Code, and with respect to a charitable lead trust
"qualifying beneficiary" is any current, future, or contingent
beneficiary, but with respect to any trust "qualifying
beneficiary" excludes a person or a governmental entity or
instrumentality to any of which a contribution would qualify for
the charitable deduction under section 170 of the Internal Revenue
Code.

(d) For the purposes of division (I)(3)(a) of this section,
the extent to which a trust consists directly or indirectly, in
whole or in part, of assets, net of any related liabilities, that
were transferred directly or indirectly, in whole or part, to the

trust by any of the sources enumerated in that division shall be 47608
ascertained by multiplying the fair market value of the trust's 47609
assets, net of related liabilities, by the qualifying ratio, which 47610
shall be computed as follows: 47611

(i) The first time the trust receives assets, the numerator 47612
of the qualifying ratio is the fair market value of those assets 47613
at that time, net of any related liabilities, from sources 47614
enumerated in division (I)(3)(a) of this section. The denominator 47615
of the qualifying ratio is the fair market value of all the 47616
trust's assets at that time, net of any related liabilities. 47617

(ii) Each subsequent time the trust receives assets, a 47618
revised qualifying ratio shall be computed. The numerator of the 47619
revised qualifying ratio is the sum of (1) the fair market value 47620
of the trust's assets immediately prior to the subsequent 47621
transfer, net of any related liabilities, multiplied by the 47622
qualifying ratio last computed without regard to the subsequent 47623
transfer, and (2) the fair market value of the subsequently 47624
transferred assets at the time transferred, net of any related 47625
liabilities, from sources enumerated in division (I)(3)(a) of this 47626
section. The denominator of the revised qualifying ratio is the 47627
fair market value of all the trust's assets immediately after the 47628
subsequent transfer, net of any related liabilities. 47629

(iii) Whether a transfer to the trust is by or from any of 47630
the sources enumerated in division (I)(3)(a) of this section shall 47631
be ascertained without regard to the domicile of the trust's 47632
beneficiaries. 47633

(e) For the purposes of division (I)(3)(a)(i) of this 47634
section: 47635

(i) A trust is described in division (I)(3)(e)(i) of this 47636
section if the trust is a testamentary trust and the testator of 47637
that testamentary trust was domiciled in this state at the time of 47638

the testator's death for purposes of the taxes levied under 47639
Chapter 5731. of the Revised Code. 47640

(ii) A trust is described in division (I)(3)(e)(ii) of this 47641
section if the transfer is a qualifying transfer described in any 47642
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 47643
irrevocable inter vivos trust, and at least one of the trust's 47644
qualifying beneficiaries is domiciled in this state for purposes 47645
of this chapter during all or some portion of the trust's current 47646
taxable year. 47647

(f) For the purposes of division (I)(3)(e)(ii) of this 47648
section, a "qualifying transfer" is a transfer of assets, net of 47649
any related liabilities, directly or indirectly to a trust, if the 47650
transfer is described in any of the following: 47651

(i) The transfer is made to a trust, created by the decedent 47652
before the decedent's death and while the decedent was domiciled 47653
in this state for the purposes of this chapter, and, prior to the 47654
death of the decedent, the trust became irrevocable while the 47655
decedent was domiciled in this state for the purposes of this 47656
chapter. 47657

(ii) The transfer is made to a trust to which the decedent, 47658
prior to the decedent's death, had directly or indirectly 47659
transferred assets, net of any related liabilities, while the 47660
decedent was domiciled in this state for the purposes of this 47661
chapter, and prior to the death of the decedent the trust became 47662
irrevocable while the decedent was domiciled in this state for the 47663
purposes of this chapter. 47664

(iii) The transfer is made on account of a contractual 47665
relationship existing directly or indirectly between the 47666
transferor and either the decedent or the estate of the decedent 47667
at any time prior to the date of the decedent's death, and the 47668
decedent was domiciled in this state at the time of death for 47669

purposes of the taxes levied under Chapter 5731. of the Revised Code. 47670
47671

(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. 47672
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(v) The transfer is made to a trust on account of the will of a testator. 47677
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(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. 47679
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(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state. 47685
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(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. 47687
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(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 47691
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(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. 47693
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(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 47697
47698
47699

pursuant to this chapter. 47700

(N) "Taxpayer" means any person subject to the tax imposed by 47701
section 5747.02 of the Revised Code or any pass-through entity 47702
that makes the election under division (D) of section 5747.08 of 47703
the Revised Code. 47704

(O) "Dependents" means dependents as defined in the Internal 47705
Revenue Code and as claimed in the taxpayer's federal income tax 47706
return for the taxable year or which the taxpayer would have been 47707
permitted to claim had the taxpayer filed a federal income tax 47708
return. 47709

(P) "Principal county of employment" means, in the case of a 47710
nonresident, the county within the state in which a taxpayer 47711
performs services for an employer or, if those services are 47712
performed in more than one county, the county in which the major 47713
portion of the services are performed. 47714

(Q) As used in sections 5747.50 to 5747.55 of the Revised 47715
Code: 47716

(1) "Subdivision" means any county, municipal corporation, 47717
park district, or township. 47718

(2) "Essential local government purposes" includes all 47719
functions that any subdivision is required by general law to 47720
exercise, including like functions that are exercised under a 47721
charter adopted pursuant to the Ohio Constitution. 47722

(R) "Overpayment" means any amount already paid that exceeds 47723
the figure determined to be the correct amount of the tax. 47724

(S) "Taxable income" or "Ohio taxable income" applies only to 47725
estates and trusts, and means federal taxable income, as defined 47726
and used in the Internal Revenue Code, adjusted as follows: 47727

(1) Add interest or dividends, net of ordinary, necessary, 47728
and reasonable expenses not deducted in computing federal taxable 47729

income, on obligations or securities of any state or of any 47730
political subdivision or authority of any state, other than this 47731
state and its subdivisions and authorities, but only to the extent 47732
that such net amount is not otherwise includible in Ohio taxable 47733
income and is described in either division (S)(1)(a) or (b) of 47734
this section: 47735

(a) The net amount is not attributable to the S portion of an 47736
electing small business trust and has not been distributed to 47737
beneficiaries for the taxable year; 47738

(b) The net amount is attributable to the S portion of an 47739
electing small business trust for the taxable year. 47740

(2) Add interest or dividends, net of ordinary, necessary, 47741
and reasonable expenses not deducted in computing federal taxable 47742
income, on obligations of any authority, commission, 47743
instrumentality, territory, or possession of the United States to 47744
the extent that the interest or dividends are exempt from federal 47745
income taxes but not from state income taxes, but only to the 47746
extent that such net amount is not otherwise includible in Ohio 47747
taxable income and is described in either division (S)(1)(a) or 47748
(b) of this section; 47749

(3) Add the amount of personal exemption allowed to the 47750
estate pursuant to section 642(b) of the Internal Revenue Code; 47751

(4) Deduct interest or dividends, net of related expenses 47752
deducted in computing federal taxable income, on obligations of 47753
the United States and its territories and possessions or of any 47754
authority, commission, or instrumentality of the United States to 47755
the extent that the interest or dividends are exempt from state 47756
taxes under the laws of the United States, but only to the extent 47757
that such amount is included in federal taxable income and is 47758
described in either division (S)(1)(a) or (b) of this section; 47759

(5) Deduct the amount of wages and salaries, if any, not 47760

otherwise allowable as a deduction but that would have been 47761
allowable as a deduction in computing federal taxable income for 47762
the taxable year, had the targeted jobs credit allowed under 47763
sections 38, 51, and 52 of the Internal Revenue Code not been in 47764
effect, but only to the extent such amount relates either to 47765
income included in federal taxable income for the taxable year or 47766
to income of the S portion of an electing small business trust for 47767
the taxable year; 47768

(6) Deduct any interest or interest equivalent, net of 47769
related expenses deducted in computing federal taxable income, on 47770
public obligations and purchase obligations, but only to the 47771
extent that such net amount relates either to income included in 47772
federal taxable income for the taxable year or to income of the S 47773
portion of an electing small business trust for the taxable year; 47774

(7) Add any loss or deduct any gain resulting from sale, 47775
exchange, or other disposition of public obligations to the extent 47776
that such loss has been deducted or such gain has been included in 47777
computing either federal taxable income or income of the S portion 47778
of an electing small business trust for the taxable year; 47779

(8) Except in the case of the final return of an estate, add 47780
any amount deducted by the taxpayer on both its Ohio estate tax 47781
return pursuant to section 5731.14 of the Revised Code, and on its 47782
federal income tax return in determining federal taxable income; 47783

(9)(a) Deduct any amount included in federal taxable income 47784
solely because the amount represents a reimbursement or refund of 47785
expenses that in a previous year the decedent had deducted as an 47786
itemized deduction pursuant to section 63 of the Internal Revenue 47787
Code and applicable treasury regulations. The deduction otherwise 47788
allowed under division (S)(9)(a) of this section shall be reduced 47789
to the extent the reimbursement is attributable to an amount the 47790
taxpayer or decedent deducted under this section in any taxable 47791

year. 47792

(b) Add any amount not otherwise included in Ohio taxable 47793
income for any taxable year to the extent that the amount is 47794
attributable to the recovery during the taxable year of any amount 47795
deducted or excluded in computing federal or Ohio taxable income 47796
in any taxable year, but only to the extent such amount has not 47797
been distributed to beneficiaries for the taxable year. 47798

(10) Deduct any portion of the deduction described in section 47799
1341(a)(2) of the Internal Revenue Code, for repaying previously 47800
reported income received under a claim of right, that meets both 47801
of the following requirements: 47802

(a) It is allowable for repayment of an item that was 47803
included in the taxpayer's taxable income or the decedent's 47804
adjusted gross income for a prior taxable year and did not qualify 47805
for a credit under division (A) or (B) of section 5747.05 of the 47806
Revised Code for that year. 47807

(b) It does not otherwise reduce the taxpayer's taxable 47808
income or the decedent's adjusted gross income for the current or 47809
any other taxable year. 47810

(11) Add any amount claimed as a credit under section 47811
5747.059 of the Revised Code to the extent that the amount 47812
satisfies either of the following: 47813

(a) The amount was deducted or excluded from the computation 47814
of the taxpayer's federal taxable income as required to be 47815
reported for the taxpayer's taxable year under the Internal 47816
Revenue Code; 47817

(b) The amount resulted in a reduction in the taxpayer's 47818
federal taxable income as required to be reported for any of the 47819
taxpayer's taxable years under the Internal Revenue Code. 47820

(12) Deduct any amount, net of related expenses deducted in 47821

computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only if the assets of the trust include at least ten acres of land satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002,~~2003,~~ or ~~2004~~ thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002,~~2003,~~ or ~~2004~~ thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and

"interest or interest equivalent" have the same meanings as in 47853
section 5709.76 of the Revised Code. 47854

(V) "Limited liability company" means any limited liability 47855
company formed under Chapter 1705. of the Revised Code or under 47856
the laws of any other state. 47857

(W) "Pass-through entity investor" means any person who, 47858
during any portion of a taxable year of a pass-through entity, is 47859
a partner, member, shareholder, or equity investor in that 47860
pass-through entity. 47861

(X) "Banking day" has the same meaning as in section 1304.01 47862
of the Revised Code. 47863

(Y) "Month" means a calendar month. 47864

(Z) "Quarter" means the first three months, the second three 47865
months, the third three months, or the last three months of the 47866
taxpayer's taxable year. 47867

(AA)(1) "Eligible institution" means a state university or 47868
state institution of higher education as defined in section 47869
3345.011 of the Revised Code, or a private, nonprofit college, 47870
university, or other post-secondary institution located in this 47871
state that possesses a certificate of authorization issued by the 47872
Ohio board of regents pursuant to Chapter 1713. of the Revised 47873
Code or a certificate of registration issued by the state board of 47874
career colleges and schools under Chapter 3332. of the Revised 47875
Code. 47876

(2) "Qualified tuition and fees" means tuition and fees 47877
imposed by an eligible institution as a condition of enrollment or 47878
attendance, not exceeding two thousand five hundred dollars in 47879
each of the individual's first two years of post-secondary 47880
education. If the individual is a part-time student, "qualified 47881
tuition and fees" includes tuition and fees paid for the academic 47882

equivalent of the first two years of post-secondary education 47883
during a maximum of five taxable years, not exceeding a total of 47884
five thousand dollars. "Qualified tuition and fees" does not 47885
include: 47886

(a) Expenses for any course or activity involving sports, 47887
games, or hobbies unless the course or activity is part of the 47888
individual's degree or diploma program; 47889

(b) The cost of books, room and board, student activity fees, 47890
athletic fees, insurance expenses, or other expenses unrelated to 47891
the individual's academic course of instruction; 47892

(c) Tuition, fees, or other expenses paid or reimbursed 47893
through an employer, scholarship, grant in aid, or other 47894
educational benefit program. 47895

(BB)(1) "Modified business income" means the business income 47896
included in a trust's Ohio taxable income after such taxable 47897
income is first reduced by the qualifying trust amount, if any. 47898

(2) "Qualifying trust amount" of a trust means capital gains 47899
and losses from the sale, exchange, or other disposition of equity 47900
or ownership interests in, or debt obligations of, a qualifying 47901
investee to the extent included in the trust's Ohio taxable 47902
income, but only if the following requirements are satisfied: 47903

(a) The book value of the qualifying investee's physical 47904
assets in this state and everywhere, as of the last day of the 47905
qualifying investee's fiscal or calendar year ending immediately 47906
prior to the date on which the trust recognizes the gain or loss, 47907
is available to the trust. 47908

(b) The requirements of section 5747.011 of the Revised Code 47909
are satisfied for the trust's taxable year in which the trust 47910
recognizes the gain or loss. 47911

Any gain or loss that is not a qualifying trust amount is 47912

modified business income, qualifying investment income, or 47913
modified nonbusiness income, as the case may be. 47914

(3) "Modified nonbusiness income" means a trust's Ohio 47915
taxable income other than modified business income, other than the 47916
qualifying trust amount, and other than qualifying investment 47917
income, as defined in section 5747.012 of the Revised Code, to the 47918
extent such qualifying investment income is not otherwise part of 47919
modified business income. 47920

(4) "Modified Ohio taxable income" applies only to trusts, 47921
and means the sum of the amounts described in divisions (BB)(4)(a) 47922
to (c) of this section: 47923

(a) The fraction, calculated under section 5747.013, and 47924
applying section 5747.231 of the Revised Code, multiplied by the 47925
sum of the following amounts: 47926

(i) The trust's modified business income; 47927

(ii) The trust's qualifying investment income, as defined in 47928
section 5747.012 of the Revised Code, but only to the extent the 47929
qualifying investment income does not otherwise constitute 47930
modified business income and does not otherwise constitute a 47931
qualifying trust amount. 47932

(b) The qualifying trust amount multiplied by a fraction, the 47933
numerator of which is the sum of the book value of the qualifying 47934
investee's physical assets in this state on the last day of the 47935
qualifying investee's fiscal or calendar year ending immediately 47936
prior to the day on which the trust recognizes the qualifying 47937
trust amount, and the denominator of which is the sum of the book 47938
value of the qualifying investee's total physical assets 47939
everywhere on the last day of the qualifying investee's fiscal or 47940
calendar year ending immediately prior to the day on which the 47941
trust recognizes the qualifying trust amount. If, for a taxable 47942
year, the trust recognizes a qualifying trust amount with respect 47943

to more than one qualifying investee, the amount described in 47944
division (BB)(4)(b) of this section shall equal the sum of the 47945
products so computed for each such qualifying investee. 47946

(c)(i) With respect to a trust or portion of a trust that is 47947
a resident as ascertained in accordance with division (I)(3)(d) of 47948
this section, its modified nonbusiness income. 47949

(ii) With respect to a trust or portion of a trust that is 47950
not a resident as ascertained in accordance with division 47951
(I)(3)(d) of this section, the amount of its modified nonbusiness 47952
income satisfying the descriptions in divisions (B)(2) to (5) of 47953
section 5747.20 of the Revised Code. 47954

If the allocation and apportionment of a trust's income under 47955
divisions (BB)(4)(a) and (c) of this section do not fairly 47956
represent the modified Ohio taxable income of the trust in this 47957
state, the alternative methods described in division (C) of 47958
section 5747.21 of the Revised Code may be applied in the manner 47959
and to the same extent provided in that section. 47960

(5)(a) Except as set forth in division (BB)(5)(b) of this 47961
section, "qualifying investee" means a person in which a trust has 47962
an equity or ownership interest, or a person or unit of government 47963
the debt obligations of either of which are owned by a trust. For 47964
the purposes of division (BB)(2)(a) of this section and for the 47965
purpose of computing the fraction described in division (BB)(4)(b) 47966
of this section, all of the following apply: 47967

(i) If the qualifying investee is a member of a qualifying 47968
controlled group on the last day of the qualifying investee's 47969
fiscal or calendar year ending immediately prior to the date on 47970
which the trust recognizes the gain or loss, then "qualifying 47971
investee" includes all persons in the qualifying controlled group 47972
on such last day. 47973

(ii) If the qualifying investee, or if the qualifying 47974

investee and any members of the qualifying controlled group of 47975
which the qualifying investee is a member on the last day of the 47976
qualifying investee's fiscal or calendar year ending immediately 47977
prior to the date on which the trust recognizes the gain or loss, 47978
separately or cumulatively own, directly or indirectly, on the 47979
last day of the qualifying investee's fiscal or calendar year 47980
ending immediately prior to the date on which the trust recognizes 47981
the qualifying trust amount, more than fifty per cent of the 47982
equity of a pass-through entity, then the qualifying investee and 47983
the other members are deemed to own the proportionate share of the 47984
pass-through entity's physical assets which the pass-through 47985
entity directly or indirectly owns on the last day of the 47986
pass-through entity's calendar or fiscal year ending within or 47987
with the last day of the qualifying investee's fiscal or calendar 47988
year ending immediately prior to the date on which the trust 47989
recognizes the qualifying trust amount. 47990

(iii) For the purposes of division (BB)(5)(a)(iii) of this 47991
section, "upper level pass-through entity" means a pass-through 47992
entity directly or indirectly owning any equity of another 47993
pass-through entity, and "lower level pass-through entity" means 47994
that other pass-through entity. 47995

An upper level pass-through entity, whether or not it is also 47996
a qualifying investee, is deemed to own, on the last day of the 47997
upper level pass-through entity's calendar or fiscal year, the 47998
proportionate share of the lower level pass-through entity's 47999
physical assets that the lower level pass-through entity directly 48000
or indirectly owns on the last day of the lower level pass-through 48001
entity's calendar or fiscal year ending within or with the last 48002
day of the upper level pass-through entity's fiscal or calendar 48003
year. If the upper level pass-through entity directly and 48004
indirectly owns less than fifty per cent of the equity of the 48005
lower level pass-through entity on each day of the upper level 48006

pass-through entity's calendar or fiscal year in which or with 48007
which ends the calendar or fiscal year of the lower level 48008
pass-through entity and if, based upon clear and convincing 48009
evidence, complete information about the location and cost of the 48010
physical assets of the lower pass-through entity is not available 48011
to the upper level pass-through entity, then solely for purposes 48012
of ascertaining if a gain or loss constitutes a qualifying trust 48013
amount, the upper level pass-through entity shall be deemed as 48014
owning no equity of the lower level pass-through entity for each 48015
day during the upper level pass-through entity's calendar or 48016
fiscal year in which or with which ends the lower level 48017
pass-through entity's calendar or fiscal year. Nothing in division 48018
(BB)(5)(a)(iii) of this section shall be construed to provide for 48019
any deduction or exclusion in computing any trust's Ohio taxable 48020
income. 48021

(b) With respect to a trust that is not a resident for the 48022
taxable year and with respect to a part of a trust that is not a 48023
resident for the taxable year, "qualifying investee" for that 48024
taxable year does not include a C corporation if both of the 48025
following apply: 48026

(i) During the taxable year the trust or part of the trust 48027
recognizes a gain or loss from the sale, exchange, or other 48028
disposition of equity or ownership interests in, or debt 48029
obligations of, the C corporation. 48030

(ii) Such gain or loss constitutes nonbusiness income. 48031

(6) "Available" means information is such that a person is 48032
able to learn of the information by the due date plus extensions, 48033
if any, for filing the return for the taxable year in which the 48034
trust recognizes the gain or loss. 48035

(CC) "Qualifying controlled group" has the same meaning as in 48036
section 5733.04 of the Revised Code. 48037

(DD) "Related member" has the same meaning as in section 48038
5733.042 of the Revised Code. 48039

~~(EE) Any term used in this chapter that is not otherwise 48040
defined in this section and that is not used in a comparable 48041
context in the Internal Revenue Code and other statutes of the 48042
United States relating to federal income taxes has the same 48043
meaning as in section 5733.40 of the Revised Code. 48044~~

Sec. 5747.02. (A) For the purpose of providing revenue for 48045
the support of schools and local government functions, to provide 48046
relief to property taxpayers, to provide revenue for the general 48047
revenue fund, and to meet the expenses of administering the tax 48048
levied by this chapter, there is hereby levied on every 48049
individual, trust, and estate residing in or earning or receiving 48050
income in this state, on every individual, trust, and estate 48051
earning or receiving lottery winnings, prizes, or awards pursuant 48052
to Chapter 3770. of the Revised Code, and on every individual, 48053
trust, and estate otherwise having nexus with or in this state 48054
under the Constitution of the United States, an annual tax 48055
measured in the case of individuals by Ohio adjusted gross income 48056
less an exemption for the taxpayer, the taxpayer's spouse, and 48057
each dependent as provided in section 5747.025 of the Revised 48058
Code; measured in the case of trusts by modified Ohio taxable 48059
income under division (D) of this section; and measured in the 48060
case of estates by Ohio taxable income. The tax imposed by this 48061
section on the balance thus obtained is hereby levied as follows: 48062

(1) For taxable years beginning in 2004: 48063

OHIO ADJUSTED GROSS INCOME LESS 48064

EXEMPTIONS (INDIVIDUALS)

OR 48065

MODIFIED OHIO 48066

TAXABLE INCOME (TRUSTS) 48067

	OR	48068
OHIO TAXABLE INCOME (ESTATES)	TAX	48069
\$5,000 or less	.743%	48070
More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	48071
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	48072
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	48073
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	48074
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	48075
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	48076
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	48077
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	48078
<u>(2) For taxable years beginning in 2005:</u>		48079
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		48080
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		48081
<u>MODIFIED OHIO</u>		48082
<u>TAXABLE INCOME (TRUSTS)</u>		48083
<u>OR</u>		48084
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	48085
<u>\$5,000 or less</u>	<u>.712%</u>	48086
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$35.60 plus 1.424% of the amount in excess of \$5,000</u>	48087
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$106.80 plus 2.847% of the amount in excess of \$10,000</u>	48088
<u>More than \$15,000 but not more</u>	<u>\$249.15 plus 3.559% of the</u>	48089

<u>than \$20,000</u>	<u>amount in excess of \$15,000</u>	
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$427.10 plus 4.27% of the amount in excess of \$20,000</u>	48090
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$1,281.10 plus 4.983% of the amount in excess of \$40,000</u>	48091
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$3,274.30 plus 5.693% of the amount in excess of \$80,000</u>	48092
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$4,412.90 plus 6.61% of the amount in excess of \$100,000</u>	48093
<u>More than \$200,000</u>	<u>\$11,022.90 plus 7.185% of the amount in excess of \$200,000</u>	48094
<u>(3) For taxable years beginning in 2006:</u>		48095
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		48096
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		48097
<u>MODIFIED OHIO</u>		48098
<u>TAXABLE INCOME (TRUSTS)</u>		48099
<u>OR</u>		48100
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	48101
<u>\$5,000 or less</u>	<u>.681%</u>	48102
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$34.05 plus 1.361% of the amount in excess of \$5,000</u>	48103
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$102.10 plus 2.722% of the amount in excess of \$10,000</u>	48104
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$238.20 plus 3.403% of the amount in excess of \$15,000</u>	48105
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$408.35 plus 4.083% of the amount in excess of \$20,000</u>	48106
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$1,224.95 plus 4.764% of the amount in excess of \$40,000</u>	48107
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$3,130.55 plus 5.444% of the amount in excess of \$80,000</u>	48108
<u>More than \$100,000 but not more</u>	<u>\$4,219.35 plus 6.32% of the</u>	48109

<u>than \$200,000</u>	<u>amount in excess of \$100,000</u>	
<u>More than \$200,000</u>	<u>\$10,539.35 plus 6.87% of the</u>	48110
	<u>amount in excess of \$200,000</u>	
<u>(4) For taxable years beginning in 2007:</u>		48111
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		48112
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		48113
<u>MODIFIED OHIO</u>		48114
<u>TAXABLE INCOME (TRUSTS)</u>		48115
<u>OR</u>		48116
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	48117
<u>\$5,000 or less</u>	<u>.649%</u>	48118
<u>More than \$5,000 but not more</u>	<u>\$32.45 plus 1.299% of the amount</u>	48119
<u>than \$10,000</u>	<u>in excess of \$5,000</u>	
<u>More than \$10,000 but not more</u>	<u>\$97.40 plus 2.598% of the amount</u>	48120
<u>than \$15,000</u>	<u>in excess of \$10,000</u>	
<u>More than \$15,000 but not more</u>	<u>\$227.30 plus 3.247% of the</u>	48121
<u>than \$20,000</u>	<u>amount in excess of \$15,000</u>	
<u>More than \$20,000 but not more</u>	<u>\$389.65 plus 3.895% of the</u>	48122
<u>than \$40,000</u>	<u>amount in excess of \$20,000</u>	
<u>More than \$40,000 but not more</u>	<u>\$1,168.65 plus 4.546% of the</u>	48123
<u>than \$80,000</u>	<u>amount in excess of \$40,000</u>	
<u>More than \$80,000 but not more</u>	<u>\$2,987.05 plus 5.194% of the</u>	48124
<u>than \$100,000</u>	<u>amount in excess of \$80,000</u>	
<u>More than \$100,000 but not more</u>	<u>\$4,025.85 plus 6.031% of the</u>	48125
<u>than \$200,000</u>	<u>amount in excess of \$100,000</u>	
<u>More than \$200,000</u>	<u>\$10,056.85 plus 6.555% of the</u>	48126
	<u>amount in excess of \$200,000</u>	
<u>(5) For taxable years beginning in 2008:</u>		48127
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		48128
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		48129

<u>MODIFIED OHIO</u>		48130
<u>TAXABLE INCOME (TRUSTS)</u>		48131
<u>OR</u>		48132
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	48133
<u>\$5,000 or less</u>	<u>.618%</u>	48134
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$30.90 plus 1.236% of the amount in excess of \$5,000</u>	48135
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$92.70 plus 2.473% of the amount in excess of \$10,000</u>	48136
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$216.35 plus 3.091% of the amount in excess of \$15,000</u>	48137
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$370.90 plus 3.708% of the amount in excess of \$20,000</u>	48138
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$1,112.50 plus 4.327% of the amount in excess of \$40,000</u>	48139
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$2,843.30 plus 4.945% of the amount in excess of \$80,000</u>	48140
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$3,832.30 plus 5.741% of the amount in excess of \$100,000</u>	48141
<u>More than \$200,000</u>	<u>\$9,573.30 plus 6.24% of the amount in excess of \$200,000</u>	48142
<u>(6) For taxable years beginning in 2009 or thereafter:</u>		48143
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		48144
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		48145
<u>MODIFIED OHIO</u>		48146
<u>TAXABLE INCOME (TRUSTS)</u>		48147
<u>OR</u>		48148
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	48149
<u>\$5,000 or less</u>	<u>.587%</u>	48150
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$29.35 plus 1.174% of the amount in excess of \$5,000</u>	48151
<u>More than \$10,000 but not more</u>	<u>\$88.05 plus 2.348% of the amount</u>	48152

<u>than \$15,000</u>	<u>in excess of \$10,000</u>	
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$205.45 plus 2.935% of the amount in excess of \$15,000</u>	48153
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$352.20 plus 3.521% of the amount in excess of \$20,000</u>	48154
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$1,056.40 plus 4.109% of the amount in excess of \$40,000</u>	48155
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$2,700.00 plus 4.695% of the amount in excess of \$80,000</u>	48156
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$3,639.00 plus 5.451% of the amount in excess of \$100,000</u>	48157
<u>More than \$200,000</u>	<u>\$9,090.00 plus 5.925% of the amount in excess of \$200,000</u>	48158

In July of each year, beginning in ~~2005~~ 2010, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made. The tax commissioner shall not make such adjustments in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a

certification to the tax commissioner under division (B) of 48178
section 131.44 of the Revised Code, the amount of tax as 48179
determined under division (A) of this section shall be reduced by 48180
the percentage prescribed in that certification for taxable years 48181
beginning in the calendar year in which that certification is 48182
made. 48183

(C) The levy of this tax on income does not prevent a 48184
municipal corporation, a joint economic development zone created 48185
under section 715.691, or a joint economic development district 48186
created under section 715.70 or 715.71 or sections 715.72 to 48187
715.81 of the Revised Code from levying a tax on income. 48188

(D) This division applies only to taxable years of a trust 48189
beginning in 2002,~~2003~~, or 2004 thereafter. 48190

(1) The tax imposed by this section on a trust shall be 48191
computed by multiplying the Ohio modified taxable income of the 48192
trust by the rates prescribed by division (A) of this section. 48193

(2) A credit is allowed against the tax computed under 48194
division (D) of this section equal to the lesser of (1) the tax 48195
paid to another state or the District of Columbia on the trust's 48196
modified nonbusiness income, other than the portion of the trust's 48197
nonbusiness income that is qualifying investment income as defined 48198
in section 5747.012 of the Revised Code, or (2) the effective tax 48199
rate, based on modified Ohio taxable income, multiplied by the 48200
trust's modified nonbusiness income other than the portion of 48201
trust's nonbusiness income that is qualifying investment income. 48202
The credit applies before any other applicable credits. 48203

(3) The credits enumerated in divisions (A)(1) to (13) of 48204
section 5747.98 of the Revised Code do not apply to a trust 48205
subject to this division. Any credits enumerated in other 48206
divisions of section 5747.98 of the Revised Code apply to a trust 48207
subject to this division. To the extent that the trust distributes 48208

income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to section 1111.19 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

Sec. 5747.05. As used in this section, "income tax" includes both a tax on net income and a tax measured by net income.

The following credits shall be allowed against the income tax imposed by section 5747.02 of the Revised Code on individuals and estates:

(A)(1) The amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the adjusted gross income of any nonresident taxpayer that is not allocable to this state pursuant to sections 5747.20 to 5747.23 of the Revised Code;

(2) The credit provided under this division shall not exceed the portion of the total tax due under section 5747.02 of the Revised Code that the amount of the nonresident taxpayer's adjusted gross income not allocated to this state pursuant to sections 5747.20 to 5747.23 of the Revised Code bears to the total

adjusted gross income of the nonresident taxpayer derived from all 48239
sources everywhere. 48240

(3) The tax commissioner may enter into an agreement with the 48241
taxing authorities of any state or of the District of Columbia 48242
that imposes an income tax to provide that compensation paid in 48243
this state to a nonresident taxpayer shall not be subject to the 48244
tax levied in section 5747.02 of the Revised Code so long as 48245
compensation paid in such other state or in the District of 48246
Columbia to a resident taxpayer shall likewise not be subject to 48247
the income tax of such other state or of the District of Columbia. 48248

(B) The lesser of division (B)(1) or (2) of this section: 48249

(1) The amount of tax otherwise due under section 5747.02 of 48250
the Revised Code on such portion of the adjusted gross income of a 48251
resident taxpayer that in another state or in the District of 48252
Columbia is subjected to an income tax. The credit provided under 48253
division (B)(1) of this section shall not exceed the portion of 48254
the total tax due under section 5747.02 of the Revised Code that 48255
the amount of the resident taxpayer's adjusted gross income 48256
subjected to an income tax in the other state or in the District 48257
of Columbia bears to the total adjusted gross income of the 48258
resident taxpayer derived from all sources everywhere. 48259

(2) The amount of income tax liability to another state or 48260
the District of Columbia on the portion of the adjusted gross 48261
income of a resident taxpayer that in another state or in the 48262
District of Columbia is subjected to an income tax. The credit 48263
provided under division (B)(2) of this section shall not exceed 48264
the amount of tax otherwise due under section 5747.02 of the 48265
Revised Code. 48266

(3) If the credit provided under division (B) of this section 48267
is affected by a change in either the portion of adjusted gross 48268
income of a resident taxpayer subjected to an income tax in 48269

another state or the District of Columbia or the amount of income 48270
tax liability that has been paid to another state or the District 48271
of Columbia, the taxpayer shall report the change to the tax 48272
commissioner within sixty days of the change in such form as the 48273
commissioner requires. 48274

(a) In the case of an underpayment, the report shall be 48275
accompanied by payment of any additional tax due as a result of 48276
the reduction in credit together with interest on the additional 48277
tax and is a return subject to assessment under section 5747.13 of 48278
the Revised Code solely for the purpose of assessing any 48279
additional tax due under this division, together with any 48280
applicable penalty and interest. It shall not reopen the 48281
computation of the taxpayer's tax liability under this chapter 48282
from a previously filed return no longer subject to assessment 48283
except to the extent that such liability is affected by an 48284
adjustment to the credit allowed by division (B) of this section. 48285

(b) In the case of an overpayment, an application for refund 48286
may be filed under this division within the sixty day period 48287
prescribed for filing the report even if it is beyond the period 48288
prescribed in section 5747.11 of the Revised Code if it otherwise 48289
conforms to the requirements of such section. An application filed 48290
under this division shall only claim refund of overpayments 48291
resulting from an adjustment to the credit allowed by division (B) 48292
of this section unless it is also filed within the time prescribed 48293
in section 5747.11 of the Revised Code. It shall not reopen the 48294
computation of the taxpayer's tax liability except to the extent 48295
that such liability is affected by an adjustment to the credit 48296
allowed by division (B) of this section. 48297

(4) No credit shall be allowed under division (B) of this 48298
section to the extent that for any taxable year the taxpayer has 48299
directly or indirectly deducted, or was required to directly or 48300
indirectly deduct, the amount of income tax liability to another 48301

state or the District of Columbia in computing federal adjusted 48302
gross income. 48303

(C) For a taxpayer sixty-five years of age or older during 48304
the taxable year, a credit for such year equal to fifty dollars 48305
for each return required to be filed under section 5747.08 of the 48306
Revised Code. 48307

(D) A taxpayer sixty-five years of age or older during the 48308
taxable year who has received a lump-sum distribution from a 48309
pension, retirement, or profit-sharing plan in the taxable year 48310
may elect to receive a credit under this division in lieu of the 48311
credit to which the taxpayer is entitled under division (C) of 48312
this section. A taxpayer making such election shall receive a 48313
credit for the taxable year equal to fifty dollars times the 48314
taxpayer's expected remaining life as shown by annuity tables 48315
issued under the provisions of the Internal Revenue Code and in 48316
effect for the calendar year which includes the last day of the 48317
taxable year. A taxpayer making an election under this division is 48318
not entitled to the credit authorized under division (C) of this 48319
section in subsequent taxable years except that if such election 48320
was made prior to July 1, 1983, the taxpayer is entitled to 48321
one-half the credit authorized under such division in subsequent 48322
taxable years but may not make another election under this 48323
division. 48324

(E) A taxpayer who is not sixty-five years of age or older 48325
during the taxable year who has received a lump-sum distribution 48326
from a pension, retirement, or profit-sharing plan in a taxable 48327
year ending on or before July 31, 1991, may elect to take a credit 48328
against the tax otherwise due under this chapter for such year 48329
equal to fifty dollars times the expected remaining life of a 48330
taxpayer sixty-five years of age as shown by annuity tables issued 48331
under the provisions of the Internal Revenue Code and in effect 48332
for the calendar year which includes the last day of the taxable 48333

year. A taxpayer making an election under this division is not
entitled to a credit under division (C) or (D) of this section in
any subsequent year except that if such election was made prior to
July 1, 1983, the taxpayer is entitled to one-half the credit
authorized under division (C) of this section in subsequent years
but may not make another election under this division. No taxpayer
may make an election under this division for a taxable year ending
on or after August 1, 1991.

(F) A taxpayer making an election under either division (D)
or (E) of this section may make only one such election in the
taxpayer's lifetime.

(G)(1) On a joint return filed by a husband and wife, each of
whom had adjusted gross income of at least five hundred dollars,
exclusive of interest, dividends and distributions, royalties,
rent, and capital gains, a credit equal to the percentage shown in
the table contained in this division of the amount of tax due
after allowing for any other credit that precedes the credit under
this division in the order required under section 5747.98 of the
Revised Code.

(2) The credit to which a taxpayer is entitled under this
division in any taxable year is the percentage shown in column B
that corresponds with the taxpayer's adjusted gross income, less
exemptions for the taxable year:

A.	B.	
IF THE ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR	THE CREDIT FOR THE TAXABLE YEAR IS:	
IS:		
\$25,000 or less	20%	48359
More than \$25,000 but not more than \$50,000	15%	48360
More than \$50,000 but not more than \$75,000	10%	48361

More than \$75,000	5%	48362
(3) The credit allowed under this division shall not exceed		48363
six hundred fifty dollars in any taxable year.		48364
(H) No claim for credit under this section shall be allowed		48365
unless the claimant furnishes such supporting information as the		48366
tax commissioner prescribes by rules. Each credit under this		48367
section shall be claimed in the order required under section		48368
5747.98 of the Revised Code.		48369
(I) An individual who is a resident for part of a taxable		48370
year and a nonresident for the remainder of the taxable year is		48371
allowed the credits under divisions (A) and (B) of this section in		48372
accordance with rules prescribed by the tax commissioner. In no		48373
event shall the same income be subject to both credits.		48374
(J) The credit allowed under division (A) of this section		48375
shall be calculated based upon the amount of tax due under section		48376
5747.02 of the Revised Code after subtracting any other credits		48377
that precede the credit under that division in the order required		48378
under section 5747.98 of the Revised Code. The credit allowed		48379
under division (B) of this section shall be calculated based upon		48380
the amount of tax due under section 5747.02 of the Revised Code		48381
after subtracting any other credits that precede the credit under		48382
that division in the order required under section 5747.98 of the		48383
Revised Code.		48384
(K) No credit shall be allowed under division (B) of this		48385
section unless the taxpayer furnishes such proof as the tax		48386
commissioner shall require that the income tax liability has been		48387
paid to another state or the District of Columbia.		48388
(L) No credit shall be allowed under division (B) of this		48389
section for compensation that is not subject to the income tax of		48390
another state or the District of Columbia as the result of an		48391
agreement entered into by the tax commissioner under division		48392

(A)(3) of this section.

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Sec. 5747.056. For taxable years beginning in 2005 or thereafter, a credit shall be allowed against the tax imposed by section 5747.02 of the Revised Code for an individual whose Ohio adjusted gross income less exemptions is 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.

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Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under divisions (E), (F), and (G) of section 5747.05 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code.

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(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

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(B) If an individual is unable to make a return or notice

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required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of

the trust is a person subject to the tax imposed under section 48455
5733.06 of the Revised Code. 48456

(ii) A pass-through entity shall not include in such a single 48457
return any investor that is itself a pass-through entity to the 48458
extent that any direct or indirect investor in the second 48459
pass-through entity is a person subject to the tax imposed under 48460
section 5733.06 of the Revised Code. 48461

(c) Nothing in division (D) of this section precludes the tax 48462
commissioner from requiring such investors to file the return and 48463
make the payment of taxes and related interest, penalty, and 48464
interest penalty required by this section or section 5747.02, 48465
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 48466
of this section shall be construed to provide to such an investor 48467
or pass-through entity any additional deduction or credit, other 48468
than the credit provided by division (J) of this section, solely 48469
on account of the entity's filing a return in accordance with this 48470
section. Such a pass-through entity also shall make the filing and 48471
payment of estimated taxes on behalf of the pass-through entity 48472
investors other than an investor that is a person subject to the 48473
tax imposed under section 5733.06 of the Revised Code. 48474

(2) For the purposes of this section, "business credits" 48475
means the credits listed in section 5747.98 of the Revised Code 48476
excluding the following credits: 48477

(a) The retirement credit under division (B) of section 48478
5747.055 of the Revised Code; 48479

(b) The senior citizen credit under division (C) of section 48480
5747.05 of the Revised Code; 48481

(c) The lump sum distribution credit under division (D) of 48482
section 5747.05 of the Revised Code; 48483

(d) The dependent care credit under section 5747.054 of the 48484

Revised Code;	48485
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	48486 48487
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	48488 48489
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	48490 48491
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	48492 48493
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	48494 48495
(j) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	48496 48497
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	48498 48499
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	48500 48501
<u>(m) The low-income credit under section 5747.056 of the Revised Code.</u>	48502 48503
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	48504 48505 48506 48507 48508 48509 48510 48511
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall	48512 48513

be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return.

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this

section shall contain the signature of the taxpayer or the 48546
taxpayer's duly authorized agent and of the person who prepared 48547
the return for the taxpayer, and shall include the taxpayer's 48548
social security number. Each return shall be verified by a 48549
declaration under the penalties of perjury. The tax commissioner 48550
shall prescribe the form that the signature and declaration shall 48551
take. 48552

(G) Each return or notice required to be filed under this 48553
section shall be made and filed as required by section 5747.04 of 48554
the Revised Code, on or before the fifteenth day of April of each 48555
year, on forms that the tax commissioner shall prescribe, together 48556
with remittance made payable to the treasurer of state in the 48557
combined amount of the state and all school district income taxes 48558
shown to be due on the form, unless the combined amount shown to 48559
be due is one dollar or less, in which case that amount need not 48560
be remitted. 48561

Upon good cause shown, the commissioner may extend the period 48562
for filing any notice or return required to be filed under this 48563
section and may adopt rules relating to extensions. If the 48564
extension results in an extension of time for the payment of any 48565
state or school district income tax liability with respect to 48566
which the return is filed, the taxpayer shall pay at the time the 48567
tax liability is paid an amount of interest computed at the rate 48568
per annum prescribed by section 5703.47 of the Revised Code on 48569
that liability from the time that payment is due without extension 48570
to the time of actual payment. Except as provided in section 48571
5747.132 of the Revised Code, in addition to all other interest 48572
charges and penalties, all taxes imposed under this chapter or 48573
Chapter 5748. of the Revised Code and remaining unpaid after they 48574
become due, except combined amounts due of one dollar or less, 48575
bear interest at the rate per annum prescribed by section 5703.47 48576
of the Revised Code until paid or until the day an assessment is 48577

issued under section 5747.13 of the Revised Code, whichever occurs 48578
first. 48579

If the commissioner considers it necessary in order to ensure 48580
the payment of the tax imposed by section 5747.02 of the Revised 48581
Code or any tax imposed under Chapter 5748. of the Revised Code, 48582
the commissioner may require returns and payments to be made 48583
otherwise than as provided in this section. 48584

(H) If any report, claim, statement, or other document 48585
required to be filed, or any payment required to be made, within a 48586
prescribed period or on or before a prescribed date under this 48587
chapter is delivered after that period or that date by United 48588
States mail to the agency, officer, or office with which the 48589
report, claim, statement, or other document is required to be 48590
filed, or to which the payment is required to be made, the date of 48591
the postmark stamped on the cover in which the report, claim, 48592
statement, or other document, or payment is mailed shall be deemed 48593
to be the date of delivery or the date of payment. 48594

If a payment is required to be made by electronic funds 48595
transfer pursuant to section 5747.072 of the Revised Code, the 48596
payment is considered to be made when the payment is received by 48597
the treasurer of state or credited to an account designated by the 48598
treasurer of state for the receipt of tax payments. 48599

"The date of the postmark" means, in the event there is more 48600
than one date on the cover, the earliest date imprinted on the 48601
cover by the United States postal service. 48602

(I) The amounts withheld by the employer pursuant to section 48603
5747.06 of the Revised Code shall be allowed to the recipient of 48604
the compensation as credits against payment of the appropriate 48605
taxes imposed on the recipient by section 5747.02 and under 48606
Chapter 5748. of the Revised Code. 48607

(J) If, in accordance with division (D) of this section, a 48608

pass-through entity elects to file a single return and if any
investor is required to file the return and make the payment of
taxes required by this chapter on account of the investor's other
income that is not included in a single return filed by a
pass-through entity, the investor is entitled to a refundable
credit equal to the investor's proportionate share of the tax paid
by the pass-through entity on behalf of the investor. The investor
shall claim the credit for the investor's taxable year in which or
with which ends the taxable year of the pass-through entity.
Nothing in this chapter shall be construed to allow any credit
provided in this chapter to be claimed more than once. For the
purposes of computing any interest, penalty, or interest penalty,
the investor shall be deemed to have paid the refundable credit
provided by this division on the day that the pass-through entity
paid the estimated tax or the tax giving rise to the credit.

Sec. 5747.70. (A) In computing Ohio adjusted gross income, a
deduction from federal adjusted gross income is allowed to a
contributor for the amount contributed during the taxable year to
a variable college savings program account and to a purchaser of
tuition ~~credits~~ units under the Ohio college savings program
created by Chapter 3334. of the Revised Code to the extent that
the amounts of such contributions and purchases were not deducted
in determining the contributor's or purchaser's federal adjusted
gross income for the taxable year. The combined amount of
contributions and purchases deducted in any taxable year by a
taxpayer or the taxpayer and the taxpayer's spouse, regardless of
whether the taxpayer and the taxpayer's spouse file separate
returns or a joint return, is limited to two thousand dollars for
each beneficiary for whom contributions or purchases are made. If
the combined annual contributions and purchases for a beneficiary
exceed two thousand dollars, the excess may be carried forward and
deducted in future taxable years until the contributions and

purchases have been fully deducted. 48641

(B) In computing Ohio adjusted gross income, a deduction from 48642
federal adjusted gross income is allowed for: 48643

(1) Income related to tuition ~~credits~~ units and contributions 48644
that as of the end of the taxable year have not been refunded 48645
pursuant to the termination of a tuition payment contract or 48646
variable college savings program account under section 3334.10 of 48647
the Revised Code, to the extent that such income is included in 48648
federal adjusted gross income. 48649

(2) The excess of the total purchase price of tuition ~~credits~~ 48650
units refunded during the taxable year pursuant to the termination 48651
of a tuition payment contract under section 3334.10 of the Revised 48652
Code over the amount of the refund, to the extent the amount of 48653
the excess was not deducted in determining federal adjusted gross 48654
income. Division (B)(2) of this section applies only to ~~credits~~ 48655
units for which no deduction was allowable under division (A) of 48656
this section. 48657

(C) In computing Ohio adjusted gross income, there shall be 48658
added to federal adjusted gross income the amount of loss related 48659
to tuition ~~credits~~ units and contributions that as of the end of 48660
the taxable year have not been refunded pursuant to the 48661
termination of a tuition payment contract or variable college 48662
savings program account under section 3334.10 of the Revised Code, 48663
to the extent that such loss was deducted in determining federal 48664
adjusted gross income. 48665

(D) For taxable years in which distributions or refunds are 48666
made under a tuition payment or variable college savings program 48667
contract for any reason other than payment of tuition or other 48668
higher education expenses, or the beneficiary's death, disability, 48669
or receipt of a scholarship as described in section 3334.10 of the 48670
Revised Code: 48671

(1) If the distribution or refund is paid to the purchaser or contributor or beneficiary, any portion of the distribution or refund not included in the recipient's federal adjusted gross income shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income, except that the amount added shall not exceed amounts previously deducted under division (A) of this section less any amounts added under division (D)(1) of this section in a prior taxable year.

(2) If amounts paid by a purchaser or contributor on or after January 1, 2000, are distributed or refunded to someone other than the purchaser or contributor or beneficiary, the amount of the payment not included in the recipient's federal adjusted gross income, less any amounts added under division (D) of this section in a prior taxable year, shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income.

Sec. 5747.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;

(4) The dependent care credit under section 5747.054 of the Revised Code;

(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	48702 48703
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	48704 48705
(8) <u>The low-income credit under section 5747.056 of the Revised Code;</u>	48706 48707
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	48708 48709
(9) (10) The campaign contribution credit under section 5747.29 of the Revised Code;	48710 48711
(10) (11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	48712 48713
(11) (12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	48714 48715
(12) (13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	48716 48717
(13) (14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	48718 48719
(14) (15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	48720 48721 48722
(15) (16) The credit for employers that reimburse employee child day-care expenses under section 5747.36 of the Revised Code;	48723 48724
(16) (17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	48725 48726
(17) (18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	48727 48728
(18) (19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	48729 48730

(19) <u>(20)</u> The credit for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a nonrefundable credit under section 150.07 of the Revised Code;	48731 48732 48733 48734
(20) <u>(21)</u> The credit for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261 of the Revised Code;	48735 48736 48737
(21) <u>(22)</u> The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	48738 48739 48740
(22) <u>(23)</u> The job training credit under section 5747.39 of the Revised Code;	48741 48742
(23) <u>(24)</u> The enterprise zone credit under section 5709.66 of the Revised Code;	48743 48744
(24) <u>(25)</u> The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	48745 48746
(25) <u>(26)</u> The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	48747 48748
(26) <u>(27)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	48749 48750
(27) <u>(28)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	48751 48752
(28) <u>(29)</u> The export sales credit under section 5747.057 of the Revised Code;	48753 48754
(29) <u>(30)</u> The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	48755 48756 48757
(30) <u>(31)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	48758 48759

~~(31)~~(32) The research and development credit under section 5747.331 of the Revised Code; 48760
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~~(32)~~(33) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code; 48762
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~~(33)~~(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code; 48764
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~~(34)~~(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code; 48766
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~~(35)~~(36) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code; 48769
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~~(36)~~(37) 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. 48771
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(B) For any credit, except the credits enumerated in divisions (A)~~(32)~~(33) to ~~(36)~~(37) of this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 48775
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Sec. 5749.02. (A) For the purpose of providing revenue to administer the state's coal mining and reclamation regulatory program, to meet the environmental and resource management needs of this state, and to reclaim land affected by mining, an excise tax is hereby levied on the privilege of engaging in the severance 48785
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of natural resources from the soil or water of this state. The tax 48790
shall be imposed upon the severer and shall be: 48791

(1) Seven cents per ton of coal; 48792

(2) Four cents per ton of salt; 48793

(3) Two cents per ton of limestone or dolomite; 48794

(4) Two cents per ton of sand and gravel; 48795

(5) Ten cents per barrel of oil; 48796

(6) Two and one-half cents per thousand cubic feet of natural 48797
gas; 48798

(7) One cent per ton of clay, sandstone or conglomerate, 48799
shale, gypsum, or quartzite. 48800

(B) Of the moneys received by the treasurer of state from the 48801
tax levied in division (A)(1) of this section, six and 48802
three-tenths per cent shall be credited to the geological mapping 48803
fund created in section 1505.09 of the Revised Code, fourteen and 48804
two-tenths per cent shall be credited to the reclamation 48805
forfeiture fund created in section 1513.18 of the Revised Code, 48806
fifty-seven and nine-tenths per cent shall be credited to the coal 48807
mining administration and reclamation reserve fund created in 48808
section 1513.181 of the Revised Code, and the remainder shall be 48809
credited to the unreclaimed lands fund created in section 1513.30 48810
of the Revised Code. When, at any time during a fiscal year, the 48811
chief of the division of mineral resources management finds that 48812
the balance of the coal mining administration and reclamation 48813
reserve fund is below two million dollars, the chief shall certify 48814
that fact to the director of budget and management. Upon receipt 48815
of the chief's certification, the director shall direct the 48816
~~treasurer of state~~ tax commissioner to instead credit to the coal 48817
mining administration and reclamation reserve fund during the 48818
remainder of the fiscal year for which the certification is made 48819

the fourteen and two-tenths per cent of the moneys collected from 48820
the tax levied in division (A)(1) of this section and otherwise 48821
required by this division to be credited to the reclamation 48822
forfeiture fund. 48823

Fifteen per cent of the moneys received by the treasurer of 48824
state from the tax levied in division (A)(2) of this section shall 48825
be credited to the geological mapping fund and the remainder shall 48826
be credited to the unreclaimed lands fund. 48827

Of the moneys received by the treasurer of state from the tax 48828
levied in divisions (A)(3) and (4) of this section, seven and 48829
five-tenths per cent shall be credited to the geological mapping 48830
fund, forty-two and five-tenths per cent shall be credited to the 48831
unreclaimed lands fund, and the remainder shall be credited to the 48832
surface mining fund created in section 1514.06 of the Revised 48833
Code. 48834

Of the moneys received by the treasurer of state from the tax 48835
levied in divisions (A)(5) and (6) of this section, ninety per 48836
cent shall be credited to the oil and gas well fund created in 48837
section 1509.02 of the Revised Code and ten per cent shall be 48838
credited to the geological mapping fund. All of the moneys 48839
received by the treasurer of state from the tax levied in division 48840
(A)(7) of this section shall be credited to the surface mining 48841
fund. 48842

(C) For the purpose of paying the state's expenses for 48843
reclaiming mined lands that the operator failed to reclaim under a 48844
coal mining and reclamation permit issued under Chapter 1513. of 48845
the Revised Code, or under a surface mining permit issued under 48846
Chapter 1514. of the Revised Code, for which the operator's bond 48847
is not sufficient to pay the state's expense for reclamation, 48848
there is hereby levied an excise tax on the privilege of engaging 48849
in the severance of coal from the soil or water of this state in 48850
addition to the taxes levied by divisions (A)(1) and (D) of this 48851

section. The tax shall be imposed at the rate of one cent per ton 48852
of coal. Moneys received by the treasurer of state from the tax 48853
levied under this division shall be credited to the reclamation 48854
forfeiture fund created in section 1513.18 of the Revised Code. 48855

(D) For the purpose of paying the state's expenses for 48856
reclaiming coal mined lands that the operator failed to reclaim in 48857
accordance with Chapter 1513. of the Revised Code under a coal 48858
mining and reclamation permit issued after April 10, 1972, but 48859
before September 1, 1981, for which the operator's bond is not 48860
sufficient to pay the state's expense for reclamation and paying 48861
the expenses for administering the state's coal mining and 48862
reclamation regulatory program, there is hereby levied an excise 48863
tax on the privilege of engaging in the severance of coal from the 48864
soil or water of this state in addition to the taxes levied by 48865
divisions (A)(1) and (C) of this section. The tax shall be imposed 48866
at the rate of one cent per ton of coal as prescribed in this 48867
division. Moneys received by the treasurer of state from the tax 48868
levied by this division shall be credited to the reclamation 48869
forfeiture fund created in section 1513.18 of the Revised Code. 48870

When, at the close of any fiscal year, the chief finds that 48871
the balance of the reclamation forfeiture fund, plus estimated 48872
transfers to it from the coal mining and reclamation reserve fund 48873
under section 1513.181 of the Revised Code, plus the estimated 48874
revenues from the tax levied by this division for the remainder of 48875
the calendar year that includes the close of the fiscal year, are 48876
sufficient to complete the reclamation of such lands, the purposes 48877
for which the tax under this division is levied shall be deemed 48878
accomplished at the end of that calendar year. The chief, within 48879
thirty days after the close of the fiscal year, shall certify 48880
those findings to the tax commissioner, and the tax shall cease to 48881
be imposed after the last day of that calendar year. 48882

(E) On the day fixed for the payment of the severance taxes 48883

required to be paid by this section, the taxes with any penalties 48884
or interest on them shall become a lien on all property of the 48885
taxpayer in this state whether the property is employed by the 48886
taxpayer in the prosecution of its business or is in the hands of 48887
an assignee, trustee, or receiver for the benefit of creditors or 48888
stockholders. The lien shall continue until the taxes and any 48889
penalties or interest thereon are paid. 48890

Upon failure of the taxpayer to pay a tax on the day fixed 48891
for payment, the tax commissioner may file, for which no filing 48892
fee shall be charged, in the office of the county recorder in each 48893
county in this state in which the taxpayer owns or has a 48894
beneficial interest in real estate, notice of the lien containing 48895
a brief description of the real estate. The lien shall not be 48896
valid as against any mortgagee, purchaser, or judgment creditor 48897
whose rights have attached prior to the time the notice is filed 48898
in the county in which the real estate that is the subject of the 48899
mortgage, purchase, or judgment lien is located. The notice shall 48900
be recorded in a book kept by the recorder called the "severance 48901
tax lien record" and indexed under the name of the taxpayer 48902
charged with the tax. When the tax has been paid, the tax 48903
commissioner shall furnish to the taxpayer an acknowledgement of 48904
payment, which the taxpayer may record with the recorder of each 48905
county in which notice of the lien has been filed. 48906

Sec. 5751.01. As used in this chapter: 48907

(A) "Person" means, but is not limited to, individuals, 48908
combinations of individuals of any form, receivers, assignees, 48909
trustees in bankruptcy, firms, joint-stock companies, business 48910
trusts, estates, partnerships, limited liability companies, 48911
associations, joint ventures, clubs, societies, for-profit and 48912
nonprofit corporations, trusts, entities that are disregarded for 48913
federal income tax purposes, and any other entities. "Person" does 48914

not include the state, its agencies, and its political subdivisions.

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(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

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(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.012 of the Revised Code.

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(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer," for a given tax period, excludes all of the following:

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(1) A public utility, as defined in division (A) of section 5727.01 of the Revised Code, that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on a measurement period that includes the entire tax period under this chapter;

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(2) 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 a taxable year that includes the entire tax period under this chapter;

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(3) 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 a measurement period that includes the entire tax period under this chapter;

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(4) 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 a measurement period that includes the entire tax period under this chapter; 48945
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(5) Any person with not more than forty thousand dollars of taxable gross receipts during the calendar year. Division (D)(5) of this section does not apply to a person that is a member of a group that is a consolidated elected taxpayer or a combined taxpayer. 48950
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(E) "Gross receipts" means the total amount realized, without deduction for the cost of goods sold or other expenses incurred, in a transaction or transactions from activities that contribute to the production of gross income, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration, and including the total amount realized with regard to unrelated business income of tax-exempt organizations under the Internal Revenue Code. 48955
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(1) The following are examples of gross receipts: 48963

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another; 48964
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(b) Amounts realized from the taxpayer's performance of services for another; 48966
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(c) Amounts realized from another's use or possession of the taxpayer's property or capital; 48968
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(d) Amounts realized with regard to the taxpayer's unrelated business income; 48970
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(e) Any combination of the foregoing amounts. 48972

(2) "Gross receipts" excludes the following amounts if such amounts are not received in the ordinary course of the taxpayer's 48973
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<u>trade or business and are not a form of payment for a transaction</u>	48975
<u>listed in division (E)(1) of this section:</u>	48976
<u>(a) Interest income;</u>	48977
<u>(b) Dividend income and distributions received;</u>	48978
<u>(c) Receipts from the sale, exchange, or other disposition of</u>	48979
<u>an asset described in section 1221 or 1231 of the Internal Revenue</u>	48980
<u>Code, without regard to the length of time the person held the</u>	48981
<u>asset;</u>	48982
<u>(d) Proceeds received attributable to the repayment,</u>	48983
<u>maturity, or redemption of the principal of a loan, bond, mutual</u>	48984
<u>fund, certificate of deposit, or marketable instrument;</u>	48985
<u>(e) The principal amount received under a repurchase</u>	48986
<u>agreement or on account of any transaction properly characterized</u>	48987
<u>as a loan to the person;</u>	48988
<u>(f) Contributions received by a trust, plan, or other</u>	48989
<u>arrangement, any of which is described in section 501(a) of the</u>	48990
<u>Internal Revenue Code, or to which Title 26, Subtitle A, Chapter</u>	48991
<u>1, Subchapter (D) of the Internal Revenue Code applies;</u>	48992
<u>(g) Compensation, whether current or deferred, and whether in</u>	48993
<u>cash or in kind, received or to be received by an employee for</u>	48994
<u>services rendered to or for an employer, including reimbursements</u>	48995
<u>received by or for an individual for medical or education</u>	48996
<u>expenses, health insurance premiums, or employee expenses, or on</u>	48997
<u>account of a dependent care spending account, legal services plan,</u>	48998
<u>any cafeteria plan described in section 125 of the Internal</u>	48999
<u>Revenue Code, or any similar employee reimbursement;</u>	49000
<u>(h) Proceeds received from the issuance of the taxpayer's own</u>	49001
<u>stock, options, warrants, puts, or calls, or from the sale of the</u>	49002
<u>person's treasury stock;</u>	49003
<u>(i) Proceeds received on the account of payments from life</u>	49004

<u>insurance policies;</u>	49005
<u>(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 except those proceeds realized with regard to its unrelated business income;</u>	49006 49007 49008 49009 49010 49011 49012 49013
<u>(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;</u>	49014 49015 49016
<u>(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;</u>	49017 49018 49019
<u>(m) Tax refunds and other tax benefit recoveries;</u>	49020
<u>(n) Pension reversions;</u>	49021
<u>(o) Contributions to capital;</u>	49022
<u>(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>	49023 49024 49025
<u>(q) 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.</u>	49026 49027 49028
<u>(3) Gross receipts shall be calculated on an accrual basis unless the person is not required to use that basis for federal income tax purposes. In calculating gross receipts, the following shall be deducted:</u>	49029 49030 49031 49032
<u>(a) Cash discounts allowed and taken;</u>	49033

<u>(b) Returns and allowances;</u>	49034
<u>(c) Bad debts from receipts upon which the tax imposed by</u>	49035
<u>this chapter was paid in a prior tax period. For the purposes of</u>	49036
<u>this division, "bad debts" mean any debts that have become</u>	49037
<u>worthless or uncollectible between the preceding and current tax</u>	49038
<u>periods, have been uncollected for at least six months, and may be</u>	49039
<u>claimed as a deduction under section 126 of the Internal Revenue</u>	49040
<u>Code and the regulations adopted pursuant thereto, or that could</u>	49041
<u>be claimed as such if the taxpayer kept its accounts on the</u>	49042
<u>accrual basis. "Bad debts" does not include uncollectible amounts</u>	49043
<u>on property that remains in the possession of the taxpayer until</u>	49044
<u>the full purchase price is paid, expenses in attempting to collect</u>	49045
<u>any account receivable or for any portion of the debt recovered,</u>	49046
<u>and repossessed property.</u>	49047
<u>(F) "Taxable gross receipts" means gross receipts sitused to</u>	49048
<u>this state under section 5751.02 of the Revised Code.</u>	49049
<u>(G) A person has "substantial nexus with this state" if any</u>	49050
<u>of the following applies. The person:</u>	49051
<u>(1) Owns or uses a part or all of its capital in this state;</u>	49052
<u>(2) Holds a certificate of compliance with the laws of this</u>	49053
<u>state authorizing the person to do business in this state;</u>	49054
<u>(3) Owns or leases property in this state;</u>	49055
<u>(4) Has one or more individuals performing services in this</u>	49056
<u>state;</u>	49057
<u>(5) Has bright-line presence in this state;</u>	49058
<u>(6) Otherwise has nexus with this state to an extent that the</u>	49059
<u>person can be required to remit the tax imposed under this chapter</u>	49060
<u>under the constitution of the United States.</u>	49061
<u>(H) A person has "bright-line presence" in this state for a</u>	49062
<u>reporting period and for the remaining portion of the calendar</u>	49063

year if any of the following applies. The person: 49064

(1) Has property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (H)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge. 49065
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(2) Has payroll in this state of at least fifty thousand dollars. Payroll in this state includes both of the following: 49070
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(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code; 49072
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(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; 49074
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(3) Has taxable gross receipts in this state of at least five hundred thousand dollars; 49077
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(4) Has within this state at least twenty-five per cent of the person's total property, total payroll, or total sales; 49079
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(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes. 49081
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(I) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code. 49083
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(J) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes. 49085
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(K) "Calendar quarter" means a three-month period ending on 49093

the thirty-first day of March, the thirtieth day of June, the 49094
thirtieth day of September, or the thirty-first day of December. 49095

(L) "Tax period" means the calendar quarter or calendar year 49096
on the basis of which a taxpayer is required to pay the tax 49097
imposed under this chapter. 49098

(M) "Calendar year taxpayer" means a taxpayer for which the 49099
tax period is a calendar year. 49100

(N) "Calendar quarter taxpayer" means a taxpayer for which 49101
the tax period is a calendar quarter. 49102

Sec. 5751.011. (A) A group of two or more persons may elect 49103
to be a consolidated taxpayer for the purposes of this chapter if 49104
the group satisfies all of the following requirements: 49105

(1) The group includes all persons, other than persons 49106
enumerated in divisions (D)(1) to (4) of section 5751.01 of the 49107
Revised Code, having at least fifty per cent of the value of their 49108
ownership interests owned or controlled, directly or 49109
constructively through related interests, by common owners; 49110

(2) The group applies to the tax commissioner for approval to 49111
be treated as a consolidated elected taxpayer pursuant to division 49112
(B) of this section; 49113

(3) The group agrees that if the commissioner approves the 49114
election, all of the following apply: 49115

(a) The group shall file reports as a single taxpayer for at 49116
least the next eight calendar quarters following the election so 49117
long at least two or more of the members of the group meet the 49118
requirements of division (B)(1) of this section. 49119

(b) Before the expiration of the eighth such calendar 49120
quarter, the group shall notify the commissioner if it elects to 49121
cancel its designation as a consolidated elected taxpayer. If the 49122

group does not so notify the tax commissioner, the election 49123
remains in effect for another eight calendar quarters. 49124

(c) If, at any time during any of those eight calendar 49125
quarters following the election, a former member of the group no 49126
longer meets the requirements under division (A)(1) of this 49127
section, that member shall report and pay the tax imposed under 49128
this chapter either separately or as a member of a combined 49129
taxpayer. 49130

(d) The group agrees to the application of division (B) of 49131
this section. 49132

(B) A group of persons making the election under this section 49133
shall report and pay tax on all of the group's taxable gross 49134
receipts even if substantial nexus with this state does not exist 49135
for one or more persons in the group. 49136

(C) A consolidated elected taxpayer shall exclude taxable 49137
gross receipts between its members other than taxable gross 49138
receipts from the sale of goods or services for any member's own 49139
use in this state. Nothing in this section shall have the effect 49140
of excluding taxable gross receipts received from persons that are 49141
not members of the group. 49142

(D) To make the election to be a consolidated elected 49143
taxpayer, a group of persons shall apply to the tax commissioner 49144
and pay the commissioner a registration fee equal to the lesser of 49145
two hundred dollars or twenty dollars for each person in the 49146
group. No additional fee shall be imposed for the addition of new 49147
members to the group once the group has remitted a fee in the 49148
amount of two hundred dollars. The fee shall be timely paid before 49149
the later of the beginning of the first calendar quarter to which 49150
the election applies or November 15, 2005. The fee shall be 49151
collected and used in the same manner as provided in section 49152
5751.05 of the Revised Code. 49153

The election shall be made on a form prescribed by the tax commissioner for that purpose and shall be signed by one or more individuals with authority, separately or together, to make a binding election on behalf of all persons in the group. The tax commissioner shall approve a group's election if the group satisfies the requirements of division (A) of this section.

Any person acquired or formed after the filing of the registration shall be included in the group, and the group shall notify the tax commissioner of any additions to the group with the next tax return it files with the commissioner.

(E) Each member of a consolidated elected taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties or interest thereon. The tax commissioner may require one person in the group to be the taxpayer for purposes of registration and remittance of the tax, but all members of the group are subject to assessment under section 5751.09 of the Revised Code.

Sec. 5751.012. (A) All persons, other than persons enumerated in divisions (D)(1) to (4) of section 5751.01 of the Revised Code, having more than fifty per cent of the value of their ownership interest owned or controlled, directly or constructively through related interests, by common owners shall be members of a combined taxpayer if those persons are not members of a consolidated elected taxpayer pursuant to an election under section 5751.011 of the Revised Code.

(B) A combined taxpayer shall register, file returns, and pay taxes under this chapter as a single taxpayer, and each member is jointly and severally liable for the tax imposed by this chapter and any penalties or interest thereon.

(C) A combined taxpayer shall neither exclude taxable gross

receipts between its members nor from others that are not members. 49184

(D) A combined taxpayer shall pay to the tax commissioner a registration fee equal to the lesser of two hundred dollars or twenty dollars for each person in the group. No additional fee shall be imposed for the addition of new members to the group once the group has remitted a fee in the amount of two hundred dollars. The fee shall be timely paid before the later of the beginning of the first calendar quarter to which the election applies or November 15, 2005. The fee shall be collected and used in the same manner as provided in section 5751.05 of the Revised Code. 49185
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Any person acquired or formed after the filing of the registration shall be included in the group, and the group must notify the tax commissioner of any additions with the next tax return it files with the commissioner. 49194
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(E) Each member of a combined taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties or interest thereon. The tax commissioner may require one person in the group to be the taxpayer for purposes of registration and remittance of the tax, but all members of the group are subject to assessment under section 5751.09 of the Revised Code. 49198
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Sec. 5751.02. For the purposes of this chapter, gross receipts shall be sitused to this state as follows: 49205
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(A) Gross rents and royalties from real property located in this state shall be sitused to this state. 49207
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(B) Gross rents and royalties from tangible personal property shall be sitused to this state to the extent the tangible personal property is located or used in this state. 49209
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(C) Gross receipts from the sale of electricity and electric transmission and distribution services shall be sitused to this 49212
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state in the manner provided under section 5733.059 of the Revised Code. 49214
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(D) Gross receipts from the sale of real property located in this state shall be sitused to this state. 49216
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(E) Gross receipts from the sale of tangible personal property shall be sitused to this state if the property is received in this state by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered the place where the purchaser receives the property. Direct delivery in this state, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in this state, and direct delivery outside this state to a person or firm designated by a purchaser does not constitute delivery to the purchaser in this state, regardless of where title passes or other conditions of sale. 49218
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(F) Gross receipts from the sale, exchange, disposition, or other grant of the right to use trademarks, trade names, patents, copyrights, and similar intellectual property shall be sitused to this state to the extent that the receipts are based on the amount of use of the property in this state. If the receipts are not based on the amount of use of the property, but rather on the right to use the property, and the payor has the right to use the property in this state, then the receipts from the sale, exchange, disposition, or other grant of the right to use such property shall be sitused to this state to the extent the receipts are based on the right to use the property in this state. 49232
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(G) Gross receipts from the sale of services, and all other gross receipts not otherwise sitused under this section, shall be 49243
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situated to this state in the proportion that the purchaser's 49245
benefit in this state with respect to what was purchased bears to 49246
the purchaser's benefit everywhere with respect to what was 49247
purchased. The physical location where the purchaser ultimately 49248
uses or receives the benefit of what was purchased shall be taken 49249
into consideration when determining the proportion of the benefit 49250
in this state to the benefit everywhere. 49251

(H) If the situsing provisions of divisions (A) to (G) of 49252
this section do not fairly represent the extent of a person's 49253
activity in this state, the person may request, or the tax 49254
commissioner may require or permit, an alternative method. Such 49255
request by a person must be made within the applicable statute of 49256
limitations set forth in this chapter. 49257

(I) The tax commissioner may adopt rules to provide 49258
additional guidance to the application of this section, and 49259
provide alternative methods of situsing gross receipts that apply 49260
to all persons, or subset of persons, that are engaged in similar 49261
business or trade activities. 49262

Sec. 5751.03. (A)(1) For the purpose of funding the needs of 49263
this state and its local governments, beginning with the tax 49264
period that commences July 1, 2005, and continuing for every tax 49265
period thereafter, there is hereby levied a commercial activity 49266
tax on each person with taxable gross receipts in this state for 49267
the privilege of doing business in this state. The excise tax 49268
levied under this section is not a tax on or measured by net 49269
income and is in addition to any other taxes or fees imposed under 49270
the Revised Code. 49271

(2) The tax imposed by this section is a tax on the taxpayer 49272
and shall not be billed or invoiced to another person. Even if the 49273
tax or any portion thereof is billed or invoiced and separately 49274
stated, such amounts remain part of the price for purposes of the 49275

sales and use taxes levied under Chapters 5739. and 5741. of the 49276
Revised Code. 49277

(B) Except as provided in division (C) of this section and in 49278
section 5751.031 of the Revised Code, the tax levied under this 49279
section for each tax period shall be the product of two and 49280
six-tenths mills per dollar times the remainder of the taxpayer's 49281
taxable gross receipts for the tax period after subtracting the 49282
exemption amount provided for in division (D) of this section. 49283

(C) Notwithstanding division (D) of this section, the tax on 49284
the first one million dollars in taxable gross receipts each 49285
calendar year shall be one hundred dollars. For calendar year 49286
2006, the tax imposed under this division shall be paid not later 49287
than May 10, 2006, by both calendar year taxpayers and calendar 49288
quarter taxpayers. For calendar year 2007 and thereafter, the tax 49289
imposed under this division shall be paid with the fourth-quarter 49290
tax return or annual tax return for the prior calendar year by 49291
both calendar year taxpayers and calendar quarter taxpayers. 49292

(D)(1) Each calendar quarter taxpayer may exclude the first 49293
two hundred fifty thousand dollars of taxable gross receipts for a 49294
calendar quarter and may carry forward and apply any unused 49295
exclusion amount to the three subsequent calendar quarters. Each 49296
calendar year taxpayer may exclude the first one million dollars 49297
of taxable gross receipts for a calendar year. 49298

(2) A taxpayer switching from a calendar year tax period to a 49299
calendar quarter tax period may, for the first quarter of the 49300
change, apply the prior calendar quarter exclusion amounts to the 49301
first calendar quarter return the taxpayer files that calendar 49302
year. The tax rate shall be based on the rate imposed that 49303
calendar quarter when the taxpayer switches from a calendar year 49304
to a calendar quarter tax period. 49305

Sec. 5751.031. This section applies only to calendar quarter taxpayers. The tax imposed per calendar quarter under division (B) of section 5751.03 of the Revised Code shall be computed as follows: 49306
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(A) From January 1, 2006, to March 31, 2006, by multiplying the tax otherwise due under that division by twenty-three per cent; 49310
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(B) From April 1, 2006, to March 31, 2007, by multiplying the tax otherwise due under that division by forty per cent; 49313
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(C) From April 1, 2007, to March 31, 2008, by multiplying the tax otherwise due under that division by sixty per cent; 49315
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(D) From April 1, 2008, to March 31, 2009, by multiplying the tax otherwise due under that division by eighty per cent; 49317
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(E) After March 31, 2008, one hundred per cent of the tax due under that division. 49319
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Sec. 5751.032. From its inception through June 30, 2007, the commercial activity tax levied by section 5751.03 of the Revised Code is intended to generate eight hundred fifteen million dollars. Not later than September 30, 2007, the tax commissioner shall determine the total amount of tax paid under section 5751.03 of the Revised Code, excluding registration fees, that was collected from the inception of the tax through June 30, 2007. If such amount is less than ninety per cent or greater than one hundred ten per cent of eight hundred fifteen million dollars, then, for purposes of taxable periods after calendar year 2007, the tax rate in division (B) of section 5751.03 of the Revised Code shall be adjusted to reflect the tax rate that would have generated eight hundred fifteen million dollars of tax from the inception of the tax through June 30, 2007. Upon making such adjustment, the commissioner shall report and certify the adjusted 49321
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tax rate to the governor, the president of the senate, the speaker 49336
of the house of representatives, and all members of the general 49337
assembly. The commissioner shall publish the revised rate by 49338
journal entry and provide notice to taxpayers of the revised rate. 49339

Sec. 5751.04. (A) If a person subject to this chapter 49340
anticipates that the person's taxable gross receipts will be less 49341
than one million dollars in calendar year 2006, the person may 49342
elect to be a calendar year taxpayer. If a person is not required 49343
to be registered under this section for calendar year 2006 and 49344
anticipates that the person's taxable gross receipts will be less 49345
than one million dollars in the first calendar year the person is 49346
required to register under this section, the person may elect to 49347
be a calendar year taxpayer. 49348

(B) Any person that is a calendar year taxpayer pursuant to 49349
an election under division (A) of this section shall become a 49350
calendar quarter taxpayer in the subsequent calendar year if the 49351
person's taxable gross receipts for the prior calendar year are 49352
one million dollars or more, and shall remain a calendar quarter 49353
taxpayer until the person notifies the tax commissioner, and 49354
receives approval in writing from the tax commissioner, to switch 49355
back to being a calendar year taxpayer. Nothing in this division 49356
prohibits a person that has elected to be a calendar year taxpayer 49357
from notifying the tax commissioner, using the procedures 49358
prescribed by the commissioner, that it is switching back to being 49359
a calendar quarter taxpayer. 49360

(C) Any taxpayer that is not a calendar year taxpayer 49361
pursuant to this section is a calendar quarter taxpayer. The tax 49362
commissioner may grant written approval for a calendar quarter 49363
taxpayer to use an alternative reporting schedule or estimate the 49364
amount of tax due for a calendar quarter if the taxpayer 49365

demonstrates to the commissioner the need for such a deviation. 49366
The commissioner may adopt a rule to apply division (C) of this 49367
section to a group of taxpayers without the taxpayers having to 49368
receive written approval from the commissioner. 49369

Sec. 5751.05. (A)(1) Not later than forty days after the end 49370
of each calendar quarter, every taxpayer other than a calendar 49371
year taxpayer shall file with the tax commissioner, a tax return 49372
in such form as the commissioner prescribes. The return shall 49373
include, but is not limited to, the amount of the taxpayer's 49374
taxable gross receipts for the calendar quarter and shall indicate 49375
the amount of tax due under section 5751.03 of the Revised Code 49376
for the calendar quarter. 49377

(2) Not later than forty days after the end of each calendar 49378
year, every calendar year taxpayer shall file with the tax 49379
commissioner a tax return in such form as the commissioner 49380
prescribes. The return shall include, but is not limited to, the 49381
amount of the taxpayer's taxable gross receipts for the calendar 49382
year and shall indicate the amount of tax due under section 49383
5751.03 of the Revised Code for the calendar year. 49384

(B) Not later than the later of November 15, 2005, or thirty 49385
days after first having taxable gross receipts in excess of the 49386
amount in division (D)(5) of section 5751.01 of the Revised Code, 49387
each person subject to this chapter shall register with the tax 49388
commissioner on the form prescribed by the commissioner. The form 49389
shall include the following: 49390

(1) The person's name; 49391

(2) If applicable, the name of the state or country under the 49392
laws of which the person is incorporated; 49393

(3) If applicable, the location of a person's principal 49394
office, and, in the case of a foreign corporation, the location of 49395

<u>its principal place of business in this state and the name and</u>	49396
<u>address of the officer or agent of the corporation in charge of</u>	49397
<u>the business in this state;</u>	49398
<u>(4) If applicable, the names of the person's president,</u>	49399
<u>secretary, treasurer, and statutory agent designated pursuant to</u>	49400
<u>section 1703.041 of the Revised Code, with the post office address</u>	49401
<u>of each;</u>	49402
<u>(5) The kind of business in which the person is engaged,</u>	49403
<u>including applicable business or industry codes;</u>	49404
<u>(6) The date of the beginning of the person's annual</u>	49405
<u>accounting period that includes the first day of January of the</u>	49406
<u>taxable calendar year;</u>	49407
<u>(7) If the person is not a corporation or a sole proprietor,</u>	49408
<u>the names of all the person's owners and officers;</u>	49409
<u>(8) The person's federal employer identification number or</u>	49410
<u>numbers or, if those are not applicable, the person's social</u>	49411
<u>security number or equivalent;</u>	49412
<u>(9) If the person elects to be a calendar year taxpayer under</u>	49413
<u>section 5751.04 of the Revised Code, a statement that the person</u>	49414
<u>is a calendar year taxpayer;</u>	49415
<u>(10) All other information that the commissioner requires to</u>	49416
<u>administer and enforce this chapter.</u>	49417
<u>(C) A registration fee of fifteen dollars shall be imposed on</u>	49418
<u>each timely registration received electronically by the tax</u>	49419
<u>commissioner. If such timely registration or payment is not made</u>	49420
<u>electronically, the fee shall be twenty dollars. A late</u>	49421
<u>registration or a registration without the proper fee shall be</u>	49422
<u>subject to an additional fee of up to one hundred dollars per</u>	49423
<u>month or part thereof, not to exceed a total of one thousand</u>	49424
<u>dollars. The tax commissioner may abate the additional fee. The</u>	49425

fee may be assessed in the same manner as the tax imposed under 49426
this chapter. Proceeds from the fee shall be credited to the 49427
commercial activity tax administrative fund, which is hereby 49428
created for the commissioner to use in implementing and 49429
administering the tax imposed under this chapter. 49430

No registration fee is payable by a person for a calendar 49431
year if the person first begins business operations in this state 49432
after the thirtieth day of November of that calendar year or if 49433
the person's taxable gross receipts for the calendar year exceed 49434
forty thousand dollars but do not exceed forty thousand dollars as 49435
of the first day of December of the calendar year. 49436

(D) If a person that has registered under this section is no 49437
longer a taxpayer subject to this chapter, including no longer 49438
being a taxpayer because of the application of division (D)(5) of 49439
section 5751.01 of the Revised Code, the person shall notify the 49440
commissioner that the person's registration should be cancelled. 49441

(E) If a person subject to this chapter fails to comply with 49442
any provision of this chapter, the tax commissioner, after 49443
providing the person with an informal hearing on the matter, may 49444
revoke a person's registration by issuing a final determination. 49445

(F) No person shall conduct any business in this state 49446
without complying with all registration, filing, and payment 49447
requirements of this chapter or after the person's registration is 49448
cancelled or revoked. 49449

(G) A person that does not have an active registration under 49450
this section shall not generate taxable gross receipts. 49451

(H) A person that first becomes subject to this chapter 49452
during a calendar quarter on or after January 1, 2006, shall pay 49453
the minimum tax imposed under division (C) of section 5751.03 of 49454
the Revised Code along with the registration fee imposed under 49455
this section on or before the day the return is required to be 49456

filed for that quarter under division (A)(1) of this section, 49457
regardless of whether the person elects to be a calendar year 49458
taxpayer under section 5751.04 of the Revised Code. 49459

The amount of the minimum tax shall be reduced to fifty 49460
dollars if the registration is timely filed after the first day of 49461
May and before the first day of December of the calendar year. 49462

Sec. 5751.06. (A) Any taxpayer that fails to file a return or 49463
pay the full amount of the tax due within the period prescribed 49464
therefor under this chapter shall pay a penalty in an amount not 49465
exceeding the greater of fifty dollars or ten per cent of the tax 49466
required to be paid for the tax period. 49467

(B)(1) If any additional tax is found to be due, the tax 49468
commissioner may impose an additional penalty of up to fifteen per 49469
cent on the additional tax found to be due. 49470

(2) Any delinquent payments of the tax made after a taxpayer 49471
is notified of an audit or a tax discrepancy by the commissioner 49472
is subject to the penalty imposed by division (B) of this section. 49473
If an assessment is issued under section 5751.10 of the Revised 49474
Code in connection with such delinquent payments, the payments 49475
shall be credited to the assessment. 49476

(C) After calendar year 2008, the tax commissioner may impose 49477
an additional penalty against a taxpayer that fails to switch to 49478
being a calendar quarter taxpayer at the time it had over two 49479
million in taxable gross receipts in the calendar year, as 49480
required under section 5751.04 of the Revised Code. The penalty 49481
may be imposed in an amount not to exceed ten per cent of the tax 49482
due above two million dollars in taxable gross receipts for the 49483
calendar year. Any penalty imposed under this division is in 49484
addition to any other penalties imposed under this section. 49485

(D) If the tax commissioner notifies a person required to 49486

register under section 5751.05 of the Revised Code of such 49487
requirement and of the requirement to remit the tax due under this 49488
chapter, and the person fails to so register and remit the tax 49489
within sixty days after such notice, the tax commissioner may 49490
impose an additional penalty of up to thirty-five per cent of the 49491
tax due. The penalty imposed under this division is in addition to 49492
any other penalties imposed under this section. 49493

(E) The tax commissioner may collect any penalty or interest 49494
imposed by this section in the same manner as the tax imposed 49495
under this chapter. Penalties and interest so collected shall be 49496
considered as revenue arising from the tax imposed under this 49497
chapter. 49498

(F) The tax commissioner may abate all or a portion of any 49499
penalties imposed under this section and may adopt rules governing 49500
such abatements. 49501

(G) If any tax due is not timely paid in accordance with this 49502
chapter, the taxpayer shall pay interest, calculated at the rate 49503
per annum prescribed by section 5703.47 of the Revised Code, from 49504
the date the tax payment was due to the date of payment or to the 49505
date an assessment was issued, whichever occurs first. 49506

Sec. 5751.07. (A) Any person required to file returns for a 49507
calendar quarter shall remit each tax payment, and, if required by 49508
the tax commissioner, file the tax return, electronically. The 49509
commissioner may require taxpayers to use the Ohio business 49510
gateway as defined in section 718.051 of the Revised Code to file 49511
returns and remit the tax, or may provide another means for 49512
taxpayers to file and remit the tax electronically. 49513

(B) A person required by this section to remit taxes or file 49514
returns electronically may apply to the tax commissioner, on the 49515
form prescribed by the commissioner, to be excused from that 49516

requirement. The commissioner may excuse a person from the 49517
requirements of this division for good cause. 49518

(C)(1) If a person required to remit taxes or file a return 49519
electronically under this section fails to do so, the commissioner 49520
may impose a penalty not to exceed the following: 49521

(a) For either of the first two calendar quarters the person 49522
so fails, five per cent of the amount of the payment that was 49523
required to be remitted; 49524

(b) For the third and any subsequent calendar quarters the 49525
person so fails, ten per cent of the amount of the payment that 49526
was required to be remitted. 49527

(2) The penalty imposed under division (C)(1) of this section 49528
is in addition to any other penalty imposed under this chapter and 49529
shall be considered as revenue arising from the tax imposed under 49530
this chapter. A penalty may be collected by assessment in the 49531
manner prescribed by section 5751.09 of the Revised Code. The tax 49532
commissioner may abate all or a portion of such a penalty. 49533

Sec. 5751.08. (A) An application for refund to the taxpayer 49534
of the amount of taxes imposed under section 5751.03 of the 49535
Revised Code that are overpaid, paid illegally or erroneously, or 49536
paid on any illegal or erroneous assessment shall be filed with 49537
the tax commissioner, on the form prescribed by the commissioner, 49538
within four years after the date of the illegal or erroneous 49539
payment of the tax. The applicant shall provide the amount of the 49540
requested refund along with the claimed reasons for, and 49541
documentation to support, the issuance of a refund. 49542

(B) On the filing of the refund application, the tax 49543
commissioner shall determine the amount of refund to which the 49544
applicant is entitled. If the amount is not less than that 49545
claimed, the commissioner shall certify the amount to the director 49546

of budget and management and treasurer of state for payment from 49547
the tax refund fund created under section 5703.052 of the Revised 49548
Code. If the amount is less than that claimed, the commissioner 49549
shall proceed in accordance with section 5703.70 of the Revised 49550
Code. 49551

(C) Interest on a refund applied for under this section, 49552
computed at the rate provided for in section 5703.47 of the 49553
Revised Code, shall be allowed from the later of the date the tax 49554
was paid or when the tax payment was due. 49555

(D) A calendar quarter taxpayer with more than one million 49556
dollars in taxable gross receipts in a calendar year other than 49557
calendar year 2005 that is not able to exclude one million dollars 49558
in taxable gross receipts because of the operation of the 49559
taxpayer's business in that calendar year may file a refund under 49560
this section to obtain the full exclusion of one million dollars 49561
in taxable gross receipts for that calendar year. 49562

(E) No person with an active registration as a taxpayer under 49563
this chapter may claim a refund under this section for the tax 49564
imposed under division (C) of section 5751.03 of the Revised Code 49565
unless the person cancelled the registration before the tenth day 49566
of February of the current calendar year pursuant to division (D) 49567
of section 5751.05 of the Revised Code. 49568

(F) Except as provided in section 5751.091 of the Revised 49569
Code, the tax commissioner may, with the consent of the taxpayer, 49570
provide for the crediting against tax due for a tax period the 49571
amount of any refund due the taxpayer under this chapter for a 49572
preceding tax period. 49573

Sec. 5751.081. As used in this section, "debt to this state" 49574
means unpaid taxes due the state, unpaid workers' compensation 49575
premiums due under section 4123.35 of the Revised Code, unpaid 49576

unemployment compensation contribution due under section 4141.25 49577
of the Revised Code, unpaid unemployment compensation payment in 49578
lieu of contribution under section 4141.241 of the Revised Code, 49579
unpaid fee payable to the state or to the clerk of courts pursuant 49580
to section 4505.06 of the Revised Code, incorrect medical 49581
assistance payments under section 5111.02 of the Revised Code, or 49582
any unpaid charge, penalty, or interest arising from any of the 49583
foregoing. 49584

If a taxpayer entitled to a refund under section 5751.08 of 49585
the Revised Code owes any debt to this state, the amount 49586
refundable may be applied in satisfaction of the debt. If the 49587
amount refundable is less than the amount of the debt, it may be 49588
applied in partial satisfaction of the debt. If the amount 49589
refundable is greater than the amount of the debt, the amount 49590
remaining after satisfaction of the debt shall be refunded. This 49591
section applies only to debts that have become final. 49592

Sec. 5751.09. (A) The tax commissioner may make an 49593
assessment, based on any information in the commissioner's 49594
possession, against any person that fails to file a return or pay 49595
any tax as required by this chapter. The commissioner shall give 49596
the person assessed written notice of the assessment as provided 49597
in section 5703.37 of the Revised Code. With the notice, the 49598
commissioner shall provide instructions on the manner in which to 49599
petition for reassessment and request a hearing with respect to 49600
the petition. 49601

(B) Unless the person assessed, within sixty days after 49602
service of the notice of assessment, files with the tax 49603
commissioner, either personally or by certified mail, a written 49604
petition signed by the person or the person's authorized agent 49605
having knowledge of the facts, the assessment becomes final, and 49606

the amount of the assessment is due and payable from the person assessed to the treasurer of state. The petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. 49607
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If a petition for reassessment has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code. 49612
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(C)(1) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county. 49615
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(2) Immediately upon the filing of the entry, the clerk shall enter judgment for the state against the person 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 the commercial activity tax" and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment. 49622
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(3) The portion of the assessment not paid within sixty days after the day 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 tax 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. 49630
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(D) If the tax commissioner believes that collection of the 49637

tax will be jeopardized unless proceedings to collect or secure 49638
collection of the tax are instituted without delay, the 49639
commissioner may issue a jeopardy assessment against the person 49640
liable for the tax. Immediately upon the issuance of the jeopardy 49641
assessment, the commissioner shall file an entry with the clerk of 49642
the court of common pleas in the manner prescribed by division (C) 49643
of this section. Notice of the jeopardy assessment shall be served 49644
on the person assessed or the person's authorized agent in the 49645
manner provided in section 5703.37 of the Revised Code within five 49646
days of the filing of the entry with the clerk. The total amount 49647
assessed is immediately due and payable, unless the person 49648
assessed files a petition for reassessment in accordance with 49649
division (B) of this section and provides security in a form 49650
satisfactory to the commissioner and in an amount sufficient to 49651
satisfy the unpaid balance of the assessment. Full or partial 49652
payment of the assessment does not prejudice the commissioner's 49653
consideration of the petition for reassessment. 49654

(E) The tax commissioner shall immediately forward to the 49655
treasurer of state all amounts the commissioner receives under 49656
this section, and such amounts shall be considered as revenue 49657
arising from the tax imposed by section 5751.03 of the Revised 49658
Code. 49659

(F) Absent fraud, no assessment shall be made or issued 49660
against a taxpayer for the tax imposed by section 5751.03 of the 49661
Revised Code more than four years after the due date for the 49662
filing of the return for the taxable calendar year for which the 49663
tax was reported, or more than four years after the return for the 49664
taxable calendar year was filed, whichever is later. Nothing in 49665
this division bars an assessment against a taxpayer that fails to 49666
file a report required by this chapter. 49667

(G) The tax commissioner may use sampling in conducting an 49668
audit of any person concerning the tax imposed by this chapter. 49669

The commissioner shall attempt to enter into an agreement with the person over the method of sampling used, but the refusal of such person to enter into such agreement shall not invalidate the sampling. 49670
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(H) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, the secretary of state is hereby deemed to be that person's agent for purposes of service of process of notice of any assessment, action, or proceedings instituted in this state against the person under this chapter. Such process or notice shall be served on such person by the commissioner or by one of the commissioner's agents by leaving at the office of the secretary of state, at least fifteen days before the return day of such process or notice, a true and attested copy of the notice, and by sending to such person by ordinary mail, with an endorsement thereon of the service upon the secretary of state, addressed to such person at the person's last known address. 49674
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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 days after the date of selling or quitting the trade or business. The person's successor shall withhold a sufficient amount of the purchase money to cover the amount due and unpaid until the former owner produces a receipt from the tax commissioner showing that the amounts are paid or a certificate indicating that no taxes are due. If a purchaser fails to withhold purchase money, that person is personally liable up to the purchase money amount, for such 49687
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amounts that are unpaid during the operation of the business by 49701
the former owner. 49702

The tax commissioner may adopt rules regarding the issuance 49703
of certificates under this section, including the waiver of the 49704
need for a certificate if certain criteria are met. 49705

Sec. 5751.11. (A) The tax commissioner may revoke the 49706
registration of any person failing to pay the taxes and all 49707
applicable penalties and interest imposed under this chapter after 49708
the commissioner provides such person at least thirty days written 49709
notice either personally or by certified mail of the 49710
commissioner's intent to revoke such registration. It shall be 49711
unlawful for such person to engage in business in this state after 49712
such registration is revoked. A final determination revoking a 49713
registration shall be served in the manner provided by section 49714
5703.37 of the Revised Code, and it becomes effective on the tenth 49715
day after such determination is served. 49716

(B) A person with a revoked registration may not re-register 49717
for a new registration unless all applicable taxes, penalties, and 49718
interest are paid. In addition, no individual with a ten per cent 49719
or more direct or constructive ownership interest in a trade of 49720
business may re-register or be an owner in a trade or business 49721
registering under this chapter unless such amounts are paid. 49722

Sec. 5751.12. The tax commissioner may prescribe requirements 49723
for the keeping of records and other pertinent documents, the 49724
filing of copies of federal income tax returns and determinations, 49725
and computations reconciling federal income tax returns with the 49726
return required by this section. The commissioner may require any 49727
person, by rule or notice served on that person, to keep those 49728
records that the commissioner considers necessary to show whether, 49729
and the extent to which, a person is subject to this chapter. 49730

Those records and other documents shall be open during business hours to the inspection of the commissioner, and shall be preserved for a period of four years unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. If such records are normally kept by the person electronically, the person shall provide such records to the commissioner electronically at the commissioner's request.

Any information required by the tax commissioner under this chapter is confidential as provided for in section 5703.21 of the Revised Code. However, the commissioner shall make public an electronic list of all actively registered persons required to remit the tax under this chapter, including legal names, trade names, addresses, and account numbers. In addition, such list shall include all persons that cancelled or had their registration revoked at any time during the preceding four calendar years, including the date the registration was cancelled or revoked.

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of the Revised Code:

(1) "School district," "joint vocational school district," "local taxing unit," "state education aid," "recognized valuation," "fixed-rate levy," and "fixed-sum levy" have the same meanings as used in section 5727.84 of the Revised Code.

(2) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.

(3) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.

(4) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.

(5) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section. 49761
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(6) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 49763
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(7) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 49765
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(8) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 49767
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(9) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. 49770
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(B) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5751.03 of the Revised Code. All money in that fund shall be credited for each fiscal year in the following percentages to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.21 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.22 of the Revised Code, in the following percentages: 49773
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<u>Fiscal year</u>	<u>General Revenue Fund</u>	<u>School District Tangible Property Tax Replacement Fund</u>	<u>Local Government Tangible Property Tax Replacement Fund</u>	
<u>2006</u>	<u>83%</u>	<u>11.9%</u>	<u>5.1%</u>	49785
<u>2007</u>	<u>37.3%</u>	<u>43.9%</u>	<u>18.8%</u>	49786
<u>2008</u>	<u>27.7%</u>	<u>50.6%</u>	<u>21.7%</u>	49787 49788

<u>2009</u>	<u>36.2%</u>	<u>44.6%</u>	<u>19.1%</u>	49789
<u>2010</u>	<u>41.8%</u>	<u>40.7%</u>	<u>17.5%</u>	49790
<u>2011</u>	<u>36.8%</u>	<u>44.2%</u>	<u>19.0%</u>	49791
<u>2012</u>	<u>40.0%</u>	<u>44.2%</u>	<u>15.8%</u>	49792
<u>2013</u>	<u>42.9%</u>	<u>44.2%</u>	<u>12.8%</u>	49793
<u>2014</u>	<u>45.7%</u>	<u>44.2%</u>	<u>10.1%</u>	49794
<u>2015</u>	<u>48.2%</u>	<u>44.2%</u>	<u>7.6%</u>	49795
<u>2016</u>	<u>50.6%</u>	<u>44.2%</u>	<u>5.2%</u>	49796
<u>2017</u>	<u>52.8%</u>	<u>44.2%</u>	<u>3.0%</u>	49797
<u>2018</u>	<u>54.8%</u>	<u>44.2%</u>	<u>1.0%</u>	49798
<u>2019 and</u>	<u>100%</u>	<u>0%</u>	<u>0%</u>	49799
<u>thereafter</u>				

(C) Not later than September 15, 2005, the tax commissioner shall determine for each taxing district its machinery and equipment and inventory property tax value losses, which are the applicable amounts described in divisions (C)(1) and (2) of this section: 49800
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(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004; 49805
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(2) Inventory property value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by eight hundred twenty-six one-thousandths. 49808
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To facilitate the calculations required under division (C) of this section, the county auditor, upon request from the tax commissioner, shall provide by August 1, 2005, the values of machinery and equipment and inventory for all single-county personal property taxpayers for tax year 2004. 49811
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(D) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment and 49816
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inventory fixed-rate levy losses, which are the applicable amounts 49819
described in divisions (D)(1) and (2) of this section: 49820

(1) The machinery and equipment fixed-rate levy loss is the 49821
machinery and equipment tax value loss multiplied by the sum of 49822
the tax rates in effect in tax year 2004 for fixed-rate levies and 49823
the tax rates for fixed-rate levies applicable to tax year 2005 49824
and approved at an election conducted before September 1, 2005; 49825

(2) The inventory fixed-rate loss is the inventory tax value 49826
loss multiplied by the sum of the tax rates in effect in tax year 49827
2004 for fixed-rate levies and the tax rates for fixed-rate levies 49828
applicable to tax year 2005 and approved at an election conducted 49829
before September 1, 2005. 49830

(E) Not later than September 15, 2005, the tax commissioner 49831
shall determine for each school district, joint vocational school 49832
district, and local taxing unit its fixed-sum levy loss. The 49833
fixed-sum levy loss is the amount obtained by subtracting the 49834
amount described in division (E)(2) of this section from the 49835
amount described in division (E)(1) of this section: 49836

(1) The sum of the machinery and equipment tax value loss and 49837
the inventory tax value loss, multiplied by the sum of the 49838
fixed-sum tax rates in effect in tax year 2004 and the estimated 49839
fixed-sum tax rates for levies applicable to tax year 2005 and 49840
approved at an election conducted before September 1, 2005. For 49841
2006 through 2010, this computation shall include all fixed-sum 49842
levies that existed in 2004 or that were applicable to tax year 49843
2005 and approved at an election conducted before September 1, 49844
2005, that continue to be charged in the tax year preceding the 49845
distribution year. For 2011 through 2017 in the case of school 49846
district emergency levies, and for all years after 2010 in the 49847
case of all other fixed-sum levies, this computation shall exclude 49848
all fixed-sum levies that existed in 2004 or that were applicable 49849

to tax year 2005 and approved at an election conducted before 49850
September 1, 2005, but are no longer in effect in the tax year 49851
preceding the distribution year. For the purpose of this 49852
computation, an emergency levy that existed in 2004 or was 49853
applicable to tax year 2005 and approved at an election conducted 49854
before September 1, 2005, continues to exist in a year beginning 49855
on or after January 1, 2011, but before January 1, 2018, if, for 49856
that year, the board of education levies a school district 49857
emergency levy for an annual sum at least equal to the annual sum 49858
levied by the board in tax year 2004 less the amount of the 49859
payment certified under this division for 2006. 49860

(2) The total taxable value in tax year 2004 less the sum of 49861
the machinery and equipment and inventory tax value losses in each 49862
school district, joint vocational school district, and local 49863
taxing unit multiplied by one-half of one mill per dollar. 49864

To facilitate the calculation of the fixed-sum levy loss, not 49865
later than September 1, 2005, any school district or joint 49866
vocational school district in which a fixed-sum levy applicable to 49867
tax year 2005 and approved at an election conducted before 49868
September 1, 2005, shall notify the commissioner in writing of the 49869
estimated rate at which any such levies would be applied in the 49870
first year the levies are applicable. 49871

If the amount determined under division (E) of this section 49872
for any school district, joint vocational school district, or 49873
local taxing unit is greater than zero, that amount shall equal 49874
the reimbursement pursuant to division (D) of section 5751.21 or 49875
division (A)(2) of section 5751.22 of the Revised Code, and the 49876
one-half of one mill that is subtracted under division (E)(2) of 49877
this section shall be apportioned among all contributing fixed-sum 49878
levies in the proportion of each levy to the sum of all fixed-sum 49879
levies within each school district, joint vocational school 49880
district, or local taxing unit. 49881

(F) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment and inventory tax value losses determined under division (C) of this section, the machinery and equipment and inventory fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement.

(G) Not later than October 1, 2005, the tax commissioner shall certify the amount of the fixed-sum levy losses to the county auditor of each county in which a school district, joint vocational school district, or local taxing unit with a fixed-sum levy loss reimbursement has territory.

Sec. 5751.21. (A) Not later than the thirty-first day of July of 2007 through 2017, the department of education shall determine the following for each school district and each joint vocational school district eligible for payment under division (B) of this section:

(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:

(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;

(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

recognized valuation included the machinery and equipment and 49912
inventory tax value losses for the school district or joint 49913
vocational school district, except that the amount of machinery 49914
and equipment tax value loss to be added to recognized value for 49915
fiscal year 2008 shall be fifty per cent of the machinery and 49916
equipment tax value loss computed under division (C) of this 49917
section, and the amount of inventory tax value loss to be added to 49918
recognized value shall be the following percentage of the 49919
inventory tax value loss computed under division (C) of this 49920
section: 49921

(i) For fiscal year 2008 and fiscal year 2009, zero per cent; 49922

(ii) For fiscal year 2010, twenty-six and three-tenths per 49923
cent; 49924

(iii) For fiscal year 2011, fifty-two and six-tenths per 49925
cent; 49926

(iv) For fiscal years after 2011, seventy-eight and 49927
nine-tenths per cent. 49928

(2) The greater of zero or the difference obtained by 49929
subtracting the state education aid offset determined under 49930
division (A)(1) of this section from the sum of the machinery and 49931
equipment fixed-rate levy loss and the inventory fixed-rate levy 49932
loss certified under division (F) of section 5751.20 of the 49933
Revised Code for all taxing districts in each school district and 49934
joint vocational school district. 49935

By the fifth day of August of each such year, the department 49936
of education shall certify the amount so determined under division 49937
(A)(1) of this section to the director of budget and management. 49938

(B) The department of education shall pay from the school 49939
district tangible property tax replacement fund to each school 49940
district and joint vocational school district all of the 49941

<u>following:</u>	49942
<u>(1) On or before May 15, 2006, one-twelfth of the machinery</u>	49943
<u>and equipment fixed-rate levy loss certified under division (F) of</u>	49944
<u>section 5751.20 of the Revised Code;</u>	49945
<u>(2) On or before August 15, 2006, November 15, 2006, and</u>	49946
<u>February 15, 2007, one-seventh of the machinery and equipment</u>	49947
<u>fixed-rate levy loss certified under that division;</u>	49948
<u>(3) On or before May 15, 2007, one-sixth of the machinery and</u>	49949
<u>equipment fixed-rate levy loss certified under that division;</u>	49950
<u>(4) On or before August 15, 2007, November 15, 2007, and</u>	49951
<u>February 15, 2008, one-fourth of the amount determined under</u>	49952
<u>division (A)(2) of this section;</u>	49953
<u>(5) On or before May 15, 2008, the sum of one-fourth of the</u>	49954
<u>amount determined under division (A)(2) of this section and</u>	49955
<u>forty-four one-thousandths of the inventory fixed-rate levy loss</u>	49956
<u>certified under division (F) of section 5751.20 of the Revised</u>	49957
<u>Code;</u>	49958
<u>(6) On or before August 15, 2008, November 15, 2008, and</u>	49959
<u>February 15, 2009, the sum of one-fourth of the amount determined</u>	49960
<u>by subtracting the amount determined under division (A)(1) of this</u>	49961
<u>section from the amount determined under division (D)(1) of</u>	49962
<u>section 5751.20 of the Revised Code, but not less than zero, and</u>	49963
<u>seventy-three one-thousandths of the inventory fixed rate levy</u>	49964
<u>loss certified under division (F) of section 5751.20 of the</u>	49965
<u>Revised Code;</u>	49966
<u>(7) On or before May 15, 2009, the sum of one-fourth of the</u>	49967
<u>amount determined by subtracting the amount determined under</u>	49968
<u>division (A)(1) of this section from the amount determined under</u>	49969
<u>division (D)(1) of section 5751.20 of the Revised Code, but not</u>	49970
<u>less than zero, and eighty-eight one-thousandths of the inventory</u>	49971

<u>fixed-rate levy loss certified under division (F) of section</u>	49972
<u>5751.20 of the Revised Code;</u>	49973
<u>(8) On or before August 15, 2009, November 15, 2009, and</u>	49974
<u>February 15, 2010, the sum of one-fourth of the amount determined</u>	49975
<u>by subtracting the amount determined under division (A)(1) of this</u>	49976
<u>section from the amount determined under division (D)(1) of</u>	49977
<u>section 5751.20 of the Revised Code, but not less than zero, and</u>	49978
<u>one hundred forty-six one-thousandths of the inventory fixed-rate</u>	49979
<u>levy loss certified under division (F) of section 5751.20 of the</u>	49980
<u>Revised Code;</u>	49981
<u>(9) On or before May 15, 2010, the sum of one-fourth of the</u>	49982
<u>amount determined by subtracting the amount determined under</u>	49983
<u>division (A)(1) of this section from the amount determined under</u>	49984
<u>division (D)(1) of section 5751.20 of the Revised Code, but not</u>	49985
<u>less than zero, and one hundred thirty-two one-thousandths of the</u>	49986
<u>inventory fixed-rate levy loss certified under division (F) of</u>	49987
<u>section 5751.20 of the Revised Code;</u>	49988
<u>(10) On or before August 15, 2010, November 15, 2010, and</u>	49989
<u>February 15, 2011, the sum of one-fourth of the amount determined</u>	49990
<u>by subtracting the amount determined under division (A)(1) of this</u>	49991
<u>section from the amount determined under division (D)(1) of</u>	49992
<u>section 5751.20 of the Revised Code, but not less than zero, and</u>	49993
<u>two hundred nineteen one-thousandths of the inventory fixed-rate</u>	49994
<u>levy loss certified under division (F) of section 5751.20 of the</u>	49995
<u>Revised Code;</u>	49996
<u>(11) On or before May 15, 2011, the sum of one-fourth of the</u>	49997
<u>amount determined by subtracting the amount determined under</u>	49998
<u>division (A)(1) of this section from the amount determined under</u>	49999
<u>division (D)(1) of section 5751.20 of the Revised Code, but not</u>	50000
<u>less than zero, and one hundred fourteen one-thousandths of the</u>	50001
<u>inventory fixed-rate levy loss certified under division (F) of</u>	50002

<u>section 5751.20 of the Revised Code;</u>	50003
<u>(12) On or before August 15, 2011, November 15, 2011,</u>	50004
<u>February 15, 2012, and May 15, 2012, two hundred seventeen</u>	50005
<u>one-thousandths of the amount determined under division (A)(2) of</u>	50006
<u>this section;</u>	50007
<u>(13) On or before August 15, 2012, November 15, 2012,</u>	50008
<u>February 15, 2013, and May 15, 2013, one hundred eighty-three</u>	50009
<u>one-thousandths of the amount determined under division (A)(2) of</u>	50010
<u>this section;</u>	50011
<u>(14) On or before August 15, 2013, November 15, 2013,</u>	50012
<u>February 15, 2014, and May 15, 2014, one hundred fifty</u>	50013
<u>one-thousandths of the amount determined under division (A)(2) of</u>	50014
<u>this section;</u>	50015
<u>(15) On or before August 15, 2014, November 15, 2014,</u>	50016
<u>February 15, 2015, and May 15, 2015, one hundred seventeen</u>	50017
<u>one-thousandths of the amount determined in division (A)(2) of</u>	50018
<u>this section;</u>	50019
<u>(16) On or before August 15, 2015, November 15, 2015,</u>	50020
<u>February 15, 2016, and May 15, 2016, eighty-three one-thousandths</u>	50021
<u>of the amount determined under division (A)(2) of this section;</u>	50022
<u>(17) On or before August 15, 2016, November 15, 2016,</u>	50023
<u>February 15, 2017, and May 15, 2017, fifty one-thousandths of the</u>	50024
<u>amount determined under division (A)(2) of this section;</u>	50025
<u>(18) On or before August 15, 2017, November 15, 2017,</u>	50026
<u>February 15, 2018, and May 15, 2018, seventeen one-thousandths of</u>	50027
<u>the amount determined in division (A)(2) of this section;</u>	50028
<u>(19) After May 15, 2018, no payments shall be made under this</u>	50029
<u>section.</u>	50030
<u>The department of education shall report to each school</u>	50031
<u>district and joint vocational school district the apportionment of</u>	50032

the payments among the school district's or joint vocational school district's funds based on the certifications under division (F) of section 5751.20 of the Revised Code. 50033
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(C) For taxes levied within the ten-mill limitation for debt purposes in tax year 2004, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 2006 through fiscal year 2018. 50036
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(D)(1) Not later than January 1, 2006, for each fixed-sum levy of each school district or joint vocational school district and for each year for which a determination is made under division (F) of section 5751.20 of the Revised Code that a fixed-sum levy loss is to be reimbursed, the tax commissioner shall certify to the department of education the fixed-sum levy loss determined under that division. The certification shall cover a time period sufficient to include all fixed-sum levies for which the commissioner made such a determination. The department shall pay from the school district property tax replacement fund to the school district or joint vocational school district one-fourth of the fixed-sum levy loss so certified for each year on or before May fifteenth, August fifteenth, and November fifteenth of the current year and February fifteenth of the following year. 50041
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(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. 50055
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(E) Beginning in September 2007 and through June 2018, the director of budget and management shall transfer from the school 50062
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district tangible property tax replacement fund to the general 50064
revenue fund each of the following: 50065

(1) On the first day of September, the lesser of one-fourth 50066
of the amount certified for that fiscal year under division (A)(2) 50067
of this section or the balance in the school district tangible 50068
property tax replacement fund; 50069

(2) On the first day of December, the lesser of one-fourth of 50070
the amount certified for that fiscal year under division (A)(2) of 50071
this section or the balance in the school district tangible 50072
property tax replacement fund; 50073

(3) On the first day of March, the lesser of one-fourth of 50074
the amount certified for that fiscal year under division (A)(2) of 50075
this section or the balance in the school district tangible 50076
property tax replacement fund; 50077

(4) On the first day of June, the lesser of one-fourth of the 50078
amount certified for that fiscal year under division (A)(2) of 50079
this section or the balance in the school district tangible 50080
property tax replacement fund. 50081

(F) For each of the fiscal years 2006 through 2018, if the 50082
total amount in the school district tangible property tax 50083
replacement fund is insufficient to make all payments under 50084
divisions (B), (C), or (D) of this section at the times the 50085
payments are to be made, the director of budget and management 50086
shall transfer from the general revenue fund to the school 50087
district tangible property tax replacement fund the difference 50088
between the total amount to be paid and the amount in the school 50089
district tangible property tax replacement fund. 50090

(G) On the fifteenth day of June of 2006 through 2011, the 50091
director of budget and management may transfer any balance in the 50092
school district tangible property tax replacement fund to the 50093
general revenue fund. At the end of fiscal years 2012 through 50094

2018, any balance in the school district tangible property tax replacement fund shall remain in the fund to be used in future fiscal years for school purposes. 50095
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(H) If all of the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows: 50098
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(1) For a merger of two or more districts, the machinery and equipment and inventory fixed-rate levy losses and the fixed-sum levy losses of the successor district shall be equal to the sum of the machinery and equipment and inventory fixed-rate levy losses as determined in section 5751.20 of the Revised Code, for each of the districts involved in the merger. 50105
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(2) If property is transferred from one district to a previously existing district, the amount of machinery and equipment and inventory fixed-rate levy losses that shall be transferred to the recipient district shall be an amount equal to the total machinery and equipment and inventory fixed-rate levy losses times a fraction, the numerator of which is the value of business tangible personal property in 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. 50111
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(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 or inventory 50122
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fixed-rate levy losses and the districts from which the property was transferred shall have no reduction in their machinery and equipment and inventory fixed-rate levy losses. 50126
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(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. 50129
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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), and (3) of this section, and shall distribute the payments in the manner prescribed by division (C) of this section. The calculation of the fixed-sum levy loss shall cover a time period sufficient to include all fixed-sum levies for which the commissioner determined, pursuant to division (E) of section 5751.20 of the Revised Code, that a fixed-sum levy loss is to be reimbursed. 50136
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(1) Except as provided in division (A)(3) of this section, for machinery and equipment and inventory fixed-rate levy losses determined under division (D) of section 5751.20 of the Revised Code, payments shall be made in each of the following years at the following percentages of the machinery and equipment and inventory fixed-rate levy losses: 50145
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<u>Year</u>	<u>Percentage for machinery and equipment</u>	<u>Percentage for inventory</u>	
<u>2006</u>	<u>50%</u>	<u>0%</u>	50151
<u>2007</u>	<u>100%</u>	<u>0%</u>	50152
<u>2008</u>	<u>100%</u>	<u>26.3%</u>	50153 50154

<u>2009</u>	<u>100%</u>	<u>52.6%</u>	50155
<u>2010</u>	<u>100%</u>	<u>78.9%</u>	50156
<u>2011</u>	<u>86.7%</u>	<u>68.4%</u>	50157
<u>2012</u>	<u>73.3%</u>	<u>57.9%</u>	50158
<u>2013</u>	<u>60%</u>	<u>47.3%</u>	50159
<u>2014</u>	<u>46.7%</u>	<u>36.8%</u>	50160
<u>2015</u>	<u>33.3%</u>	<u>26.3%</u>	50161
<u>2016</u>	<u>20%</u>	<u>15.8%</u>	50162
<u>2017</u>	<u>6.7%</u>	<u>5.3%</u>	50163
<u>2018 and thereafter</u>	<u>0%</u>	<u>0%</u>	50164

(2) 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. 50165
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(3) For taxes levied within the ten-mill limitation for debt purposes in tax year 2004, payments shall be made based on the schedule in division (A)(1) of this section for each of the calendar years 2006 through 2010. For each of the calendar years 2011 through 2017, the percentages for calendar year 2010 shall be used. No payments shall be made for such levies after calendar year 2017. 50169
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(B) Beginning in 2007, by the thirty-first day of January of each year, the tax commissioner shall review the calculation originally made under division (A) of this section of the fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year has expired, a revised calculation for that and all subsequent years shall be made. 50176
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(C) Payments to local taxing units required to be made under division (A) of this section shall be paid from the local government tangible property tax replacement fund to the county 50184
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undivided income tax fund in the proper county treasury. Beginning 50187
in May 2006, one-fourth of the amount certified under that 50188
division shall be paid by the fifteenth day of February, May, 50189
August, and November. The county treasurer shall distribute 50190
amounts determined under division (A) of this section to the 50191
proper local taxing unit as if they had been levied and collected 50192
as taxes, and the local taxing unit shall apportion the amounts so 50193
received among its funds in the same proportions as if those 50194
amounts had been levied and collected as taxes. 50195

(D) For each of the fiscal years 2006 through 2018, if the 50196
total amount in the local government tangible property tax 50197
replacement fund is insufficient to make all payments under 50198
division (C) of this section at the times the payments are to be 50199
made, the director of budget and management shall transfer from 50200
the general revenue fund to the local government tangible property 50201
tax replacement fund the difference between the total amount to be 50202
paid and the amount in the local government tangible property tax 50203
replacement fund. 50204

(E) On the fifteenth day of June of each year from 2006 50205
through 2018, the director of budget and management may transfer 50206
any balance in the local government tangible property tax 50207
replacement fund to the general revenue fund. 50208

(F) If all or a part of the territories of two or more local 50209
taxing units are merged, or unincorporated territory of a township 50210
is annexed by a municipal corporation, the tax commissioner shall 50211
adjust the payments made under this section to each of the local 50212
taxing units in proportion to the tax value loss apportioned to 50213
the merged or annexed territory, or as otherwise provided by a 50214
written agreement between the legislative authorities of the local 50215
taxing units certified to the commissioner not later than the 50216
first day of June of the calendar year in which the payment is to 50217
be made. 50218

Sec. 5751.31. (A) Notwithstanding any section of law to the contrary, the tax commissioner may issue one or more final determinations under section 5703.60 of the Revised Code for which any appeal must be made directly to the supreme court within thirty days after the date the commissioner issued the determination if the primary issue raised by the petitioner is the constitutionality of division (G)(5) of section 5751.01 of the Revised Code. Such final determination shall clearly indicate that any appeal thereof must be made directly to the supreme court within the thirty-day period prescribed in this division.

(B) If division (G)(5) of section 5751.01 of the Revised Code is determined to be unconstitutional under the Ohio constitution or the constitution of the United States, the commissioner may require taxpayers with taxable gross receipts in this state to provide a report as part of the tax returns the taxpayers file detailing the purchases they make from persons not registered to collect the tax imposed under this chapter. The commissioner shall adopt rules to enforce this division.

Sec. 5751.50. (A) For tax periods beginning in 2008 and thereafter, a refundable credit granted by the tax credit authority under section 122.17 of the Revised Code may be claimed under this chapter in the order required under section 5751.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid to this state on the first day of the tax period. The refundable credit shall not be claimed for any tax period beginning after the date on which a relocation of employment positions occurs in violation of an agreement entered into under sections 122.17 or 122.171 of the Revised Code.

(B) A nonrefundable credit granted by the tax credit

authority under section 122.171 of the Revised Code may be claimed 50249
under this chapter in the order required under section 5751.98 of 50250
the Revised Code. The credit shall not be claimed for any tax 50251
period beginning after the date on which a relocation of 50252
employment positions occurs in violation of an agreement entered 50253
into under sections 122.17 or 122.171 of the Revised Code. No 50254
credit shall be allowed under this chapter if the credit was 50255
available against the tax imposed by section 5733.06 or 5747.02 of 50256
the Revised Code, except to the extent the credit was not applied 50257
against such tax. 50258

Sec. 5751.51. (A) As used in this section, "qualified 50259
research expenses" has the same meaning as in section 41 of the 50260
Internal Revenue Code. 50261

(B)(1) A nonrefundable credit may be claimed under this 50262
chapter equal to seven per cent of the excess of (a) qualified 50263
research expenses incurred in this state by the taxpayer in the 50264
calendar year that includes the tax period for which the credit is 50265
claimed over (b) the taxpayer's average annual qualified research 50266
expenses incurred in this state for the three preceding calendar 50267
years. 50268

(2) The taxpayer shall claim the credit allowed under 50269
division (B)(1) of this section in the order required by section 50270
5751.98 of the Revised Code. Any credit amount in excess of the 50271
tax due under section 5751.03 of the Revised Code, after allowing 50272
for any other credits that precede the credit under this section 50273
in the order required under that section, may be carried forward 50274
for seven calendar years, but the amount of the excess credit 50275
allowed in any tax period shall be deducted from the balance 50276
carried forward to the next tax period. 50277

(3) No credit shall be allowed under this chapter if the 50278
credit was available against the tax imposed by section 5733.06 or 50279

5747.02 of the Revised Code, except to the extent the credit was 50280
not applied against such tax. 50281

Sec. 5751.52. (A) As used in this section: 50282

(1) "Borrower" means any person that receives a loan from the 50283
director of development under section 166.21 of the Revised Code, 50284
regardless of whether the borrower is subject to the taxes imposed 50285
by sections 5733.06, 5733.065, and 5733.066 of the Revised Code. 50286

(2) "Qualified research and development loan payments" has 50287
the same meaning as in section 166.21 of the Revised Code. 50288

(3) "Related member" has the same meaning as in section 50289
5733.042 of the Revised Code. 50290

(B) A nonrefundable credit may be claimed under this chapter 50291
equal to a borrower's qualified research and development loan 50292
payments made during the calendar year immediately preceding the 50293
tax period for which the credit is claimed. The amount of the 50294
credit for a calendar year shall not exceed one hundred fifty 50295
thousand dollars. No taxpayer is entitled to claim a credit under 50296
this section unless the taxpayer has obtained a certificate issued 50297
by the director of development under division (D) of section 50298
166.21 of the Revised Code. The credit shall be claimed in the 50299
order required under section 5151.98 of the Revised Code. No 50300
credit shall be allowed under this chapter if the credit was 50301
available against the tax imposed by section 5733.06 or 5747.02 of 50302
the Revised Code except to the extent the credit was not applied 50303
against such tax. The credit, to the extent it exceeds the 50304
taxpayer's tax liability for the tax period after allowance for 50305
any other credits that precede the credit under this section in 50306
that order, shall be carried forward to the next succeeding tax 50307
period or periods, but the amount of the excess credit allowed in 50308
any tax period shall be deducted from the balance carried forward 50309

to the next tax period. 50310

(C) A borrower entitled to a credit under this section may 50311
assign the credit, or a portion thereof, to any of the following: 50312

(1) A related member of that borrower; 50313

(2) The owner or lessee of the eligible research and 50314
development project; 50315

(3) A related member of the owner or lessee of the eligible 50316
research and development project. 50317

A borrower making an assignment under this division shall 50318
provide written notice of the assignment to the tax commissioner 50319
and the director of development, in such form as the commissioner 50320
prescribes, before the credit that was assigned is used. The 50321
assignor may not claim the credit to the extent it was assigned to 50322
an assignee. The assignee may claim the credit only to the extent 50323
the assignor has not claimed it. 50324

(D) If any taxpayer is a partner in a partnership or a member 50325
in a limited liability company treated as a partnership for 50326
federal income tax purposes, the taxpayer shall be allowed the 50327
taxpayer's distributive or proportionate share of the credit 50328
available through the partnership or limited liability company. 50329

(E) The aggregate credit against the taxes imposed by section 50330
5733.06, 5733.065, 5733.066, 5747.02, and 5751.03 of the Revised 50331
Code that may be claimed under this section, section 5733.352, and 50332
section 5747.331 of the Revised Code by a borrower as a result of 50333
qualified research and development loan payments attributable 50334
during a calendar year to any one loan shall not exceed one 50335
hundred fifty thousand dollars. 50336

Sec. 5751.98. (A) To provide a uniform procedure for 50337
calculating the amount of tax imposed by section 5751.03 of the 50338
Revised Code that is due under this chapter, a taxpayer shall 50339

claim any credits to which it is entitled in the following order: 50340

(1) The nonrefundable jobs retention credit under division 50341
(B) of section 5751.50 of the Revised Code; 50342

(2) The nonrefundable credit for qualified research expenses 50343
under division (B) of section 5751.51 of the Revised Code; 50344

(3) The nonrefundable credit for a borrower's qualified 50345
research and development loan payments under division (B) of 50346
section 5751.52 of the Revised Code; 50347

(4) The refundable jobs creation credit under division (A) of 50348
section 5751.50 of the Revised Code. 50349

(B) For any credit except the credit enumerated in division 50350
(A)(4) of this section, the amount of the credit for a tax period 50351
shall not exceed the tax due after allowing for any other credit 50352
that precedes it in the order required under this section. Any 50353
excess amount of a particular credit may be carried forward if 50354
authorized under the section creating the credit. 50355

Sec. 5751.99. (A) Whoever violates division (F) of section 50356
5751.05 of the Revised Code, or any rule adopted by the tax 50357
commissioner under that section, is guilty of a misdemeanor of the 50358
first degree on the first offense. On a second or subsequent 50359
offense, the offender is guilty of a felony of the fourth degree. 50360

(B) Whoever files a fraudulent refund claim under section 50361
5751.08 of the Revised Code shall be fined the greater of not more 50362
than one thousand dollars or the amount of the fraudulent refund 50363
requested or imprisoned not more than sixty days, or both. 50364

(C) Except as provided in this section, whoever violates any 50365
section of this chapter, or any rule adopted by the tax 50366
commissioner under this chapter, shall be fined not more than five 50367
hundred dollars or imprisoned not more than thirty days, or both. 50368

(D) The penalties provided in this section are in addition to any penalties imposed the tax commissioner under section 5751.06 of the Revised Code. 50369
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Sec. 5919.341. There is hereby created in the state treasury the national guard scholarship reserve fund. Not later than the first day of September of each fiscal year, the Ohio board of regents shall certify to the director of budget and management the unencumbered balance of the general revenue fund appropriations made in the immediately preceding fiscal year for purposes of the Ohio national guard scholarship program created under division (B) of section 5919.34 of the Revised Code. Upon receipt of the certification, the director may transfer an amount not exceeding the certified amount from the general revenue fund to the national guard scholarship reserve fund. Moneys in the national guard scholarship reserve fund shall be used to pay scholarship obligations in excess of the general revenue fund appropriations made for that purpose. Upon request of the adjutant general, the Ohio board of regents shall seek controlling board approval to establish appropriations as necessary. 50372
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The director may transfer any unencumbered balance from the national guard scholarship reserve fund to the general revenue fund. 50388
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Sec. 6109.21. (A) Except as provided in divisions (D) and (E) of this section, on and after January 1, 1994, no person shall operate or maintain a public water system in this state without a license issued by the director of environmental protection. A person who operates or maintains a public water system on January 1, 1994, shall obtain an initial license under this section in accordance with the following schedule: 50391
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(1) If the public water system is a community water system, 50398

not later than January 31, 1994; 50399

(2) If the public water system is not a community water 50400
system and serves a nontransient population, not later than 50401
January 31, 1994; 50402

(3) If the public water system is not a community water 50403
system and serves a transient population, not later than January 50404
31, 1995. 50405

A person proposing to operate or maintain a new public water 50406
system after January 1, 1994, in addition to complying with 50407
section 6109.07 of the Revised Code and rules adopted under it, 50408
shall submit an application for an initial license under this 50409
section to the director prior to commencing operation of the 50410
system. 50411

A license or license renewal issued under this section shall 50412
be renewed annually. Such a license or license renewal shall 50413
expire on the thirtieth day of January in the year following its 50414
issuance. A license holder that proposes to continue operating the 50415
public water system for which the license or license renewal was 50416
issued shall apply for a license renewal at least thirty days 50417
prior to that expiration date. 50418

The director shall adopt, and may amend and rescind, rules in 50419
accordance with Chapter 119. of the Revised Code establishing 50420
procedures governing and information to be included on 50421
applications for licenses and license renewals under this section. 50422
Through June 30, ~~2006~~ 2008, each application shall be accompanied 50423
by the appropriate fee established under division (M) of section 50424
3745.11 of the Revised Code, provided that an applicant for an 50425
initial license who is proposing to operate or maintain a new 50426
public water system after January 1, 1994, shall submit a fee that 50427
equals a prorated amount of the appropriate fee established under 50428
that division for the remainder of the licensing year. 50429

(B) Not later than thirty days after receiving a completed application and the appropriate license fee for an initial license under division (A) of this section, the director shall issue the license for the public water system. Not later than thirty days after receiving a completed application and the appropriate license fee for a license renewal under division (A) of this section, the director shall do one of the following:

(1) Issue the license renewal for the public water system;

(2) Issue the license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license renewal if the director finds that the public water system was not operated in substantial compliance with this chapter and rules adopted under it.

(C) The director may suspend or revoke a license or license renewal issued under this section if the director finds that the public water system was not operated in substantial compliance with this chapter and rules adopted under it. The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code governing such suspensions and revocations.

(D)(1) As used in division (D) of this section, "church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed or operated for the private profit of any person.

(2) This section does not apply to a church that operates or maintains a public water system solely to provide water for that church or for a campground that is owned by the church and operated primarily or exclusively for members of the church and their families. A church that, on or before March 5, 1996, has

obtained a license under this section for such a public water system need not obtain a license renewal under this section. 50461
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(E) This section does not apply to any public or nonpublic school that meets minimum standards of the state board of education that operates or maintains a public water system solely to provide water for that school. 50463
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Sec. 6111.034. The director of environmental protection shall not issue any order under division (H) of section 6111.03 of the Revised Code that would require a board of county commissioners, legislative authority of a municipal corporation, or other governing board of any other public entity to levy an assessment for a water or sewer project unless the water and sewer commission created in division ~~(B)~~(C) of section 1525.11 of the Revised Code certifies to the director that sufficient funds exist in the water and sewer fund created in division (A) of section 1525.11 of the Revised Code to advance money to the affected public entity in an amount equal to the total assessment that is not collectible as a result of section 929.03 or 1517.052 of the Revised Code, as applicable. 50467
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Section 101.02. That existing sections 9.24, 108.05, 109.57, 109.91, 120.06, 120.13, 120.23, 120.52, 120.53, 121.37, 121.38, 122.011, 122.17, 122.171, 122.603, 122.71, 122.72, 122.73, 122.74, 122.75, 122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 122.83, 123.152, 123.17, 124.01, 124.02, 124.04, 124.07, 124.09, 124.11, 124.133, 124.14, 124.15, 124.20, 124.23, 124.231, 124.241, 124.25, 124.26, 124.27, 124.29, 124.30, 124.31, 124.311, 124.32, 124.321, 124.322, 124.323, 124.324, 124.325, 124.33, 124.34, 125.05, 125.831, 125.832, 126.25, 127.16, 131.23, 140.01, 140.08, 141.011, 141.04, 147.05, 147.10, 147.11, 147.12, 147.371, 149.43, 153.50, 153.51, 153.52, 173.20, 173.21, 173.26, 173.40, 173.99, 181.251, 50480
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317.36, 319.20, 319.302, 319.54, 321.24, 323.01, 323.152, 329.04, 50492
329.051, 339.72, 339.88, 340.03, 340.16, 742.59, 901.43, 905.32, 50493
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921.16, 923.44, 923.45, 923.46, 927.69, 1327.511, 1327.62, 50496
1327.99, 1502.02, 1503.01, 1517.02, 1521.062, 1525.11, 1525.12, 50497
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3375.55, 3377.03, 3383.02, 3701.146, 3702.141, 3702.51, 3702.68, 50513
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5731.05, 5731.131, 5731.14, 5731.18, 5731.181, 5731.39, 5733.01, 50545
5733.40, 5733.41, 5739.02, 5739.025, 5739.10, 5741.02, 5743.02, 50546
5743.32, 5743.51, 5743.62, 5743.63, 5747.01, 5747.02, 5747.05, 50547
5747.08, 5747.70, 5747.98, 5749.02, 6109.21, and 6111.034 of the 50548
Revised Code are hereby repealed. 50549

Section 105.01. That sections 181.53, 339.77, 742.36, 50550
1541.221, 3301.31, 3301.33, 3301.34, 3301.35, 3301.36, 3301.37, 50551
3301.38, 3301.80, 3301.85, 3301.87, 3317.0213, 3353.02, 3353.03, 50552
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 5111.27, 5111.291, 5111.34, 5115.10, 5115.11, 5115.12, 5115.13, 50556
 5115.14, 5123.041, 5123.048, 5731.20, and 5733.122 of the Revised 50557
 Code are hereby repealed. 50558

Section 200.01. Except as otherwise provided, all 50559
 appropriation items (AI) in this act are appropriated out of any 50560
 moneys in the state treasury to the credit of the designated fund 50561
 that are not otherwise appropriated. For all appropriations made 50562
 in this act, the amounts in the first column are for fiscal year 50563
 2006 and the amounts in the second column are for fiscal year 50564
 2007. 50565

FND AI	AI TITLE	APPROPRIATIONS	50566
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Section 203.03. ACC ACCOUNTANCY BOARD OF OHIO 50567

General Services Fund Group 50568

4J8 889-601 CPA Education	\$	209,510	\$	0	50569
Assistance					
4K9 889-609 Operating Expenses	\$	1,069,776	\$	0	50570
TOTAL GSF General Services Fund					50571
Group	\$	1,279,286	\$	0	50572
TOTAL ALL BUDGET FUND GROUPS	\$	1,279,286	\$	0	50573

Section 203.06. PAY ACCRUED LEAVE LIABILITY 50575

Accrued Leave Liability Fund Group 50576

806 995-666 Accrued Leave Fund	\$	68,846,630	\$	77,950,372	50577
807 995-667 Disability Fund	\$	48,057,723	\$	50,955,496	50578
TOTAL ALF Accrued Leave Liability					50579
Fund Group	\$	116,904,353	\$	128,905,868	50580
Agency Fund Group					50581
808 995-668 State Employee Health	\$	480,879,258	\$	550,922,742	50582

		Benefit Fund				
809	995-669	Dependent Care	\$	2,801,543	\$	2,969,635 50583
		Spending Account				
810	995-670	Life Insurance	\$	1,943,789	\$	2,031,381 50584
		Investment Fund				
811	995-671	Parental Leave Benefit	\$	4,040,434	\$	4,282,860 50585
		Fund				
813	995-672	Health Care Spending	\$	8,000,000	\$	12,000,000 50586
		Account				
TOTAL AGY	Agency Fund Group		\$	497,665,024	\$	572,206,618 50587
TOTAL ALL BUDGET FUND GROUPS			\$	614,569,377	\$	701,112,486 50588

ACCRUED LEAVE LIABILITY FUND 50589

The foregoing appropriation item 995-666, Accrued Leave Fund, 50590
shall be used to make payments from the Accrued Leave Liability 50591
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 50592
If it is determined by the Director of Budget and Management that 50593
additional amounts are necessary, the amounts are appropriated. 50594

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 50595

The foregoing appropriation item 995-667, Disability Fund, 50596
shall be used to make payments from the State Employee Disability 50597
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 50598
Revised Code. If it is determined by the Director of Budget and 50599
Management that additional amounts are necessary, the amounts are 50600
appropriated. 50601

STATE EMPLOYEE HEALTH BENEFIT FUND 50602

The foregoing appropriation item 995-668, State Employee 50603
Health Benefit Fund, shall be used to make payments from the State 50604
Employee Health Benefit Fund (Fund 808), pursuant to section 50605
124.87 of the Revised Code. If it is determined by the Director of 50606
Budget and Management that additional amounts are necessary, the 50607
amounts are appropriated. 50608

Effective July 1, 2005, or as soon thereafter as possible, 50609
the Director of Budget and Management may transfer up to \$70,000 50610
in cash from the General Revenue Fund to the State Employee Health 50611
Benefit Fund (Fund 808). The amount of the transfer shall not 50612
exceed the amount of cash transferred from the State Employee 50613
Health Benefit Fund to the Health Care Spending Account Fund (Fund 50614
813) during fiscal year 2005. 50615

DEPENDENT CARE SPENDING ACCOUNT 50616

The foregoing appropriation item 995-669, Dependent Care 50617
Spending Account, shall be used to make payments from the 50618
Dependent Care Spending Account (Fund 809) to employees eligible 50619
for dependent care expenses. If it is determined by the Director 50620
of Budget and Management that additional amounts are necessary, 50621
the amounts are appropriated. 50622

LIFE INSURANCE INVESTMENT FUND 50623

The foregoing appropriation item 995-670, Life Insurance 50624
Investment Fund, shall be used to make payments from the Life 50625
Insurance Investment Fund (Fund 810) for the costs and expenses of 50626
the state's life insurance benefit program pursuant to section 50627
125.212 of the Revised Code. If it is determined by the Director 50628
of Budget and Management that additional amounts are necessary, 50629
the amounts are appropriated. 50630

PARENTAL LEAVE BENEFIT FUND 50631

The foregoing appropriation item 995-671, Parental Leave 50632
Benefit Fund, shall be used to make payments from the Parental 50633
Leave Benefit Fund (Fund 811) to employees eligible for parental 50634
leave benefits pursuant to section 124.137 of the Revised Code. If 50635
it is determined by the Director of Budget and Management that 50636
additional amounts are necessary, the amounts are appropriated. 50637

HEALTH CARE SPENDING ACCOUNT 50638

There is hereby established in the State Treasury the Health Care Spending Account Fund (Fund 813). The foregoing appropriation item 995-672, Health Care Spending Account, shall be used to make payments from the fund. The fund shall be under the supervision of the Department of Administrative Services and shall be used to make payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and pursuant to Section 125 of the Internal Revenue Code. All income derived from the investment of the fund shall accrue to the fund. If it is determined by the Director of Administrative Services that additional appropriation amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

At the request of the Director of Administrative Services, the Director of Budget and Management shall transfer up to \$400,000 from the State Employee Health Benefit Fund (Fund 808) to the Health Care Spending Account Fund during fiscal years 2006 and 2007. This cash shall be transferred as needed to provide adequate cash flow for the Health Care Spending Account Fund during fiscal year 2006 and fiscal year 2007. At the end of fiscal years 2006 and 2007, the Director of Budget and Management shall transfer cash up to the amount previously transferred in the respective year back from the Health Care Spending Account (Fund 813) to the State Employee Health Benefit Fund (Fund 808). If funds are not available in the Health Care Spending Account Fund, the Director of Administrative Services may request, and the Director of Budget and Management may transfer, the balance of the funds needed from the General Revenue Fund.

Section 203.09. ADJ ADJUTANT GENERAL

General Revenue Fund

GRF 745-401	Ohio Military Reserve	\$	15,188	\$	15,188	50670
GRF 745-404	Air National Guard	\$	1,939,762	\$	1,939,762	50671
GRF 745-409	Central Administration	\$	3,899,590	\$	3,899,590	50672
GRF 745-499	Army National Guard	\$	4,086,222	\$	4,086,222	50673
GRF 745-502	Ohio National Guard	\$	102,973	\$	102,973	50674
	Unit Fund					
TOTAL GRF	General Revenue Fund	\$	10,043,735	\$	10,043,735	50675
	General Services Fund Group					50676
534 745-612	Armory Improvements	\$	534,304	\$	534,304	50677
536 745-620	Camp Perry/Buckeye Inn	\$	1,094,970	\$	1,094,970	50678
	Operations					
537 745-604	Ohio National Guard	\$	219,826	\$	219,826	50679
	Facility Maintenance					
TOTAL GSF	General Services Fund	\$	1,849,100	\$	1,849,100	50680
	Group					
	Federal Special Revenue Fund Group					50681
3E8 745-628	Air National Guard	\$	12,174,760	\$	12,174,760	50682
	Agreement					
3R8 745-603	Counter Drug	\$	25,000	\$	25,000	50683
	Operations					
341 745-615	Air National Guard	\$	2,424,740	\$	2,424,740	50684
	Base Security					
342 745-616	Army National Guard	\$	8,686,893	\$	8,686,893	50685
	Agreement					
TOTAL FED	Federal Special Revenue	\$	23,311,393	\$	23,311,393	50686
	Fund Group					
	State Special Revenue Fund Group					50687
5U8 745-613	Community Match	\$	90,000	\$	91,800	50688
	Armories					
528 745-605	Marksmanship	\$	126,078	\$	128,600	50689
	Activities					
TOTAL SSR	State Special Revenue	\$	216,078	\$	220,400	50690

Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$	35,420,306	\$ 35,424,628 50691
Section 203.12. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			50693
General Revenue Fund			50694
GRF 100-405 Agency Audit Expenses	\$	329,000	\$ 329,000 50695
GRF 100-406 County & University	\$	60,000	\$ 60,000 50696
Human Resources			
Services			
GRF 100-410 Veterans' Records	\$	69,000	\$ 48,600 50697
Conversion			
GRF 100-418 Web Sites and Business	\$	3,275,280	\$ 3,275,280 50698
Gateway			
GRF 100-419 IT Security	\$	1,636,247	\$ 1,636,247 50699
Infrastructure			
GRF 100-421 OAKS Project	\$	484,000	\$ 410,839 50700
Implementation			
GRF 100-433 State of Ohio Computer	\$	4,991,719	\$ 4,991,719 50701
Center			
GRF 100-439 Equal Opportunity	\$	726,481	\$ 728,384 50702
Certification Programs			
GRF 100-447 OBA - Building Rent	\$	115,740,400	\$ 116,091,300 50703
Payments			
GRF 100-448 OBA - Building	\$	25,393,250	\$ 25,647,183 50704
Operating Payments			
GRF 100-449 DAS - Building	\$	4,160,383	\$ 4,170,623 50705
Operating Payments			
GRF 100-451 Minority Affairs	\$	47,000	\$ 47,000 50706
GRF 100-734 Major Maintenance -	\$	50,000	\$ 50,000 50707
State Bldgs			
GRF 102-321 Construction	\$	1,190,959	\$ 1,206,779 50708
Compliance			
GRF 130-321 State Agency Support	\$	2,693,788	\$ 2,668,986 50709

Services				
TOTAL GRF	General Revenue Fund	\$	160,847,507	\$ 161,361,940 50710
General Services Fund Group				50711
112	100-616	DAS Administration	\$ 5,221,393	\$ 5,299,427 50712
115	100-632	Central Service Agency	\$ 466,517	\$ 485,178 50713
117	100-644	General Services	\$ 6,834,247	\$ 7,245,772 50714
Division - Operating				
122	100-637	Fleet Management	\$ 4,025,043	\$ 4,032,968 50715
125	100-622	Human Resources	\$ 18,293,921	\$ 18,210,762 50716
Division - Operating				
127	100-627	Vehicle Liability	\$ 3,344,644	\$ 3,344,644 50717
Insurance				
128	100-620	Collective Bargaining	\$ 3,410,952	\$ 3,410,952 50718
130	100-606	Risk Management	\$ 223,904	\$ 223,904 50719
Reserve				
131	100-639	State Architect's	\$ 6,977,274	\$ 7,047,427 50720
Office				
132	100-631	DAS Building	\$ 10,721,430	\$ 11,066,228 50721
Management				
133	100-607	IT Services Delivery	\$ 81,418,432	\$ 80,345,564 50722
188	100-649	Equal Opportunity	\$ 993,378	\$ 1,010,256 50723
Division - Operating				
201	100-653	General Services	\$ 1,553,000	\$ 1,553,000 50724
Resale Merchandise				
210	100-612	State Printing	\$ 5,931,421	\$ 5,931,421 50725
229	100-630	IT Governance	\$ 18,531,812	\$ 17,601,712 50726
4N6	100-617	Major IT Purchases	\$ 10,617,166	\$ 10,617,166 50727
4P3	100-603	DAS Information	\$ 5,902,099	\$ 6,117,004 50728
Services				
427	100-602	Investment Recovery	\$ 5,580,208	\$ 5,683,564 50729
5C2	100-605	MARCS Administration	\$ 9,268,178	\$ 9,268,178 50730
5C3	100-608	Skilled Trades	\$ 1,406,278	\$ 1,434,982 50731
5D7	100-621	Workforce Development	\$ 12,000,000	\$ 12,000,000 50732

5L7 100-610 Professional Development	\$	2,700,000	\$	2,700,000	50733
5V6 100-619 Employee Educational Development	\$	936,129	\$	936,129	50734
TOTAL GSF General Services Fund Group					50735
	\$	216,357,426	\$	215,566,238	50736
Federal Special Revenue Fund Group					50737
3AJ 100-623 Information Technology Grants	\$	82,048	\$	82,048	50738
TOTAL FSR Federal Special Revenue Fund Group	\$	82,048	\$	82,048	50739
Agency Fund Group					50740
124 100-629 Payroll Deductions	\$	2,050,000,000	\$	2,050,000,000	50741
TOTAL AGY Agency Fund Group	\$	2,050,000,000	\$	2,050,000,000	50742
Holding Account Redistribution Fund Group					50743
R08 100-646 General Services Refunds	\$	20,000	\$	20,000	50744
TOTAL 090 Holding Account Redistribution Fund Group	\$	20,000	\$	20,000	50745
TOTAL ALL BUDGET FUND GROUPS	\$	2,427,306,981	\$	2,427,030,226	50747

Section 203.12.03. AGENCY AUDIT EXPENSES 50749

The foregoing appropriation item 100-405, Agency Audit Expenses, shall be used for auditing expenses designated in division (A)(1) of section 117.13 of the Revised Code for those state agencies audited on a biennial basis. 50750
50751
50752
50753

Section 203.12.06. OHIO BUILDING AUTHORITY 50754

The foregoing appropriation item 100-447, OBA - Building Rent Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2005, to June 30, 2007, by the Department of Administrative Services to the Ohio 50755
50756
50757
50758

Building Authority pursuant to leases and agreements under Chapter 50759
152. of the Revised Code, but limited to the aggregate amount of 50760
\$231,831,700. These appropriations are the source of funds pledged 50761
for bond service charges on obligations issued pursuant to Chapter 50762
152. of the Revised Code. 50763

The foregoing appropriation item 100-448, OBA - Building 50764
Operating Payments, shall be used to meet all payments at the 50765
times that they are required to be made during the period from 50766
July 1, 2005, to June 30, 2007, by the Department of 50767
Administrative Services to the Ohio Building Authority pursuant to 50768
leases and agreements under Chapter 152. of the Revised Code, but 50769
limited to the aggregate amount of \$51,040,433. 50770

The payments to the Ohio Building Authority are for the 50771
purpose of paying the expenses of agencies that occupy space in 50772
the various state facilities. The Department of Administrative 50773
Services may enter into leases and agreements with the Ohio 50774
Building Authority providing for the payment of these expenses. 50775
The Ohio Building Authority shall report to the Department of 50776
Administrative Services and the Office of Budget and Management 50777
not later than five months after the start of a fiscal year the 50778
actual expenses incurred by the Ohio Building Authority in 50779
operating the facilities and any balances remaining from payments 50780
and rentals received in the prior fiscal year. The Department of 50781
Administrative Services shall reduce subsequent payments by the 50782
amount of the balance reported to it by the Ohio Building 50783
Authority. 50784

Section 203.12.09. DAS - BUILDING OPERATING PAYMENTS 50785

The foregoing appropriation item 100-449, DAS - Building 50786
Operating Payments, shall be used to pay the rent expenses of 50787
veterans organizations pursuant to section 123.024 of the Revised 50788
Code in fiscal years 2006 and 2007. 50789

The foregoing appropriation item, 100-449, DAS - Building Operating Payments, may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated due to building renovations. These payments shall be processed by the Department of Administrative Services through intrastate transfer vouchers and placed in the Building Management Fund (Fund 132).

Section 203.12.12. CENTRAL SERVICE AGENCY FUND

The Director of Budget and Management may transfer up to \$363,851 in fiscal year 2006 from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the Central Service Agency Fund (Fund 115). The Director of Budget and Management may transfer up to \$45,184 in fiscal year 2006 from the State Medical Board Operating Fund (Fund 5C6) to the Central Service Agency Fund (Fund 115). The Director of Budget and Management may transfer up to \$625 in fiscal year 2006 from the Motor Vehicle Collision Repair Registration Fund (Fund 5H9) to the Central Service Agency Fund (Fund 115). The appropriation item 100-632, Central Service Agency, shall be used to purchase the necessary equipment, products, and services to maintain an automated application for the professional licensing boards, and to support their licensing functions in fiscal year 2006. The amount of the cash transfers is

appropriated to appropriation item 100-632, Central Service 50821
Agency. 50822

Section 203.12.15. COLLECTIVE BARGAINING ARBITRATION EXPENSES 50823
50824

With approval of the Director of Budget and Management, the 50825
Department of Administrative Services may seek reimbursement from 50826
state agencies for the actual costs and expenses the department 50827
incurs in the collective bargaining arbitration process. The 50828
reimbursements shall be processed through intrastate transfer 50829
vouchers and placed in the Collective Bargaining Fund (Fund 128). 50830

Section 203.12.18. OFFICE OF INFORMATION TECHNOLOGY 50831

The foregoing appropriation item 100-607, IT Service 50832
Delivery, shall be used by the Office of Information Technology to 50833
carry out its responsibilities under section 125.29 of the Revised 50834
Code. The foregoing appropriation item 100-630, IT Governance, 50835
shall be used by the Office of Information Technology to carry out 50836
its responsibilities under section 125.29 of the Revised Code. 50837

As soon as possible on or after July 1, 2005, the Director of 50838
Administrative Services shall certify to the Director of Budget 50839
and Management the amount of cash up to \$5,000,000 to be 50840
transferred from the IT Service Delivery Fund (Fund 133) to the IT 50841
Governance Fund (Fund 229). This amount represents a portion of 50842
the cash balance in the IT Service Delivery Fund attributable to 50843
IT Governance programs. The Director of Budget and Management 50844
shall transfer the certified amount. 50845

After final payments are made from fiscal year 2005 50846
encumbrances in the IT Service Delivery Fund (Fund 133), the 50847
Department of Administrative Services shall reconcile fiscal year 50848
2005 financial activity in the IT Service Delivery Fund and 50849
determine the amount of the fund cash balance due to the IT 50850

Governance Fund (Fund 229). The reconciliation shall be done in accordance with federal cost accounting regulations. Not later than June 30, 2006, the Director of Administrative Services shall make a determination of any additional transfers of cash necessary for reconciliation purposes. Upon concurrence with this determination, the Director of Budget and Management may transfer such cash between the IT Service Delivery Fund and the IT Governance Fund.

Section 203.12.21. EQUAL OPPORTUNITY PROGRAM

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the activities supported by the State EEO Fund (Fund 188). These charges shall be deposited to the credit of the State EEO Fund (Fund 188) upon payment made by state agencies, state-supported or state-assisted institutions of higher education, and tax-supported agencies, municipal corporations, and other political subdivisions of the state, for services rendered.

Section 203.12.24. MERCHANDISE FOR RESALE

The foregoing appropriation item 100-653, General Services Resale Merchandise, shall be used to account for merchandise for resale, which is administered by the General Services Division. Deposits to the fund may comprise the cost of merchandise for resale and shipping fees.

Section 203.12.27. DAS INFORMATION SERVICES

There is hereby established in the State Treasury the DAS Information Services Fund. The foregoing appropriation item 100-603, DAS Information Services, shall be used to pay the costs of providing information systems and services in the Department of

Administrative Services. 50880

The Department of Administrative Services shall establish 50881
user charges for all information systems and services that are 50882
allowable in the statewide indirect cost allocation plan submitted 50883
annually to the United States Department of Health and Human 50884
Services. These charges shall comply with federal regulations and 50885
shall be deposited to the credit of the DAS Information Services 50886
Fund (Fund 4P3). 50887

Section 203.12.30. INVESTMENT RECOVERY FUND 50888

Notwithstanding division (B) of section 125.14 of the Revised 50889
Code, cash balances in the Investment Recovery Fund (Fund 427) may 50890
be used to support the operating expenses of the Federal Surplus 50891
Operating Program created in sections 125.84 to 125.90 of the 50892
Revised Code. 50893

Notwithstanding division (B) of section 125.14 of the Revised 50894
Code, cash balances in the Investment Recovery Fund may be used to 50895
support the operating expenses of the State Property Inventory and 50896
Fixed Assets Management System Program. 50897

Of the foregoing appropriation item 100-602, Investment 50898
Recovery, up to \$2,147,024 in fiscal year 2006 and up to 50899
\$2,205,594 in fiscal year 2007 shall be used to pay the operating 50900
expenses of the State Surplus Property Program, the Surplus 50901
Federal Property Program, and the State Property Inventory and 50902
Fixed Assets Management System Program under Chapter 125. of the 50903
Revised Code and this section. If additional appropriations are 50904
necessary for the operations of these programs, the Director of 50905
Administrative Services shall seek increased appropriations from 50906
the Controlling Board under section 131.35 of the Revised Code. 50907

Of the foregoing appropriation item 100-602, Investment 50908
Recovery, \$3,433,184 in fiscal year 2006 and \$3,477,970 in fiscal 50909

year 2007 shall be used to transfer proceeds from the sale of 50910
surplus property from the Investment Recovery Fund to non-General 50911
Revenue Funds under division (A)(2) of section 125.14 of the 50912
Revised Code. If it is determined by the Director of 50913
Administrative Services that additional appropriations are 50914
necessary for the transfer of such sale proceeds, the Director of 50915
Administrative Services may request the Director of Budget and 50916
Management to increase the amounts. Such amounts are hereby 50917
appropriated. 50918

Notwithstanding division (B) of section 125.14 of the Revised 50919
Code, the Director of Budget and Management, at the request of the 50920
Director of Administrative Services, shall transfer up to \$500,000 50921
of the amounts held for transfer to the General Revenue Fund from 50922
the Investment Recovery Fund to the State Architect's Fund (Fund 50923
131) to provide operating cash. 50924

Section 203.12.33. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 50925

Effective with the implementation of the Multi-Agency Radio 50926
Communications System, the Director of Administrative Services 50927
shall collect user fees from participants in the system. The 50928
Director of Administrative Services, with the advice of the 50929
Multi-Agency Radio Communications System Steering Committee and 50930
the Director of Budget and Management, shall determine the amount 50931
of the fees and the manner by which the fees shall be collected. 50932
Such user charges shall comply with the applicable cost principles 50933
issued by the federal Office of Management and Budget. All moneys 50934
from user charges and fees shall be deposited in the state 50935
treasury to the credit of the Multi-Agency Radio Communications 50936
System Administration Fund (Fund 5C2), which is hereby established 50937
in the state treasury. All interest income derived from the 50938
investment of the fund shall accrue to the fund. 50939

Section 203.12.36. WORKFORCE DEVELOPMENT FUND 50940

There is hereby established in the state treasury the 50941
Workforce Development Fund (Fund 5D7). The foregoing appropriation 50942
item 100-621, Workforce Development, shall be used to make 50943
payments from the fund. The fund shall be under the supervision of 50944
the Department of Administrative Services, which may adopt rules 50945
with regard to administration of the fund. The fund shall be used 50946
to pay the costs of the Workforce Development Program, established 50947
by Article 37 of the contract between the State of Ohio and 50948
OCSEA/AFSCME, Local 11, effective March 1, 2003, and as modified 50949
by any successor labor contract between the State of Ohio and 50950
OCSEA/AFSCME. The program shall be administered in accordance with 50951
the contract. Revenues shall accrue to the fund as specified in 50952
the contract. The fund may be used to pay direct and indirect 50953
costs of the program that are attributable to staff, consultants, 50954
and service providers. All income derived from the investment of 50955
the fund shall accrue to the fund. 50956

If it is determined by the Director of Administrative 50957
Services that additional appropriation amounts are necessary, the 50958
Director of Administrative Services may request that the Director 50959
of Budget and Management increase such amounts. Such amounts are 50960
hereby appropriated. 50961

Section 203.12.39. PROFESSIONAL DEVELOPMENT FUND 50962

The foregoing appropriation item 100-610, Professional 50963
Development, shall be used to make payments from the Professional 50964
Development Fund (Fund 5L7) under section 124.182 of the Revised 50965
Code. 50966

Section 203.12.42. EMPLOYEE EDUCATIONAL DEVELOPMENT 50967

There is hereby established in the state treasury the 50968

Employee Educational Development Fund (Fund 5V6). The foregoing 50969
appropriation item 100-619, Employee Educational Development, 50970
shall be used to make payments from the fund. The fund shall be 50971
used to pay the costs of the administration of educational 50972
programs per existing collective bargaining agreements with 50973
District 1199, the Health Care and Social Service Union; State 50974
Council of Professional Educators; Ohio Education Association and 50975
National Education Association; the Fraternal Order of Police Ohio 50976
Labor Council, Unit 2; and the Ohio State Troopers Association, 50977
Units 1 and 15. The fund shall be under the supervision of the 50978
Department of Administrative Services, which may adopt rules with 50979
regard to administration of the fund. The fund shall be 50980
administered in accordance with the applicable sections of the 50981
collective bargaining agreements between the State and the 50982
aforementioned unions. The Department of Administrative Services, 50983
with the approval of the Director of Budget and Management, shall 50984
establish charges for recovering the costs of administering the 50985
educational programs. Receipts for these charges shall be 50986
deposited into the Employee Educational Development Fund. All 50987
income derived from the investment of the funds shall accrue to 50988
the fund. 50989

If it is determined by the Director of Administrative 50990
Services that additional appropriation amounts are necessary, the 50991
Director of Administrative Services may request that the Director 50992
of Budget and Management increase such amounts. Such amounts are 50993
hereby appropriated with the approval of the Director of Budget 50994
and Management. 50995

Section 203.12.45. MAJOR IT PURCHASES 50996

The Director of Administrative Services shall compute the 50997
amount of revenue attributable to the amortization of all 50998
equipment purchases and capitalized systems from appropriation 50999

item 100-607, IT Service Delivery; appropriation item 100-617, 51000
Major IT Purchases; and appropriation item CAP-837, Major IT 51001
Purchases, which is recovered by the Department of Administrative 51002
Services as part of the rates charged by the IT Service Delivery 51003
Fund (Fund 133) created in section 125.15 of the Revised Code. The 51004
Director of Budget and Management may transfer cash in an amount 51005
not to exceed the amount of amortization computed from the IT 51006
Service Delivery Fund (Fund 133) to the Major IT Purchases Fund 51007
(Fund 4N6). 51008

Section 203.12.48. INFORMATION TECHNOLOGY ASSESSMENT 51009

The Director of Administrative Services, with the approval of 51010
the Director of Budget and Management, may establish an 51011
information technology assessment for the purpose of recovering 51012
the cost of selected infrastructure and statewide programs. Such 51013
assessment shall comply with applicable cost principles issued by 51014
the federal Office of Management and Budget. The information 51015
technology assessment shall be charged to all organized bodies, 51016
offices, or agencies established by the laws of the state for the 51017
exercise of any function of state government except for the 51018
General Assembly, any legislative agency, the Supreme Court, the 51019
other courts of record in Ohio, or any judicial agency, the 51020
Adjutant General, the Bureau of Workers' Compensation, and 51021
institutions administered by a board of trustees. Any state-entity 51022
exempted by this section may utilize the infrastructure or 51023
statewide program by participating in the information technology 51024
assessment. All charges for the information technology assessment 51025
shall be deposited to the credit of the IT Service Delivery Fund 51026
(Fund 133) created in section 125.15 of the Revised Code. 51027

Section 203.12.51. UNEMPLOYMENT COMPENSATION FUND 51028

Within thirty days after the effective date of this section, 51029

or as soon as possible thereafter, the Director of Administrative Services shall certify the remaining cash in the Unemployment Compensation Fund (Fund 113) to the Director of Budget and Management who shall transfer that amount to the General Revenue Fund and abolish the Unemployment Compensation Fund (Fund 113).

Section 203.12.54. PAYROLL WITHHOLDING FUND 51035

The foregoing appropriation item 100-629, Payroll Deductions, shall be used to make payments from the Payroll Withholding Fund (Fund 124). If it is determined by the Director of Budget and Management that additional appropriation amounts are necessary, such amounts are hereby appropriated.

Section 203.12.57. GENERAL SERVICES REFUNDS 51041

The foregoing appropriation item 100-646, General Services Refunds, shall be used to hold bid guarantee and building plans and specifications deposits until they are refunded. The Director of Administrative Services may request that the Director of Budget and Management transfer cash received for the costs of providing the building plans and specifications to contractors from the General Services Refunds Fund to the State Architect's Office Fund (Fund 131). Prior to the transfer of cash, the Director of Administrative Services shall certify that such amounts are in excess of amounts required for refunding deposits and are directly related to costs of producing building plans and specifications. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

Section 203.12.60. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 51055
51056

The Director of Administrative Services, in consultation with the Multi-Agency Radio Communication System (MARCS) Steering

Committee and the Director of Budget and Management, shall
determine the share of debt service payments attributable to
spending for MARCS components that are not specific to any one
agency and that shall be charged to agencies supported by the
motor fuel tax. Such share of debt service payments shall be
calculated for MARCS capital disbursements made beginning July 1,
1997. Within thirty days of any payment made from appropriation
item 100-447, OBA - Building Rent Payments, the Director of
Administrative Services shall certify to the Director of Budget
and Management the amount of this share. The Director of Budget
and Management shall transfer such amounts to the General Revenue
Fund from the State Highway Safety Fund (Fund 036) established in
section 4501.06 of the Revised Code.

The Director of Administrative Services shall consider
renting or leasing existing tower sites at reasonable or current
market rates, so long as these existing sites are equipped with
the technical capabilities to support the MARCS project.

Section 203.12.63. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY

Whenever the Director of Administrative Services declares a
"public exigency," as provided in division (C) of section 123.15
of the Revised Code, the Director shall also notify the members of
the Controlling Board.

Section 203.12.66. GENERAL SERVICE CHARGES

The Department of Administrative Services, with the approval
of the Director of Budget and Management, shall establish charges
for recovering the costs of administering the programs in the
General Services Fund (Fund 117) and the State Printing Fund (Fund
210).

Section 203.15. AAM COMMISSION ON AFRICAN AMERICAN MALES

General Revenue Fund				51088
GRF 036-100 Personal Services	\$	220,091	\$ 220,091	51089
GRF 036-200 Maintenance	\$	34,909	\$ 34,909	51090
GRF 036-300 Equipment	\$	1,000	\$ 1,000	51091
GRF 036-501 CAAM Awards and Scholarships	\$	1,000	\$ 1,000	51092
GRF 036-502 Community Projects	\$	25,000	\$ 25,000	51093
TOTAL GRF General Revenue Fund	\$	282,000	\$ 282,000	51094
State Special Revenue Fund Group				51095
4H3 036-601 Commission on African American Males - Gifts/Grants	\$	10,000	\$ 10,000	51096
TOTAL SSR State Special Revenue Fund Group	\$	10,000	\$ 10,000	51097
TOTAL ALL BUDGET FUND GROUPS	\$	292,000	\$ 292,000	51098
COMMISSION ON AFRICAN AMERICAN MALES PROGRESS REVIEW				51099
Annually, not later than the thirty-first day of December,				51100
the Commission on African American Males shall internally prepare				51101
and submit to the chairperson and ranking minority member of the				51102
Human Services Subcommittee of the Finance and Appropriations				51103
Committee of the House of Representatives a report that				51104
demonstrates the progress that has been made toward meeting the				51105
Commission's mission statement.				51106
Section 203.18. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW				51107
General Revenue Fund				51108
GRF 029-321 Operating Expenses	\$	379,769	\$ 387,364	51109
TOTAL GRF General Revenue Fund	\$	379,769	\$ 387,364	51110
TOTAL ALL BUDGET FUND GROUPS	\$	379,769	\$ 387,364	51111
OPERATING				51112
The Chief Administrative Officer of the House of				51113

Representatives and the Clerk of the Senate shall determine, by 51114
mutual agreement, which of them shall act as fiscal agent for the 51115
Joint Committee on Agency Rule Review. 51116

OPERATING EXPENSES 51117

The unencumbered balance of appropriation item 029-321, 51118
Operating Expenses, at the end of fiscal year 2006 shall be 51119
transferred to fiscal year 2007 for use under the same 51120
appropriation item. 51121

Section 203.21. AGE DEPARTMENT OF AGING 51122

General Revenue Fund 51123

GRF 490-321	Operating Expenses	\$	2,579,867	\$	2,308,867	51124
GRF 490-403	PASSPORT	\$	112,045,715	\$	121,009,372	51125
GRF 490-405	Golden Buckeye Card	\$	467,614	\$	467,614	51126
GRF 490-406	Senior Olympics	\$	15,638	\$	15,638	51127
GRF 490-409	Ohio Community Service	\$	203,647	\$	193,465	51128
	Council Operations					
GRF 490-410	Long-Term Care	\$	689,437	\$	689,437	51129
	Ombudsman					
GRF 490-411	Senior Community	\$	10,630,988	\$	10,630,988	51130
	Services					
GRF 490-412	Residential State	\$	9,156,771	\$	9,156,771	51131
	Supplement					
GRF 490-414	Alzheimers Respite	\$	4,085,888	\$	4,085,888	51132
GRF 490-416	JCFS Elderly	\$	100,000	\$	100,000	51133
	Transportation					
GRF 490-421	PACE	\$	11,354,145	\$	10,214,809	51134
GRF 490-422	Assisted Living Waiver	\$	0	\$	359,919	51135
GRF 490-506	National Senior	\$	352,943	\$	352,943	51136
	Service Corps					
TOTAL GRF	General Revenue Fund	\$	151,682,653	\$	159,585,711	51137

General Services Fund Group					51138
480 490-606 Senior Community	\$	372,677	\$	372,677	51139
Outreach and Education					
TOTAL GSF General Services Fund					51140
Group	\$	372,677	\$	372,677	51141
Federal Special Revenue Fund Group					51142
3C4 490-607 PASSPORT	\$	198,683,143	\$	218,196,387	51143
3C4 490-621 PACE-Federal	\$	10,854,083	\$	14,586,135	51144
3C4 490-622 Assisted	\$	0	\$	5,687,374	51145
Living-Federal					
3M3 490-611 Federal Aging	\$	27,622,693	\$	28,037,034	51146
Nutrition					
3M4 490-612 Federal Independence	\$	27,907,287	\$	28,325,896	51147
Services					
3R7 490-617 Ohio Community Service	\$	9,170,000	\$	9,170,000	51148
Council Programs					
322 490-618 Federal Aging Grants	\$	14,834,354	\$	15,014,494	51149
TOTAL FED Federal Special Revenue					51150
Fund Group	\$	289,071,560	\$	319,017,320	51151
State Special Revenue Fund Group					51152
4C4 490-609 Regional Long-Term	\$	910,000	\$	935,000	51153
Care Ombudsman Program					
4J4 490-610 PASSPORT/Residential	\$	33,263,984	\$	33,263,984	51154
State Supplement					
4U9 490-602 PASSPORT Fund	\$	4,424,969	\$	4,424,969	51155
5BA 490-620 Ombudsman Support	\$	615,000	\$	0	51156
5K9 490-613 Long Term Care	\$	298,400	\$	620,000	51157
Consumers Guide					
5W1 490-616 Resident Services	\$	262,500	\$	262,500	51158
Coordinator Program					
624 490-604 OCSC Community Support	\$	2,500	\$	2,500	51159
TOTAL SSR State Special Revenue					51160

Fund Group	\$	39,777,353	\$	39,508,953	51161
TOTAL ALL BUDGET FUND GROUPS	\$	480,904,243	\$	518,484,661	51162

Section 203.21.03. PRE-ADMISSION REVIEW FOR NURSING FACILITY 51164
ADMISSION 51165

Pursuant to sections 5101.751 and 5101.754 of the Revised 51166
Code and an interagency agreement, the Department of Job and 51167
Family Services shall designate the Department of Aging to perform 51168
assessments under sections 5101.75 and 5111.204 of the Revised 51169
Code. Of the foregoing appropriation item 490-403, PASSPORT, the 51170
Department of Aging may use not more than \$2,586,648 in fiscal 51171
year 2006 and \$2,651,315 in fiscal year 2007 to perform the 51172
assessments for persons not eligible for Medicaid under the 51173
department's interagency agreement with the Department of Job and 51174
Family Services and to assist individuals in planning for their 51175
long-term health care needs. 51176

Section 203.21.06. PASSPORT 51177

Appropriation item 490-403, PASSPORT, and the amounts set 51178
aside for the PASSPORT Waiver Program in appropriation item 51179
490-610, PASSPORT/Residential State Supplement, may be used to 51180
assess clients regardless of Medicaid eligibility. 51181

The Director of Aging shall adopt rules under section 111.15 51182
of the Revised Code governing the nonwaiver funded PASSPORT 51183
program, including client eligibility. 51184

The Department of Aging shall administer the Medicaid 51185
waiver-funded PASSPORT Home Care Program as delegated by the 51186
Department of Job and Family Services in an interagency agreement. 51187
The foregoing appropriation item 490-403, PASSPORT, and the 51188
amounts set aside for the PASSPORT Waiver Program in appropriation 51189
item 490-610, PASSPORT/Residential State Supplement, shall be used 51190
to provide the required state match for federal Medicaid funds 51191

supporting the Medicaid Waiver-funded PASSPORT Home Care Program. 51192
Appropriation item 490-403, PASSPORT, and the amounts set aside 51193
for the PASSPORT Waiver Program in appropriation item 490-610, 51194
PASSPORT/Residential State Supplement, may also be used to support 51195
the Department of Aging's administrative costs associated with 51196
operating the PASSPORT program. 51197

The foregoing appropriation item 490-607, PASSPORT, shall be 51198
used to provide the federal matching share for all PASSPORT 51199
program costs determined by the Department of Job and Family 51200
Services to be eligible for Medicaid reimbursement. 51201

OHIO COMMUNITY SERVICE COUNCIL 51202

The foregoing appropriation items 490-409, Ohio Community 51203
Service Council Operations, and 490-617, Ohio Community Service 51204
Council Programs, shall be used in accordance with section 121.40 51205
of the Revised Code. 51206

The Director of Budget and Management shall transfer, by 51207
intrastate transfer voucher, in fiscal year 2006, \$615,000 from 51208
Fund 4E3, Resident Protection Fund, in the Department of Job and 51209
Family Services, to Fund 5BA in the Department of Aging, to be 51210
used for program management for the Office of the State Long-Term 51211
Care Ombudsman created by the Department of Aging under division 51212
(M) of section 173.01 of the Revised Code. 51213

SENIOR COMMUNITY SERVICES 51214

Appropriation item 490-411, Senior Community Services, shall 51215
be used for services designated by the Department of Aging, 51216
including, but not limited to, home-delivered and congregate 51217
meals, transportation services, personal care services, respite 51218
services, adult day services, home repair, care coordination, and 51219
decision support systems. Service priority shall be given to low 51220
income, frail, and cognitively impaired persons 60 years of age 51221
and over. The department shall promote cost sharing by service 51222

recipients for those services funded with block grant funds,	51223
including, when possible, sliding-fee scale payment systems based	51224
on the income of service recipients.	51225
ALZHEIMERS RESPITE	51226
The foregoing appropriation item 490-414, Alzheimers Respite,	51227
shall be used to fund only Alzheimer's disease services under	51228
section 173.04 of the Revised Code.	51229
JCFS ELDERLY TRANSPORTATION	51230
The foregoing appropriation item 490-416, JCFS Elderly	51231
Transportation, shall be used for noncapital expenses related to	51232
transportation services for the elderly that provide access to	51233
such things as healthcare services, congregate meals,	51234
socialization programs, and grocery shopping. The funds shall pass	51235
through and shall be administered by the Area Agencies on Aging.	51236
Agencies receiving funding from appropriation item 490-416,	51237
JCFS Elderly Transportation, shall coordinate services with other	51238
local service agencies.	51239
RESIDENTIAL STATE SUPPLEMENT	51240
Under the Residential State Supplement Program, the amount	51241
used to determine whether a resident is eligible for payment and	51242
for determining the amount per month the eligible resident will	51243
receive shall be as follows:	51244
(A) \$900 for a residential care facility, as defined in	51245
section 3721.01 of the Revised Code;	51246
(B) \$900 for an adult group home, as defined in Chapter 3722.	51247
of the Revised Code;	51248
(C) \$800 for an adult foster home, as defined in Chapter 173.	51249
of the Revised Code;	51250
(D) \$800 for an adult family home, as defined in Chapter	51251

3722. of the Revised Code;	51252
(E) \$800 for an adult community alternative home, as defined in Chapter 3724. of the Revised Code;	51253 51254
(F) \$800 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	51255 51256
(G) \$600 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	51257 51258 51259
The Departments of Aging and Job and Family Services shall reflect these amounts in any applicable rules the departments adopt under section 173.35 of the Revised Code.	51260 51261 51262
LONG-TERM CARE OMBUDSMAN	51263
The foregoing appropriation item 490-410, Long-Term Care Ombudsman, shall be used for a program to fund ombudsman program activities in nursing homes, adult care facilities, boarding homes, and home and community care services.	51264 51265 51266 51267
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	51268
In fiscal year 2006, the Department of Aging may transfer cash by intrastate transfer vouchers from the foregoing appropriation items 490-412, Residential State Supplement, and 490-610, PASSPORT/Residential State Supplement, to the Department of Job and Family Services' Fund 4J5, Home and Community-Based Services for the Aged Fund. The funds shall be used to make benefit payments to Residential State Supplement recipients.	51269 51270 51271 51272 51273 51274 51275
TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL INDEPENDENCE SERVICES, AND FEDERAL AGING GRANTS	51276 51277
Upon written request of the Director of Aging, the Director of Budget and Management may transfer appropriation authority among appropriation items 490-611, Federal Aging Nutrition, 490-612, Federal Independence Services, and 490-618, Federal Aging	51278 51279 51280 51281

Grants, in amounts not to exceed 30 per cent of the appropriation	51282
from which the transfer is made. The Department of Aging shall	51283
report a transfer to the Controlling Board at the next regularly	51284
scheduled meeting of the board.	51285
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM	51286
The foregoing appropriation item 490-609, Regional Long-Term	51287
Care Ombudsman Program, shall be used solely to pay the costs of	51288
operating the regional long-term care ombudsman programs.	51289
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	51290
Of the foregoing appropriation item 490-610,	51291
PASSPORT/Residential State Supplement, up to \$2,835,000 each	51292
fiscal year may be used to fund the Residential State Supplement	51293
Program. The remaining available funds shall be used to fund the	51294
PASSPORT program.	51295
TRANSITION PLAN FOR RESIDENTIAL STATE SUPPLEMENT	51296
Subject to approval by the Social Security Administration, of	51297
the foregoing appropriation item 490-610, PASSPORT/Residential	51298
State Supplement, in fiscal year 2007 the Department of Aging	51299
shall transfer to the Ohio Department of Mental Health sufficient	51300
funds to make benefit payments for all Residential State	51301
Supplement recipients who are less than 60 years of age diagnosed	51302
with mental illness, mental retardation, or a developmental	51303
disability and are enrolled in the program on June 30, 2006.	51304
The departments of Aging and Mental Health shall jointly	51305
petition the Social Security Administration to approve changes to	51306
the Residential State Supplement program. Changes proposed by the	51307
two departments shall ensure that Residential State Supplement	51308
program recipients on June 30, 2006, continue to receive benefit	51309
payments as long as they remain in the program. Changes proposed	51310
by the departments of Aging and Mental Health may include	51311

provisions that improve local accountability to county boards of 51312
 mental health, maximize available funding, and improve the quality 51313
 of residential settings approved for recipients. 51314

Section 203.24. AGR DEPARTMENT OF AGRICULTURE 51315

General Revenue Fund 51316

GRF 700-321 Operating Expenses \$ 2,605,330 \$ 2,605,330 51317

GRF 700-401 Animal Disease Control \$ 3,574,506 \$ 3,574,506 51318

GRF 700-403 Dairy Division \$ 1,304,504 \$ 1,304,504 51319

GRF 700-404 Ohio Proud \$ 185,395 \$ 185,395 51320

GRF 700-406 Consumer Analytical \$ 819,907 \$ 819,907 51321

Lab

GRF 700-407 Food Safety \$ 939,099 \$ 939,099 51322

GRF 700-409 Farmland Preservation \$ 241,573 \$ 241,573 51323

GRF 700-410 Plant Industry \$ 391,216 \$ 50,000 51324

GRF 700-411 International Trade \$ 517,524 \$ 517,524 51325

and Market Development

GRF 700-413 Gypsy Moth Prevention \$ 200,000 \$ 200,000 51326

GRF 700-415 Poultry Inspection \$ 251,678 \$ 251,678 51327

GRF 700-418 Livestock Regulation \$ 1,228,496 \$ 1,228,496 51328

Program

GRF 700-424 Livestock Testing and \$ 115,946 \$ 115,946 51329

Inspections

GRF 700-499 Meat Inspection \$ 4,696,889 \$ 4,696,889 51330

Program - State Share

GRF 700-501 County Agricultural \$ 358,226 \$ 358,226 51331

Societies

TOTAL GRF General Revenue Fund \$ 17,430,289 \$ 17,089,073 51332

Federal Special Revenue Fund Group 51333

3J4 700-607 Indirect Cost \$ 1,500,027 \$ 1,500,027 51334

3R2 700-614 Federal Plant Industry \$ 4,800,000 \$ 4,800,000 51335

326 700-618 Meat Inspection \$ 5,201,291 \$ 5,201,291 51336

		Program - Federal					
		Share					
336	700-617	Ohio Farm Loan	\$	43,793	\$	44,679	51337
		Revolving Fund					
382	700-601	Cooperative Contracts	\$	4,300,000	\$	4,300,000	51338
TOTAL FED Federal Special Revenue							51339
Fund Group			\$	15,845,111	\$	15,845,997	51340
State Special Revenue Fund Group							51341
4C9	700-605	Feed, Fertilizer, Seed, and Lime	\$	1,922,857	\$	1,891,395	51342
		Inspection					
4D2	700-609	Auction Education	\$	23,885	\$	24,601	51343
4E4	700-606	Utility Radiological	\$	73,059	\$	73,059	51344
		Safety					
4P7	700-610	Food Safety Inspection	\$	816,096	\$	858,096	51345
4R0	700-636	Ohio Proud Marketing	\$	38,300	\$	38,300	51346
4R2	700-637	Dairy Industry	\$	1,541,466	\$	1,621,460	51347
		Inspection					
4T6	700-611	Poultry and Meat	\$	47,294	\$	47,294	51348
		Inspection					
4T7	700-613	International Trade	\$	52,000	\$	54,000	51349
		and Market Development					
494	700-612	Agricultural Commodity	\$	170,220	\$	170,220	51350
		Marketing Program					
496	700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,054	51351
497	700-627	Commodity Handlers	\$	515,820	\$	529,978	51352
		Regulatory Program					
5BF	700-643	Weights and Measures	\$	1,160,600	\$	1,160,600	51353
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	51354
5H2	700-608	Metrology Lab and	\$	351,526	\$	362,526	51355
		Scale Certification					
5L8	700-604	Livestock Management	\$	30,000	\$	30,000	51356
		Program					

578	700-620	Ride Inspection Fees	\$	829,943	\$	839,943	51357
652	700-634	Animal and Consumer	\$	1,876,624	\$	1,831,232	51358
		Analytical Laboratory					
669	700-635	Pesticide Program	\$	2,993,232	\$	3,354,448	51359
TOTAL SSR State Special Revenue							51360
Fund Group			\$	13,879,411	\$	14,323,596	51361
Clean Ohio Fund Group							51362
057	700-632	Clean Ohio	\$	149,000	\$	149,000	51363
		Agricultural Easement					
TOTAL CLR Clean Ohio Fund Group			\$	149,000	\$	149,000	51364
TOTAL ALL BUDGET FUND GROUPS			\$	47,303,811	\$	47,407,666	51365
FAMILY FARM LOAN PROGRAM							51366
Notwithstanding Chapter 166. of the Revised Code, up to							51367
\$1,500,000 in each fiscal year shall be transferred from moneys in							51368
the Facilities Establishment Fund (Fund 037) to the Family Farm							51369
Loan Fund (Fund 5H1) in the Department of Development. These							51370
moneys shall be used for loan guarantees. The transfer is subject							51371
to Controlling Board approval.							51372
Financial assistance from the Family Farm Loan Fund (Fund							51373
5H1) shall be repaid to Fund 5H1. This fund is established in							51374
accordance with sections 166.031, 901.80, 901.81, 901.82, and							51375
901.83 of the Revised Code.							51376
When the Family Farm Loan Fund (Fund 5H1) ceases to exist,							51377
all outstanding balances, all loan repayments, and any other							51378
outstanding obligations shall revert to the Facilities							51379
Establishment Fund (Fund 037).							51380
Section 203.24.03. FERTILIZER-RELATED LICENSURE AND							51381
REGISTRATION							51382
To facilitate implementation of the new schedule for							51383
fertilizer-related licensure, registration, and reporting							51384

established under sections 905.32, 905.33, 905.331, and 905.36 of
the Revised Code, as amended by this act, all of the following
apply:

(A) With regard to licenses for which applications for the
license period beginning July 1, 2005, have been submitted under
sections 905.32 and 905.331 of the Revised Code as those sections
existed prior to their amendment by this act, a license shall be
issued for a period beginning on July 1, 2005, and ending on
November 30, 2005, and shall expire on November 30, 2005.

(B) With regard to registrations of a specialty fertilizer
for which applications for the registration period beginning July
1, 2005, have been submitted under section 905.33 of the Revised
Code as that section existed prior to its amendment by this act, a
registration shall be issued for the period beginning on July 1,
2005, and ending on November 30, 2005, and shall expire on
November 30, 2005.

(C) A person who is required to submit a tonnage report
within thirty days of June 30, 2005, under section 905.36 of the
Revised Code as that section existed prior to its amendments by
this act shall submit the report by that date. However, the person
shall submit a new annual tonnage report by November 30, 2005, as
required by section 905.36 of the Revised Code as amended by this
act.

COMMERCIAL FEED, FERTILIZER, SEED, AND LIME INSPECTION AND
LABORATORY FUND

The Commerical Feed, Fertilizer, Seed, and Lime Inspection
and Laboratory Fund created in section 905.38 of the Revised Code,
as amended by this act, is a continuation of the Commerical Feed,
Fertilizer, and Lime Inspection and Laboratory Fund that was
created in that section prior to its amendment by this act.
Notwithstanding any other provision of law to the contrary, the

Seed Fund (5Z4) created in section 907.16 of the Revised Code 51416
shall cease to exist, effective July 1, 2005. All assets, 51417
liabilities, revenues, and obligations associated with the Seed 51418
Fund (5Z4) are hereby transferred to the Commerical Feed, 51419
Fertilizer, Seed, and Lime Inspection and Laboratory Fund (Fund 51420
4C9) on July 1, 2005. 51421

Effective July 1, 2005, or as soon thereafter as possible, 51422
the Director of Agriculture shall certify to the Director of 51423
Budget and Management the cash balance in the Seed Fund (5Z4), 51424
which was merged in section 907.16 of the Revised Code, as amended 51425
by this act. The Director of Budget and Management shall transfer 51426
the certified amount to the Commercial Feed, Fertilizer, Seed, and 51427
Lime Inspection and Laboratory Fund (Fund 4C9), which is created 51428
in section 907.16 of the Revised Code, formerly named the Seed 51429
Fund. The Director shall cancel any existing encumbrances against 51430
appropriation item 700-642, Seed Program, and re-establish them 51431
against appropriation item 700-605, Feed, Fertilizer, Seed, and 51432
Lime Inspection. The amounts of the re-established encumbrances 51433
are hereby appropriated. 51434

METROLOGY LAB AND SCALE CERTIFICATION FUND 51435

The Metrology and Scale Certification Fund created in section 51436
1327.511 of the Revised Code, as amended by this act, is a 51437
continuation of the Scale Certification Fund that was created in 51438
that section prior to its amendment by this act. Notwithstanding 51439
any other provision of law to the contrary, the Scale 51440
Certification Fund (Fund 579) created in section 1327.511 of the 51441
Revised Code shall cease to exist, effective July 1, 2005. All 51442
assets, liabilities, revenues, and obligations associated with the 51443
Scale Certification Fund (Fund 579) are hereby transferred to the 51444
Metrology Lab and Scale Certification Fund (Fund 5H2) on July 1, 51445
2005. 51446

Effective July 1, 2005, or as soon thereafter as possible, 51447
the Director of Agriculture shall certify to the Director of 51448
Budget and Management the cash balance in the Scale Certification 51449
Fund (Fund 579), which was merged in section 1327.511 of the 51450
Revised Code, as amended by this act. The Director of Budget and 51451
Management shall transfer the certified amount to the Metrology 51452
Laboratory and Scale Certification Fund (Fund 5H2) which is 51453
created in section 1327.511 of the Revised Code, formerly named 51454
the Scale Certification Laboratory Fund. The Director shall cancel 51455
any existing encumbrances against appropriation item 700-630, 51456
Scale Certification, and re-establish them against appropriation 51457
item 700-608, Metrology Lab. The amounts of the re-established 51458
encumbrances are hereby appropriated. 51459

ANIMAL AND CONSUMER ANALYTICAL LABORATORY SERVICES FUND 51460

Notwithstanding any other provision of law to the contrary, 51461
the Animal Industry Laboratory Fees Fund (Fund 4V5) created in 51462
division (E)(1) of section 901.43 of the Revised Code shall cease 51463
to exist, effective July 1, 2005. All assets, liabilities, 51464
revenues, and obligations associated with the Animal Industry 51465
Laboratory Fund (Fund 4V5) are hereby transferred to the Animal 51466
and Consumer Analytical Laboratory Services Fund (Fund 652) on 51467
July 1, 2005. 51468

Effective July 1, 2005, or as soon thereafter as possible, 51469
the Director of Agriculture shall certify to the Director Budget 51470
and Management the cash balance in the Animal Industry Laboratory 51471
Fund (Fund 4V5), which was merged in division (E)(1) of section 51472
901.43 of the Revised Code, as amended by this act. The Director 51473
of Budget and Management shall transfer the certified amount to 51474
the Animal and Consumer Analytical Laboratory Services Fund (Fund 51475
652) which is created in division (E)(2) of section 901.43 of the 51476
Revised Code, formerly named the Animal Industry Laboratory Fund. 51477
The Director of Budget and Management shall cancel any existing 51478

encumbrances against appropriation item 700-615, Animal Industry 51479
Lab Fees, and re-establish them against appropriation item 51480
700-634, Laboratory Services. The amounts of the re-established 51481
encumbrances are hereby appropriated. 51482

PESTICIDE REGISTRATION AND INSPECTION FEE 51483

The registration and inspection fee established in rules 51484
adopted under section 921.16 of Revised Code for the purposes of 51485
section 921.02 of the Revised Code, as that section existed prior 51486
to its amendment by this act, that are in effect on January 1, 51487
2005, shall remain in effect until the new fees established in 51488
section 921.02 of the Revised Code as amended by this act take 51489
effect on January 1, 2007. 51490

CLEAN OHIO AGRICULTURAL EASEMENT 51491

The foregoing appropriation item 700-632, Clean Ohio 51492
Agricultural Easement, shall be used by the Department of 51493
Agriculture in administering sections 901.21, 901.22, and 5301.67 51494
to 5301.70 of the Revised Code. 51495

TRANSFER BETWEEN FUNDS 51496

For fiscal years 2006 and 2007, if the cash credited to the 51497
Commercial Feed, Fertilizer, Seed, and Lime Inspection and 51498
Laboratory Fund (Fund 4C9) or the Pesticide Program Fund (Fund 51499
669) exceeds the amount necessary to administer the programs for 51500
which they were intended, the Director of Agriculture may certify 51501
the amount to the Director of Budget and Management. The Director 51502
of Budget and Management may transfer the cash to any other fund 51503
administered by the Director of Agriculture. 51504

Section 203.27. AIR AIR QUALITY DEVELOPMENT AUTHORITY 51505

General Revenue Fund 51506

GRF 898-402 Coal Development \$ 568,814 \$ 573,814 51507

Office

GRF 898-901	Coal R&D Gen	\$	7,071,100	\$	8,980,800	51508
	Obligation Debt					
	Service					
TOTAL GRF	General Revenue Fund	\$	7,639,914	\$	9,554,614	51509
Agency Fund Group						51510
4Z9 898-602	Small Business	\$	263,165	\$	264,196	51511
	Ombudsman					
5A0 898-603	Small Business	\$	71,087	\$	71,087	51512
	Assistance					
570 898-601	Operating Expenses	\$	256,875	\$	263,693	51513
TOTAL AGY	Agency Fund Group	\$	591,127	\$	598,976	51514
Coal Research/Development Fund						51515
046 898-604	Coal Research and	\$	10,000,000	\$	10,000,000	51516
	Development Fund					
TOTAL 046	Coal	\$	10,000,000	\$	10,000,000	51517
Research/Development Fund						
TOTAL ALL BUDGET FUND GROUPS		\$	18,231,041	\$	20,153,590	51518
COAL DEVELOPMENT OFFICE						51519
The foregoing appropriation item GRF 898-402, Coal						51520
Development Office, shall be used for the administrative costs of						51521
the Coal Development Office.						51522
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE						51523
The foregoing appropriation item GRF 898-901, Coal R & D Gen						51524
Obligation Debt Service, shall be used to pay all debt service and						51525
related financing costs at the times they are required to be made						51526
under sections 151.01 and 151.07 of the Revised Code during the						51527
period from July 1, 2005, to June 30, 2007. The Office of the						51528
Sinking Fund or the Director of Budget and Management shall						51529
effectuate the required payments by intrastate transfer voucher.						51530
SCIENCE AND TECHNOLOGY COLLABORATION						51531

The Air Quality Development Authority shall work in close 51532
collaboration with the Department of Development, the Board of 51533
Regents, and the Third Frontier Commission in relation to 51534
appropriation items and programs referred to as Alignment Programs 51535
in the following paragraph, and other technology-related 51536
appropriations and programs in the Department of Development, Air 51537
Quality Development Authority, and the Board of Regents as those 51538
agencies may designate, to ensure implementation of a coherent 51539
state strategy with respect to science and technology. 51540

To the extent permitted by law, the Air Quality Development 51541
Authority shall assure that coal research and development 51542
programs, proposals, and projects consider or incorporate 51543
appropriate collaborations with Third Frontier Project programs 51544
and grantees and with Alignment Programs and grantees. 51545

"Alignment Programs" means: appropriation items 195-401, 51546
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 51547
Third Frontier Action Fund; 898-604, Coal Research and Development 51548
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 51549
Institute of Technology; 235-510, Ohio Supercomputer Center; 51550
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 51551
235-535, Ohio Agricultural Research and Development Center; 51552
235-553, Dayton Area Graduate Studies Institute; 235-554, 51553
Priorities in Collaborative Graduate Education; 235-556, Ohio 51554
Academic Resources Network; and 195-435, Biomedical Research and 51555
Technology Transfer Trust. 51556

Consistent with the recommendations of the Governor's 51557
Commission on Higher Education and the Economy, Alignment Programs 51558
shall be managed and administered (1) to build on existing 51559
competitive research strengths, (2) to encourage new and emerging 51560
discoveries and commercialization of ideas and products that will 51561
benefit the Ohio economy, and (3) to assure improved collaboration 51562
among Alignment Programs, with programs administered by the Third 51563

Frontier Commission, and with other state programs that are 51564
intended to improve economic growth and job creation. 51565

As directed by the Third Frontier Commission, Alignment 51566
Program managers shall report to the Commission or to the Third 51567
Frontier Advisory Board on the contributions of their programs to 51568
achieving the objectives stated in the preceding paragraph. 51569

Each alignment program shall be reviewed annually by the 51570
Third Frontier Commission with respect to its development of 51571
complementary relationships within a combined state science and 51572
technology investment portfolio and its overall contribution to 51573
the state's science and technology strategy, including the 51574
adoption of appropriately consistent criteria for: (1) the 51575
scientific merit of activities supported by the program; (2) the 51576
relevance of the program's activities to commercial opportunities 51577
in the private sector; (3) the private sector's involvement in a 51578
process that continually evaluates commercial opportunities to use 51579
the work supported by the program; and (4) the ability of the 51580
program and recipients of grant funding from the program to engage 51581
in activities that are collaborative, complementary, and efficient 51582
with respect to the expenditure of state funds. Each alignment 51583
program shall provide annual reports to the Third Frontier 51584
Commission discussing existing, planned, or possible 51585
collaborations between programs and recipients of grant funding 51586
related to technology, development, commercialization, and 51587
supporting Ohio's economic development. The annual review by the 51588
Third Frontier Commission shall be a comprehensive review of the 51589
entire state science and technology program portfolio rather than 51590
a review of individual programs. 51591

Requirements for high-performance computing facilities and 51592
services, including both hardware and software, shall be 51593
specifically addressed in all proposals for Third Frontier and 51594
Alignment Program funding. Where such facilities and services 51595

individually or collectively exceed approximately \$100,000 for a 51596
 proposal, the Ohio Supercomputer Center shall convene a panel of 51597
 experts to review the proposal to determine, for the consideration 51598
 of the Third Frontier Commission, whether the proposed project 51599
 requirements can be met through Ohio Supercomputer Center 51600
 facilities or through other means. 51601

Section 203.30. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 51602
 SERVICES 51603

General Revenue Fund 51604

GRF 038-321 Operating Expenses	\$	1,128,275	\$	1,128,275	51605
GRF 038-401 Treatment Services	\$	35,593,265	\$	36,661,063	51606
GRF 038-404 Prevention Services	\$	1,021,483	\$	1,052,127	51607
TOTAL GRF General Revenue Fund	\$	37,743,023	\$	38,841,465	51608

General Services Fund 51609

5T9 038-616 Problem Gambling	\$	285,000	\$	285,000	51610
Services					
TOTAL GSF General Services Fund	\$	285,000	\$	285,000	51611

Group

Federal Special Revenue Fund Group 51612

3G3 038-603 Drug Free Schools	\$	3,500,000	\$	3,500,000	51613
3G4 038-614 Substance Abuse Block	\$	73,000,000	\$	73,000,000	51614

Grant

3H8 038-609 Demonstration Grants	\$	7,093,075	\$	7,093,075	51615
3J8 038-610 Medicaid	\$	42,000,000	\$	46,000,000	51616
3N8 038-611 Administrative	\$	500,000	\$	500,000	51617

Reimbursement

TOTAL FED Federal Special Revenue					51618
Fund Group	\$	126,093,075	\$	130,093,075	51619

State Special Revenue Fund Group 51620

475 038-621 Statewide Treatment	\$	17,500,000	\$	18,000,000	51621
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	and Prevention				
689	038-604 Education and	\$	350,000	\$	350,000
	Conferences				51622
	TOTAL SSR State Special Revenue				51623
	Fund Group	\$	17,850,000	\$	18,350,000
	TOTAL ALL BUDGET FUND GROUPS	\$	181,971,098	\$	187,569,540
	TREATMENT SERVICES				51626
	Of the foregoing appropriation item 038-401, Treatment				51627
	Services, not more than \$8,190,000 shall be used by the Department				51628
	of Alcohol and Drug Addiction Services for program grants for				51629
	priority populations in each year of the biennium.				51630
	SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN				51631
	Of the foregoing appropriation item 038-401, Treatment				51632
	Services, \$4 million in each fiscal year shall be used to provide				51633
	substance abuse services to families involved in the child welfare				51634
	system under the requirements of Am. Sub. H.B. 484 of the 122nd				51635
	General Assembly.				51636
	SERVICES FOR TANF-ELIGIBLE INDIVIDUALS				51637
	Of the foregoing appropriation item 038-401, Treatment				51638
	Services, \$5 million each year shall be used to fund TANF-eligible				51639
	expenditures for substance abuse prevention and treatment services				51640
	to children, or their families, whose income is at or below 200				51641
	per cent of the official income poverty guideline. The Director of				51642
	Alcohol and Drug Addiction Services and the Director of Job and				51643
	Family Services shall develop operating and reporting guidelines				51644
	for these programs.				51645
	THERAPEUTIC COMMUNITIES				51646
	Of the foregoing appropriation item 038-401, Treatment				51647
	Services, \$750,000 shall be used in each fiscal year for expansion				51648
	of the Therapeutic Communities Program in the Department of				51649

Rehabilitation and Correction.				51650
PARENT AWARENESS TASK FORCE				51651
The Parent Awareness Task Force shall study ways to engage				51652
more parents in activities, coalitions, and educational programs				51653
in Ohio relating to alcohol and other drug abuse prevention. Of				51654
the foregoing appropriation item 038-404, Prevention Services,				51655
\$30,000 in each fiscal year may be used to support the functions				51656
of the Parent Awareness Task Force.				51657
Section 203.33. AMB MEDICAL TRANSPORTATION BOARD				51658
General Services Fund Group				51659
4N1 915-601 Operating Expenses	\$	388,450	\$	0 51660
TOTAL GSF General Services				51661
Fund Group	\$	388,450	\$	0 51662
TOTAL ALL BUDGET FUND GROUPS	\$	388,450	\$	0 51663
Section 203.36. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS				51665
General Services Fund Group				51666
4K9 891-609 Operating Expenses	\$	489,197	\$	0 51667
TOTAL GSF General Services Fund				51668
Group	\$	489,197	\$	0 51669
TOTAL ALL BUDGET FUND GROUPS	\$	489,197	\$	0 51670
Section 203.39. ART OHIO ARTS COUNCIL				51672
General Revenue Fund				51673
GRF 370-100 Personal Services	\$	1,798,235	\$	1,798,235 51674
GRF 370-200 Maintenance	\$	459,746	\$	459,746 51675
GRF 370-300 Equipment	\$	4,700	\$	4,700 51676
GRF 370-502 Program Subsidies	\$	7,975,480	\$	7,975,480 51677
TOTAL GRF General Revenue Fund	\$	10,238,161	\$	10,238,161 51678
General Services Fund Group				51679

4B7 370-603 Per Cent for Art	\$	86,366	\$	86,366	51680
Acquisitions					
460 370-602 Gifts and Donations	\$	400,000	\$	400,000	51681
TOTAL GSF General Services Fund	\$	486,366	\$	486,366	51682
Group					
Federal Special Revenue Fund Group					51683
314 370-601 Federal Programs	\$	1,537,200	\$	1,537,200	51684
TOTAL FED Federal Special Revenue	\$	1,537,200	\$	1,537,200	51685
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	12,261,727	\$	12,261,727	51686
PROGRAM SUBSIDIES					51687
A museum is not eligible to receive funds from appropriation					51688
item 370-502, Program Subsidies, if \$8,000,000 or more in capital					51689
appropriations were appropriated by the state for the museum					51690
between January 1, 1986, and December 31, 2002.					51691
Section 203.42. AFC OHIO CULTURAL FACILITIES COMMISSION					51692
General Revenue Fund					51693
GRF 371-321 Operating Expenses	\$	198,406	\$	195,707	51694
GRF 371-401 Lease Rental Payments	\$	38,126,600	\$	38,246,500	51695
TOTAL GRF General Revenue Fund	\$	38,325,006	\$	38,442,207	51696
State Special Revenue Fund Group					51697
4T8 371-601 Riffe Theatre	\$	81,000	\$	81,000	51698
Equipment Maintenance					
4T8 371-603 Project Administration	\$	920,448	\$	983,295	51699
TOTAL SSR State Special Revenue	\$	1,001,448	\$	1,064,295	51700
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	39,326,454	\$	39,506,502	51701
LEASE RENTAL PAYMENTS					51702
The foregoing appropriation item 371-401, Lease Rental					51703
Payments, shall be used for payments to the Ohio Building					51704

Authority and the Treasurer of State for the period from July 1, 51705
2005, to June 30, 2007, under the primary leases and agreements 51706
for those arts and sports facilities made under Chapters 152. and 51707
154. of the Revised Code, but limited to the aggregate amount of 51708
\$76,373,100. This appropriation is the source of funds pledged for 51709
bond service charges on related obligations issued pursuant to 51710
Chapter 152. of the Revised Code. 51711

OPERATING EXPENSES 51712

The foregoing appropriation item 371-321, Operating Expenses, 51713
shall be used by the Ohio Cultural Facilities Commission to carry 51714
out its responsibilities under this section and Chapter 3383. of 51715
the Revised Code. 51716

By July 10, 2005, or as soon as possible thereafter, the 51717
Director of Budget and Management shall determine the amount of 51718
cash from interest earnings to be transferred from the Ohio 51719
Cultural Facilities Building Fund (Fund 030) to the AFC 51720
Administration Fund (Fund 4T8). 51721

By July 10, 2006, or as soon as possible thereafter, the 51722
Director of Budget and Management shall determine the amount of 51723
cash from interest earnings to be transferred from the Ohio 51724
Cultural Facilities Building Fund (Fund 030) to the AFC 51725
Administration Fund (Fund 4T8). 51726

Section 203.45. ATH ATHLETIC COMMISSION 51727

General Services Fund Group				51728
4K9 175-609 Operating Expenses	\$	248,150	\$	0 51729
TOTAL GSF General Services Fund	\$	248,150	\$	0 51730
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	248,150	\$	0 51731

Section 203.48. AGO ATTORNEY GENERAL 51733

General Revenue Fund					51734
GRF 055-321 Operating Expenses	\$	52,647,688	\$	52,610,156	51735
GRF 055-411 County Sheriffs' Pay Supplement	\$	760,495	\$	779,509	51736
GRF 055-415 County Prosecutors' Pay Supplement	\$	740,704	\$	759,222	51737
TOTAL GRF General Revenue Fund	\$	54,148,887	\$	54,148,887	51738
General Services Fund Group					51739
106 055-612 General Reimbursement	\$	21,370,196	\$	21,370,196	51740
107 055-624 Employment Services	\$	850,000	\$	850,000	51741
195 055-660 Workers' Compensation Section	\$	7,769,628	\$	7,769,628	51742
4Y7 055-608 Title Defect Rescission	\$	250,000	\$	250,000	51743
4Z2 055-609 BCI Asset Forfeiture and Cost Reimbursement	\$	1,332,109	\$	1,332,109	51744
418 055-615 Charitable Foundations	\$	4,899,066	\$	4,899,066	51745
420 055-603 Attorney General Antitrust	\$	446,449	\$	446,449	51746
421 055-617 Police Officers' Training Academy Fee	\$	1,693,213	\$	1,693,213	51747
5A9 055-618 Telemarketing Fraud Enforcement	\$	7,500	\$	7,500	51748
590 055-633 Peace Officer Private Security Fund	\$	98,370	\$	98,370	51749
629 055-636 Corrupt Activity Investigation and Prosecution	\$	15,000	\$	15,000	51750
631 055-637 Consumer Protection Enforcement	\$	1,373,832	\$	1,373,832	51751
TOTAL GSF General Services Fund Group	\$	40,105,363	\$	40,105,363	51752
	\$	40,105,363	\$	40,105,363	51753

Federal Special Revenue Fund Group				51754
3E5 055-638 Attorney General	\$	1,981,102	\$ 1,981,102	51755
Pass-Through Funds				
3R6 055-613 Attorney General	\$	3,842,097	\$ 3,842,097	51756
Federal Funds				
306 055-620 Medicaid Fraud Control	\$	2,799,000	\$ 2,799,000	51757
381 055-611 Civil Rights Legal	\$	390,815	\$ 390,815	51758
Service				
383 055-634 Crime Victims	\$	18,439,313	\$ 18,439,313	51759
Assistance				
TOTAL FED Federal Special Revenue				51760
Fund Group	\$	27,452,327	\$ 27,452,327	51761
State Special Revenue Fund Group				51762
4L6 055-606 DARE	\$	3,927,962	\$ 3,927,962	51763
402 055-616 Victims of Crime	\$	30,000,000	\$ 30,000,000	51764
419 055-623 Claims Section	\$	15,149,954	\$ 15,149,954	51765
659 055-641 Solid and Hazardous	\$	621,159	\$ 621,159	51766
Waste Background				
Investigations				
TOTAL SSR State Special Revenue				51767
Fund Group	\$	49,699,075	\$ 49,699,075	51768
Holding Account Redistribution Fund Group				51769
R04 055-631 General Holding	\$	275,000	\$ 275,000	51770
Account				
R05 055-632 Antitrust Settlements	\$	1,000	\$ 1,000	51771
R18 055-630 Consumer Frauds	\$	300,000	\$ 300,000	51772
R42 055-601 Organized Crime	\$	25,025	\$ 25,025	51773
Commission Account				
TOTAL 090 Holding Account				51774
Redistribution Fund Group	\$	601,025	\$ 601,025	51775
TOTAL ALL BUDGET FUND GROUPS	\$	172,006,677	\$ 172,006,677	51776
COUNTY SHERIFFS' PAY SUPPLEMENT				51777

The foregoing appropriation item 055-411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT 51782

The foregoing appropriation item 055-415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

WORKERS' COMPENSATION SECTION 51787

The Workers' Compensation Section Fund (Fund 195) is entitled to receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. The advance payment shall be subject to adjustment.

In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 51801

The foregoing appropriation item 055-636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in division (D)(1)(b) of section 2923.35 of the Revised Code. If it

is determined that additional amounts are necessary for this 51808
purpose, the amounts are hereby appropriated. 51809

ORGANIZED CRIME COMMISSION ACCOUNT 51810

The foregoing appropriation item 055-601, Organized Crime 51811
Commission Account, shall be used by the Organized Crime 51812
Investigations Commission, as provided by section 177.011 of the 51813
Revised Code, to reimburse political subdivisions for the expenses 51814
the political subdivisions incur when their law enforcement 51815
officers participate in an organized crime task force. If it is 51816
determined that additional amounts are necessary for this purpose, 51817
the amounts are hereby appropriated. 51818

CONSUMER FRAUDS 51819

The foregoing appropriation item 055-630, Consumer Frauds, 51820
shall be used for distribution of moneys from court-ordered 51821
judgments against sellers in actions brought by the Office of 51822
Attorney General under sections 1334.08 and 4549.48 and division 51823
(B) of section 1345.07 of the Revised Code. These moneys shall be 51824
used to provide restitution to consumers victimized by the fraud 51825
that generated the court-ordered judgments. If it is determined 51826
that additional amounts are necessary for this purpose, the 51827
amounts are hereby appropriated. 51828

ANTITRUST SETTLEMENTS 51829

The foregoing appropriation item 055-632, Antitrust 51830
Settlements, shall be used to distribute court-ordered antitrust 51831
settlements in which the Office of Attorney General represents the 51832
state or a political subdivision under section 109.81 of the 51833
Revised Code. If it is determined that additional amounts are 51834
necessary for this purpose, the amounts are hereby appropriated. 51835

FEDERAL PASS-THROUGH FUNDS 51836

The foregoing appropriation item 055-638, Attorney General 51837

Pass-Through Funds, shall be used to receive federal grant funds 51838
 provided to the Attorney General by other state agencies, 51839
 including, but not limited to, the Department of Youth Services 51840
 and the Department of Public Safety. (These grants or subgrants 51841
 generally pertain to criminal justice activities such as law 51842
 enforcement or victims' services.) 51843

Section 203.51. AUD AUDITOR OF STATE 51844

General Revenue Fund 51845

GRF 070-321 Operating Expenses \$ 28,964,425 \$ 28,964,425 51846

GRF 070-403 Fiscal Watch/Emergency \$ 500,000 \$ 500,000 51847

Technical Assistance

GRF 070-405 Electronic Data \$ 823,193 \$ 823,193 51848

Processing - Auditing
and Administration

GRF 070-406 Uniform Accounting \$ 1,588,538 \$ 1,588,538 51849

Network/Technology
Improvements Fund

TOTAL GRF General Revenue Fund \$ 31,876,156 \$ 31,876,156 51850

Auditor of State Fund Group 51851

R06 070-604 Continuous Receipts \$ 35,000 \$ 35,000 51852

109 070-601 Public Audit Expense - \$ 9,300,000 \$ 9,300,000 51853

Intra-State

422 070-601 Public Audit Expense - \$ 31,104,840 \$ 31,104,840 51854

Local Government

584 070-603 Training Program \$ 131,250 \$ 131,250 51855

675 070-605 Uniform Accounting \$ 3,317,336 \$ 3,317,336 51856

Network

TOTAL AUS Auditor of State Fund 51857

Group \$ 43,888,426 \$ 43,888,426 51858

TOTAL ALL BUDGET FUND GROUPS \$ 75,764,582 \$ 75,764,582 51859

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 51860

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.				51892
Section 203.54. BRB BOARD OF BARBER EXAMINERS				51893
General Services Fund Group				51894
4K9 877-609 Operating Expenses	\$	568,126	\$ 0	51895
TOTAL GSF General Services Fund				51896
Group	\$	568,126	\$ 0	51897
TOTAL ALL BUDGET FUND GROUPS	\$	568,126	\$ 0	51898
Section 203.57. OBM OFFICE OF BUDGET AND MANAGEMENT				51900
General Revenue Fund				51901
GRF 042-321 Budget Development and	\$	2,143,886	\$ 2,143,886	51902
Implementation				
GRF 042-410 National Association	\$	27,089	\$ 28,173	51903
Dues				
GRF 042-412 Audit of Auditor of	\$	55,900	\$ 58,700	51904
State				
GRF 042-435 Gubernatorial	\$	0	\$ 250,000	51905
Transition				
TOTAL GRF General Revenue Fund	\$	2,226,875	\$ 2,480,759	51906
General Services Fund Group				51907
105 042-603 State Accounting	\$	9,781,085	\$ 9,976,689	51908
TOTAL GSF General Services Fund	\$	9,781,085	\$ 9,976,689	51909
Group				
State Special Revenue Fund Group				51910
5N4 042-602 OAKS Project	\$	2,262,441	\$ 2,272,595	51911
Implementation				
TOTAL SSR State Special Revenue	\$	2,262,441	\$ 2,272,595	51912
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	14,270,401	\$ 14,730,043	51913
AUDIT COSTS				51914

Of the foregoing appropriation item 042-603, State 51915
Accounting, not more than \$420,000 in fiscal year 2006 and 51916
\$425,000 in fiscal year 2007 shall be used to pay for centralized 51917
audit costs associated with either Single Audit Schedules or 51918
financial statements prepared in conformance with generally 51919
accepted accounting principles for the state. 51920

OAKS PROJECT IMPLEMENTATION 51921

Notwithstanding section 126.25 of the Revised Code, in fiscal 51922
years 2006 and 2007, rebates or revenue shares received from any 51923
state payment card program established under division (B) of 51924
section 126.21 of the Revised Code may be deposited into the OAKS 51925
Project Implementation Fund (Fund 5N4). 51926

Section 203.60. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 51927

General Revenue Fund 51928

GRF 874-100 Personal Services	\$	1,900,000	\$	1,900,000	51929
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GRF 874-320 Maintenance and	\$	952,269	\$	952,269	51930
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Equipment

TOTAL GRF General Revenue Fund	\$	2,852,269	\$	2,852,269	51931
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General Services Fund Group 51932

4G5 874-603 Capitol Square	\$	15,000	\$	15,000	51933
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Maintenance Expenses

4S7 874-602 Statehouse Gift	\$	770,484	\$	770,484	51934
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Shop/Events

TOTAL GSF General Services					51935
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Fund Group	\$	785,484	\$	785,484	51936
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Underground Parking Garage 51937

208 874-601 Underground Parking	\$	2,959,721	\$	2,959,721	51938
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Garage Operating

TOTAL UPG Underground Parking					51939
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Garage	\$	2,959,721	\$	2,959,721	51940
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TOTAL ALL BUDGET FUND GROUPS	\$	6,597,474	\$	6,597,474	51941
Section 203.63. SCR STATE BOARD OF CAREER COLLEGES AND					51943
SCHOOLS					51944
General Services Fund Group					51945
4K9 233-601 Operating Expenses	\$	486,700	\$	508,600	51946
TOTAL GSF General Services Fund	\$	486,700	\$	508,600	51947
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	486,700	\$	508,600	51948
Section 203.66. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD					51950
General Services Fund Group					51951
4K9 930-609 Operating Expenses	\$	452,976	\$	0	51952
TOTAL GSF General Services Fund	\$	452,976	\$	0	51953
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	452,976	\$	0	51954
Section 203.69. CHR STATE CHIROPRACTIC BOARD					51956
General Services Fund Group					51957
4K9 878-609 Operating Expenses	\$	605,278	\$	0	51958
TOTAL GSF General Services Fund					51959
Group	\$	605,278	\$	0	51960
TOTAL ALL BUDGET FUND GROUPS	\$	605,278	\$	0	51961
Section 203.72. CIV OHIO CIVIL RIGHTS COMMISSION					51963
General Revenue Fund					51964
GRF 876-321 Operating Expenses	\$	7,253,075	\$	7,470,667	51965
TOTAL GRF General Revenue Fund	\$	7,253,075	\$	7,470,667	51966
Federal Special Revenue Fund Group					51967
334 876-601 Investigations	\$	3,760,000	\$	3,560,000	51968
TOTAL FED Federal Special Revenue					51969
Fund Group	\$	3,760,000	\$	3,560,000	51970

State Special Revenue Fund Group				51971
217 876-604 Operations Support	\$	50,951	\$ 50,951	51972
TOTAL SSR State Special Revenue Fund Group	\$	50,951	\$ 50,951	51973
TOTAL ALL BUDGET FUND GROUPS	\$	11,064,026	\$ 11,081,618	51975
Section 203.75. COM DEPARTMENT OF COMMERCE				51977
General Revenue Fund				51978
GRF 800-410 Labor and Worker Safety	\$	2,086,477	\$ 2,032,397	51979
Total GRF General Revenue Fund	\$	2,086,477	\$ 2,032,397	51980
General Services Fund Group				51981
163 800-620 Division of Administration	\$	4,262,314	\$ 4,368,037	51982
163 800-637 Information Technology	\$	2,733,853	\$ 2,785,045	51983
5F1 800-635 Small Government Fire Departments	\$	250,000	\$ 250,000	51984
543 800-602 Unclaimed Funds-Operating	\$	7,351,051	\$ 7,351,051	51985
543 800-625 Unclaimed Funds-Claims	\$	52,000,000	\$ 55,000,000	51986
TOTAL GSF General Services Fund Group	\$	66,597,218	\$ 69,754,133	51987
Federal Special Revenue Fund Group				51988
348 800-622 Underground Storage Tanks	\$	195,008	\$ 195,008	51989
348 800-624 Leaking Underground Storage Tanks	\$	1,850,000	\$ 1,850,000	51990
TOTAL FED Federal Special Revenue Fund Group	\$	2,045,008	\$ 2,045,008	51991
State Special Revenue Fund Group				51992
4B2 800-631 Real Estate Appraisal	\$	35,000	\$ 35,000	51993
				51994
				51995

Recovery					
4H9 800-608	Cemeteries	\$	273,465	\$ 273,465	51996
4X2 800-619	Financial Institutions	\$	2,200,843	\$ 2,200,843	51997
5K7 800-621	Penalty Enforcement	\$	50,000	\$ 50,000	51998
544 800-612	Banks	\$	6,757,197	\$ 6,759,197	51999
545 800-613	Savings Institutions	\$	2,678,248	\$ 2,669,774	52000
546 800-610	Fire Marshal	\$	12,187,994	\$ 12,292,994	52001
546 800-639	Fire Department Grants	\$	1,647,140	\$ 1,647,140	52002
547 800-603	Real Estate	\$	250,000	\$ 250,000	52003
Education/Research					
548 800-611	Real Estate Recovery	\$	50,000	\$ 50,000	52004
549 800-614	Real Estate	\$	3,605,892	\$ 3,605,892	52005
550 800-617	Securities	\$	4,300,000	\$ 4,400,000	52006
552 800-604	Credit Union	\$	2,936,852	\$ 2,941,852	52007
553 800-607	Consumer Finance	\$	4,300,445	\$ 4,300,445	52008
556 800-615	Industrial Compliance	\$	25,037,257	\$ 25,037,257	52009
6A4 800-630	Real Estate	\$	664,006	\$ 664,006	52010
Appraiser-Operating					
653 800-629	UST Registration/Permit	\$	1,249,632	\$ 1,249,632	52011
Fee					
TOTAL SSR State Special Revenue					52012
Fund Group		\$	68,223,971	\$ 68,427,497	52013
Liquor Control Fund Group					52014
043 800-601	Merchandising	\$	382,595,409	\$ 397,839,347	52015
043 800-627	Liquor Control	\$	16,873,183	\$ 15,981,346	52016
Operating					
043 800-633	Development Assistance	\$	32,158,300	\$ 39,230,000	52017
Debt Service					
043 800-636	Revitalization Debt	\$	9,740,500	\$ 13,485,800	52018
Service					
TOTAL LCF Liquor Control					52019
Fund Group		\$	441,367,392	\$ 466,536,493	52020
TOTAL ALL BUDGET FUND GROUPS					52021

SMALL GOVERNMENT FIRE DEPARTMENTS	52022
Notwithstanding section 3737.17 of the Revised Code, the	52023
foregoing appropriation item 800-635, Small Government Fire	52024
Departments, may be used to provide loans to private fire	52025
departments.	52026
PENALTY ENFORCEMENT	52027
The foregoing appropriation item 800-621, Penalty	52028
Enforcement, shall be used to enforce sections 4115.03 to 4115.16	52029
of the Revised Code.	52030
UNCLAIMED FUNDS PAYMENTS	52031
The foregoing appropriation item 800-625, Unclaimed	52032
Funds-Claims, shall be used to pay claims under section 169.08 of	52033
the Revised Code. If it is determined that additional amounts are	52034
necessary, the amounts are hereby appropriated.	52035
UNCLAIMED FUNDS TRANSFERS	52036
Notwithstanding division (A) of section 169.05 of the Revised	52037
Code, prior to June 30, 2006, and upon the request of the Director	52038
of Budget and Management, the Director of Commerce shall transfer	52039
to the General Revenue Fund up to \$50,000,000 of unclaimed funds	52040
that have been reported by holders of unclaimed funds under	52041
section 169.05 of the Revised Code, irrespective of the allocation	52042
of the unclaimed funds under that section.	52043
Notwithstanding division (A) of section 169.05 of the Revised	52044
Code, prior to June 30, 2007, and upon the request of the Director	52045
of Budget and Management, the Director of Commerce shall transfer	52046
to the General Revenue Fund up to \$50,000,000 of unclaimed funds	52047
that have been reported by holders of unclaimed funds under	52048
section 169.05 of the Revised Code, irrespective of the allocation	52049
of the unclaimed funds under that section.	52050
CASH TRANSFER TO STATE FIRE MARSHAL FUND (FUND 546)	52051

Effective July 1, 2005, or as soon thereafter as possible, 52052
the Director of Budget and Management shall transfer the cash 52053
balance in the Fire Marshal's Fireworks Training and Education 52054
Fund (Fund 4L5), which is abolished in division (B) of section 52055
3743.57 of the Revised Code as amended by this act, to the State 52056
Fire Marshal's Fund (Fund 546), which is created in section 52057
3737.71 of the Revised Code. The director shall cancel any 52058
existing encumbrances against appropriation item 800-609, 52059
Fireworks Training and Education, in Fund 4L5, and re-establish 52060
them against appropriation item 800-610, Fire Marshal, in Fund 52061
546. The amounts of the re-established encumbrances are hereby 52062
appropriated. 52063

FIRE DEPARTMENT GRANTS 52064

Of the foregoing appropriation item 800-639, Fire Department 52065
Grants, up to \$760,000 in each fiscal year shall be used to make 52066
annual grants to volunteer fire departments of up to \$10,000, or 52067
up to \$25,000 if the volunteer fire department provides service 52068
for an area affected by a natural disaster. The grant program 52069
shall be administered by the Fire Marshal under the Department of 52070
Commerce. The Fire Marshal shall adopt rules as are necessary for 52071
the administration and operation of the grant program. 52072

Of the foregoing appropriation item 800-639, Fire Department 52073
Grants, up to \$687,140 in each fiscal year shall be used as full 52074
or partial reimbursement to local units of government and fire 52075
departments for the cost of firefighter training and equipment or 52076
gear. Under rules that the department shall adopt, a local unit of 52077
government or fire department may apply to the department for a 52078
grant to cover all documented costs that are incurred to provide 52079
firefighter training and equipment or gear. The department shall 52080
make grants within the limits of the funding provided, with 52081
priority given to fire departments that serve small villages and 52082
townships. 52083

Of the foregoing appropriation item 800-639, Fire Department 52084
Grants, up to \$200,000 in each fiscal year shall be used to make 52085
grants to fire departments to assist in the conversion of existing 52086
data systems to the NFIRS 5 electronic fire reporting system. 52087
Under rules that the department shall adopt, awards shall have a 52088
maximum of \$50,000 per fire department and shall be based on a 52089
point system that includes factors such as consideration of the 52090
fire department's information technology and operating budgets, 52091
population and area served, number of incidents, data conversion 52092
and implementation methods, and readiness. 52093

CASH TRANSFER TO REAL ESTATE OPERATING FUND 52094

At the request of the Director of Commerce, the Director of 52095
Budget and Management may transfer up to \$250,000 in cash from the 52096
Real Estate Recovery Fund (Fund 548) and up to \$200,000 in cash 52097
from the Real Estate Appraiser Recovery Fund (Fund 4B2) to the 52098
Real Estate Operating Fund (Fund 549) during the 2005-2007 52099
biennium. 52100

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 52101

The foregoing appropriation item 800-601, Merchandising, 52102
shall be used under section 4301.12 of the Revised Code. If it is 52103
determined that additional amounts are necessary, the amounts are 52104
hereby appropriated. 52105

DEVELOPMENT ASSISTANCE DEBT SERVICE 52106

The foregoing appropriation item 800-633, Economic 52107
Development Debt Service, shall be used to meet all payments at 52108
the times they are required to be made during the period from July 52109
1, 2005, to June 30, 2007, for bond service charges on obligations 52110
issued under Chapter 166. of the Revised Code. If it is determined 52111
that additional appropriations are necessary for this purpose, 52112
such amounts are hereby appropriated, subject to the limitations 52113
set forth in section 166.11 of the Revised Code. The General 52114

Assembly acknowledges that an appropriation for this purpose is 52115
not required, but is made in this form and in this act for record 52116
purposes only. 52117

REVITALIZATION DEBT SERVICE 52118

The foregoing appropriation item 800-636, Revitalization Debt 52119
Service, shall be used to pay debt service and related financing 52120
costs under sections 151.01 and 151.40 of the Revised Code during 52121
the period from July 1, 2005, to June 30, 2007. If it is 52122
determined that additional appropriations are necessary for this 52123
purpose, such amounts are hereby appropriated. The General 52124
Assembly acknowledges the priority of the pledge of a portion of 52125
receipts from that source to obligations issued and to be issued 52126
under Chapter 166. of the Revised Code. 52127

ADMINISTRATIVE ASSESSMENTS 52128

Notwithstanding any other provision of law to the contrary, 52129
Fund 163, Division of Administration, is entitled to receive 52130
assessments from all operating funds of the department in 52131
accordance with procedures prescribed by the Director of Commerce 52132
and approved by the Director of Budget and Management. 52133

Section 203.78. OCC OFFICE OF CONSUMERS' COUNSEL 52134

General Services Fund Group 52135

5F5 053-601 Operating Expenses \$ 8,594,735 \$ 8,771,940 52136

TOTAL GSF General Services Fund \$ 8,594,735 \$ 8,771,940 52137

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,594,735 \$ 8,771,940 52138

Section 203.81. CEB CONTROLLING BOARD 52140

General Revenue Fund 52141

GRF 911-401 Emergency \$ 12,150,000 \$ 7,000,000 52142

Purposes/Contingencies

GRF 911-404	Mandate Assistance	\$	650,000	\$	650,000	52143
GRF 911-417	Educational Technology	\$	27,942,693	\$	27,942,693	52144
	Fund					
GRF 911-441	Ballot Advertising	\$	300,000	\$	300,000	52145
	Costs					
TOTAL GRF	General Revenue Fund	\$	41,042,693	\$	35,892,693	52146
	General Services Fund Group					52147
4F3 911-603	Affiliate Services	\$	2,000,000	\$	2,000,000	52148
4T2 911-604	Government	\$	150,000	\$	150,000	52149
	Television/Telecommunication					
	Operating					
5D4 911-605	Conference/Special	\$	1,350,000	\$	1,350,000	52150
	Purpose Expenses					
TOTAL GSF	General Services Fund	\$	3,500,000	\$	3,500,000	52151
	Group					
	Federal Special Revenue Fund Group					52152
3S3 911-610	Technology Literacy	\$	589,363	\$	589,363	52153
	Challenge					
TOTAL FED	Federal Special Revenue	\$	589,363	\$	589,363	52154
	Fund Group					
	State Special Revenue Fund Group					52155
4W9 911-607	Ohio Telecommunity	\$	50,000	\$	25,000	52156
	Fund					
4X1 911-608	Distance Learning	\$	250,000	\$	100,000	52157
5T3 911-609	Gates Foundation	\$	600,000	\$	200,000	52158
	Grants					
TOTAL SSR	State Special					52159
	Revenue Fund Group	\$	900,000	\$	325,000	52160
TOTAL ALL BUDGET FUND GROUPS		\$	46,032,056	\$	40,307,056	52161
	FEDERAL SHARE					52162
	In transferring appropriations to or from appropriation items					52163

that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.

DISASTER ASSISTANCE

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Emergency Purposes Fund to a Department of Public Safety General Revenue Fund appropriation item to provide funding for assistance to political subdivisions and individuals made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to or following the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.

SOUTHERN OHIO CORRECTIONAL FACILITY COST

The Office of Criminal Justice Services and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from the Emergency Purposes Fund for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

MANDATE ASSISTANCE

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government and school districts for the cost of the following two unfunded state mandates:

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the

Department of Youth Services;			52194
(2) The cost to school districts of in-service training for child abuse detection.			52195 52196
(B) The Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that may be used for each program of state financial assistance.			52197 52198 52199 52200 52201 52202 52203 52204
	ADMINISTERING	ESTIMATED ANNUAL	52205
PROGRAM	AGENCY	AMOUNT	52206
Prosecution Costs	Division of Criminal Justice Services	\$150,000	52207 52208
Child Abuse Detection Training Costs	Department of Education	\$500,000	52209
(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.			52210 52211 52212 52213 52214 52215
(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to the other program of state financial assistance identified under this section.			52216 52217 52218 52219 52220 52221 52222
(E) It is expected that not all costs incurred by local units			52223

of government and school districts under each of the two programs 52224
of state financial assistance identified in this section will be 52225
fully reimbursed by the state. Reimbursement levels may vary by 52226
program and shall be based on: the relationship between the 52227
appropriation transfers requested by the Division of Criminal 52228
Justice Services in the Department of Public Safety and the 52229
Department of Education and provided by the Controlling Board for 52230
each of the programs; the rules and procedures established for 52231
each program by the administering state agency; and the actual 52232
costs incurred by local units of government and school districts. 52233

(F) Each of these programs of state financial assistance 52234
shall be carried out as follows: 52235

(1) PROSECUTION COSTS 52236

(a) Appropriations may be transferred to the Division of 52237
Criminal Justice Services in the Department of Public Safety to 52238
cover local prosecution costs for aggravated murder, murder, 52239
felonies of the first degree, and felonies of the second degree 52240
that occur on the grounds of institutions operated by the 52241
Department of Rehabilitation and Correction and the Department of 52242
Youth Services. 52243

(b) Upon a delinquency filing in juvenile court or the return 52244
of an indictment for aggravated murder, murder, or any felony of 52245
the first or second degree that was committed at a Department of 52246
Youth Services or a Department of Rehabilitation and Correction 52247
institution, the affected county may, in accordance with rules 52248
that the Division of Criminal Justice Services in the Department 52249
of Public Safety shall adopt, apply to the Division of Criminal 52250
Justice Services for a grant to cover all documented costs that 52251
are incurred by the county prosecutor's office. 52252

(c) Twice each year, the Division of Criminal Justice 52253
Services in the Department of Public Safety shall designate 52254

counties to receive grants from those counties that have submitted 52255
one or more applications in compliance with the rules that have 52256
been adopted by the Division of Criminal Justice Services for the 52257
receipt of such grants. In each year's first round of grant 52258
awards, if sufficient appropriations have been made, up to a total 52259
of \$100,000 may be awarded. In each year's second round of grant 52260
awards, the remaining appropriations available for this purpose 52261
may be awarded. 52262

(d) If for a given round of grants there are insufficient 52263
appropriations to make grant awards to all the eligible counties, 52264
the first priority shall be given to counties with cases involving 52265
aggravated murder and murder; second priority shall be given to 52266
counties with cases involving a felony of the first degree; and 52267
third priority shall be given to counties with cases involving a 52268
felony of the second degree. Within these priorities, the grant 52269
awards shall be based on the order in which the applications were 52270
received, except that applications for cases involving a felony of 52271
the first or second degree shall not be considered in more than 52272
two consecutive rounds of grant awards. 52273

(2) CHILD ABUSE DETECTION TRAINING COSTS 52274

Appropriations may be transferred to the Department of 52275
Education for disbursement to local school districts as full or 52276
partial reimbursement for the cost of providing in-service 52277
training for child abuse detection. In accordance with rules that 52278
the department shall adopt, a local school district may apply to 52279
the department for a grant to cover all documented costs that are 52280
incurred to provide in-service training for child abuse detection. 52281
The department shall make grants within the limits of the funding 52282
provided. 52283

(G) Any moneys allocated within appropriation item 911-404, 52284
Mandate Assistance, not fully utilized may, upon application of 52285

the Ohio Public Defender Commission, and with the approval of the Controlling Board, be disbursed to boards of county commissioners to provide additional reimbursement for the costs incurred by counties in providing defense to indigent defendants pursuant to Chapter 120. of the Revised Code. Application for the unutilized funds shall be made by the Ohio Public Defender Commission at the first June meeting of the Controlling Board.

The amount to be disbursed to each county shall be allocated proportionately on the basis of the total amount of reimbursement paid to each county as a percentage of the amount of reimbursement paid to all of the counties during the most recent state fiscal year for which data is available and as calculated by the Ohio Public Defender Commission.

BALLOT ADVERTISING COSTS

Pursuant to requests submitted by the Ohio Ballot Board, the Controlling Board shall approve transfers from the foregoing appropriation item 911-441, Ballot Advertising Costs, to an Ohio Ballot Board appropriation item in order to reimburse county boards of elections for the cost of public notices associated with statewide ballot initiatives.

Section 203.84. COS STATE BOARD OF COSMETOLOGY

General Services Fund Group
4K9 879-609 Operating Expenses \$ 2,929,630 \$ 0
TOTAL GSF General Services Fund Group \$ 2,929,630 \$ 0
TOTAL ALL BUDGET FUND GROUPS \$ 2,929,630 \$ 0

Section 203.87. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD

General Services Fund Group

4K9 899-609 Operating Expenses	\$	1,058,445	\$	0	52316
TOTAL GSF General Services Fund					52317
Group	\$	1,058,445	\$	0	52318
TOTAL ALL BUDGET FUND GROUPS	\$	1,058,445	\$	0	52319

Section 203.90. CLA COURT OF CLAIMS 52321

General Revenue Fund					52322
GRF 015-321 Operating Expenses	\$	2,598,040	\$	2,678,331	52323
TOTAL GRF General Revenue Fund	\$	2,598,040	\$	2,678,331	52324
State Special Revenue Fund Group					52325
5K2 015-603 CLA Victims of Crime	\$	1,582,684	\$	1,582,684	52326
TOTAL SSR State Special Revenue					52327
Fund Group	\$	1,582,684	\$	1,582,684	52328
TOTAL ALL BUDGET FUND GROUPS	\$	4,180,724	\$	4,261,015	52329

Section 203.93. DEN STATE DENTAL BOARD 52331

General Services Fund Group					52332
4K9 880-609 Operating Expenses	\$	1,424,791	\$	0	52333
TOTAL GSF General Services Fund					52334
Group	\$	1,424,791	\$	0	52335
TOTAL ALL BUDGET FUND GROUPS	\$	1,424,791	\$	0	52336

Section 203.96. BDP BOARD OF DEPOSIT 52338

General Services Fund Group					52339
4M2 974-601 Board of Deposit	\$	1,676,000	\$	1,676,000	52340
TOTAL GSF General Services Fund					52341
Group	\$	1,676,000	\$	1,676,000	52342
TOTAL ALL BUDGET FUND GROUPS	\$	1,676,000	\$	1,676,000	52343

BOARD OF DEPOSIT EXPENSE FUND 52344

Upon receiving certification of expenses from the Treasurer 52345
of State, the Director of Budget and Management shall transfer 52346

cash from the Investment Earnings Redistribution Fund (Fund 608) 52347
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 52348
shall be used to pay for banking charges and fees required for the 52349
operation of the State of Ohio Regular Account. 52350

Section 203.99. DEV DEPARTMENT OF DEVELOPMENT 52351

General Revenue Fund 52352

GRF 195-321 Operating Expenses \$ 2,688,908 \$ 2,688,908 52353

GRF 195-401 Thomas Edison Program \$ 15,454,838 \$ 15,454,838 52354

GRF 195-404 Small Business \$ 1,740,722 \$ 1,740,722 52355

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,580,291 52356

Development Division

GRF 195-407 Travel and Tourism \$ 6,812,845 \$ 6,712,845 52357

GRF 195-412 Business Development \$ 11,750,000 \$ 11,750,000 52358

Grants

GRF 195-414 First Frontier Match \$ 250,000 \$ 250,000 52359

GRF 195-415 Economic Development \$ 5,794,975 \$ 5,894,975 52360

Division and Regional
Offices

GRF 195-416 Governor's Office of \$ 4,122,372 \$ 4,122,372 52361

Appalachia

GRF 195-422 Third Frontier Action \$ 16,790,000 \$ 16,790,000 52362

Fund

GRF 195-426 Clean Ohio \$ 300,000 \$ 300,000 52363

Implementation

GRF 195-432 International Trade \$ 4,223,787 \$ 4,223,787 52364

GRF 195-434 Investment in Training \$ 12,227,500 \$ 12,227,500 52365

Grants

GRF 195-436 Labor/Management \$ 811,869 \$ 811,869 52366

Cooperation

GRF 195-497 CDBG Operating Match \$ 1,040,956 \$ 1,040,956 52367

GRF 195-498	State Match Energy	\$	94,000	\$	94,000	52368
GRF 195-501	Appalachian Local Development Districts	\$	380,080	\$	380,080	52369
GRF 195-502	Appalachian Regional Commission Dues	\$	246,803	\$	246,803	52370
GRF 195-507	Travel and Tourism Grants	\$	900,000	\$	900,000	52371
GRF 195-515	Economic Development Contingency	\$	10,000,000	\$	0	52372
GRF 195-905	Third Frontier Research & Commercialization General Obligation Debt Service	\$	0	\$	13,910,000	52373
TOTAL GRF	General Revenue Fund	\$	97,209,946	\$	101,119,946	52374
	General Services Fund Group					52375
135 195-605	Supportive Services	\$	7,450,000	\$	7,539,686	52376
685 195-636	General Reimbursements	\$	1,000,000	\$	1,000,000	52377
5AD 195-667	Investment in Training Expansion	\$	5,000,000	\$	5,000,000	52378
5AD 195-668	Worker Guarantee Program	\$	3,000,000	\$	3,000,000	52379
5AD 195-677	Economic Development Contingency	\$	0	\$	10,000,000	52380
TOTAL GSF	General Services Fund Group	\$	16,450,000	\$	26,539,686	52381 52382
	Federal Special Revenue Fund Group					52383
3AE 195-643	Workforce Development Initiatives	\$	5,800,000	\$	5,800,000	52384
3K8 195-613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	52385
3K9 195-611	Home Energy Assistance	\$	90,500,000	\$	90,500,000	52386

		Block Grant					
3K9	195-614	HEAP Weatherization	\$	16,219,478	\$	16,219,478	52387
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000	52388
		Block Grant					
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	52389
308	195-602	Appalachian Regional	\$	600,660	\$	600,660	52390
		Commission					
308	195-603	Housing and Urban	\$	5,000,000	\$	5,000,000	52391
		Development					
308	195-605	Federal Projects	\$	15,300,249	\$	15,300,249	52392
308	195-609	Small Business	\$	4,296,381	\$	4,296,381	52393
		Administration					
308	195-618	Energy Federal Grants	\$	3,397,659	\$	3,397,659	52394
335	195-610	Oil Overcharge	\$	3,000,000	\$	3,000,000	52395
TOTAL FED		Federal Special Revenue					52396
Fund Group			\$	274,349,427	\$	274,349,427	52397
State Special Revenue Fund Group							52398
4F2	195-639	State Special Projects	\$	290,183	\$	290,183	52399
4F2	195-676	Promote Ohio	\$	5,000,000	\$	5,000,000	52400
4H4	195-641	First Frontier	\$	500,000	\$	500,000	52401
4S0	195-630	Enterprise Zone	\$	275,000	\$	275,000	52402
		Operating					
4S1	195-634	Job Creation Tax	\$	375,800	\$	375,800	52403
		Credit Operating					
4W1	195-646	Minority Business	\$	2,580,597	\$	2,580,597	52404
		Enterprise Loan					
444	195-607	Water and Sewer	\$	523,775	\$	523,775	52405
		Commission Loans					
450	195-624	Minority Business	\$	53,967	\$	53,967	52406
		Bonding Program					
		Administration					
451	195-625	Economic Development	\$	2,358,311	\$	2,358,311	52407
		Financing Operating					

5M4	195-659	Universal Service	\$	210,000,000	\$	210,000,000	52408
5M5	195-660	Energy Efficiency Loan and Grant	\$	12,000,000	\$	12,000,000	52409
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	52410
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	52411
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	52412
646	195-638	Low and Moderate Income Housing Trust Fund	\$	46,000,000	\$	48,000,000	52413
TOTAL SSR State Special Revenue							52414
Fund Group			\$	280,198,346	\$	282,198,346	52415
Facilities Establishment Fund Group							52416
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	52417
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	52418
037	195-615	Facilities Establishment	\$	63,931,149	\$	63,931,149	52419
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	52420
5D2	195-650	Urban Redevelopment Loans	\$	10,475,000	\$	10,475,000	52421
5H1	195-652	Family Farm Loan Guarantee	\$	1,000,000	\$	1,000,000	52422
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	52423
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	52424
TOTAL 037 Facilities							52425
Establishment Fund Group			\$	184,406,149	\$	184,406,149	52426

Clean Ohio Revitalization Fund				52427
003 195-663 Clean Ohio Operating	\$	350,000	\$ 350,000	52428
TOTAL 003 Clean Ohio Revitalization Fund	\$	350,000	\$ 350,000	52429
TOTAL ALL BUDGET FUND GROUPS	\$	852,963,868	\$ 868,963,554	52430

Section 203.99.03. THOMAS EDISON PROGRAM 52432

The foregoing appropriation item 195-401, Thomas Edison Program, shall be used for the purposes of sections 122.28 to 122.38 of the Revised Code in order to provide funds for cooperative public and private efforts in technological innovation to promote the development and transfer of technology by and to Ohio businesses that will lead to the creation of jobs, and to provide for the administration of the program by the Technology Division. 52433
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Of the foregoing appropriation item 195-401, Thomas Edison Program, not more than \$2,000,000 in fiscal year 2006 and \$2,300,000 in fiscal year 2007 shall be used for operating expenditures in administering the programs of the Technology Division. 52441
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The Department of Development, in consultation with the Third Frontier Commission, shall develop a plan providing for appropriate, value-added participation of Edison Centers and Incubators in Third Frontier Project proposals and grants. 52446
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The Department of Development shall work with Edison Centers and Incubators and the Third Frontier Network, when appropriate, to provide for Third Frontier Network connections to Edison Centers and Incubators and their tenants and, as appropriate, clients. 52450
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Section 203.99.06. SMALL BUSINESS DEVELOPMENT 52455

The foregoing appropriation item 195-404, Small Business Development, shall be used to ensure that the unique needs and concerns of small businesses are addressed.

The foregoing appropriation item 195-404, Small Business Development, may be used to provide grants to local organizations to support the operation of Small Business Development Centers and other local economic development activity promoting small business, and for the cost of administering the small business development center program. The centers shall provide technical, financial, and management consultation for small business and shall facilitate access to state and federal programs. These funds shall be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Public Law No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and regulations and policy guidelines for the programs under this law.

In addition, the Office of Small Business may operate the 1st-Stop Business Connection and implement and coordinate the duties imposed on the Department of Development by Am. Sub. S.B. 239 of the 115th General Assembly.

MINORITY BUSINESS DEVELOPMENT DIVISION

Of the foregoing appropriation item 195-405, Minority Business Development Division, up to \$1,060,000 but not less than \$954,000 in each fiscal year shall be used to fund minority contractors and business assistance organizations. The Minority Business Development Division shall determine which cities need minority contractors and business assistance organizations by utilizing United States Census Bureau data and zip codes to locate the highest concentrations of minority businesses. The Minority Business Development Division also shall determine the numbers of minority contractors and business assistance organizations

necessary and the amount of funding to be provided each. In 52487
addition, the Minority Business Development Division shall 52488
continue to plan and implement business conferences. 52489

Section 203.99.09. BUSINESS DEVELOPMENT 52490

The foregoing appropriation item 195-412, Business 52491
Development Grants, shall be used as an incentive for attracting 52492
and retaining business opportunities for the state. Any such 52493
business opportunity, whether new, expanding, or relocating in 52494
Ohio, is eligible for funding. The project must create or retain a 52495
significant number of jobs for Ohioans. Grant awards may be 52496
considered only when (1) the project's viability hinges on an 52497
award of funds from appropriation item 195-412, Business 52498
Development Grants; (2) all other public or private sources of 52499
financing have been considered; or (3) the funds act as a catalyst 52500
for the infusion into the project of other financing sources. 52501

The department's primary goal shall be to award funds to 52502
political subdivisions of the state for off-site infrastructure 52503
improvements. In order to meet the particular needs of economic 52504
development in a region, the department may elect to award funds 52505
directly to a business for on-site infrastructure improvements. 52506
"Infrastructure improvements" mean improvements to water system 52507
facilities, sewer and sewage treatment facilities, electric or gas 52508
service facilities, fiber optic facilities, rail facilities, site 52509
preparation, and parking facilities. The Director of Development 52510
may recommend the funds be used in an alternative manner when 52511
considered appropriate to meet an extraordinary economic 52512
development opportunity or need. 52513

The foregoing appropriation item 195-412, Business 52514
Development Grants, may be expended only after the submission of a 52515
request to the Controlling Board by the Department of Development 52516
outlining the planned use of the funds, and the subsequent 52517

approval of the request by the Controlling Board. 52518

The foregoing appropriation item 195-412, Business 52519
Development Grants, may be used for, but is not limited to, 52520
construction, rehabilitation, and acquisition projects for rail 52521
freight assistance as requested by the Department of 52522
Transportation. The Director of Transportation shall submit the 52523
proposed projects to the Director of Development for an evaluation 52524
of potential economic benefit. 52525

Section 203.99.12. FIRST FRONTIER MATCH 52526

The foregoing appropriation item 195-414, First Frontier 52527
Match, shall be used as matching funds to targeted counties for 52528
the purpose of marketing state, regional, and local 52529
characteristics that may attract economic development. "Targeted 52530
counties" mean counties that have a population of less than 52531
175,000 residents. The appropriation may be used either for 52532
marketing programs by individual targeted counties or for regional 52533
marketing campaigns that are marketing programs in which at least 52534
one targeted county is participating with one or more other 52535
targeted counties or larger counties. 52536

ECONOMIC DEVELOPMENT DIVISION AND REGIONAL OFFICES 52537

The foregoing appropriation item 195-415, Economic 52538
Development Division and Regional Offices, shall be used for the 52539
operating expenses of the Economic Development Division and the 52540
regional economic development offices and for grants for 52541
cooperative economic development ventures. 52542

Section 203.99.15. GOVERNOR'S OFFICE OF APPALACHIA 52543

The foregoing appropriation item 195-416, Governor's Office 52544
of Appalachia, shall be used for the administrative costs of 52545
planning and liaison activities for the Governor's Office of 52546

Appalachia. Funds not expended for planning and liaison activities 52547
may be expended for special project grants within the Appalachian 52548
Region. 52549

Of the foregoing appropriation item 195-416, Governor's 52550
Office of Appalachia, up to \$250,000 each fiscal year shall be 52551
used to match federal funds from the Appalachian Regional 52552
Commission to provide job training to impact the Appalachian 52553
Region. 52554

Of the foregoing appropriation item 195-416, Governor's 52555
Office of Appalachia, up to \$4,122,372 in each fiscal year shall 52556
be used in conjunction with other federal and state funds to 52557
provide financial assistance to projects in Ohio's Appalachian 52558
counties in order to further the goals of the Appalachian Regional 52559
Commission. The projects and project sponsors shall meet 52560
Appalachian Regional Commission eligibility requirements. Grants 52561
shall be administered by the Department of Development. 52562

Section 203.99.18. THIRD FRONTIER ACTION FUND 52563

The foregoing appropriation item 195-422, Third Frontier 52564
Action Fund, shall be used to make grants under sections 184.01 52565
and 184.02 of the Revised Code. Prior to the release of funds from 52566
appropriation item 195-422, Third Frontier Action Fund, each grant 52567
award shall be recommended for funding by the Third Frontier 52568
Commission and obtain approval from the Controlling Board. 52569

Of the foregoing appropriation item 195-422, Third Frontier 52570
Action Fund, not more than six per cent in each fiscal year shall 52571
be used for operating expenditures in administering the program. 52572

In addition to the six per cent for operating expenditures, 52573
an additional administrative amount, not to exceed \$1,500,000 52574
within the biennium, shall be available for proposal evaluation, 52575
research and analyses, and marketing efforts considered necessary 52576

to receive and disseminate information about science and 52577
technology-related opportunities in the state. 52578

SCIENCE AND TECHNOLOGY COLLABORATION 52579

The Department of Development shall work in close 52580
collaboration with the Board of Regents, the Air Quality 52581
Development Authority, and the Third Frontier Commission in 52582
relation to appropriation items and programs referred to as 52583
Alignment Programs in the following paragraph, and other 52584
technology-related appropriations and programs in the Department 52585
of Development, Air Quality Development Authority, and the Board 52586
of Regents as these agencies may designate, to ensure 52587
implementation of a coherent state strategy with respect to 52588
science and technology. 52589

"Alignment Programs" means appropriation items 195-401, 52590
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 52591
Third Frontier Action Fund; 898-604, Coal Research and Development 52592
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 52593
Institute of Technology; 235-510, Ohio Supercomputer Center; 52594
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 52595
235-535, Ohio Agricultural Research and Development Center; 52596
235-553, Dayton Area Graduate Studies Institute; 235-554, 52597
Priorities in Collaborative Graduate Education; 235-556, Ohio 52598
Academic Resources Network; and 195-435, Biomedical Research and 52599
Technology Transfer Trust. 52600

Consistent with the recommendations of the Governor's 52601
Commission on Higher Education and the Economy, Alignment Programs 52602
shall be managed and administered in accordance with the following 52603
objectives: (1) to build on existing competitive research 52604
strengths; (2) to encourage new and emerging discoveries and 52605
commercialization of products and ideas that will benefit the Ohio 52606
economy; (3) and to assure improved collaboration among Alignment 52607

Programs with programs administered by the Third Frontier
Commission and with other state programs that are intended to
improve economic growth and job creation. As directed by the Third
Frontier Commission, Alignment Program managers shall report to
the Commission or the Third Frontier Advisory Board regarding the
contributions of their programs to achieving these objectives.

Each Alignment Program shall be reviewed annually by the
Third Frontier Commission with respect to its development of
complementary relationships within a combined state science and
technology investment portfolio, and with respect to its overall
contribution to the state's science and technology strategy,
including the adoption of appropriately consistent criteria for:
(1) the scientific merit of activities supported by the program;
(2) the relevance of the program's activities to commercial
opportunities in the private sector; (3) the private sector's
involvement in a process that continually evaluates commercial
opportunities to use the work supported by the program; and (4)
the ability of the program and recipients of grant funding from
the program to engage in activities that are collaborative,
complementary, and efficient with respect to the expenditures of
state funds. Each Alignment Program shall provide an annual report
to the Third Frontier Commission that discusses existing, planned,
or possible collaborations between programs and between recipients
of grant funding related to technology, development,
commercialization, and the support of Ohio's economic development.
The annual review conducted by the Third Frontier Commission shall
be a comprehensive review of the entire state science and
technology program portfolio rather than a review of individual
programs.

Applicants for Third Frontier and Alignment Programs funding
shall identify their requirements for high-performance computing
facilities and services, including both hardware and software, in

all proposals. If an applicant's requirements exceed approximately 52640
\$100,000 for a proposal, the Ohio Supercomputer Center shall 52641
convene a panel of experts. The panel shall review the proposal to 52642
determine whether the proposal's requirements can be met through 52643
Ohio Supercomputer Center facilities or through other means and 52644
report such information to the Third Frontier Commission. 52645

To ensure that the state receives the maximum benefit from 52646
its investment in the Third Frontier Project and the Third 52647
Frontier Network, organizations receiving Third Frontier awards 52648
and Alignment Programs awards shall, as appropriate, be expected 52649
to have a connection to the Third Frontier Network that enables 52650
them and their collaborators to achieve award objectives through 52651
the Third Frontier Network. 52652

Section 203.99.21. INTERNATIONAL TRADE 52653

The foregoing appropriation item 195-432, International 52654
Trade, shall be used to operate and to maintain Ohio's 52655
out-of-state trade offices. 52656

The Director of Development may enter into contracts with 52657
foreign nationals to staff foreign offices. The contracts may be 52658
paid in local currency or United States currency and shall be 52659
exempt from section 127.16 of the Revised Code. The director also 52660
may establish foreign currency accounts under section 122.05 of 52661
the Revised Code for the payment of expenses related to the 52662
operation and maintenance of the foreign trade offices. 52663

The foregoing appropriation item 195-432, International 52664
Trade, shall be used to fund the International Trade Division and 52665
to assist Ohio manufacturers and agricultural producers in 52666
exporting to foreign countries in conjunction with the Department 52667
of Agriculture. 52668

Of the foregoing appropriation item 195-432, International 52669

Trade, up to \$35,000 may be used to purchase gifts for 52670
representatives of foreign governments or dignitaries of foreign 52671
countries. 52672

Section 203.99.24. OHIO INVESTMENT IN TRAINING PROGRAM 52673

The foregoing appropriation items 195-434, Investment in 52674
Training Grants, and 195-667, Investment in Training Expansion, 52675
shall be used to promote training through grants for the 52676
reimbursement of eligible training expenses. 52677

Section 203.99.27. CDBG OPERATING MATCH 52678

The foregoing appropriation item 195-497, CDBG Operating 52679
Match, shall be used to provide matching funds as requested by the 52680
United States Department of Housing and Urban Development to 52681
administer the federally funded Community Development Block Grant 52682
(CDBG) program. 52683

STATE OPERATING MATCH 52684

The foregoing appropriation item 195-498, State Match Energy, 52685
shall be used to provide matching funds as required by the United 52686
States Department of Energy to administer the federally funded 52687
State Energy Plan. 52688

Section 203.99.30. TRAVEL AND TOURISM GRANTS 52689

The foregoing appropriation item 195-507, Travel and Tourism 52690
Grants, shall be used to provide grants to local organizations to 52691
support various local travel and tourism events in Ohio. 52692

Section 203.99.33. THIRD FRONTIER RESEARCH & 52693
COMMERCIALIZATION GENERAL OBLIGATION DEBT SERVICE 52694

The foregoing appropriation item 195-905, Third Frontier 52695
Research & Commercialization General Obligation Debt Service, 52696

shall be used to pay all debt service and related financing costs 52697
during the period from July 1, 2005, to June 30, 2007, on 52698
obligations to be issued for research and development purposes, as 52699
authorized by the Ohio Constitution and implementing statutes. The 52700
Office of the Sinking Fund or the Director of Budget and 52701
Management shall effectuate the required payments by intrastate 52702
transfer voucher. 52703

Section 203.99.36. SUPPORTIVE SERVICES 52704

The Director of Development may assess divisions of the 52705
department for the cost of central service operations. An 52706
assessment shall be based on a plan submitted to and approved by 52707
the Office of Budget and Management by August 1, 2005, and shall 52708
contain the characteristics of administrative ease and uniform 52709
application. 52710

A division's payments shall be credited to the Supportive 52711
Services Fund (Fund 135) using an intrastate transfer voucher. 52712

GENERAL REIMBURSEMENT 52713

The foregoing appropriation item 195-636, General 52714
Reimbursements, shall be used for conference and subscription fees 52715
and other reimbursable costs. Revenues to the General 52716
Reimbursement Fund (Fund 685) shall consist of fees and other 52717
moneys charged for conferences, subscriptions, and other 52718
administrative costs that are not central service costs. 52719

WORKER GUARANTEE PROGRAM 52720

The foregoing appropriation item 195-668, Worker Guarantee 52721
Program, shall be used for the Worker Guarantee Program. 52722

Benefited employers must create at least 100 high-paying, 52723
full-time jobs over a three-year period and must demonstrate prior 52724
to the commitment of state funds that the availability of those 52725
skilled workers is a major factor in the employer's decision to 52726

locate or expand in Ohio. Activities eligible for funding through
the Worker Guarantee Program include job assessment services,
screening and testing of potential employees, customized training
activities, and any other training or related service determined
by the Director.

A local workforce development service provider may include,
but is not limited to, a community college, technical or
vocational school, one-stop center, or any other entity designated
by the Director of Development to provide services under the
program.

State matching funds totaling one-third of a project's cost
shall be provided for each approved project when an employer and
any local workforce development service provider, in conjunction
with the local community, contracts with the Department of
Development to provide services under the program. The employer
and the local community each shall provide matching funds totaling
one-third of a project's cost, and each portion of the matching
funds shall be equal to state funding, which also shall be
one-third of a project's cost.

The state shall count in-kind contributions when determining
a contribution from entities associated with the local community.

The Director of Development, under Chapter 119. of the
Revised Code, shall adopt, and may amend or rescind, rules the
Director finds necessary for the implementation and successful
operation of the Worker Guarantee Program.

Section 203.99.39. HEAP WEATHERIZATION

Fifteen per cent of the federal funds received by the state
for the Home Energy Assistance Block Grant shall be deposited in
appropriation item 195-614, HEAP Weatherization (Fund 3K9), and
shall be used to provide home weatherization services in the

state.	52757
STATE SPECIAL PROJECTS	52758
The foregoing fund, Fund 4F2, State Special Projects, shall	52759
be used for the deposit of private-sector funds from utility	52760
companies and for the deposit of other miscellaneous state funds.	52761
Private-sector moneys shall be used to (1) pay the expenses of	52762
verifying the income-eligibility of HEAP applicants, (2) market	52763
economic development opportunities in the state, and (3) leverage	52764
additional federal funds. State funds shall be used to match	52765
federal housing grants for the homeless and to market economic	52766
development opportunitites in the state.	52767
Section 203.99.42. MINORITY BUSINESS ENTERPRISE LOAN	52768
All repayments from the Minority Development Financing	52769
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee	52770
Program shall be deposited in the State Treasury to the credit of	52771
the Minority Business Enterprise Loan Fund (Fund 4W1).	52772
All operating costs of administering the Minority Business	52773
Enterprise Loan Fund shall be paid from the Minority Business	52774
Enterprise Loan Fund (Fund 4WI).	52775
MINORITY BUSINESS BONDING FUND	52776
Notwithstanding Chapters 122., 169., and 175. of the Revised	52777
Code and other provisions of Am. Sub. H.B. 283 of the 123rd	52778
General Assembly, the Director of Development may, upon the	52779
recommendation of the Minority Development Financing Advisory	52780
Board, pledge up to \$10,000,000 in the FY 2006-2007 biennium of	52781
unclaimed funds administered by the Director of Commerce and	52782
allocated to the Minority Business Bonding Program under section	52783
169.05 of the Revised Code. The transfer of any cash by the	52784
Director of Budget and Management from the Department of	52785
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of	52786

Development's Minority Business Bonding Fund (Fund 449) shall
occur, if requested by the Director of Development, only if such
funds are needed for payment of losses arising from the Minority
Business Bonding Program, and only after proceeds of the initial
transfer of \$2,700,000 by the Controlling Board to the Minority
Business Bonding Program has been used for that purpose. Moneys
transferred by the Director of Budget and Management from the
Department of Commerce for this purpose may be moneys in custodial
funds held by the Treasurer of State. If expenditures are required
for payment of losses arising from the Minority Business Bonding
Program, such expenditures shall be made from appropriation item
195-623, Minority Business Bonding Contingency in the Minority
Business Bonding Fund, and such amounts are appropriated.

Section 203.99.45. ECONOMIC DEVELOPMENT FINANCING OPERATING 52800

The foregoing appropriation item 195-625, Economic
Development Financing Operating, shall be used for the operating
expenses of financial assistance programs authorized under Chapter
166. of the Revised Code and under sections 122.43 and 122.45 of
the Revised Code.

VOLUME CAP ADMINISTRATION 52806

The foregoing appropriation item 195-654, Volume Cap
Administration, shall be used for expenses related to the
administration of the Volume Cap Program. Revenues received by the
Volume Cap Administration Fund (Fund 617) shall consist of
application fees, forfeited deposits, and interest earned from the
custodial account held by the Treasurer of State.

UNIVERSAL SERVICE FUND 52813

The foregoing appropriation item 195-659, Universal Service,
shall be used to provide payments to regulated electric utility
companies for low-income customers enrolled in Percentage of

Income Payment Plan (PIPP) electric accounts, to fund targeted 52817
energy efficiency and customer education services to PIPP 52818
customers, and to cover the department's administrative costs 52819
related to Universal Service Fund Programs. 52820

ENERGY EFFICIENCY REVOLVING LOAN FUND 52821

The foregoing appropriation item 195-660, Energy Efficiency 52822
Loan and Grant, shall be used to provide financial assistance to 52823
customers for eligible energy efficiency projects for residential, 52824
commercial and industrial business, local government, educational 52825
institution, nonprofit, and agriculture customers, and to pay for 52826
the program's administrative costs as provided in the Revised Code 52827
and rules adopted by the Director of Development. 52828

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 52829

All payments received by the state pursuant to a series of 52830
settlements with ten brokerage firms reached with the United 52831
States Securities and Exchange Commission, the National 52832
Association of Securities Dealers, the New York Stock Exchange, 52833
the New York Attorney General, and other state regulators 52834
(henceforth referred to as the "Global Analysts Settlement 52835
Agreements"), shall be deposited into the state treasury to the 52836
credit of the Economic Development Contingency Fund (Fund 5Y6), 52837
which is hereby created in the state treasury. The fund shall be 52838
used by the Director of Development to support economic 52839
development projects for which appropriations would not otherwise 52840
be available, and shall be subject to the submission of a request 52841
to the Controlling Board by the Director outlining the planned use 52842
of the funds, and the subsequent approval of the request by the 52843
Controlling Board. 52844

Section 203.99.48. FACILITIES ESTABLISHMENT FUND 52845

The foregoing appropriation item 195-615, Facilities 52846

Establishment (Fund 037), shall be used for the purposes of the
Facilities Establishment Fund under Chapter 166. of the Revised
Code.

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Notwithstanding Chapter 166. of the Revised Code, up to
\$1,800,000 in cash each fiscal year may be transferred from the
Facilities Establishment Fund (Fund 037) to the Economic
Development Financing Operating Fund (Fund 451). The transfer is
subject to Controlling Board approval under division (B) of
section 166.03 of the Revised Code.

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Notwithstanding Chapter 166. of the Revised Code, up to
\$20,950,000 in cash may be transferred during the biennium from
the Facilities Establishment Fund (Fund 037) to the Urban
Redevelopment Loans Fund (Fund 5D2) for the purpose of removing
barriers to urban core redevelopment. The Director of Development
shall develop program guidelines for the transfer and release of
funds, including, but not limited to, the completion of all
appropriate environmental assessments before state assistance is
committed to a project.

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Notwithstanding Chapter 166. of the Revised Code, up to
\$3,000,000 each fiscal year in cash may be transferred from the
Facilities Establishment Fund (Fund 037) to the Rural Industrial
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling
Board approval under section 166.03 of the Revised Code.

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FAMILY FARM LOAN PROGRAM

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Notwithstanding Chapter 166. of the Revised Code, up to
\$1,000,000 in each fiscal year shall be transferred from moneys in
the Facilities Establishment Fund (Fund 037) to the Family Farm
Loan Guarantee Fund (Fund 5H1) in the Department of Development.
The moneys shall be used for loan guarantees. The transfer is
subject to Controlling Board approval.

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Financial assistance from the Family Farm Loan Guarantee Fund

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(Fund 5H1) shall be repaid to Fund 5H1. This fund is established 52878
under sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the 52879
Revised Code. 52880

When the Family Farm Loan Guarantee Fund (Fund 5H1) ceases to 52881
exist, all outstanding balances, all loan repayments, and any 52882
other outstanding obligations shall revert to the Facilities 52883
Establishment Fund (Fund 037). 52884

RURAL DEVELOPMENT INITIATIVE FUND 52885

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 52886
entitled to receive moneys from the Facilities Establishment Fund 52887
(Fund 037). The Director of Development may make grants from the 52888
Rural Development Initiative Fund as specified in division (A)(2) 52889
of this section to eligible applicants in Appalachian counties and 52890
in rural counties in the state that are designated as distressed 52891
under section 122.25 of the Revised Code. Preference shall be 52892
given to eligible applicants located in Appalachian counties 52893
designated as distressed by the federal Appalachian Regional 52894
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 52895
cease to exist after June 30, 2007. All moneys remaining in the 52896
Fund after that date shall revert to the Facilities Establishment 52897
Fund (Fund 037). 52898

(2) The Director of Development shall make grants from the 52899
Rural Development Initiative Fund (Fund 5S8) only to eligible 52900
applicants who also qualify for and receive funding under the 52901
Rural Industrial Park Loan Program as specified in sections 122.23 52902
to 122.27 of the Revised Code. Eligible applicants shall use the 52903
grants for the purposes specified in section 122.24 of the Revised 52904
Code. All projects supported by grants from the fund are subject 52905
to Chapter 4115. of the Revised Code as specified in division (E) 52906
of section 166.02 of the Revised Code. The Director shall develop 52907
program guidelines for the transfer and release of funds. The 52908

release of grant moneys to an eligible applicant is subject to 52909
Controlling Board approval. 52910

(B) Notwithstanding Chapter 166. of the Revised Code, the 52911
Director of Budget and Management may transfer up to \$3,000,000 52912
each fiscal year in cash on an as needed basis at the request of 52913
the Director of Development from the Facilities Establishment Fund 52914
(Fund 037) to the Rural Development Initiative Fund (Fund 5S8). 52915
The transfer is subject to Controlling Board approval under 52916
section 166.03 of the Revised Code. 52917

CAPITAL ACCESS LOAN PROGRAM 52918

The foregoing appropriation item 195-628, Capital Access Loan 52919
Program, shall be used for operating, program, and administrative 52920
expenses of the program. Funds of the Capital Access Loan Program 52921
shall be used to assist participating financial institutions in 52922
making program loans to eligible businesses that face barriers in 52923
accessing working capital and obtaining fixed asset financing. 52924

Notwithstanding Chapter 166. of the Revised Code, the 52925
Director of Budget and Management may transfer up to \$3,000,000 52926
each fiscal year in cash on an as needed basis at the request of 52927
the Director of Development from the Facilities Establishment Fund 52928
(Fund 037) to the Capital Access Loan Program Fund (Fund 5S9). The 52929
transfer is subject to Controlling Board approval under section 52930
166.03 of the Revised Code. 52931

INNOVATION OHIO LOAN FUND 52932

The foregoing appropriation item 195-664, Innovation Ohio, 52933
shall be used to provide for innovation Ohio purposes, including 52934
loan guarantees and loans under Chapter 166. and particularly 52935
sections 166.12 to 166.16 of the Revised Code. 52936

RESEARCH AND DEVELOPMENT 52937

The foregoing appropriation item 195-665, Research and 52938

Development, shall be used to provide for research and development 52939
purposes, including loans, under Chapter 166. and particularly 52940
sections 166.17 to 166.21 of the Revised Code. 52941

Section 203.99.51. CLEAN OHIO OPERATING EXPENSES 52942

The foregoing appropriation item 195-663, Clean Ohio 52943
Operating, shall be used by the Department of Development in 52944
administering sections 122.65 to 122.658 of the Revised Code. 52945

Section 203.99.54. UNCLAIMED FUNDS TRANSFER 52946

(A) Notwithstanding division (A) of section 169.05 of the 52947
Revised Code, upon the request of the Director of Budget and 52948
Management, the Director of Commerce, prior to June 30, 2006, 52949
shall transfer to the Job Development Initiatives Fund (Fund 5AD 52950
under the General Services Fund Group) up to \$8,000,000 of the 52951
unclaimed funds that have been reported by the holders of 52952
unclaimed funds under section 169.05 of the Revised Code, 52953
regardless of the allocation of the unclaimed funds described 52954
under that section. 52955

Notwithstanding division (A) of section 169.05 of the Revised 52956
Code, upon the request of the Director of Budget and Management, 52957
the Director of Commerce, prior to June 30, 2007, shall transfer 52958
to the Job Development Initiative Fund (Fund 5AD under the General 52959
Services Fund Group) up to \$18,000,000 of the unclaimed funds that 52960
have been reported by the holders of unclaimed funds under section 52961
169.05 of the Revised Code, regardless of the allocation of the 52962
unclaimed funds described under that section. 52963

(B) Notwithstanding division (A) of section 169.05 of the 52964
Revised Code, upon the request of the Director of Budget and 52965
Management, the Director of Commerce, prior to June 30, 2006, 52966
shall transfer to the State Special Projects Fund (Fund 4F2) up to 52967
\$5,000,000 of the unclaimed funds that have been reported by the 52968

holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section. 52969
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Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2007, shall transfer to the State Special Projects Fund (Fund 4F2) up to \$5,000,000 of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section. 52972
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Section 206.03. OBD OHIO BOARD OF DIETETICS

General Services Fund Group 52981
4K9 860-609 Operating Expenses \$ 332,495 \$ 0 52982
TOTAL GSF General Services Fund 52983
Group \$ 332,495 \$ 0 52984
TOTAL ALL BUDGET FUND GROUPS \$ 332,495 \$ 0 52985

Section 206.06. CDR COMMISSION ON DISPUTE RESOLUTION AND CONFLICT MANAGEMENT

General Revenue Fund 52989
GRF 145-401 Commission on Dispute \$ 470,000 \$ 470,000 52990
Resolution/Management
TOTAL GRF General Revenue Fund \$ 470,000 \$ 470,000 52991
General Services Fund Group 52992
4B6 145-601 Gifts and Grants \$ 140,000 \$ 140,000 52993
TOTAL GSF General Services Fund \$ 140,000 \$ 140,000 52994
Group
Federal Special Revenue Fund Group 52995
3S6 145-602 Dispute Resolution: \$ 140,000 \$ 140,000 52996

Federal			
TOTAL FED Federal Special Revenue	\$	140,000	\$ 140,000 52997
Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$	750,000	\$ 750,000 52998
Section 206.09. EDU DEPARTMENT OF EDUCATION			53000
General Revenue Fund			53001
GRF 200-100 Personal Services	\$	11,311,314	\$ 11,311,314 53002
GRF 200-320 Maintenance and Equipment	\$	4,996,249	\$ 4,996,249 53003
GRF 200-408 Early Childhood Education	\$	19,002,195	\$ 19,002,195 53004
GRF 200-410 Educator Training	\$	24,131,557	\$ 24,531,557 53005
GRF 200-420 Computer/Application/ Network Development	\$	5,361,525	\$ 5,361,525 53006
GRF 200-421 Alternative Education Programs	\$	13,391,162	\$ 13,391,162 53007
GRF 200-422 School Management Assistance	\$	2,683,208	\$ 2,710,572 53008
GRF 200-424 Policy Analysis	\$	556,687	\$ 556,687 53009
GRF 200-425 Tech Prep Consortia Support	\$	2,069,217	\$ 2,069,217 53010
GRF 200-426 Ohio Educational Computer Network	\$	29,676,964	\$ 29,676,964 53011
GRF 200-427 Academic Standards	\$	14,440,753	\$ 14,512,181 53012
GRF 200-431 School Improvement Initiatives	\$	19,862,484	\$ 23,191,663 53013
GRF 200-433 Reading/Writing Improvement-Professional Development	\$	15,400,000	\$ 15,400,000 53014
GRF 200-437 Student Assessment	\$	63,445,234	\$ 69,011,935 53015
GRF 200-439 Accountability/Report Cards	\$	3,878,850	\$ 6,457,290 53016

GRF 200-442	Child Care Licensing	\$	1,302,495	\$	1,302,495	53017
GRF 200-445	OhioReads Volunteer Support	\$	3,905,000	\$	3,905,000	53018
GRF 200-446	Education Management Information System	\$	15,674,805	\$	15,674,805	53019
GRF 200-447	GED Testing	\$	1,544,360	\$	1,544,360	53020
GRF 200-448	Educator Preparation	\$	1,651,000	\$	1,651,000	53021
GRF 200-455	Community Schools	\$	3,942,094	\$	3,942,094	53022
GRF 200-502	Pupil Transportation	\$	412,330,728	\$	420,577,343	53023
GRF 200-503	Bus Purchase Allowance	\$	8,600,000	\$	0	53024
GRF 200-505	School Lunch Match	\$	8,998,025	\$	8,998,025	53025
GRF 200-509	Adult Literacy Education	\$	8,539,738	\$	8,539,738	53026
GRF 200-511	Auxiliary Services	\$	130,103,294	\$	133,095,669	53027
GRF 200-514	Postsecondary Adult Career-Technical Education	\$	19,481,875	\$	19,481,875	53028
GRF 200-521	Gifted Pupil Program	\$	47,474,068	\$	47,721,293	53029
GRF 200-530	Ohio Choice Scholarships	\$	0	\$	9,000,000	53030
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$	56,762,916	\$	58,068,463	53031
GRF 200-540	Special Education Enhancements	\$	133,204,606	\$	134,465,125	53032
GRF 200-545	Career-Technical Education Enhancements	\$	10,169,442	\$	9,225,569	53033
GRF 200-550	Foundation Funding	\$	5,560,420,663	\$	5,689,371,366	53034
GRF 200-558	Emergency Loan Interest Subsidy	\$	1,388,164	\$	651,404	53035
GRF 200-566	Reading/Writing Improvement-Classroom Grants	\$	12,062,336	\$	12,062,336	53036

GRF 200-578	Safe and Supportive Schools	\$ 1,218,555	\$ 1,218,555	53037
GRF 200-901	Property Tax Allocation - Education	\$ 764,626,987	\$ 728,793,318	53038
GRF 200-906	Tangible Tax Exemption - Education	\$ 42,830,487	\$ 32,122,865	53039
TOTAL GRF	General Revenue Fund	\$ 7,476,439,037	\$ 7,583,593,209	53040
	General Services Fund Group			53041
138 200-606	Computer Services-Operational Support	\$ 7,600,091	\$ 7,600,091	53042
4D1 200-602	Ohio Prevention/Education Resource Center	\$ 832,000	\$ 832,000	53043
4L2 200-681	Teacher Certification and Licensure	\$ 5,497,158	\$ 5,628,332	53044
452 200-638	Miscellaneous Educational Services	\$ 400,000	\$ 400,000	53045
5H3 200-687	School District Solvency Assistance	\$ 18,000,000	\$ 18,000,000	53046
596 200-656	Ohio Career Information System	\$ 529,761	\$ 529,761	53047
TOTAL GSF	General Services Fund Group	\$ 32,859,010	\$ 32,990,184	53048
	Federal Special Revenue Fund Group			53050
3AF 200-603	Schools Medicaid Administrative Claims	\$ 10,000,000	\$ 10,000,000	53051
3C5 200-661	Early Childhood Education	\$ 23,874,338	\$ 23,874,338	53052
3D1 200-664	Drug Free Schools	\$ 13,347,966	\$ 13,347,966	53053
3D2 200-667	Honors Scholarship Program	\$ 5,812,903	\$ 5,833,965	53054

3H9	200-605	Head Start Collaboration Project	\$	275,000	\$	275,000	53055
3L6	200-617	Federal School Lunch	\$	204,256,132	\$	211,583,653	53056
3L7	200-618	Federal School Breakfast	\$	46,382,851	\$	48,405,608	53057
3L8	200-619	Child/Adult Food Programs	\$	66,590,622	\$	67,915,843	53058
3L9	200-621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701	53059
3M0	200-623	ESEA Title 1A	\$	440,260,178	\$	461,026,070	53060
3M1	200-678	Innovative Education	\$	11,800,000	\$	11,800,000	53061
3M2	200-680	Ind W/Disab Education Act	\$	513,058,569	\$	605,581,547	53062
3S2	200-641	Education Technology	\$	20,800,000	\$	20,800,000	53063
3T4	200-613	Public Charter Schools	\$	13,500,000	\$	13,000,000	53064
3U2	200-662	Teacher Quality Enhancement Grants	\$	795,280	\$	795,280	53065
3Y2	200-688	21st Century Community Learning Centers	\$	30,681,554	\$	30,681,554	53066
3Y4	200-632	Reading First	\$	31,215,798	\$	31,215,798	53067
3Y6	200-635	Improving Teacher Quality	\$	107,000,000	\$	107,000,000	53068
3Y7	200-689	English Language Acquisition	\$	7,500,000	\$	8,000,000	53069
3Y8	200-639	Rural and Low Income	\$	1,700,000	\$	1,700,000	53070
3Z2	200-690	State Assessments	\$	12,681,031	\$	12,883,799	53071
3Z3	200-645	Consolidated USDE Administration	\$	9,200,000	\$	9,200,000	53072
309	200-601	Educationally Disadvantaged	\$	19,658,846	\$	19,658,846	53073
366	200-604	Adult Basic Education	\$	18,500,000	\$	18,500,000	53074
367	200-607	School Food Services	\$	11,383,637	\$	11,666,732	53075
368	200-614	Veterans' Training	\$	672,961	\$	691,130	53076

369	200-616	Career-Tech Education	\$	6,500,000	\$	6,500,000	53077
		Federal Enhancement					
370	200-624	Education of	\$	2,386,610	\$	2,386,610	53078
		Exceptional Children					
371	200-631	EEO Title IV	\$	400,000	\$	400,000	53079
374	200-647	Troops to Teachers	\$	400,000	\$	400,000	53080
378	200-660	Math/Science	\$	1,200,000	\$	1,200,000	53081
		Technology Investments					
TOTAL FED Federal Special							53082
Revenue Fund Group			\$	1,679,863,977	\$	1,804,353,440	53083
State Special Revenue Fund Group							53084
4R7	200-695	Indirect Cost Recovery	\$	5,382,864	\$	5,449,748	53085
4V7	200-633	Interagency Support	\$	500,000	\$	500,000	53086
454	200-610	Guidance and Testing	\$	400,000	\$	400,000	53087
455	200-608	Commodity Foods	\$	24,000,000	\$	24,000,000	53088
5BB	200-696	State Action for	\$	1,200,000	\$	1,200,000	53089
		Education Leadership					
5BJ	200-626	Half-Mill Maintenance	\$	0	\$	10,700,000	53090
		Equalization					
5U2	200-685	National Education	\$	200,000	\$	200,000	53091
		Statistics					
5W2	200-663	Early Learning	\$	96,580,000	\$	115,456,000	53092
		Initiative					
598	200-659	Auxiliary Services	\$	1,328,910	\$	1,328,910	53093
		Reimbursement					
620	200-615	Educational Grants	\$	1,000,000	\$	1,000,000	53094
TOTAL SSR State Special Revenue							53095
Fund Group			\$	130,591,774	\$	160,234,658	53096
Lottery Profits Education Fund Group							53097
017	200-612	Base Cost Funding	\$	606,208,300	\$	606,296,800	53098
017	200-682	Lease Rental Payment	\$	31,691,700	\$	31,603,200	53099
		Reimbursement					

TOTAL LPE Lottery Profits				53100
Education Fund Group	\$	637,900,000	\$ 637,900,000	53101
Revenue Distribution Fund Group				53102
047 200-900 School District	\$	28,800,000	\$ 220,800,000	53103
Property Tax				
Replacement-Business				
053 200-900 School District	\$	116,647,522	\$ 101,647,522	53104
Property Tax				
Replacement-Utility				
TOTAL RDF Revenue Distribution				53105
Fund Group	\$	145,447,522	\$ 322,447,522	53106
TOTAL ALL BUDGET FUND GROUPS	\$10,103,101,320		\$10,541,519,013	53107

Section 206.09.03. PERSONAL SERVICES 53109

Of the foregoing appropriation item 200-100, Personal 53110
 Services, \$1,581,181 in each fiscal year shall be used by the 53111
 Department of Education to provide vocational administration 53112
 matching funds under 20 U.S.C. 2311. 53113

MAINTENANCE AND EQUIPMENT 53114

Of the foregoing appropriation item 200-320, Maintenance and 53115
 Equipment, up to \$25,000 may be expended in each fiscal year for 53116
 State Board of Education out-of-state travel. 53117

Of the foregoing appropriation item 200-320, Maintenance and 53118
 Equipment, \$652,014 in each fiscal year shall be used by the 53119
 Department of Education to provide vocational administration 53120
 matching funds under 20 U.S.C. 2311. 53121

Section 206.09.06. EARLY CHILDHOOD EDUCATION 53122

The Department of Education shall distribute the foregoing 53123
 appropriation item 200-408, Early Childhood Education, to pay the 53124
 costs of comprehensive early childhood education programs. As used 53125

in this section, "provider" means a city, local, exempted village, 53126
or joint vocational school district, an educational service 53127
center, or any community-based entity licensed under sections 53128
3301.52 to 3301.59 or Chapter 5104. of the Revised Code with 53129
experience educating children. 53130

(A) In each fiscal year, up to two per cent of the total 53131
appropriation may be used by the Department for program support 53132
and technical assistance. The Department shall distribute the 53133
remainder of the appropriation in each fiscal year to serve 53134
children from families earning not more than 200 per cent of the 53135
federal poverty guidelines. 53136

(B) The Department shall provide an annual report to the 53137
Governor, the Speaker of the House of Representatives, and the 53138
President of the Senate and post the report to the Department's 53139
web site, regarding early childhood education programs operated 53140
under this section and the early learning program guidelines for 53141
school readiness. 53142

(C) For purposes of this section, "eligible child" means a 53143
child who is at least three years of age, is not of the age to be 53144
eligible for kindergarten, and whose family earns not more than 53145
200 per cent of the federal poverty guidelines. 53146

(D) After setting aside the amounts to make payments due from 53147
the previous fiscal year, in fiscal year 2006, the Department 53148
shall distribute funds first to recipients of funds for public 53149
preschool programs under Section 41.02 of Am. Sub. H.B. 95 of the 53150
125th General Assembly in the previous fiscal year and the balance 53151
to new providers of early childhood education programs under this 53152
section. After setting aside the amounts to make payments due from 53153
the previous fiscal year, in fiscal year 2007, the Department 53154
shall distribute funds first to providers of early childhood 53155
education programs under this section in the previous fiscal year 53156

and the balance to new providers. Awards under this section shall 53157
be distributed on a per-pupil basis, which the Department may 53158
adjust so that the per-pupil amount multiplied by the number of 53159
eligible children enrolled and receiving services, as defined by 53160
the Department, reported on the first day of December or the first 53161
business day following that date equals the amount allocated under 53162
division (A) of this section. The Department may increase the 53163
per-pupil amount by a reasonable percentage for inflation, to be 53164
determined by the Department. 53165

The Department may reallocate unobligated or unspent money to 53166
participating providers for purposes of program expansion, 53167
improvement, or special projects to promote quality and 53168
innovation. 53169

(E) Costs for developing and administering an early childhood 53170
education program may not exceed fifteen per cent of the total 53171
approved costs of the program. 53172

All providers shall maintain such fiscal control and 53173
accounting procedures as may be necessary to ensure the 53174
disbursement of, and accounting for, these funds. The control of 53175
funds provided in this program, and title to property obtained 53176
therefrom, shall be under the authority of the approved provider 53177
for purposes provided in the program unless, as described in 53178
division (I) of this section, the program waives its right for 53179
funding or a program's funding is eliminated or reduced due to its 53180
inability to meet financial or early learning program guidelines 53181
for school readiness. The approved provider shall administer and 53182
use such property and funds for the purposes specified. 53183

(F) The Department may examine a provider's financial and 53184
program records. If the financial practices of the program are not 53185
in accordance with standard accounting principles or do not meet 53186
financial standards outlined under division (E) of this section, 53187

or if the program fails to substantially meet the early learning
program guidelines for school readiness or exhibits below average
performance as measured against the guidelines, the early
childhood education program shall propose and implement a
corrective action plan that has been approved by the Department.
The approved corrective action plan shall be signed by the chief
executive officer and the executive of the official governing body
of the provider. The corrective action plan shall include a
schedule for monitoring by the Department. Such monitoring may
include monthly reports, inspections, a timeline for correction of
deficiencies, and technical assistance to be provided by the
Department or obtained by the early childhood education program.
The Department may withhold funding pending corrective action. If
an early childhood education program fails to satisfactorily
complete a corrective action plan, the Department may deny
expansion funding to the program or withdraw all or part of the
funding to the program and establish a new provider through a
competitive bidding process established by the Department.

(G) Each early childhood education program shall do all of
the following:

(1) Meet teacher qualification requirements prescribed by
section 3301.311 of the Revised Code;

(2) Align curriculum to the early learning program guidelines
for school readiness;

(3) Meet any assessment requirements prescribed by section
3301.0715 of the Revised Code that are applicable to the program;

(4) Require teachers, including teachers enrolled and working
to obtain a degree pursuant to section 3301.311 of the Revised
Code, to attend a minimum of twenty hours per year of professional
development as prescribed by the Department regarding the
implementation of content standards and assessments;

(5) Document and report child progress in meeting the early learning program guidelines for school readiness. 53219
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(H) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than the federal poverty guidelines for the early childhood education program. 53221
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(I) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program guidelines for school readiness, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the competitive bidding process established by the Department. 53225
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(J) As used in this section, "early learning program guidelines for school readiness" means the guidelines established by the Department pursuant to division (C)(3) of Section 206.09.54 of this act. 53239
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Section 206.09.09. EDUCATOR TRAINING 53243

The foregoing appropriation item 200-410, Educator Training, shall be used to fund professional development programs in Ohio. The Department of Education shall, when possible, incorporate cultural competency as a component of professional development and actively promote the development of cultural competency in the 53244
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operation of its professional development programs. As used in 53249
this section, "cultural competency" has the meaning specified by 53250
the Educator Standards Board under section 3319.61 of the Revised 53251
Code. 53252

Of the foregoing appropriation item 200-410, Educator 53253
Training, up to \$7,850,000 in fiscal year 2006 and up to 53254
\$8,250,000 in fiscal year 2007 shall be used by the Department of 53255
Education to provide grants to pay \$2,000 of the application fee 53256
in order to assist teachers from public and chartered nonpublic 53257
schools applying for the first time to the National Board for 53258
Professional Teaching Standards for professional teaching 53259
certificates or licenses that the board offers. This set aside 53260
shall also be used to recognize and reward teachers who become 53261
certified by the National Board for Professional Teaching 53262
Standards under section 3319.55 of the Revised Code. Up to 53263
\$300,000 in each fiscal year of this set aside may be used by the 53264
Department to pay for costs associated with activities to support 53265
candidates through the application and certification process. 53266

These moneys shall be used to pay up to the first 400 53267
applications in each fiscal year received by the Department. 53268

Of the foregoing appropriation item 200-410, Educator 53269
Training, up to \$9,515,817 in each fiscal year shall be allocated 53270
for entry year programs. These funds shall be used to support 53271
mentoring services and performance assessments of beginning 53272
teachers in school districts and chartered nonpublic schools. 53273

Of the foregoing appropriation item 200-410, Educator 53274
Training, up to \$250,000 in each fiscal year shall be used to 53275
provide technical assistance and grants for districts to develop 53276
local knowledge/skills-based compensation systems (Teacher 53277
Advancement Program). Each district receiving grants shall issue 53278
an annual report to the Department of Education detailing the use 53279

of the funds and the impact of the system developed by the 53280
district. 53281

Of the foregoing appropriation item 200-410, Educator 53282
Training, up to \$500,000 in each fiscal year shall be used for 53283
training and professional development of school administrators, 53284
school treasurers, and school business officials. 53285

Of the foregoing appropriation item 200-410, Educator 53286
Training, up to \$100,000 in each fiscal year shall be used by the 53287
Department of Education to develop a supply and demand report that 53288
describes the availability of quality educators and critical 53289
educator shortage areas in Ohio. 53290

Of the foregoing appropriation item 200-410, Educator 53291
Training, up to \$1,106,740 in each fiscal year shall be used for 53292
educator recruitment programs targeting shortage areas, including 53293
recruiting highly qualified minority candidates into teaching and 53294
recruiting prospective mathematics and science teachers. The funds 53295
also may be used to provide an alternative route to licensure for 53296
principals and other administrators. 53297

Of the foregoing appropriation item 200-410, Educator 53298
Training, up to \$375,000 in each fiscal year shall be used by the 53299
Department of Education to identify hard-to-staff schools and to 53300
provide incentives for highly qualified teachers to teach in these 53301
schools. Stipends shall be provided to teachers with at least 53302
three years of experience who teach in the areas of middle or high 53303
school mathematics or science. 53304

Of the foregoing appropriation item 200-410, Educator 53305
Training, up to \$63,000 in each fiscal year shall be used to 53306
support the Ohio University Leadership Program. 53307

Of the foregoing appropriation item 200-410, Educator 53308
Training, up to \$4,371,000 in each fiscal year shall be allocated 53309
by the Department of Education on a per pupil basis, to school 53310

districts in academic emergency or with a three-year average 53311
graduation rate of not more than seventy-five per cent. As used in 53312
this section, "three-year average" and "graduation rate" have the 53313
meanings specified in section 3302.01 of the Revised Code. These 53314
funds shall be used by the districts to provide an equivalent of 53315
five days of ongoing embedded professional development for 53316
classroom teachers who provide instruction in the subject areas of 53317
reading, writing, mathematics, science, or social studies to 53318
students enrolled in the ninth or tenth grade. This professional 53319
development shall focus on developing subject competency, 53320
developing cultural competency, developing skills for analyzing 53321
test data, and developing data-based intervention strategies to 53322
prepare students below grade level to pass the Ohio Graduation 53323
Test. Districts shall submit a research-based, professional 53324
development plan for five days of embedded professional 53325
development to the Department of Education prior to receiving 53326
funds. The plan shall detail how ninth and tenth grade teachers 53327
will learn and implement classroom strategies for students to 53328
reach state standards in mathematics, reading, writing, social 53329
studies, and science. 53330

Section 206.09.12. COMPUTER/APPLICATION/NETWORK DEVELOPMENT 53331

The foregoing appropriation item 200-420, 53332
Computer/Application/Network Development, shall be used to support 53333
the development and implementation of information technology 53334
solutions designed to improve the performance and services of the 53335
Department of Education. Funds may be used for personnel, 53336
maintenance, and equipment costs related to the development and 53337
implementation of these technical system projects. Implementation 53338
of these systems shall allow the Department to provide greater 53339
levels of assistance to school districts and to provide more 53340
timely information to the public, including school districts, 53341

administrators, and legislators.

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ALTERNATIVE EDUCATION PROGRAMS

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There is hereby created the Alternative Education Advisory Council, which shall consist of one representative from each of the following agencies: the Ohio Department of Education; the Department of Youth Services; the Ohio Department of Alcohol and Drug Addiction Services; the Department of Mental Health; the Office of the Governor or, at the Governor's discretion, the Office of the Lieutenant Governor; the Office of the Attorney General; and the Office of the Auditor of State.

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Of the foregoing appropriation item 200-421, Alternative Education Programs, up to \$6,302,310 in each fiscal year shall be used for the renewal of successful implementation grants and for competitive matching grants to the 21 urban school districts as defined in division (O) of section 3317.02 of the Revised Code as it existed prior to July 1, 1998, and up to \$6,408,074 in each fiscal year shall be used for the renewal of successful implementation grants and for competitive matching grants to rural and suburban school districts for alternative educational programs for existing and new at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are habitually truant or disruptive, or those on probation or on parole from a Department of Youth Services facility. Grants shall be awarded according to the criteria established by the Alternative Education Advisory Council in 1999. Grants shall be awarded only to programs in which the grant will not serve as the program's primary source of funding. These grants shall be administered by the Department of Education.

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The Department of Education may waive compliance with any

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minimum education standard established under section 3301.07 of 53373
the Revised Code for any alternative school that receives a grant 53374
under this section on the grounds that the waiver will enable the 53375
program to more effectively educate students enrolled in the 53376
alternative school. 53377

Of the foregoing appropriation item 200-421, Alternative 53378
Education Programs, up to \$422,281 in each fiscal year may be used 53379
for program administration, monitoring, technical assistance, 53380
support, research, and evaluation. Any unexpended balance may be 53381
used to provide additional matching grants to urban, suburban, or 53382
rural school districts as outlined above. 53383

Of the foregoing appropriation item 200-421, Alternative 53384
Education Programs, up to \$258,497 in each fiscal year shall be 53385
used to contract with the Center for Learning Excellence at The 53386
Ohio State University to provide technical support for the project 53387
and the completion of formative and summative evaluation of the 53388
grants. 53389

SCHOOL MANAGEMENT ASSISTANCE 53390

Of the foregoing appropriation item 200-422, School 53391
Management Assistance, up to \$1,315,000 in each fiscal year shall 53392
be used by the Auditor of State in consultation with the 53393
Department of Education for expenses incurred in the Auditor of 53394
State's role relating to fiscal caution, fiscal watch, and fiscal 53395
emergency activities as defined in Chapter 3316. of the Revised 53396
Code and may also be used to conduct performance audits consistent 53397
with the recommendations of the Governor's Blue Ribbon Task Force 53398
on Financing Student Success, with priority given to districts in 53399
fiscal distress. Expenses include duties related to the completion 53400
of performance audits for school districts that the Superintendent 53401
of Public Instruction determines are employing fiscal practices or 53402
experiencing budgetary conditions that could produce a state of 53403

fiscal watch or fiscal emergency.	53404
The remainder of foregoing appropriation item 200-422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal watch and fiscal emergency provisions under Chapter 3316. of the Revised Code.	53405 53406 53407 53408 53409 53410
POLICY ANALYSIS	53411
The foregoing appropriation item 200-424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. The database shall be kept current at all times. These research efforts shall be used to supply information and analysis of data to the General Assembly and other state policymakers, including the Office of Budget and Management and the Legislative Service Commission.	53412 53413 53414 53415 53416 53417 53418 53419 53420 53421 53422 53423 53424
The Department of Education may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers.	53425 53426 53427 53428 53429 53430 53431 53432
TECH PREP CONSORTIA SUPPORT	53433
The foregoing appropriation item 200-425, Tech Prep Consortia	53434

Support, shall be used by the Department of Education to support 53435
state-level activities designed to support, promote, and expand 53436
tech prep programs. Use of these funds shall include, but not be 53437
limited to, administration of grants, program evaluation, 53438
professional development, curriculum development, assessment 53439
development, program promotion, communications, and statewide 53440
coordination of tech prep consortia. 53441

OHIO EDUCATIONAL COMPUTER NETWORK 53442

The foregoing appropriation item 200-426, Ohio Educational 53443
Computer Network, shall be used by the Department of Education to 53444
maintain a system of information technology throughout Ohio and to 53445
provide technical assistance for such a system in support of the 53446
State Education Technology Plan under section 3301.07 of the 53447
Revised Code. 53448

Of the foregoing appropriation item 200-426, Ohio Educational 53449
Computer Network, up to \$18,136,691 in each fiscal year shall be 53450
used by the Department of Education to support connection of all 53451
public school buildings and participating chartered nonpublic 53452
schools to the state's education network, to each other, and to 53453
the Internet. In each fiscal year the Department of Education 53454
shall use these funds to assist data acquisition sites or school 53455
districts with the operational costs associated with this 53456
connectivity. The Department of Education shall develop a formula 53457
and guidelines for the distribution of these funds to the data 53458
acquisition sites or individual school districts. As used in this 53459
section, "public school building" means a school building of any 53460
city, local, exempted village, or joint vocational school 53461
district, any community school established under Chapter 3314. of 53462
the Revised Code, any educational service center building used for 53463
instructional purposes, the Ohio School for the Deaf and the Ohio 53464
School for the Blind, or high schools chartered by the Ohio 53465
Department of Youth Services and high schools operated by Ohio 53466

Department of Rehabilitation and Corrections' Ohio Central School System.	53467 53468
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.	53469 53470 53471
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.	53472 53473 53474 53475 53476 53477 53478 53479 53480 53481
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 computer-based information and instructional systems. This technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and data acquisition sites may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the Department, may utilize the services of appropriate state purchasing agencies.	53482 53483 53484 53485 53486 53487 53488 53489 53490 53491 53492 53493
ACADEMIC STANDARDS	53494
Of the foregoing appropriation item 200-427, Academic Standards, up to \$2,547,912 in each fiscal year shall be used to provide funds to school districts that have one or more teachers	53495 53496 53497

participating in the teachers-on-loan program. 53498

Of the foregoing appropriation item 200-427, Academic 53499
Standards, \$150,000 in each fiscal year shall be used by the 53500
Department in combination with funding earmarked for this purpose 53501
in the Board of Regents' budget under appropriation item 235-321, 53502
Operating Expenses. Such funding shall be used to support Ohio's 53503
Partnership for Continued Learning at the direction of the Office 53504
of the Governor. Ohio's Partnership for Continued Learning 53505
replaces and broadens the former Joint Council of the Department 53506
of Education and the Board of Regents. The Partnership shall 53507
advise and make recommendations to promote collaboration among 53508
relevant state entities in an effort to help local communities 53509
develop coherent and successful "P-16" learning systems. The 53510
Governor, or the Governor's designee, shall serve as the 53511
chairperson. 53512

Of the foregoing appropriation item 200-427, Academic 53513
Standards, \$1,000,000 in each fiscal year shall be used for 53514
Project Lead the Way leadership and management oversight and 53515
initial and continuing support of Project Lead the Way workforce 53516
development programs in participating school districts. Project 53517
Lead the Way is a program that supports students interested in 53518
pursuing engineering professions and stimulates growth of career 53519
pathways that meet business and industry workforce needs. 53520

Of the foregoing appropriation item 200-427, Academic 53521
Standards, up to \$2,600,000 shall be used for intensive teacher 53522
professional development institutes that focus on classroom 53523
implementation of the mathematics standards. 53524

The remainder of appropriation item 200-427, Academic 53525
Standards, shall be used by the Department of Education to develop 53526
and communicate to school districts academic content standards and 53527
curriculum models. 53528

Section 206.09.15. SCHOOL IMPROVEMENT INITIATIVES 53529

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$14,972,949 in fiscal year 2006 and \$15,122,678 in fiscal year 2007 shall be used to provide technical assistance to school districts that are declared to be in a state of academic watch or academic emergency under section 3302.03 of the Revised Code, to provide support to districts in the development and implementation of their continuous improvement plans as required in section 3302.04 of the Revised Code, to support a statewide comprehensive system of field relations that support local educators' abilities to foster academic achievement in the students they serve, and to provide technical assistance and support in accordance with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. The field relations system shall include training that assists educators, school leadership, and technical assistance providers in understanding and implementing standards-based education, data analysis, and development of assessment systems for quality instruction.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$315,000 in each fiscal year shall be used to reduce the dropout rate by addressing the academic and social problems of inner-city students through Project GRAD.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$1,574,535 in fiscal year 2006 and \$2,753,985 in fiscal year 2007 shall be used in conjunction with funding provided in the Board of Regents' budget under appropriation item 235-434, College Readiness and Access, to create early college high schools, which are small, autonomous schools that blend high school and college into a coherent educational program.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$3,000,000 in fiscal year 2006 and up to \$5,000,000 in fiscal year 2007 shall be used in partnership with nonprofit groups with expertise in converting existing large urban high schools into small, personalized high schools. Districts eligible for such funding include the Urban 21 high schools, with priority given to those without other sources of funding for this initiative.

READING/WRITING IMPROVEMENT-PROFESSIONAL DEVELOPMENT 53568

Of the foregoing appropriation item 200-433, Reading/Writing Improvement-Professional Development, up to \$10,075,000 in each fiscal year shall be used for educator training in literacy for classroom teachers, administrators, and literacy specialists.

Of the foregoing appropriation item 200-433, Reading/Writing Improvement-Professional Development, up to \$5,000,000 in each fiscal year shall be used to support literacy professional development partnerships between the Department of Education, higher education institutions, literacy networks, and school districts.

The remainder of appropriation item 200-433, Reading/Writing Improvement-Professional Development, shall be used by the Department of Education to provide administrative support of literacy professional development programs.

STUDENT ASSESSMENT 53583

The foregoing appropriation item 200-437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710 and 3301.0711 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code.

ACCOUNTABILITY/REPORT CARDS 53590

Of the foregoing appropriation item 200-439, 53591
Accountability/Report Cards, up to \$200,100 in fiscal year 2006 53592
and up to \$2,778,540 in fiscal year 2007 shall be used by the 53593
Department of Education to incorporate a statewide pilot 53594
value-added progress dimension into performance ratings for school 53595
districts and to train regional specialists. This funding shall be 53596
used in consultation with a credible nonprofit organization with 53597
expertise in value-added program dimensions. 53598

The remainder of the appropriation item 200-439, 53599
Accountability/Report Cards, shall be used for the development of 53600
an accountability system that includes the preparation and 53601
distribution of school report cards under section 3302.03 of the 53602
Revised Code. 53603

CHILD CARE LICENSING 53604

The foregoing appropriation item 200-442, Child Care 53605
Licensing, shall be used by the Department of Education to license 53606
and to inspect preschool and school-age child care programs under 53607
sections 3301.52 to 3301.59 of the Revised Code. 53608

OHIOREADS VOLUNTEER SUPPORT 53609

The foregoing appropriation item 200-445, OhioReads Volunteer 53610
Support, may be allocated by the Department of Education for 53611
volunteer coordinators in public school buildings, for background 53612
checks for volunteers, to evaluate programs, and to develop, 53613
implement, and support literacy improvement activities and 53614
interventions for students in grades kindergarten through twelve. 53615

Section 206.09.18. EDUCATION MANAGEMENT INFORMATION SYSTEM 53616

The foregoing appropriation item 200-446, Education 53617
Management Information System, shall be used by the Department of 53618
Education to improve the Education Management Information System 53619

(EMIS). 53620

Of the foregoing appropriation item 200-446, Education 53621
Management Information System, up to \$1,295,857 in each fiscal 53622
year shall be distributed to designated data acquisition sites for 53623
costs relating to processing, storing, and transferring data for 53624
the effective operation of the EMIS. These costs may include, but 53625
are not limited to, personnel, hardware, software development, 53626
communications connectivity, professional development, and support 53627
services, and to provide services to participate in the State 53628
Education Technology Plan pursuant to section 3301.07 of the 53629
Revised Code. 53630

Of the foregoing appropriation item 200-446, Education 53631
Management Information System, up to \$8,055,189 in each fiscal 53632
year shall be distributed on a per-pupil basis to school 53633
districts, community schools established under Chapter 3314. of 53634
the Revised Code, education service centers, joint vocational 53635
school districts, and any other education entity that reports data 53636
through EMIS. From this funding, each school district or community 53637
school established under Chapter 3314. of the Revised Code with 53638
enrollment greater than 100 students and each vocational school 53639
district shall receive a minimum of \$5,000 in each fiscal year. 53640
Each school district or community school established under Chapter 53641
3314. of the Revised Code with enrollment between one and one 53642
hundred and each education service center and each county board of 53643
MR/DD that submits data through EMIS shall receive \$3,000 in each 53644
fiscal year. This subsidy shall be used for costs relating to 53645
reporting, processing, storing, transferring, and exchanging data 53646
necessary to meet requirements of the Department of Education's 53647
data system. 53648

The remainder of appropriation item 200-446, Education 53649
Management Information System, shall be used to develop and 53650
support a common core of data definitions and standards as adopted 53651

by the Education Data Advisory Council, including the ongoing
development and maintenance of the data dictionary and data
warehouse. In addition, such funds shall be used to support the
development and implementation of data standards and the design,
development, and implementation of a new data exchange system.

Any provider of software meeting the standards approved by
the Education Data Advisory Council shall be designated as an
approved vendor and may enter into contracts with local school
districts, community schools, data acquisition centers, or other
educational entities for the purpose of collecting and managing
data required under Ohio's education management information system
(EMIS) laws. On an annual basis, the Department of Education shall
convene an advisory group of school districts, community schools,
and other education-related entities to review the Education
Management Information System data definitions and data format
standards. The advisory group shall recommend changes and
enhancements based upon surveys of its members, education agencies
in other states, and current industry practices, to reflect best
practices, align with federal initiatives, and meet the needs of
school districts.

School districts and community schools not implementing a
common and uniform set of data definitions and data format
standards for Education Management Information System purposes
shall have all EMIS funding withheld until they are in compliance.

GED TESTING

The foregoing appropriation item 200-447, GED Testing, shall
be used to provide General Educational Development (GED) testing
at no cost to applicants, under rules adopted by the State Board
of Education. The Department of Education shall reimburse school
districts and community schools, created under Chapter 3314. of
the Revised Code, for a portion of the costs incurred in providing

summer instructional or intervention services to students who have not graduated because of their inability to pass one or more parts of the state's Ohio Graduation Test or ninth grade proficiency test. School districts shall also provide such services to students who are residents of the district under section 3313.64 of the Revised Code, but who are enrolled in chartered, nonpublic schools. The services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off the nonpublic school premises. No school district shall provide summer instructional or intervention services to nonpublic school students as authorized by this section unless such services are available to students attending the public schools within the district. No school district shall provide services for use in religious courses, devotional exercises, religious training, or any other religious activity. Chartered, nonpublic schools shall pay for any unreimbursed costs incurred by school districts for providing summer instruction or intervention services to students enrolled in chartered, nonpublic schools. School districts may provide these services to students directly or contract with postsecondary or nonprofit community-based institutions in providing instruction.

EDUCATOR PREPARATION

Of the foregoing appropriation item 200-448, Educator Preparation, \$100,000 in each fiscal year shall be provided in conjunction with funding in the Board of Regents' budget under appropriation item 235-435, Teacher Improvement Initiatives, to the Teacher Quality Partnership project. The Teacher Quality Partnership is a research consortium of Ohio's fifty colleges and universities providing teacher preparation programs. Funds shall be used to support a comprehensive longitudinal study of the preparation, in-school support, and effectiveness of Ohio teachers.

Of the foregoing appropriation item 200-448, Educator 53715
Preparation, up to \$1,551,000 in each fiscal year shall be used by 53716
the Department to support the Educator Standards Board under 53717
section 3319.61 of the Revised Code as it develops and recommends 53718
to the State Board of Education standards for educator training 53719
and standards for teacher and other school leadership positions. 53720

TITLE IV-A HEAD START AND TITLE IV-A HEAD START PLUS START UP 53721

Funds appropriated for the purpose of providing start up 53722
grants to Title IV-A Head Start and Title IV-A Head Start Plus 53723
agencies in fiscal year 2004 and fiscal year 2005 for the 53724
provision of services to children eligible for Title IV-A services 53725
under the Title IV-A Head Start or Title IV-A Head Start Plus 53726
programs shall be reimbursed to the General Revenue Fund when the 53727
Title IV-A Head Start or Title IV-A Head Start Plus programs cease 53728
to exist in fiscal year 2006 or are no longer funded from Title 53729
IV-A. 53730

Within ninety days after the effective date of this section, 53731
the Title IV-A Head Start agencies, the Title IV-A Head Start Plus 53732
agencies, and the Department of Education shall determine the 53733
outstanding amount remaining to be repaid for the start up grants, 53734
and, within ten days thereafter, the Title IV-A Head Start 53735
agencies and the Title IV-A Head Start Plus agencies shall pay 53736
this amount to the Department of Education for reimbursement to 53737
the General Revenue Fund. The Department of Education shall refer 53738
any amounts remaining due and payable to the state after that date 53739
to the Attorney General for collection under section 131.02 of the 53740
Revised Code. 53741

COMMUNITY SCHOOLS 53742

Of the foregoing appropriation item 200-455, Community 53743
Schools, up to \$1,308,661 in each fiscal year may be used by the 53744
Department of Education for additional services and 53745

responsibilities under section 3314.11 of the Revised Code. 53746

Of the foregoing appropriation item 200-455, Community 53747
Schools, up to \$225,000 in each fiscal year may be used by the 53748
Department of Education for developing and conducting training 53749
sessions for sponsors and prospective sponsors of community 53750
schools as prescribed in division (A)(1) of section 3314.015 of 53751
the Revised Code. In developing the training sessions, the 53752
Department shall collect and disseminate examples of best 53753
practices used by sponsors of independent charter schools in Ohio 53754
and other states. 53755

The remaining appropriation may be used by the Department of 53756
Education to make grants of up to \$50,000 to each proposing group 53757
with a preliminary agreement obtained under division (C)(2) of 53758
section 3314.02 of the Revised Code in order to defray planning 53759
and initial start-up costs. In the first year of operation of a 53760
community school, the Department of Education may make a grant of 53761
not more than \$100,000 to the governing authority of the school to 53762
partially defray additional start-up costs. The amount of the 53763
grant shall be based on a thorough examination of the needs of the 53764
community school. The Department of Education shall not utilize 53765
moneys received under this section for any other purpose other 53766
than those specified under this section. 53767

A community school awarded start-up grants from appropriation 53768
item 200-613, Public Charter Schools (Fund 3T4), shall not be 53769
eligible for grants under this section. 53770

Section 206.09.21. PUPIL TRANSPORTATION 53771

Of the foregoing appropriation item 200-502, Pupil 53772
Transportation, up to \$822,400 in each fiscal year may be used by 53773
the Department of Education for training prospective and 53774
experienced school bus drivers in accordance with training 53775

programs prescribed by the Department. Up to \$58,115,428 in fiscal 53776
year 2006 and up to \$59,277,737 in fiscal year 2007 may be used by 53777
the Department of Education for special education transportation 53778
reimbursements to school districts and county MR/DD boards for 53779
transportation operating costs as provided in division (M) of 53780
section 3317.024 of the Revised Code. The remainder of 53781
appropriation item 200-502, Pupil Transportation, shall be used 53782
for the state reimbursement of public school districts' costs in 53783
transporting pupils to and from the school they attend in 53784
accordance with the district's policy, State Board of Education 53785
standards, and the Revised Code. 53786

Notwithstanding the distribution formula outlined in division 53787
(D) of section 3317.022 of the Revised Code, each school district 53788
shall receive an additional two per cent in state funding for 53789
transportation in fiscal year 2006 over what was received in 53790
fiscal year 2005. 53791

Notwithstanding the distribution formula outlined in division 53792
(D) of section 3317.022 of the Revised Code, each school district 53793
shall receive an additional two per cent in state funding for 53794
transportation in fiscal year 2007 over what was received in 53795
fiscal year 2006. 53796

In each fiscal year, the local share of transportation costs 53797
that is used in the calculation of the charge-off supplement and 53798
excess cost supplement shall continue to be calculated in 53799
accordance with the distribution formula outlined in division (D) 53800
of section 3317.022 of the Revised Code. 53801

The Department of Education shall recommend a new formula for 53802
allocating state funds for transportation costs. The Department 53803
shall submit the recommendation to the Director of Budget and 53804
Management, the Speaker of the House of Representatives, and the 53805
President of the Senate not later than July 1, 2006. 53806

School districts not receiving state funding for 53807
transportation in fiscal year 2005 under division (D) of section 53808
3317.022 of the Revised Code shall not receive state funding for 53809
transportation in fiscal year 2006 or fiscal year 2007. 53810

BUS PURCHASE ALLOWANCE 53811

The foregoing appropriation item 200-503, Bus Purchase 53812
Allowance, shall be distributed to school districts, educational 53813
service centers, and county MR/DD boards pursuant to rules adopted 53814
under section 3317.07 of the Revised Code. Up to 28 per cent of 53815
the amount appropriated may be used to reimburse school districts 53816
and educational service centers for the purchase of buses to 53817
transport handicapped and nonpublic school students and to county 53818
MR/DD boards, the Ohio School for the Deaf, and the Ohio School 53819
for the Blind for the purchase of buses to transport handicapped 53820
students. 53821

SCHOOL LUNCH MATCH 53822

The foregoing appropriation item 200-505, School Lunch Match, 53823
shall be used to provide matching funds to obtain federal funds 53824
for the school lunch program. 53825

Section 206.09.24. ADULT LITERACY EDUCATION 53826

The foregoing appropriation item 200-509, Adult Literacy 53827
Education, shall be used to support adult basic and literacy 53828
education instructional programs and the State Literacy Resource 53829
Center Program. 53830

Of the foregoing appropriation item 200-509, Adult Literacy 53831
Education, up to \$488,037 in each fiscal year shall be used for 53832
the support and operation of the State Literacy Resource Center. 53833

Of the foregoing appropriation item 200-509, Adult Literacy 53834
Education, up to \$175,000 in each fiscal year shall be used for 53835
state reimbursement to school districts for adult high school 53836

continuing education programs under section 3313.531 of the Revised Code or for costs associated with awarding adult high school diplomas under section 3313.611 of the Revised Code.

The remainder of the appropriation shall be used to continue to satisfy the state match and maintenance of effort requirements for the support and operation of the Department of Education-administered instructional grant program for adult basic and literacy education in accordance with the Department's state plan for adult basic and literacy education as approved by the State Board of Education and the Secretary of the United States Department of Education.

AUXILIARY SERVICES

The foregoing appropriation item 200-511, Auxiliary Services, shall be used by the Department of Education for the purpose of implementing section 3317.06 of the Revised Code. Of the appropriation, up to \$2,000,000 in each fiscal year may be used for payment of the Post-Secondary Enrollment Options Program for nonpublic students under section 3365.10 of the Revised Code.

POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION

The foregoing appropriation item 200-514, Postsecondary Adult Career-Technical Education, shall be used by the State Board of Education to provide postsecondary adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code.

Section 206.09.27. GIFTED PUPIL PROGRAM

The foregoing appropriation item 200-521, Gifted Pupil Program, shall be used for gifted education units not to exceed 1,110 in each fiscal year under division (P) of section 3317.024 and division (F) of section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200-521, Gifted Pupil Program, up to \$4,700,000 in each fiscal year may be used as an

additional supplement for identifying gifted students under 53867
Chapter 3324. of the Revised Code. 53868

Of the foregoing appropriation item 200-521, Gifted Pupil 53869
Program, the Department of Education may expend up to \$940,000 in 53870
each fiscal year for the Summer Honors Institute for gifted 53871
freshman and sophomore high school students. Up to \$564,000 in 53872
each fiscal year shall be used for research and demonstration 53873
initiatives. Up to \$65,800 in each fiscal year shall be used for 53874
the Ohio Summer School for the Gifted (Martin Essex Program). 53875

OHIO CHOICE SCHOLARSHIPS 53876

The foregoing appropriation item 200-530, Ohio Choice 53877
Scholarships, shall be used in fiscal year 2007 to fund Ohio 53878
choice scholarships under sections 3310.01 to 3310.09 of the 53879
Revised Code. 53880

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 53881

The foregoing appropriation item 200-532, Nonpublic 53882
Administrative Cost Reimbursement, shall be used by the Department 53883
of Education for the purpose of implementing section 3317.063 of 53884
the Revised Code. 53885

Section 206.09.30. SPECIAL EDUCATION ENHANCEMENTS 53886

Of the foregoing appropriation item 200-540, Special 53887
Education Enhancements, up to \$46,857,775 in fiscal year 2006 and 53888
up to \$47,326,353 in fiscal year 2007 shall be used to fund 53889
special education and related services at county boards of mental 53890
retardation and developmental disabilities for eligible students 53891
under section 3317.20 of the Revised Code and at institutions for 53892
eligible students under section 3317.201 of the Revised Code. 53893

Of the foregoing appropriation item 200-540, Special 53894
Education Enhancements, up to \$2,906,875 in each fiscal year shall 53895
be used for home instruction for children with disabilities; up to 53896

\$1,462,500 in each fiscal year shall be used for parent mentoring programs; and up to \$2,783,396 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$79,194,060 in fiscal year 2006 and up to \$79,986,001 in fiscal year 2007 shall be distributed by the Department of Education to county boards of mental retardation and developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units under section 3317.052 of the Revised Code. The Department may reimburse county boards of mental retardation and developmental disabilities, educational service centers, and school districts for related services as defined in rule 3301-51-11 of the Administrative Code, for preschool occupational and physical therapy services provided by a physical therapy assistant and certified occupational therapy assistant, and for an instructional assistant. To the greatest extent possible, the Department of Education shall allocate these units to school districts and educational service centers.

The Department of Education shall require school districts, educational service centers, and county MR/DD boards serving preschool children with disabilities to document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department.

Section 206.09.33. CAREER-TECHNICAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$2,436,070 in each fiscal year shall be used to fund career-technical education units at institutions.

Of the foregoing appropriation item 200-545, Career-Technical

Education Enhancements, up to \$2,621,507 in each fiscal year shall
be used by the Department of Education to fund competitive grants
to tech prep consortia that expand the number of students enrolled
in tech prep programs. These grant funds shall be used to directly
support expanded tech prep programs, including equipment, provided
to students enrolled in school districts, including joint
vocational school districts, and affiliated higher education
institutions.

Of the foregoing appropriation item 200-545, Career-Technical
Education Enhancements, \$943,873 in fiscal year 2006 shall be used
to provide an amount to each eligible school district for the
replacement or updating of equipment essential for the instruction
of students in job skills taught as part of a career-technical
program or programs approved for such instruction by the State
Board of Education. School districts replacing or updating
career-technical education equipment may purchase or lease such
equipment. The Department of Education shall review and approve
all equipment requests and may allot appropriated funds to
eligible school districts on the basis of the number of full-time
equivalent workforce development teachers in all eligible
districts making application for funds.

The State Board of Education may adopt standards of need for
equipment allocation. Pursuant to the adoption of any such
standards of need by the State Board of Education, appropriated
funds may be allotted to eligible districts according to such
standards. Equipment funds allotted under either process shall be
provided to a school district at 30, 40, or 50 per cent of cost on
the basis of a rating developed by the Department of Education
using the state share percentage as provided in division (B)(2) of
section 3317.022 of the Revised Code.

Of the foregoing appropriation item 200-545, Career-Technical
Education Enhancements, up to \$3,431,000 in each fiscal year shall

be used by the Department of Education to support existing High Schools That Work (HSTW) sites, develop and support new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. HSTW provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$466,992 in each fiscal year shall be allocated for the Ohio Career Information System (OCIS) and used for the dissemination of career information data to public schools, libraries, rehabilitation centers, two- and four-year colleges and universities, and other governmental units.

Of the foregoing appropriation item 200-545, Career-Technical Educational Enhancements, up to \$270,000 in each fiscal year shall be used by the Department of Education to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department of Education shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the \$270,000 set aside.

Section 206.09.36. FOUNDATION FUNDING

The foregoing appropriation item 200-550, Foundation Funding, includes \$85,000,000 in each fiscal year for the state education aid offset due to the change in public utility valuation as a result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd General Assembly. This amount represents the total state education

aid offset due to the valuation change for school districts and 53990
joint vocational school districts from all relevant appropriation 53991
line item sources. Upon certification by the Department of 53992
Education, in consultation with the Department of Taxation, to the 53993
Director of Budget and Management of the actual state aid offset, 53994
the cash transfer from fund 053, appropriation item 200-900, 53995
School District Property Tax Replacement - Utility, shall be 53996
decreased or increased by the Director of Budget and Management to 53997
match the certification in accordance with section 5727.84 of the 53998
Revised Code. 53999

Of the foregoing appropriation item 200-550, Foundation 54000
Funding, up to \$425,000 shall be expended in each fiscal year for 54001
court payments under section 2151.357 of the Revised Code; an 54002
amount shall be available in each fiscal year for the cost of 54003
reappraisal guarantee under section 3317.04 of the Revised Code; 54004
an amount shall be available in each fiscal year to fund up to 225 54005
full-time equivalent approved GRADS teacher grants under division 54006
(R) of section 3317.024 of the Revised Code; an amount shall be 54007
available in each fiscal year to make payments to school districts 54008
under division (A)(2) of section 3317.022 of the Revised Code; an 54009
amount shall be available in each fiscal year to make payments to 54010
school districts under division (F) of section 3317.022 of the 54011
Revised Code; an amount shall be available in each fiscal year to 54012
make payments to school districts under division (C) of section 54013
3317.0212 of the Revised Code; and up to \$30,000,000 in each 54014
fiscal year shall be reserved for payments under sections 54015
3317.026, 3317.027, and 3317.028 of the Revised Code except that 54016
the Controlling Board may increase the \$30,000,000 amount if 54017
presented with such a request from the Department of Education. Of 54018
the foregoing appropriation item 200-550, Foundation Funding, up 54019
to \$18,000,000 in fiscal year 2006 and up to \$19,000,000 in fiscal 54020
year 2007 shall be used to provide additional state aid to school 54021

districts for special education students under division (C)(3) of 54022
section 3317.022 of the Revised Code; up to \$2,000,000 in each 54023
fiscal year shall be reserved for Youth Services tuition payments 54024
under section 3317.024 of the Revised Code; and up to \$52,000,000 54025
in each fiscal year shall be reserved to fund the state 54026
reimbursement of educational service centers under section 3317.11 54027
of the Revised Code and the section of this act entitled 54028
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 54029
available for special education weighted funding under division 54030
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 54031
of the Revised Code. 54032

Of the foregoing appropriation item 200-550, Foundation 54033
Funding, an amount shall be available in each fiscal year to be 54034
used by the Department of Education for transitional aid for 54035
school districts and joint vocational school districts. Funds 54036
shall be distributed under the sections of this act entitled 54037
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 54038
DISTRICTS" AND "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 54039
DISTRICTS." 54040

Of the foregoing appropriation item 200-550, Foundation 54041
Funding, up to \$1,000,000 in each fiscal year shall be used by the 54042
Department of Education for a program to pay for educational 54043
services for youth who have been assigned by a juvenile court or 54044
other authorized agency to any of the facilities described in 54045
division (A) of the section titled "Private Treatment Facility 54046
Project." 54047

Of the foregoing appropriation item 200-550, Foundation 54048
Funding, up to \$3,700,000 in each fiscal year shall be used for 54049
school breakfast programs. Of this amount, up to \$900,000 shall be 54050
used in each fiscal year by the Department of Education for the 54051
purpose of increasing participation in child nutrition programs, 54052
particularly school breakfast and summer meals. The Department 54053

shall collaborate with the Children's Hunger Alliance in the 54054
outreach effort. The remainder of the appropriation shall be used 54055
to partially reimburse school buildings within school districts 54056
that are required to have a school breakfast program under section 54057
3313.813 of the Revised Code, at a rate decided by the Department. 54058

Of the foregoing appropriation item 200-550, Foundation 54059
Funding, up to \$7,300,000 in fiscal year 2006 and up to \$8,600,000 54060
in fiscal year 2007 shall be used to operate the school choice 54061
program in the Cleveland Municipal School District under sections 54062
3313.974 to 3313.979 of the Revised Code. 54063

Of the portion of the funds distributed to the Cleveland 54064
Municipal School District under this section, up to \$11,901,887 in 54065
each fiscal year shall be used to operate the school choice 54066
program in the Cleveland Municipal School District under sections 54067
3313.974 to 3313.979 of the Revised Code. 54068

The remaining portion of appropriation item 200-550, 54069
Foundation Funding, shall be expended for the public schools of 54070
city, local, exempted village, and joint vocational school 54071
districts, including base cost funding, special education speech 54072
service enhancement funding, career-technical education weight 54073
funding, career-technical education associated service funding, 54074
guarantee funding, teacher training and experience funding, 54075
poverty-based assistance, party aid, charge-off supplement, and 54076
excess cost supplement under sections 3317.022, 3317.023, 54077
3317.029, 3317.0212, 3317.0216, 3317.0217, and 3317.16 of the 54078
Revised Code. 54079

Appropriation items 200-502, Pupil Transportation, 200-521, 54080
Gifted Pupil Program, 200-540, Special Education Enhancements, and 54081
200-550, Foundation Funding, other than specific set-asides, are 54082
collectively used in each fiscal year to pay state formula aid 54083
obligations for school districts and joint vocational school 54084

districts under Chapter 3317. of the Revised Code. The first 54085
priority of these appropriation items, with the exception of 54086
specific set-asides, is to fund state formula aid obligations 54087
under Chapter 3317. of the Revised Code. It may be necessary to 54088
reallocate funds among these appropriation items or use excess 54089
funds from other general revenue fund appropriation items in the 54090
Department of Education's budget in each fiscal year, in order to 54091
meet state formula aid obligations. If it is determined that it is 54092
necessary to transfer funds among these appropriation items to 54093
meet state formula aid obligations, the Department of Education 54094
shall seek approval from the Controlling Board to transfer funds 54095
among these appropriation items. 54096

Section 206.09.39. TRANSITIONAL AID FOR CITY, LOCAL, AND 54097
EXEMPTED VILLAGE SCHOOL DISTRICTS 54098

(A) The Department of Education shall distribute funds within 54099
appropriation item 200-550, Foundation Funding, for transitional 54100
aid in each fiscal year to each qualifying city, local, and 54101
exempted village school district. 54102

(1) In fiscal year 2006, the Department shall pay 54103
transitional aid to each city, local, or exempted village school 54104
district that experiences any decrease in its fiscal year 2006 54105
SF-3 funding plus charge-off supplement from its fiscal year 2005 54106
SF-3 funding plus charge-off supplement. The amount of the 54107
transitional aid payment shall equal the difference between the 54108
district's fiscal year 2006 SF-3 funding plus charge-off 54109
supplement and its fiscal year 2005 SF-3 funding plus charge-off 54110
supplement. 54111

(2) In fiscal year 2007, the Department shall pay 54112
transitional aid to each city, local, and exempted village school 54113
district that experiences a decrease in its fiscal year 2007 SF-3 54114
funding plus charge-off supplement exceeding 2% of its fiscal year 54115

2006 SF-3 funding plus charge-off supplement. The Department shall
distribute to each such district transitional aid in an amount to
reduce the decrease to 2% of the district's fiscal year 2006 SF-3
funding plus charge-off supplement.

(B)(1) Subject to divisions (B)(2) and (3) of this section,
the "SF-3 funding plus charge-off supplement" for each city,
local, and exempted village school district in fiscal years 2006
and 2007 equals the sum of the following:

(a) Base-cost funding under division (A) of section 3317.022
of the Revised Code;

(b) Special education and related services additional
weighted funding under division (C)(1) of section 3317.022 of the
Revised Code;

(c) Speech services funding under division (C)(4) of section
3317.022 of the Revised Code;

(d) Vocational education additional weighted funding under
division (E) of section 3317.022 of the Revised Code;

(e) GRADS funding under division (R) of section 3317.024 of
the Revised Code;

(f) Adjustments for classroom teachers and educational
service personnel under divisions (B), (C), and (D) of section
3317.023 of the Revised Code;

(g) Poverty-Based Assistance under section 3317.029 of the
Revised Code;

(h) Gifted education units under section 3317.05 of the
Revised Code;

(i) Transportation under the section of this act entitled
"PUPIL TRANSPORTATION";

(j) The state aid guarantee under section 3317.0212 of the

Revised Code;	54145
(k) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	54146 54147
(l) Parity aid under section 3317.0217 of the Revised Code;	54148
(m) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	54149 54150
(n) The charge-off supplement under section 3317.0216 of the Revised Code.	54151 54152
(2) For purposes of calculating transitional aid in fiscal year 2006, a district's fiscal year 2005 SF-3 funding plus charge-off supplement is the sum of the amounts described in divisions (A) to (O) of Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended, plus any transitional aid paid to the district under that section, that the district actually received in fiscal year 2005. For purposes of calculating transitional aid in 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 (n) of this section, plus any transitional aid paid to the district under this section, that the district actually received in fiscal year 2006.	54153 54154 54155 54156 54157 54158 54159 54160 54161 54162 54163 54164
(3) The SF-3 funding plus charge-off supplement in each fiscal year for each district is the sum of the amounts specified in divisions (B)(1)(a) to (n) and (B)(2) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code.	54165 54166 54167 54168 54169
(C)(1) When calculating the reappraisal guarantee under division (C) or (D) of section 3317.04 of the Revised Code in fiscal year 2006, the Department shall include in a school district's fiscal year 2005 payments any transitional aid paid to the district in fiscal year 2005 under Section 41.37 of Am. Sub.	54170 54171 54172 54173 54174

H.B. 95 of the 125th General Assembly, as amended.	54175
(2) When calculating the reappraisal guarantee under division (C) or (D) of section 3317.04 of the Revised Code in fiscal year 2007, the Department shall include in a school district's fiscal year 2006 payments any transitional aid paid to the district in fiscal year 2006 under this section.	54176 54177 54178 54179 54180
(3) When calculating the reappraisal guarantee under division (C) or (D) of section 3317.04 of the Revised Code in fiscal year 2008, the Department shall include in a school district's fiscal year 2007 payments any transitional aid paid to the district in fiscal year 2007 under this section.	54181 54182 54183 54184 54185
Section 206.09.42. TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS	54186 54187
(A) The Department of Education shall distribute funds within 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 exceeding 5% of its joint vocational funding from the previous fiscal year. The Department shall distribute to each such district transitional aid in an amount to reduce the decrease to 5% of the district's joint vocational funding from the previous fiscal year.	54188 54189 54190 54191 54192 54193 54194 54195 54196
(B)(1) Subject to divisions (B)(2) and (3) of this section, a district's joint vocational funding equals the sum of the following:	54197 54198 54199
(a) Base-cost funding under division (B) of section 3317.16 of the Revised Code;	54200 54201
(b) Special education and related services additional weighted funding under division (D)(1) of section 3317.16 of the Revised Code;	54202 54203 54204

(c) Speech services funding under division (D)(2) of section 54205
3317.16 of the Revised Code; 54206

(d) Vocational education additional weighted funding under 54207
division (C) of section 3317.16 of the Revised Code; 54208

(e) GRADS funding under division (R) of section 3317.024 of 54209
the Revised Code; 54210

(f) The state aid guarantee under division (H) of section 54211
3317.16 of the Revised Code. 54212

(2) For purposes of calculating transitional aid in fiscal 54213
year 2007, a district's fiscal year 2006 joint vocational funding 54214
is the sum of the amounts described in divisions (B)(1)(a) to (f) 54215
of this section, plus any transitional aid paid to the district 54216
under this section, that the district actually received in fiscal 54217
year 2006. 54218

(3) The joint vocational funding in each fiscal year for each 54219
district is the sum of the amounts specified in divisions 54220
(B)(1)(a) to (f) and (B)(2) of this section less any general 54221
revenue fund spending reductions ordered by the Governor under 54222
section 126.05 of the Revised Code. 54223

The Department of Education shall review district spending 54224
requirements as specified in section 3317.029 of the Revised Code 54225
and shall submit a report recommending modifications by July 1, 54226
2006. Copies of the report shall be provided to the Director of 54227
Budget and Management, the Speaker of the House of 54228
Representatives, and the President of the Senate. The 54229
recommendations shall include decreasing degrees of flexibility of 54230
spending for districts not meeting adequate progress standards as 54231
defined by the Department of Education. Recommendations shall also 54232
specifically review the definition of class size reduction in 54233
division (F)(3) of section 3317.029 of the Revised Code. The 54234
reports submitted by school districts under the section of this 54235

act entitled "INTERVENTION FUNDING" shall be used to inform these	54236
recommendations.	54237
EMERGENCY LOAN INTEREST SUBSIDY	54238
The foregoing appropriation item 200-558, Emergency Loan	54239
Interest Subsidy, shall be used to provide a subsidy to school	54240
districts receiving emergency school loans pursuant to section	54241
3313.484 of the Revised Code. The subsidy shall be used to pay	54242
these districts the difference between the amount of interest the	54243
district is paying on an emergency loan, and the interest that the	54244
district would have paid if the interest rate on the loan had been	54245
two per cent.	54246
Section 206.09.45. READING/WRITING IMPROVEMENT-CLASSROOM	54247
GRANTS	54248
The foregoing appropriation item 200-566, Reading/Writing	54249
Improvement-Classroom Grants, shall be disbursed by the Department	54250
of Education to provide reading improvement grants to public	54251
schools in city, local, and exempted village school districts;	54252
community schools; and educational service centers serving	54253
kindergarten through twelfth grade students to help struggling	54254
students improve their reading skills, improve reading outcomes in	54255
low-performing schools, and help close achievement gaps.	54256
SAFE AND SUPPORTIVE SCHOOLS	54257
Of the foregoing appropriation item 200-578, Safe and	54258
Supportive Schools, up to \$224,250 in each fiscal year shall be	54259
used to fund a safe school center to provide resources for parents	54260
and for school and law enforcement personnel.	54261
The remainder of the appropriation shall be distributed based	54262
on guidelines developed by the Department of Education to enhance	54263
school safety. The guidelines shall provide a list of	54264

research-based best practices and programs from which local 54265
grantees shall select based on local needs. These practices shall 54266
include, but not be limited to, school resource officers and safe 54267
and drug free school coordinators and social-emotional development 54268
programs. 54269

Section 206.09.48. PROPERTY TAX ALLOCATION - EDUCATION 54270

The Superintendent of Public Instruction shall not request, 54271
and the Controlling Board shall not approve, the transfer of funds 54272
from appropriation item 200-901, Property Tax Allocation - 54273
Education, to any other appropriation item. 54274

The appropriation item 200-901, Property Tax Allocation - 54275
Education, is appropriated to pay for the state's costs incurred 54276
because of the homestead exemption and the property tax rollback. 54277
In cooperation with the Department of Taxation, the Department of 54278
Education shall distribute these funds directly to the appropriate 54279
school districts of the state, notwithstanding sections 321.24 and 54280
323.156 of the Revised Code, which provide for payment of the 54281
homestead exemption and property tax rollback by the Tax 54282
Commissioner to the appropriate county treasurer and the 54283
subsequent redistribution of these funds to the appropriate local 54284
taxing districts by the county auditor. 54285

Appropriation item 200-906, Tangible Tax Exemption - 54286
Education, is appropriated to pay for the state's costs incurred 54287
because of the tangible personal property tax exemption required 54288
by division (C)(3) of section 5709.01 of the Revised Code. In 54289
cooperation with the Department of Taxation, the Department of 54290
Education shall distribute to each county treasurer the total 54291
amount appearing in the notification from the county treasurer 54292
under division (G) of section 321.24 of the Revised Code, for all 54293
school districts located in the county, notwithstanding section 54294

321.24 of the Revised Code insofar as it provides for payment of the \$10,000 tangible personal property tax exemption by the Tax Commissioner to the appropriate county treasurer for all local taxing districts located in the county. Pursuant to division (G) of section 321.24 of the Revised Code, the county auditor shall distribute the amount paid by the Department of Education among the appropriate school districts.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation items 200-901, Property Tax Allocation - Education, for the homestead exemption and the property tax rollback payments, and 200-906, Tangible Tax Exemption - Education, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are hereby appropriated.

Section 206.09.51. TEACHER CERTIFICATION AND LICENSURE

The foregoing appropriation item 200-681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities.

SCHOOL DISTRICT SOLVENCY ASSISTANCE

Of the foregoing appropriation item 200-687, School District Solvency Assistance, \$9,000,000 in each fiscal year shall be allocated to the School District Shared Resource Account and \$9,000,000 in each fiscal year shall be allocated to the

Catastrophic Expenditures Account. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H3).

Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H3) from any Department of Education-administered fund or the General Revenue Fund to maintain sufficient cash balances in the School District Solvency Assistance Fund (Fund 5H3) in fiscal years 2006 and 2007. Any funds transferred are hereby appropriated. The transferred funds may be used by the Department of Education to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director of Budget and Management shall notify the members of the Controlling Board of any such transfers.

READING FIRST

The foregoing appropriation item 200-632, Reading First, shall be used by school districts to administer federal diagnostic tests as well as other functions permitted by federal statute. Notwithstanding section 3301.079 of the Revised Code, federal diagnostic tests may be recognized as meeting the state diagnostic testing requirements outlined in section 3301.079 of the Revised Code.

HALF-MILL MAINTENANCE EQUALIZATION

The foregoing appropriation item 200-626, Half-Mill Maintenance Equalization, shall be used in fiscal year 2007 to make payments pursuant to section 3318.111 of the Revised Code.

Section 206.09.54. EARLY LEARNING INITIATIVE

(A) As used in this section:

(1) "Title IV-A services" means benefits and services that are allowable under Title IV-A of the "Social Security Act," as specified in 42 U.S.C. 604(a), except that they shall not be benefits and services included in the term "assistance" as defined in 45 C.F.R. 260.31(a) and shall be benefits and services that are excluded from the definition of the term "assistance" under 45 C.F.R. 260.31(b).

(2) "Title IV-A funds" means funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(3) "Child day-care" has the same meaning as in section 5104.01 of the Revised Code.

(4) "Eligible child" means a child eligible for Title IV-A services.

(5) "Early learning program" means a program for eligible children that is funded with Title IV-A funds and provides Title IV-A services that are also early learning services, as defined by the Department of Education pursuant to division (C)(1) of this section.

(6) "Early learning provider" means an entity that is receiving Title IV-A funds to operate an early learning program.

(7) "Early learning agency" means an early learning provider or an entity that has entered into an agreement with an early

learning provider requiring the early learning provider to operate 54385
an early learning program on behalf of the entity. 54386

(B) The Early Learning Initiative is hereby established. The 54387
Initiative shall be administered by the Department of Education 54388
and the Department of Job and Family Services in accordance with 54389
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 54390
shall provide early learning programs and child day-care to 54391
eligible children. 54392

(C) The Department of Education shall do all of the 54393
following: 54394

(1) Define the early learning services that will be provided 54395
to eligible children through the Early Learning Initiative; 54396

(2) In consultation with the Department of Job and Family 54397
Services, develop an application form and criteria for the 54398
selection of early learning agencies. The criteria shall require 54399
an early learning agency, or each early learning provider with 54400
which the agency has entered into an agreement for the operation 54401
of an early learning program on the agency's behalf, to be 54402
licensed or certified by the Department of Education under 54403
sections 3301.52 to 3301.59 of the Revised Code or by the 54404
Department of Job and Family Services under Chapter 5104. of the 54405
Revised Code. 54406

(3) Establish early learning program guidelines for school 54407
readiness to assess the operation of early learning programs. The 54408
standards shall incorporate academic performance data of 54409
participating children to evaluate their preparedness for 54410
kindergarten upon completion of an early learning program. 54411

(4) Jointly with the Department of Job and Family Services, 54412
adopt rules in accordance with Chapter 119. of the Revised Code to 54413
implement the Early Learning Initiative. The rules shall include 54414
provisions regarding the establishment of co-payments for families 54415

of eligible children and a definition of "weekly attendance rate" 54416
for the purpose of reimbursing early learning agencies. 54417

(D) Any entity that seeks to be an early learning agency 54418
shall apply to the Department of Education by a deadline 54419
established by the Department. The Department of Education shall 54420
select entities that meet the criteria established under division 54421
(C)(2) of this section to be early learning agencies. Upon 54422
selection of an entity to be an early learning agency, the 54423
Department of Education shall designate the number of eligible 54424
children the agency will serve. The Department of Education shall 54425
notify the Office of Budget and Management and the Department of 54426
Job and Family Services of the number so designated. 54427

(E) The Department of Education and the Department of Job and 54428
Family Services shall enter into a contract with each early 54429
learning agency selected under division (D) of this section. The 54430
contract shall outline the terms and conditions applicable to the 54431
provision of Title IV-A services for eligible children and shall 54432
include at least the following: 54433

(1) The respective duties of the early learning agency, the 54434
Department of Education, and the Department of Job and Family 54435
Services; 54436

(2) Requirements applicable to the allowable use of and 54437
accountability for Title IV-A funds; 54438

(3) A requirement that the amount used by the early learning 54439
agency for development and administrative costs shall not exceed 54440
fifteen per cent of the total approved costs for the early 54441
learning program; 54442

(4) Reporting requirements; 54443

(5) The reimbursement methodology, including a requirement 54444
that reimbursement shall be based upon the weekly attendance rate 54445

of each eligible child; 54446

(6) Audit requirements; 54447

(7) Provisions for suspending, modifying, or terminating the 54448
contract. 54449

The requirements of section 127.16 of the Revised Code do not 54450
apply to contracts entered into under this section. 54451

(F) If an early learning agency, or an early learning 54452
provider operating an early learning program on the agency's 54453
behalf, substantially fails to meet the early learning program 54454
guidelines for school readiness or exhibits below average 54455
performance, as determined by the Department of Education, the 54456
agency shall develop and implement a corrective action plan. The 54457
Department of Education shall approve the corrective action plan 54458
prior to implementation. 54459

(G) If an early learning agency fails to implement a 54460
corrective action plan under division (F) of this section, the 54461
Department of Education may direct the Department of Job and 54462
Family Services to withhold funding from the agency or either the 54463
Department of Education or the Department of Job and Family 54464
Services may suspend or terminate the contract with the agency. 54465

(H) Of the foregoing appropriation item 200-663, Early 54466
Learning Initiative, up to \$2,200,000 in each fiscal year may be 54467
used by the Department of Education to perform administrative 54468
functions for the Early Learning Initiative. The Director of 54469
Budget and Management may transfer appropriation, as needed, from 54470
the Department of Education, appropriation item 200-663, Early 54471
Learning Initiative in Fund 5W2, to the Department of Job and 54472
Family Services, appropriation item 600-689, TANF Block Grant in 54473
Fund 3V6, for the successful operation of the Early Learning 54474
Initiative. This transfer shall take place not less than fifteen 54475
days after the Department of Education has provided the Office of 54476

Budget and Management and the Department of Job and Family 54477
Services its determination as to the number of children to be 54478
served by each early learning agency under division (D) of this 54479
section. The appropriation transferred is hereby authorized. 54480

AUXILIARY SERVICES REIMBURSEMENT 54481

Notwithstanding section 3317.064 of the Revised Code, if the 54482
unobligated cash balance is sufficient, the Treasurer of State 54483
shall transfer \$1,500,000 in fiscal year 2006 within thirty days 54484
after the effective date of this section, and \$1,500,000 in fiscal 54485
year 2007 by August 1, 2006, from the Auxiliary Services Personnel 54486
Unemployment Compensation Fund to the Department of Education's 54487
Auxiliary Services Reimbursement Fund (Fund 598). 54488

Section 206.09.57. LOTTERY PROFITS EDUCATION FUND 54489

Appropriation item 200-612, Base Cost Funding (Fund 017), 54490
shall be used in conjunction with appropriation item 200-550, 54491
Foundation Funding (GRF), to provide payments to school districts 54492
under Chapter 3317. of the Revised Code. 54493

The Department of Education, with the approval of the 54494
Director of Budget and Management, shall determine the monthly 54495
distribution schedules of appropriation item 200-550, Foundation 54496
Funding (GRF), and appropriation item 200-612, Base Cost Funding 54497
(Fund 017). If adjustments to the monthly distribution schedule 54498
are necessary, the Department of Education shall make such 54499
adjustments with the approval of the Director of Budget and 54500
Management. 54501

The Director of Budget and Management shall transfer via 54502
intrastate transfer voucher the amount appropriated under the 54503
Lottery Profits Education Fund for appropriation item 200-682, 54504
Lease Rental Payment Reimbursement, to the General Revenue Fund on 54505
a schedule determined by the director. These funds shall support 54506

the appropriation item 230-428, Lease Rental Payments (GRF), of 54507
the School Facilities Commission. 54508

Section 206.09.60. LOTTERY PROFITS EDUCATION RESERVE FUND 54509

(A) There is hereby created the Lottery Profits Education 54510
Reserve Fund (Fund 018) in the State Treasury. Investment earnings 54511
of the Lottery Profits Education Reserve Fund shall be credited to 54512
the fund. The Superintendent of Public Instruction may certify 54513
cash balances exceeding \$75,000,000 in the Lottery Profits 54514
Education Reserve Fund (Fund 018) to the Director of Budget and 54515
Management in June of any given fiscal year. Prior to making the 54516
certification, the Superintendent of Public Instruction shall 54517
determine whether the funds above the \$75,000,000 threshold are 54518
needed to help pay for foundation program obligations for that 54519
fiscal year under Chapter 3317. of the Revised Code. If those 54520
funds are needed for the foundation program, the Superintendent of 54521
Public Instruction shall notify and consult with the Director of 54522
Budget and Management to determine the amount that may be 54523
transferred to the Public School Building Fund (Fund 021). Upon 54524
this determination, the Director of Budget and Management shall 54525
transfer the amount from the Lottery Profits Education Reserve 54526
Fund (Fund 018) to the Public School Building Fund (Fund 021). The 54527
amount transferred is hereby appropriated to appropriation item 54528
CAP-622, Public School Buildings. 54529

For fiscal years 2006 and 2007, notwithstanding any 54530
provisions of law to the contrary, amounts necessary to make loans 54531
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 54532
Revised Code are hereby appropriated to the Lottery Profits 54533
Education Reserve Fund (Fund 018). Loan repayments from loans made 54534
in previous years shall be deposited to the fund. 54535

(B) On July 15, 2005, or as soon as possible thereafter, the 54536
Director of the Ohio Lottery Commission shall certify to the 54537

Director of Budget and Management the amount by which lottery
profit transfers received by the Lottery Profits Education Fund
(Fund 017) exceeded \$637,900,000 in fiscal year 2005. The Director
of Budget and Management shall transfer the amount so certified,
plus the cash balance in Fund 017, to the Lottery Profits
Education Reserve Fund (Fund 018).

(C) On July 15, 2006, or as soon as possible thereafter, the
Director of the Ohio Lottery Commission shall certify to the
Director of Budget and Management the amount by which lottery
profit transfers received by the Lottery Profits Education Fund
(Fund 017) exceeded \$637,900,000 in fiscal year 2006. The Director
of Budget and Management shall transfer the amount so certified,
plus the cash balance in Fund 017, to the Lottery profits
Education Reserve Fund (Fund 018).

(D) Any amounts transferred under division (B) or (C) of this
section may be made available by the Controlling Board in fiscal
years 2006 or 2007, at the request of the Superintendent of Public
Instruction, to provide assistance and grants to school districts
to enable them to remain solvent and to pay unforeseeable expenses
of a temporary or emergency nature that they are unable to pay
from existing resources under section 3316.20 of the Revised Code,
and to provide payments to school districts under Chapter 3317. of
the Revised Code.

**Section 206.09.63. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT -
BUSINESS**

The foregoing appropriation item, 200-900, School District
Property Tax Replacement - Business, in Fund 047, shall be used by
the Department of Education, in consultation with the Department
of Taxation, to make payments to school districts and joint
vocational school districts under section 5751.21 of the Revised
Code.

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 54569

The foregoing appropriation item 200-900, School District 54570
Property Tax Replacement-Utility, in Fund 053, shall be used by 54571
the Department of Education, in consultation with the Department 54572
of Taxation, to make payments to school districts and joint 54573
vocational school districts under section 5727.85 of the Revised 54574
Code. 54575

Section 206.09.66. * DISTRIBUTION FORMULAS 54576

The Department of Education shall report the following to the 54577
Director of Budget and Management, the Legislative Office of 54578
Education Oversight, and the Legislative Service Commission: 54579

(A) Changes in formulas for distributing state 54580
appropriations, including administratively defined formula 54581
factors; 54582

(B) Discretionary changes in formulas for distributing 54583
federal appropriations; 54584

(C) Federally mandated changes in formulas for distributing 54585
federal appropriations. 54586

Any such changes shall be reported two weeks prior to the 54587
effective date of the change. 54588

Section 206.09.69. EDUCATIONAL SERVICE CENTERS FUNDING 54589

(A) As used in this section: 54590

(1) "Internet- or computer-based community school" has the 54591
same meaning as in section 3314.02 of the Revised Code. 54592

(2) "Service center ADM" has the same meaning as in section 54593
3317.11 of the Revised Code. 54594

(B) Notwithstanding division (F) of section 3317.11 of the 54595
Revised Code, no funds shall be provided under that division to an 54596

educational service center in either fiscal year for any pupils of 54597
a city or exempted village school district unless an agreement to 54598
provide services under section 3313.843 of the Revised Code was 54599
entered into by January 1, 1997, except that funds shall be 54600
provided to an educational service center for any pupils of a city 54601
school district if the agreement to provide services was entered 54602
into within one year of the date upon which such district changed 54603
from a local school district to a city school district. 54604

(C) Notwithstanding any provision of the Revised Code to the 54605
contrary, an educational service center that sponsors a community 54606
school under Chapter 3314. of the Revised Code in either fiscal 54607
year may include the students of that community school in its 54608
service center ADM for purposes of state funding under division 54609
(F) of section 3317.11 of the Revised Code, unless the community 54610
school is an Internet- or computer-based community school. A 54611
service center shall include the community school students in its 54612
service center ADM only to the extent that the students are not 54613
already so included, and only in accordance with guidelines issued 54614
by the Department of Education. If the students of a community 54615
school sponsored by an educational service center are included in 54616
the service center ADM of another educational service center, 54617
those students shall be removed from the service center ADM of the 54618
other educational service center and added to the service center 54619
ADM of the community school's sponsoring service center. The 54620
General Assembly authorizes this procedure as an incentive for 54621
educational service centers to take over sponsorship of community 54622
schools from the State Board of Education as the State Board's 54623
sponsorship is phased out in accordance with Sub. H.B. 364 of the 54624
124th General Assembly. No student of an Internet- or 54625
computer-based community school shall be counted in the service 54626
center ADM of any educational service center. The Department shall 54627
pay educational service centers under division (F) of section 54628

3317.11 of the Revised Code for community school students included 54629
in their service center ADMs under this division only if 54630
sufficient funds earmarked within appropriation item 200-550, 54631
Foundation Funding, for payments under that division remain after 54632
first paying for students attributable to their local and client 54633
school districts, in accordance with divisions (B) and (D) of this 54634
section. 54635

(D) If insufficient funds are earmarked within appropriation 54636
item 200-550, Foundation Funding, for payments under division (F) 54637
of section 3317.11 of the Revised Code and division (C) of this 54638
section in fiscal year 2006 or fiscal year 2007, the Department 54639
shall prioritize the distribution of the earmarked funds as 54640
follows: 54641

(1) The Department shall first distribute to each educational 54642
service center the per-student amount specified in division (F) of 54643
section 3317.11 of the Revised Code for each student in its 54644
service center ADM attributable to the local school districts 54645
within the service center's territory. 54646

(2) The Department shall distribute the remaining funds in 54647
each fiscal year to each educational service center for the 54648
students in its service center ADM attributable to each city and 54649
exempted village school district that had entered into an 54650
agreement with an educational service center for that fiscal year 54651
under section 3313.843 of the Revised Code by January 1, 1997, up 54652
to the per-student amount specified in division (F) of section 54653
3317.11 of the Revised Code. If insufficient funds remain to pay 54654
each service center the full amount specified in division (F) of 54655
that section for each such student, the Department shall 54656
distribute the remaining funds to each service center 54657
proportionally, on a per-student basis for each such student, 54658
unless that proportional per-student amount exceeds the amount 54659
specified in division (F)(1) of that section. In that case, the 54660

Department shall distribute the per-student amount specified in 54661
division (F)(1) of that section to each service center for each 54662
such student and shall distribute the remainder proportionally, on 54663
a per-student basis for each such student, to the multi-county 54664
service centers described in division (F)(2) of that section. 54665

(3) If the Department has paid each service center under 54666
divisions (D)(1) and (2) of this section, the full amount 54667
specified in division (F) of section 3317.11 of the Revised Code 54668
for each student attributable to its local school districts and 54669
its client school districts described in division (D)(2) of this 54670
section the Department shall distribute any remaining funds 54671
proportionally, on a per-student basis, to each service center 54672
that sponsors a community school, other than an Internet- or 54673
computer-based community school, for the students included in the 54674
service center ADM under division (C) of this section. These 54675
payments shall not exceed per student the amount specified in 54676
division (F) of section 3317.11 of the Revised Code. 54677

Section 206.09.72. * For the school year commencing July 1, 54678
2005, or the school year commencing July 1, 2006, or both, the 54679
Superintendent of Public Instruction may waive for the board of 54680
education of any school district the ratio of teachers to pupils 54681
in kindergarten through fourth grade required under paragraph 54682
(A)(3) of rule 3301-35-05 of the Administrative Code if the 54683
following conditions apply: 54684

(A) The board of education requests the waiver. 54685

(B) After the Department of Education conducts an on-site 54686
evaluation of the district related to meeting the required ratio, 54687
the board of education demonstrates to the satisfaction of the 54688
Superintendent of Public Instruction that providing the facilities 54689
necessary to meet the required ratio during the district's regular 54690
school hours with pupils in attendance would impose an extreme 54691

hardship on the district.	54692
(C) The board of education provides assurances that are	54693
satisfactory to the Superintendent of Public Instruction that the	54694
board will act in good faith to meet the required ratio as soon as	54695
possible.	54696
Section 206.09.75. PRIVATE TREATMENT FACILITY PROJECT	54697
(A) As used in this section:	54698
(1) The following are "participating residential treatment	54699
centers":	54700
(a) Private residential treatment facilities that have	54701
entered into a contract with the Department of Youth Services to	54702
provide services to children placed at the facility by the	54703
Department and which, in fiscal year 2006 or fiscal year 2007 or	54704
both, the Department pays through appropriation item 470-401, Care	54705
and Custody;	54706
(b) Abraxas, in Shelby;	54707
(c) Paint Creek, in Bainbridge;	54708
(d) Act One, in Akron;	54709
(e) Friars Club, in Cincinnati.	54710
(2) "Education program" means an elementary or secondary	54711
education program or a special education program and related	54712
services.	54713
(3) "Served child" means any child receiving an education	54714
program pursuant to division (B) of this section.	54715
(4) "School district responsible for tuition" means a city,	54716
exempted village, or local school district that, if tuition	54717
payment for a child by a school district is required under law	54718
that existed in fiscal year 1998, is the school district required	54719

to pay that tuition. 54720

(5) "Residential child" means a child who resides in a 54721
participating residential treatment center and who is receiving an 54722
educational program under division (B) of this section. 54723

(B) A youth who is a resident of the state and has been 54724
assigned by a juvenile court or other authorized agency to a 54725
residential treatment facility specified in division (A) of this 54726
section shall be enrolled in an approved educational program 54727
located in or near the facility. Approval of the educational 54728
program shall be contingent upon compliance with the criteria 54729
established for such programs by the Department of Education. The 54730
educational program shall be provided by a school district or 54731
educational service center, or by the residential facility itself. 54732
Maximum flexibility shall be given to the residential treatment 54733
facility to determine the provider. In the event that a voluntary 54734
agreement cannot be reached and the residential facility does not 54735
choose to provide the educational program, the educational service 54736
center in the county in which the facility is located shall 54737
provide the educational program at the treatment center to 54738
children under twenty-two years of age residing in the treatment 54739
center. 54740

(C) Any school district responsible for tuition for a 54741
residential child shall, notwithstanding any conflicting provision 54742
of the Revised Code regarding tuition payment, pay tuition for the 54743
child for fiscal year 2006 and fiscal year 2007 to the education 54744
program provider and in the amount specified in this division. If 54745
there is no school district responsible for tuition for a 54746
residential child and if the participating residential treatment 54747
center to which the child is assigned is located in the city, 54748
exempted village, or local school district that, if the child were 54749
not a resident of that treatment center, would be the school 54750
district where the child is entitled to attend school under 54751

sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2006 and fiscal year 2007 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2006 and 2007, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district

must pay tuition under division (C) of this section. The amount of 54783
the reimbursement shall be the formula amount specified in section 54784
3317.022 of the Revised Code, except that the department shall 54785
proportionately reduce this reimbursement if sufficient funds are 54786
not available to pay this amount to all qualified providers. 54787

(E) Funds provided to a school district, educational service 54788
center, or residential treatment facility under this section shall 54789
be used to supplement, not supplant, funds from other public 54790
sources for which the school district, service center, or 54791
residential treatment facility is entitled or eligible. 54792

(F) The Department of Education shall track the utilization 54793
of funds provided to school districts, educational service 54794
centers, and residential treatment facilities under this section 54795
and monitor the effect of the funding on the educational programs 54796
they provide in participating residential treatment facilities. 54797
The department shall monitor the programs for educational 54798
accountability. 54799

Section 206.09.78. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 54800
ASSESSMENT OF EDUCATION PROGRESS 54801

The General Assembly intends for the Superintendent of Public 54802
Instruction to provide for school district participation in the 54803
administration of the National Assessment of Education Progress in 54804
accordance with section 3301.27 of the Revised Code. Each school 54805
and school district selected for participation by the 54806
Superintendent of Public Instruction shall participate. 54807

Section 206.09.81. DEPARTMENT OF EDUCATION APPROPRIATION 54808
TRANSFERS FOR STUDENT ASSESSMENT 54809

In fiscal year 2006 and fiscal year 2007, if the 54810
Superintendent of Public Instruction determines that additional 54811
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 54812

of the 125th General Assembly for assessments of student performance, the Superintendent of Public Instruction may recommend the reallocation of unspent and unencumbered appropriations within the Department of Education to the General Revenue Fund appropriation item 200-437, Student Assessment, to the Director of Budget and Management. If the Director of Budget and Management determines that such a reallocation is required, the Director of Budget and Management may transfer unspent and unencumbered funds within the Department of Education as necessary to appropriation item 200-437, Student Assessment.

Section 206.09.84. (A) As used in this section:

(1) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 and 3313.65 of the Revised Code.

(2) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.

(3) "Individualized education program" has the same meaning as in section 3323.01 of the Revised Code.

(4) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(5) "Qualified special education child" is a child for whom all of the following conditions apply:

(a) The school district in which the child is entitled to attend school has identified the child as autistic.

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(c) The child either:

(i) Was enrolled in the school district in which the child is

entitled to attend school in any grade from preschool through 54842
twelve in the school year prior to the year in which a scholarship 54843
under this section is first sought for the child; or 54844

(ii) Is eligible to enter school in any grade preschool 54845
through twelve in the school district in which the child is 54846
entitled to attend school in the school year in which a 54847
scholarship under this section is first sought for the child. 54848

(6) "Registered private provider" means a nonpublic school or 54849
other nonpublic entity that has been approved by the Department of 54850
Education to participate in the program established under this 54851
section. 54852

(B) There is hereby established the Pilot Project Special 54853
Education Scholarship Program. Under the program, in fiscal years 54854
2006 and 2007, the Department of Education shall pay a scholarship 54855
to the parent of each qualified special education child upon 54856
application of that parent pursuant to procedures and deadlines 54857
established by rule of the State Board of Education. Each 54858
scholarship shall be used only to pay tuition for the child on 54859
whose behalf the scholarship is awarded to attend a special 54860
education program that implements the child's individualized 54861
education program and that is operated by a school district other 54862
than the school district in which the child is entitled to attend 54863
school, by another public entity, or by a registered private 54864
provider. Each scholarship shall be in an amount not to exceed the 54865
lesser of the tuition charged for the child by the special 54866
education program or fifteen thousand dollars. The purpose of the 54867
scholarship is to permit the parent of a qualified special 54868
education child the choice to send the child to a special 54869
education program, instead of the one operated by or for the 54870
school district in which the child is entitled to attend school, 54871
to receive the services prescribed in the child's individualized 54872
education program once the individualized education program is 54873

finalized. A scholarship under this section shall not be awarded 54874
to the parent of a child while the child's individualized 54875
education program is being developed by the school district in 54876
which the child is entitled to attend school, or while any 54877
administrative or judicial mediation or proceedings with respect 54878
to the content of the child's individualized education program are 54879
pending. A scholarship under this section shall not be used for a 54880
child to attend a public special education program that operates 54881
under a contract, compact, or other bilateral agreement between 54882
the school district in which the child is entitled to attend 54883
school and another school district or other public provider, or 54884
for a child to attend a community school established under Chapter 54885
3314. of the Revised Code. However, nothing in this section or in 54886
any rule adopted by the State Board of Education shall prohibit a 54887
parent whose child attends a public special education program 54888
under a contract, compact, or other bilateral agreement, or a 54889
parent whose child attends a community school, from applying for 54890
and accepting a scholarship under this section so that the parent 54891
may withdraw the child from that program or community school and 54892
use the scholarship for the child to attend a special education 54893
program for which the parent is required to pay for services for 54894
the child. A child attending a special education program with a 54895
scholarship under this section shall continue to be entitled to 54896
transportation to and from that program in the manner prescribed 54897
by law. 54898

(C)(1) Notwithstanding anything to the contrary in the 54899
Revised Code, a child for whom a scholarship is awarded under this 54900
section shall be counted in the formula ADM and the category six 54901
special education ADM of the district in which the child is 54902
entitled to attend school and not in the formula ADM and the 54903
category six special education ADM of any other school district. 54904

(2) In each fiscal year, the Department shall deduct from the 54905

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
approved special education and related services expense for the
purpose of the school district's compliance with division (C)(5)
of section 3317.022 of the Revised Code.

(3) From time to time, the Department shall make a payment to
the parent of each qualified special education child for whom a
scholarship has been awarded under this section. The scholarship
amount shall be proportionately reduced in the case of any such
child who is not enrolled in the special education program for
which a scholarship was awarded under this section for the entire
school year. The Department shall make no payments to the parent
of a child while any administrative or judicial mediation or
proceedings with respect to the content of the child's
individualized education program are pending.

(D) A scholarship shall not be paid to a parent for payment
of tuition owed to a nonpublic entity unless that entity is a
registered private provider. The Department shall approve entities
that meet the standards established by rule of the State Board for
the program established under this section.

(E) The State Board shall adopt rules under Chapter 119. of
the Revised Code prescribing procedures necessary to implement
this section, including, but not limited to, procedures and
deadlines for parents to apply for scholarships, standards for
registered private providers, and procedures for approval of
entities as registered private providers. The Board shall adopt
the rules so that the program established under this section is

operational by January 1, 2004. 54938

Section 206.09.87. (A) In the 2005-2006 and 2006-2007 school 54939
years, within three months after a student identified with 54940
disabilities begins receiving services for the first time under an 54941
individualized education program, as defined in section 3323.01 of 54942
the Revised Code, the school district in which that student is 54943
enrolled shall require the student to undergo a comprehensive eye 54944
examination performed either by an optometrist licensed under 54945
Chapter 4725. of the Revised Code or by a physician authorized 54946
under Chapter 4731. of the Revised Code to practice medicine and 54947
surgery or osteopathic medicine and surgery who is comprehensively 54948
trained and educated in the treatment of the human eye, eye 54949
disease, or comprehensive vision services, unless the student 54950
underwent such an examination within the nine-month period 54951
immediately prior to being identified with disabilities. 54952

However, no student who has not undergone the eye examination 54953
required under this section shall be prohibited from initiating, 54954
receiving, or continuing to receive services prescribed in the 54955
student's individualized education program. 54956

(B) The superintendent of each school district or the 54957
superintendent's designee may determine fulfillment of the 54958
requirement prescribed in division (A) of this section based on 54959
any special circumstances of the student, the student's parent, 54960
guardian, or family that may prevent the student from undergoing 54961
the eye examination prior to beginning special education services. 54962

(C) Except for a student who may be entitled to a 54963
comprehensive eye examination in the identification of the 54964
student's disabilities, in the development of the student's 54965
individualized education program, or as a related service under 54966
the student's individualized education program, neither the state 54967
nor any school district shall be responsible for paying for the 54968

eye examination required by this section. 54969

Section 206.09.90. INTERVENTION FUNDING 54970

State funding totaling \$153,489,868 in fiscal year 2006 and 54971
\$195,096,413 in fiscal year 2007 is provided to school districts 54972
for intervention or intervention related activities. School 54973
districts have flexibility in the use of this funding by which 54974
success is achieved for their students under section 3317.029 of 54975
the Revised Code. 54976

No later than December 31, 2006, each school district shall 54977
report intervention costs by type of intervention provided in a 54978
manner defined by the Department of Education. The report shall 54979
indicate separately both state and local dollars utilized by 54980
school districts for intervention activities. 54981

To the degree that school districts do not meet adequate 54982
progress standards as defined by the Department of Education, the 54983
Department shall use the reported information to intervene at the 54984
district and building levels to make recommendations on how state 54985
and local funding for intervention should be deployed in a more 54986
effective manner. This information shall also be used by the 54987
Department to inform its recommendations required in the section 54988
of this act entitled "FOUNDATION FUNDING." 54989

Section 206.09.93. EARMARK ACCOUNTABILITY 54990

At the request of the Superintendent of Public Instruction, 54991
any entity that receives a budget earmark under the Department of 54992
Education shall submit annually to the chairpersons of the 54993
committees of the House of Representatives and the Senate 54994
primarily concerned with education and to the Department of 54995
Education a report that includes a description of the services 54996
supported by the funds, a description of the results achieved by 54997
those services, an analysis of the effectiveness of the program, 54998

and an opinion as to the program's applicability to other school 54999
districts. For an earmarked entity that received state funds from 55000
an earmark in the prior fiscal year, no funds shall be provided by 55001
the Department of Education to an earmarked entity for a fiscal 55002
year until its report for the prior fiscal year has been 55003
submitted. 55004

Section 206.09.96. The School Funding Advisory Council is 55005
hereby created. The Council shall consist of not more than sixteen 55006
members, appointed as follows: 55007

(A) The Governor shall appoint up to six members, who shall 55008
be representatives of the business and education communities. 55009

(B) The Governor shall appoint one member from the Department 55010
of Education and up to three additional members from other 55011
executive branch agencies. 55012

(C) The Speaker of the House of Representatives shall appoint 55013
up to three members who are members of the House of 55014
Representatives, including at least one who is a member of the 55015
minority party of the House of Representatives. 55016

(D) The President of the Senate shall appoint up to three 55017
members who are members of the Senate, including at least one who 55018
is a member of the minority party of the Senate. 55019

The Governor, Speaker of the House of Representatives, and 55020
President of the Senate shall make their appointments not later 55021
than December 31, 2005. The Governor shall designate one 55022
representative of the business community appointed under division 55023
(A) of this section to serve as chairperson of the Council. 55024
Members shall serve without compensation. 55025

The Council shall examine research, including, but not 55026
limited to, research underway by Battelle for Kids and the 55027
University of Washington's Center for Reinventing Public 55028

Education, to further refine a building-blocks methodology for 55029
school funding so that increasingly stronger correlations exist 55030
between resources and academic results. The Council's other 55031
activities shall include, but not be limited to, examining 55032
timeline issues with regard to recommendations of the Governor's 55033
Blue Ribbon Task Force on Financing Student Success. The Council 55034
shall submit its recommendations to the Governor, the Speaker of 55035
the House of Representatives, and the President of the Senate not 55036
later than September 30, 2006. When it submits its 55037
recommendations, the Council shall cease to exist. 55038

Section 206.09.99. The requirement that a secondary grade 55039
student be a resident of this state in order to participate in the 55040
Post-Secondary Enrollment Options Program as specified in section 55041
3365.02 of the Revised Code, as amended by this act, shall not 55042
apply to students participating in the program during fiscal year 55043
2005. That requirement applies to students participating in the 55044
program after July 1, 2005, regardless whether they participated 55045
in the program prior to that date. 55046

Section 206.10.03. Not later than September 1, 2005, the 55047
Superintendent of Public Instruction shall begin preparations to 55048
implement the Ohio Choice Scholarship Program established by 55049
sections 3310.01 to 3310.09 of the Revised Code. The 55050
Superintendent shall ensure that school districts, chartered 55051
nonpublic schools, students, and parents are informed of the Ohio 55052
Choice Scholarship Program and how the Program may affect them. 55053
The Superintendent shall provide such information in sufficient 55054
time for affected parties to meet all deadlines imposed by the 55055
Superintendent for participation in the Ohio Choice Scholarship 55056
Program in the 2006-2007 school year. The State Board of Education 55057
shall adopt the rules required by section 3310.09 of the Revised 55058
Code so that those rules are in effect and the Ohio Choice 55059

Scholarship Program is operational by July 1, 2006.				55060
Section 206.15. ELC OHIO ELECTIONS COMMISSION				55061
General Revenue Fund				55062
GRF 051-321 Operating Expenses	\$	411,623	\$ 411,623	55063
TOTAL GRF General Revenue Fund	\$	411,623	\$ 411,623	55064
General Services Fund Group				55065
4P2 051-601 Ohio Elections				55066
Commission Fund	\$	225,000	\$ 225,000	55067
TOTAL GSF General Services Fund	\$	225,000	\$ 225,000	55068
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	636,623	\$ 636,623	55069
Section 206.18. FUN STATE BOARD OF EMBALMERS AND FUNERAL				55071
DIRECTORS				55072
General Services Fund Group				55073
4K9 881-609 Operating Expenses	\$	598,933	\$ 0	55074
TOTAL GSF General Services				55075
Fund Group	\$	598,933	\$ 0	55076
TOTAL ALL BUDGET FUND GROUPS	\$	598,933	\$ 0	55077
Section 206.21. ERB STATE EMPLOYMENT RELATIONS BOARD				55079
General Revenue Fund				55080
GRF 125-321 Operating Expenses	\$	3,265,397	\$ 3,363,359	55081
TOTAL GRF General Revenue Fund	\$	3,265,397	\$ 3,363,359	55082
General Services Fund Group				55083
572 125-603 Training and	\$	75,541	\$ 75,541	55084
Publications				
TOTAL GSF General Services				55085
Fund Group	\$	75,541	\$ 75,541	55086
TOTAL ALL BUDGET FUND GROUPS	\$	3,340,938	\$ 3,438,900	55087

Section 206.24. ENG STATE BOARD OF ENGINEERS AND SURVEYORS				55089
General Services Fund Group				55090
4K9 892-609 Operating Expenses	\$	1,058,881	\$	0 55091
TOTAL GSF General Services				55092
Fund Group	\$	1,058,881	\$	0 55093
TOTAL ALL BUDGET FUND GROUPS	\$	1,058,881	\$	0 55094
 Section 206.27. EPA ENVIRONMENTAL PROTECTION AGENCY				55096
General Revenue Fund				55097
GRF 715-403 Clean Ohio	\$	185,413	\$	0 55098
GRF 715-501 Local Air Pollution	\$	256,594	\$	0 55099
Control				
GRF 717-321 Surface Water	\$	2,224,683	\$	0 55100
GRF 718-321 Groundwater	\$	273,437	\$	0 55101
GRF 719-321 Air Pollution Control	\$	622,988	\$	0 55102
GRF 721-321 Drinking Water	\$	637,566	\$	0 55103
GRF 723-321 Hazardous Waste	\$	25,212	\$	0 55104
GRF 724-321 Pollution Prevention	\$	175,076	\$	0 55105
GRF 725-321 Laboratory	\$	304,086	\$	0 55106
GRF 726-321 Corrective Actions	\$	294,945	\$	0 55107
TOTAL GRF General Revenue Fund	\$	5,000,000	\$	0 55108
General Services Fund Group				55109
199 715-602 Laboratory Services	\$	1,078,348	\$ 1,083,574	55110
219 715-604 Central Support	\$	15,804,913	\$ 16,345,805	55111
Indirect				
4A1 715-640 Operating Expenses	\$	3,369,731	\$ 3,369,731	55112
TOTAL GSF General Services				55113
Fund Group	\$	20,252,992	\$ 20,799,110	55114
Federal Special Revenue Fund Group				55115
3F2 715-630 Revolving Loan Fund -	\$	152,021	\$ 293,129	55116
Operating				

3F3	715-632	Fed Supported Cleanup and Response	\$	2,792,648	\$	2,777,648	55117
3F4	715-633	Water Quality Management	\$	710,000	\$	710,000	55118
3F5	715-641	Nonpoint Source Pollution Management	\$	7,815,000	\$	7,810,000	55119
3J1	715-620	Urban Stormwater	\$	706,000	\$	710,000	55120
3K2	715-628	Clean Water Act 106	\$	4,723,845	\$	5,023,846	55121
3K4	715-634	DOD Monitoring and Oversight	\$	1,450,333	\$	1,450,333	55122
3K6	715-639	Remedial Action Plan	\$	320,000	\$	319,000	55123
3N4	715-657	DOE Monitoring and Oversight	\$	3,181,736	\$	3,231,963	55124
3V7	715-606	Agencywide Grants	\$	458,115	\$	479,115	55125
352	715-611	Wastewater Pollution	\$	525,000	\$	530,000	55126
353	715-612	Public Water Supply	\$	3,384,959	\$	3,388,619	55127
354	715-614	Hazardous Waste Management - Federal	\$	4,203,891	\$	4,203,891	55128
357	715-619	Air Pollution Control - Federal	\$	6,966,337	\$	7,243,950	55129
362	715-605	Underground Injection Control - Federal	\$	111,874	\$	111,874	55130
TOTAL FED Federal Special Revenue							55131
Fund Group			\$	37,501,759	\$	38,283,368	55132
State Special Revenue Fund Group							55133
3T3	715-669	Drinking Water SRF	\$	2,411,614	\$	2,482,910	55134
4J0	715-638	Underground Injection Control	\$	438,285	\$	458,418	55135
4K2	715-648	Clean Air - Non Title V	\$	3,234,278	\$	3,178,062	55136
4K3	715-649	Solid Waste	\$	13,800,377	\$	14,282,845	55137
4K4	715-650	Surface Water Protection	\$	11,606,000	\$	12,420,000	55138

4K5	715-651	Drinking Water Protection	\$	7,202,901	\$	7,492,035	55139
4P5	715-654	Cozart Landfill	\$	149,728	\$	149,728	55140
4R5	715-656	Scrap Tire Management	\$	6,000,000	\$	6,000,000	55141
4R9	715-658	Voluntary Action Program	\$	1,008,765	\$	1,032,098	55142
4T3	715-659	Clean Air - Title V Permit Program	\$	16,960,373	\$	17,180,980	55143
4U7	715-660	Construction & Demolition Debris	\$	586,797	\$	582,305	55144
5BC	715-617	Clean Ohio	\$	556,223	\$	741,646	55145
5BC	715-622	Local Air Pollution Control	\$	769,775	\$	1,026,369	55146
5BC	715-624	Surface Water	\$	6,572,730	\$	8,797,413	55147
5BC	715-667	Groundwater	\$	820,304	\$	1,093,741	55148
5BC	715-672	Air Pollution Control	\$	3,923,187	\$	5,199,290	55149
5BC	715-673	Drinking Water	\$	1,912,684	\$	2,550,250	55150
5BC	715-675	Hazardous Waste	\$	75,635	\$	100,847	55151
5BC	715-676	Assistance and Prevention	\$	525,226	\$	700,302	55152
5BC	715-677	Laboratory	\$	912,247	\$	1,216,333	55153
5BC	715-678	Corrective Action	\$	884,830	\$	1,179,775	55154
5H4	715-664	Groundwater Support	\$	2,325,922	\$	2,408,871	55155
5N2	715-613	Dredge and Fill	\$	30,000	\$	30,000	55156
500	715-608	Immediate Removal Special Account	\$	482,000	\$	482,000	55157
503	715-621	Hazardous Waste Facility Management	\$	11,270,231	\$	11,711,473	55158
505	715-623	Hazardous Waste Cleanup	\$	11,482,988	\$	11,482,988	55159
505	715-674	Clean Ohio Environmental Review	\$	104,500	\$	109,725	55160
541	715-670	Site Specific Cleanup	\$	33,000	\$	34,650	55161

542	715-671	Risk Management Reporting	\$	146,188	\$	146,188	55162
592	715-627	Anti Tampering Settlement	\$	17,203	\$	9,707	55163
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	55164
602	715-626	Motor Vehicle Inspection and Maintenance	\$	1,190,944	\$	250,000	55165
644	715-631	ER Radiological Safety	\$	286,114	\$	286,114	55166
660	715-629	Infectious Waste Management	\$	160,000	\$	100,000	55167
676	715-642	Water Pollution Control Loan Administration	\$	4,964,625	\$	4,964,625	55168
678	715-635	Air Toxic Release	\$	210,621	\$	210,622	55169
679	715-636	Emergency Planning	\$	2,828,647	\$	2,828,647	55170
696	715-643	Air Pollution Control Administration	\$	750,000	\$	750,000	55171
699	715-644	Water Pollution Control Administration	\$	750,000	\$	750,000	55172
TOTAL SSR State Special Revenue			\$	118,884,952	\$	125,920,957	55173
Fund Group							
Clean Ohio Revitalization Fund Group							55174
5S1	715-607	Clean Ohio - Operating	\$	208,174	\$	208,174	55175
TOTAL CLF Clean Ohio Revitalization			\$	208,174	\$	208,174	55176
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	181,847,877	\$	185,211,609	55177
CASH TRANSFER FOR ENVIRONMENTAL PROTECTION FUND							55178
On July 1, 2005, or as soon as possible thereafter, the							55179
Director of Budget and Management shall transfer \$1,000,000 in							55180
cash from the Central Support Indirect Fund (Fund 219) into the							55181

Environmental Protection Fund (Fund 5BC). 55182

On July 1, 2005, or as soon as possible thereafter, the 55183
Director of Budget and Management shall transfer \$6,000,000 in 55184
cash from the Hazardous Waste Facility Management Fund (Fund 503) 55185
into the Environmental Protection Fund (Fund 5BC). Of this amount, 55186
\$3,500,000 shall be repaid to the Hazardous Waste Facility 55187
Management Fund (Fund 503) not later than June 30, 2007. 55188

On July 1, 2005, or as soon as possible thereafter, the 55189
Director of Budget and Management shall transfer \$3,000,000 in 55190
cash from the Solid Waste Fund (Fund 4K3) into the Environmental 55191
Protection Fund (Fund 5BC). Of this amount, \$2,000,000 shall be 55192
repaid to the Solid Waste Fund (Fund 4K3) not later than June 30, 55193
2007. 55194

On July 1, 2005, or as soon as possible thereafter, the 55195
Director of Budget and Management shall transfer \$1,000,000 in 55196
cash from the Hazardous Waste Cleanup Fund (Fund 505) into the 55197
Environmental Protection Fund (Fund 5BC). All \$1,000,000 of this 55198
transfer shall be repaid to the Hazardous Waste Cleanup Fund (Fund 55199
505) not later than June 30, 2007. 55200

Not later than May 31, 2006, the Director of Environmental 55201
Protection shall certify to the Director of Budget and Management 55202
the amount of cash to transfer from the Environmental Protection 55203
Fund (Fund 5BC) to the Hazardous Waste Facility Management Fund 55204
(Fund 503), the Solid Waste Fund (Fund 4K3), and the Hazardous 55205
Waste Cleanup Fund (Fund 505). The transfer shall provide a 55206
portion of the amount required to be repaid to each fund and shall 55207
not exceed a total of \$4,000,000. 55208

Not later than May 31, 2007, the Director of Environmental 55209
Protection shall certify to the Director of Budget and Management 55210
the amount of cash to transfer from the Environmental Protection 55211
Fund (Fund 5BC) to repay the Hazardous Waste Facility Management 55212

Fund (Fund 503), the Solid Waste Fund (Fund 4K3), and the Hazardous Waste Cleanup Fund (Fund 505). The amount of this transfer shall equal the remainder of the amount required to be repaid to each fund.

Section 206.30. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION				55217
General Revenue Fund				55218
GRF 172-321 Operating Expenses	\$	479,161	\$ 483,859	55219
TOTAL GRF General Revenue Fund	\$	479,161	\$ 483,859	55220
TOTAL ALL BUDGET FUND GROUPS	\$	479,161	\$ 483,859	55221

Section 206.33. ETH OHIO ETHICS COMMISSION				55223
General Revenue Fund				55224
GRF 146-321 Operating Expenses	\$	1,476,213	\$ 1,476,213	55225
TOTAL GRF General Revenue Fund	\$	1,476,213	\$ 1,476,213	55226
General Services Fund Group				55227
4M6 146-601 Operating Expenses	\$	502,543	\$ 432,543	55228
TOTAL GSF General Services Fund Group	\$	502,543	\$ 432,543	55230
TOTAL ALL BUDGET FUND GROUPS	\$	1,978,756	\$ 1,908,756	55231

Section 206.36. EXP OHIO EXPOSITIONS COMMISSION				55233
General Revenue Fund				55234
GRF 723-403 Junior Fair Subsidy	\$	400,000	\$ 400,000	55235
TOTAL GRF General Revenue Fund	\$	400,000	\$ 400,000	55236
State Special Revenue Fund Group				55237
4N2 723-602 Ohio State Fair	\$	520,000	\$ 520,000	55238
Harness Racing				
506 723-601 Operating Expenses	\$	13,643,315	\$ 13,643,315	55239
TOTAL SSR State Special Revenue Fund Group	\$	14,163,315	\$ 14,163,315	55241

TOTAL ALL BUDGET FUND GROUPS	\$	14,563,315	\$	14,563,315	55242
Section 206.39. GOV OFFICE OF THE GOVERNOR					55244
General Revenue Fund					55245
GRF 040-321 Operating Expenses	\$	3,981,582	\$	3,981,582	55246
GRF 040-403 Federal Relations	\$	422,760	\$	422,760	55247
GRF 040-408 Office of Veterans' Affairs	\$	267,923	\$	267,923	55248
TOTAL GRF General Revenue Fund	\$	4,672,265	\$	4,672,265	55249
General Services Fund Group					55250
5AK 040-607 Federal Relations	\$	354,514	\$	354,514	55251
TOTAL GSF General Services Fund	\$	354,514	\$	354,514	55252
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,026,779	\$	5,026,779	55253
APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR					55254
The Governor may expend a portion of the foregoing					55255
appropriation item 040-321, Operating Expenses, to hire or appoint					55256
legal counsel to be used in proceedings involving the Governor in					55257
the Governor's official capacity or the Governor's office only,					55258
without the approval of the Attorney General, notwithstanding					55259
sections 109.02 and 109.07 of the Revised Code.					55260
FEDERAL RELATIONS					55261
A portion of the foregoing appropriation items 040-403,					55262
Federal Relations, and 040-607, Federal Relations, may be used to					55263
support Ohio's membership in national or regional associations.					55264
The Office of the Governor may charge any state agency of the					55265
executive branch using an intrastate transfer voucher such amounts					55266
necessary to defray the costs incurred for the conduct of federal					55267
relations associated with issues that can be attributed to the					55268
agency. Amounts collected shall be deposited to the Office of the					55269
Governor Federal Relations Fund (Fund 5AK).					55270

Section 206.42. DOH DEPARTMENT OF HEALTH				55271
General Revenue Fund				55272
GRF 440-407	Animal Borne Disease and Prevention	\$ 2,452,101	\$ 2,452,101	55273
GRF 440-412	Cancer Incidence Surveillance System	\$ 1,002,619	\$ 1,002,619	55274
GRF 440-413	Local Health Department Support	\$ 3,786,794	\$ 3,786,794	55275
GRF 440-416	Child and Family Health Services	\$ 8,992,874	\$ 8,992,874	55276
GRF 440-418	Immunizations	\$ 8,600,615	\$ 8,600,615	55277
GRF 440-444	AIDS Prevention and Treatment	\$ 7,158,127	\$ 7,158,127	55278
GRF 440-446	Infectious Disease Prevention	\$ 200,000	\$ 200,000	55279
GRF 440-451	Lab and Public Health Prevention Programs	\$ 6,085,250	\$ 6,085,250	55280
GRF 440-452	Child and Family Health Services Match	\$ 1,024,017	\$ 1,024,017	55281
GRF 440-453	Health Care Quality Assurance	\$ 10,253,728	\$ 10,253,728	55282
GRF 440-454	Local Environmental Health	\$ 889,752	\$ 889,752	55283
GRF 440-459	Help Me Grow	\$ 9,323,797	\$ 9,323,797	55284
GRF 440-461	Center for Vital and Health Stats	\$ 3,629,535	\$ 3,629,535	55285
GRF 440-505	Medically Handicapped Children	\$ 5,074,974	\$ 5,074,974	55286
GRF 440-507	Targeted Health Care Services Over 21	\$ 731,023	\$ 731,023	55287
TOTAL GRF	General Revenue Fund	\$ 69,205,206	\$ 69,205,206	55288

General Services Fund Group				55289
142	440-618	Agency Health Services	\$ 2,461,915 \$ 2,561,915	55290
211	440-613	Central Support	\$ 26,584,707 \$ 26,584,707	55291
Indirect Costs				
473	440-622	Lab Operating Expenses	\$ 4,154,045 \$ 4,154,045	55292
683	440-633	Employee Assistance	\$ 1,208,214 \$ 1,208,214	55293
Program				
698	440-634	Nurse Aide Training	\$ 180,000 \$ 180,000	55294
TOTAL GSF General Services				55295
Fund Group				\$ 34,588,881 \$ 34,688,881 55296
Federal Special Revenue Fund Group				55297
320	440-601	Maternal Child Health	\$ 28,779,322 \$ 29,025,635	55298
Block Grant				
387	440-602	Preventive Health	\$ 7,755,005 \$ 7,826,659	55299
Block Grant				
389	440-604	Women, Infants, and	\$ 219,920,083 \$ 230,077,451	55300
Children				
391	440-606	Medicaid/Medicare	\$ 24,211,198 \$ 24,850,959	55301
392	440-618	Federal Public Health	\$ 126,678,202 \$ 127,677,458	55302
Programs				
TOTAL FED Federal Special Revenue				55303
Fund Group				\$ 407,343,810 \$ 419,458,162 55304
State Special Revenue Fund Group				55305
4D6	440-608	Genetics Services	\$ 2,617,000 \$ 2,617,000	55306
4F9	440-610	Sickle Cell Disease	\$ 1,035,344 \$ 1,035,344	55307
Control				
4G0	440-636	Heirloom Birth	\$ 5,000 \$ 5,000	55308
Certificate				
4G0	440-637	Birth Certificate	\$ 5,000 \$ 5,000	55309
Surcharge				
4L3	440-609	Non-Governmental	\$ 144,119 \$ 144,119	55310
Grants and Awards				

4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	55311
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	55312
470	440-618	Fee Supported Programs	\$	16,025,194	\$	16,025,194	55313
471	440-619	Certificate of Need	\$	581,572	\$	594,572	55314
477	440-627	Medically Handicapped Children Audit	\$	3,800,000	\$	3,693,016	55315
5BL	440-638	Healthy Ohioans	\$	5,000,000	\$	0	55316
5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	55317
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	55318
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	55319
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	55320
5L1	440-623	Nursing Facility Technical Assistance Program	\$	617,517	\$	617,517	55321
610	440-626	Radiation Emergency Response	\$	850,000	\$	850,000	55322
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687	55323
TOTAL SSR State Special Revenue							55324
Fund Group			\$	50,372,156	\$	45,278,172	55325
Holding Account Redistribution Fund Group							55326
R14	440-631	Vital Statistics	\$	70,000	\$	70,000	55327
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	55328
TOTAL 090 Holding Account							55329
Redistribution Fund Group			\$	90,000	\$	90,000	55330
TOTAL ALL BUDGET FUND GROUPS			\$	561,600,053	\$	568,720,421	55331
Section 206.42.03. CHILD AND FAMILY HEALTH SERVICES							55333

Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$1,700,000 in each fiscal year shall be used for women's health services.

Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$270,000 shall be used in each fiscal year for the OPTIONS dental care access program.

Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$900,000 in each fiscal year shall be used by federally qualified health centers and federally designated look-alikes to provide services to uninsured low-income persons.

Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$500,000 in each fiscal year shall be used for abstinence-only education. The Director of Health shall develop guidelines for the establishment of abstinence programs for teenagers with the purpose of decreasing unplanned pregnancies and abortion. The guidelines shall be developed pursuant to Title V of the "Social Security Act," 42 U.S.C. 510, and shall include, but are not limited to, advertising campaigns and direct training in schools and other locations.

Section 206.42.06. WOMEN'S HEALTH SERVICES

None of the funds received through grants for women's health services under this section from the foregoing appropriation item 440-416, Child and Family Health Services, shall be used to provide abortion services. None of the funds received through these grants shall be used for counseling for or referrals for abortion, except in the case of a medical emergency. These funds shall be distributed by the Director of Health to programs that the Department of Health determines will provide services that are physically and financially separate from abortion-providing and

abortion-promoting activities, and that do not include counseling 55364
for or referrals for abortion, other than in the case of medical 55365
emergency. 55366

These women's health services include and are limited to the 55367
following: pelvic examinations and laboratory testing; breast 55368
examinations and patient education on breast cancer; screening for 55369
cervical cancer; screening and treatment for Sexually Transmitted 55370
Diseases (STDs) and HIV screening; voluntary choice of 55371
contraception, including abstinence and natural family planning; 55372
patient education and pre-pregnancy counseling on the dangers of 55373
smoking, alcohol, and drug use during pregnancy; education on 55374
sexual coercion and violence in relationships; and prenatal care 55375
or referral for prenatal care. These health care services shall be 55376
provided by licensed doctors, licensed nurses, licensed medical 55377
assistants, licensed counselors, and licensed social workers in a 55378
medical clinic setting. 55379

The Director of Health shall adopt rules under Chapter 119. 55380
of the Revised Code specifying reasonable eligibility standards 55381
that must be met to receive the state funding and provide 55382
reasonable methods by which a grantee wishing to be eligible for 55383
federal funding may comply with these requirements for state 55384
funding without losing its eligibility for federal funding. 55385

Each applicant for these funds shall provide sufficient 55386
assurance to the Director of Health of all of the following: 55387

(A) The program shall not discriminate in the provision of 55388
services based on an individual's religion, race, national origin, 55389
handicapping condition, age, sex, number of pregnancies, or 55390
marital status; 55391

(B) The program shall provide services without subjecting 55392
individuals to any coercion to accept services or to employ any 55393
particular methods of family planning; 55394

(C) Acceptance of services shall be solely on a voluntary basis and may not be made a prerequisite to eligibility for, or receipt of, any other service, assistance from, or participation in, any other program of the service provider;

(D) The costs for services provided by the program, if any are charged, shall be based on the patient's ability to pay and priority in the provision of services shall be given to persons from low-income families.

In distributing these grant funds, the Director of Health shall give priority to grant requests from local departments of health for women's health services to be provided directly by personnel of the local department of health. The Director of Health shall issue a single request for proposals for all grants under this set-aside. The Director of Health shall send a notification of this request for proposals to every local department of health in this state and shall place a notification on the department's web site. The Director shall allow at least 30 days after issuing this notification before closing the period to receive applications.

After the closing date for receiving grant applications, the Director of Health shall first consider grant applications from local departments of health that apply for grants for women's health services to be provided directly by personnel of the local department of health. Local departments of health that apply for grants for women's health services to be provided directly by personnel of the local department of health need not provide all the listed women's health services in order to qualify for a grant. However, in prioritizing awards among local departments of health that qualify for funding under this paragraph, the Director of Health may consider, among other reasonable factors, the comprehensiveness of the women's health services to be offered, provided that no local department of health shall be discriminated

against in the process of awarding these grant funds because the applicant does not provide contraception. 55427
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If funds remain after awarding grants to all local departments of health that qualify for the priority, the Director of Health may make grants to other applicants. Awards to other applicants may be made to those applicants that will offer all eight of the listed women's health services or that will offer all of the services except contraception. No applicant shall be discriminated against in the process of awarding these grant funds because the applicant does not provide contraception. 55429
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Section 206.42.09. HIV/AIDS PREVENTION/TREATMENT 55437

Of the foregoing appropriation item 440-444, AIDS Prevention and Treatment, not more than \$6.7 million per fiscal year shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications. 55438
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INFECTIOUS DISEASE PREVENTION 55442

The foregoing appropriation item 440-446, Infectious Disease Prevention, shall be used for the purchase of drugs for sexually transmitted diseases. 55443
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HELP ME GROW 55446

The foregoing appropriation item 440-459, Help Me Grow, shall be used by the Department of Health to distribute subsidies to counties to implement the Help Me Grow Program. Appropriation item 440-459, Help Me Grow, may be used in conjunction with Temporary Assistance for Needy Families from the Department of Job and Family Services, Early Intervention funding from the Department of Mental Retardation and Developmental Disabilities, and in conjunction with other early childhood funds and services to promote the optimal development of young children. Local contracts shall be developed between local departments of job and family 55447
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services and family and children first councils for the 55457
administration of TANF funding for the Help Me Grow Program. The 55458
Department of Health shall enter into an interagency agreement 55459
with the Department of Education, Department of Mental Retardation 55460
and Developmental Disabilities, Department of Job and Family 55461
Services, and Department of Mental Health to ensure that all early 55462
childhood programs and initiatives are coordinated and school 55463
linked. 55464

TARGETED HEALTH CARE SERVICES OVER 21 55465

In each fiscal year, appropriation item 440-507, Targeted 55466
Health Care Services Over 21, shall be used to administer the 55467
cystic fibrosis program and implement the Hemophilia Insurance 55468
Premium Payment Program. 55469

MATERNAL CHILD HEALTH BLOCK GRANT 55470

Of the foregoing appropriation item 440-601, Maternal Child 55471
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 55472
fiscal year for the purposes of abstinence-only education. The 55473
Director of Health shall develop guidelines for the establishment 55474
of abstinence programs for teenagers with the purpose of 55475
decreasing unplanned pregnancies and abortion. The guidelines 55476
shall be developed under Title V of the "Social Security Act," 42 55477
U.S.C. 510, and shall include, but are not limited to, advertising 55478
campaigns and direct training in schools and other locations. 55479

GENETICS SERVICES 55480

The foregoing appropriation item 440-608, Genetics Services 55481
(Fund 4D6), shall be used by the Department of Health to 55482
administer programs authorized by sections 3701.501 and 3701.502 55483
of the Revised Code. None of these funds shall be used to counsel 55484
or refer for abortion, except in the case of a medical emergency. 55485

SAFETY AND QUALITY OF CARE STANDARDS 55486

The Department of Health may use Fund 471, Certificate of Need, for administering sections 3702.11 to 3702.20 and 3702.30 of the Revised Code in each fiscal year.

MEDICALLY HANDICAPPED CHILDREN AUDIT

The Medically Handicapped Children Audit Fund (Fund 477) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND PERMIT FUND

The Director of Budget and Management, pursuant to a plan submitted by the Department of Health, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Liquor Control Fund (Fund 043) to the Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating needs of the Alcohol Testing and Permit program.

The Director of Budget and Management shall transfer to the Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control Fund (Fund 043) created in section 4301.12 of the Revised Code such amounts at such times as determined by the transfer schedule.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

The foregoing appropriation item 440-607, Medically Handicapped Children - County Assessments (Fund 666), shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM

The Director of Budget and Management shall transfer, by intrastate transfer voucher, each fiscal year, cash from Fund 4E3, Resident Protection Fund, in the Ohio Department of Job and Family Services, to Fund 5L1, Nursing Facility Technical Assistance Program Fund, in the Ohio Department of Health, to be used under section 3721.026 of the Revised Code. The transfers shall equal \$183,843 in fiscal year 2006 and \$617,517 in fiscal year 2007.

Section 206.45. HEF HIGHER EDUCATIONAL FACILITY COMMISSION

Agency Fund Group					55530
461 372-601 Operating Expenses	\$	16,819	\$	16,819	55531
TOTAL AGY Agency Fund Group	\$	16,819	\$	16,819	55532
TOTAL ALL BUDGET FUND GROUPS	\$	16,819	\$	16,819	55533

Section 206.48. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS

General Revenue Fund					55536
GRF 148-100 Personal Services	\$	145,880	\$	145,880	55537
GRF 148-200 Maintenance	\$	35,901	\$	35,901	55538
TOTAL GRF General Revenue Fund	\$	181,781	\$	181,781	55539
General Services Fund Group					55540
601 148-602 Gifts and	\$	5,000	\$	5,000	55541
Miscellaneous					
TOTAL GSF General Services					55542
Fund Group	\$	5,000	\$	5,000	55543
TOTAL ALL BUDGET FUND GROUPS	\$	186,781	\$	186,781	55544

Section 206.51.	OHS OHIO HISTORICAL SOCIETY			55546
General Revenue Fund				55547
GRF 360-501	Operating Subsidy	\$ 3,288,274	\$ 3,288,274	55548
GRF 360-502	Site Operations	\$ 8,138,725	\$ 8,138,725	55549
GRF 360-504	Ohio Preservation Office	\$ 281,041	\$ 281,041	55550
GRF 360-505	Afro-American Museum	\$ 754,884	\$ 754,884	55551
GRF 360-506	Hayes Presidential Center	\$ 509,231	\$ 509,231	55552
TOTAL GRF	General Revenue Fund	\$ 12,972,155	\$ 12,972,155	55553
TOTAL ALL	BUDGET FUND GROUPS	\$ 12,972,155	\$ 12,972,155	55554
SUBSIDY APPROPRIATION				55555
Upon approval by the Director of Budget and Management, the				55556
foregoing appropriation items shall be released to the Ohio				55557
Historical Society in quarterly amounts that in total do not				55558
exceed the annual appropriations. The funds and fiscal records of				55559
the society for fiscal years 2006 and 2007 shall be examined by				55560
independent certified public accountants approved by the Auditor				55561
of State, and a copy of the audited financial statements shall be				55562
filed with the Office of Budget and Management. The society shall				55563
prepare and submit to the Office of Budget and Management the				55564
following:				55565
(A) An estimated operating budget for each fiscal year of the				55566
biennium. The operating budget shall be submitted at or near the				55567
beginning of each calendar year.				55568
(B) Financial reports, indicating actual receipts and				55569
expenditures for the fiscal year to date. These reports shall be				55570
filed at least semiannually during the fiscal biennium.				55571
The foregoing appropriations shall be considered to be the				55572
contractual consideration provided by the state to support the				55573

state's offer to contract with the Ohio Historical Society under 55574
section 149.30 of the Revised Code. 55575

HAYES PRESIDENTIAL CENTER 55576

If a United States government agency, including, but not 55577
limited to, the National Park Service, chooses to take over the 55578
operations or maintenance of the Hayes Presidential Center, in 55579
whole or in part, the Ohio Historical Society shall make 55580
arrangements with the National Park Service or other United States 55581
government agency for the efficient transfer of operations or 55582
maintenance. 55583

Section 206.54. REP OHIO HOUSE OF REPRESENTATIVES 55584

General Revenue Fund 55585

GRF 025-321 Operating Expenses \$ 20,169,168 \$ 20,370,859 55586

TOTAL GRF General Revenue Fund \$ 20,169,168 \$ 20,370,859 55587

General Services Fund Group 55588

103 025-601 House Reimbursement \$ 1,419,469 \$ 1,419,469 55589

4A4 025-602 Miscellaneous Sales \$ 37,474 \$ 37,474 55590

TOTAL GSF General Services 55591

Fund Group \$ 1,456,943 \$ 1,456,943 55592

TOTAL ALL BUDGET FUND GROUPS \$ 21,626,111 \$ 21,827,802 55593

OPERATING EXPENSES 55594

On July 1, 2005, or as soon as possible thereafter, the Chief 55595
Administrative Officer of the House of Representatives shall 55596
certify to the Director of Budget and Management the total fiscal 55597
year 2005 unencumbered appropriations in appropriation item 55598
025-321, Operating Expenses. The Chief Administrative Officer may 55599
direct the Director of Budget and Management to transfer an amount 55600
not to exceed the total fiscal year 2005 unencumbered 55601
appropriations to fiscal year 2006 for use within appropriation 55602
item 025-321, Operating Expenses. Additional appropriation 55603

authority equal to the amount certified by the Chief 55604
Administrative Officer is hereby appropriated to appropriation 55605
item 025-321, Operating Expenses, in fiscal year 2006. 55606

On July 1, 2006, or as soon as possible thereafter, the Chief 55607
Administrative Officer of the House of Representatives shall 55608
certify to the Director of Budget and Management the total fiscal 55609
year 2006 unencumbered appropriations in appropriation item 55610
025-321, Operating Expenses. The Chief Administrative Officer may 55611
direct the Director of Budget and Management to transfer an amount 55612
not to exceed the total fiscal year 2006 unencumbered 55613
appropriations to fiscal year 2007 for use within appropriation 55614
item 025-321, Operating Expenses. Additional appropriation 55615
authority equal to the amount certified by the Chief 55616
Administrative Officer is hereby appropriated to appropriation 55617
item 025-321, Operating Expenses, in fiscal year 2007. 55618

Section 206.57. HFA OHIO HOUSING FINANCE AGENCY 55619

General Services Fund Group 55620

5AZ 997-601 Housing Finance Agency \$ 8,100,000 \$ 8,100,000 55621

Personal Services

TOTAL GSF General Services Fund \$ 8,100,000 \$ 8,100,000 55622

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,100,000 \$ 8,100,000 55623

Section 206.60. IGO OFFICE OF THE INSPECTOR GENERAL 55625

General Revenue Fund 55626

GRF 965-321 Operating Expenses \$ 763,280 \$ 763,280 55627

TOTAL GRF General Revenue Fund \$ 763,280 \$ 763,280 55628

General Services Fund Group 55629

4Z3 965-602 Special Investigations \$ 100,000 \$ 100,000 55630

TOTAL GSF General Services Fund \$ 100,000 \$ 100,000 55631

Group

TOTAL ALL BUDGET FUND GROUPS	\$	863,280	\$	863,280	55632
SPECIAL INVESTIGATIONS					55633
Of the foregoing appropriation item 965-602, Special					55634
Investigations, up to \$100,000 in each fiscal year may be used for					55635
investigative costs, pursuant to section 121.481 of the Revised					55636
Code.					55637
 Section 206.63. INS DEPARTMENT OF INSURANCE					55638
Federal Special Revenue Fund Group					55639
3U5 820-602 OSHIIP Operating Grant	\$	1,080,000	\$	1,080,000	55640
TOTAL FED Federal Special					55641
Revenue Fund Group	\$	1,080,000	\$	1,080,000	55642
State Special Revenue Fund Group					55643
554 820-601 Operating Expenses -	\$	564,754	\$	571,772	55644
OSHIIP					
554 820-606 Operating Expenses	\$	22,654,232	\$	22,832,214	55645
555 820-605 Examination	\$	7,639,581	\$	7,639,581	55646
TOTAL SSR State Special Revenue					55647
Fund Group	\$	30,858,567	\$	31,043,567	55648
TOTAL ALL BUDGET FUND GROUPS	\$	31,938,567	\$	32,123,567	55649
MARKET CONDUCT EXAMINATION					55650
When conducting a market conduct examination of any insurer					55651
doing business in this state, the Superintendent of Insurance may					55652
assess the costs of the examination against the insurer. The					55653
superintendent may enter into consent agreements to impose					55654
administrative assessments or fines for conduct discovered that					55655
may be violations of statutes or rules administered by the					55656
superintendent. All costs, assessments, or fines collected shall					55657
be deposited to the credit of the Department of Insurance					55658
Operating Fund (Fund 554).					55659
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES					55660

The Director of Budget and Management, at the request of the 55661
 Superintendent of Insurance, may transfer funds from the 55662
 Department of Insurance Operating Fund (Fund 554), created by 55663
 section 3901.021 of the Revised Code, to the Superintendent's 55664
 Examination Fund (Fund 555), created by section 3901.071 of the 55665
 Revised Code, only for expenses incurred in examining domestic 55666
 fraternal benefit societies as required by section 3921.28 of the 55667
 Revised Code. 55668

Section 206.66. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 55669

General Revenue Fund 55670

GRF 600-321 Support Services 55671

State \$ 62,797,907 \$ 60,065,397 55672

Federal \$ 8,114,493 \$ 8,454,541 55673

Support Services Total \$ 70,912,400 \$ 68,519,938 55674

GRF 600-410 TANF State \$ 272,619,061 \$ 272,619,061 55675

GRF 600-413 Child Care \$ 84,120,596 \$ 84,120,596 55676

Match/Maintenance of
Effort

GRF 600-416 Computer Projects 55677

State \$ 117,516,710 \$ 120,226,021 55678

Federal \$ 38,579,198 \$ 35,255,465 55679

Computer Projects \$ 156,095,908 \$ 155,481,486 55680

Total

GRF 600-420 Child Support \$ 5,091,446 \$ 5,091,446 55681

Administration

GRF 600-421 Office of Family \$ 4,864,932 \$ 4,864,932 55682

Stability

GRF 600-423 Office of Children and \$ 5,408,020 \$ 5,431,690 55683

Families

GRF 600-425 Office of Ohio Health 55684

Plans

	State	\$	24,803,631	\$	24,054,873	55685
	Federal	\$	26,539,544	\$	25,810,409	55686
	Office of Ohio Health Plans Total	\$	51,343,175	\$	49,865,282	55687
GRF 600-442	Public Assistance Reconciliation	\$	30,000,000	\$	30,000,000	55688
GRF 600-502	Child Support Match	\$	16,814,103	\$	16,814,103	55689
GRF 600-511	Disability Financial Assistance	\$	22,839,371	\$	22,839,371	55690
GRF 600-512	Non-TANF Emergency Assistance	\$	1,000,000	\$	1,000,000	55691
GRF 600-521	Family Stability Subsidy	\$	151,206,401	\$	151,206,401	55692
GRF 600-523	Children and Families Subsidy	\$	69,438,543	\$	69,438,543	55693
GRF 600-525	Health Care/Medicaid					55694
	State	\$	3,773,642,629	\$	3,818,540,675	55695
	Federal	\$	5,646,950,287	\$	5,765,592,576	55696
	Health Care Total	\$	9,420,592,916	\$	9,584,133,251	55697
GRF 600-526	Medicare Part D	\$	155,349,266	\$	339,578,325	55698
GRF 600-528	Adoption Services					55699
	State	\$	33,698,298	\$	35,516,130	55700
	Federal	\$	40,331,807	\$	43,022,485	55701
	Adoption Services Total	\$	74,030,105	\$	78,538,615	55702
TOTAL GRF	General Revenue Fund					55703
	State	\$	4,831,210,914	\$	5,061,407,564	55704
	Federal	\$	5,760,515,329	\$	5,878,135,476	55705
	GRF Total	\$	10,591,726,243	\$	10,939,543,040	55706
	General Services Fund Group					55707
4A8 600-658	Child Support Collections	\$	26,680,794	\$	26,680,794	55708
4R4 600-665	BCII Services/Fees	\$	36,974	\$	36,974	55709

5C9	600-671	Medicaid Program Support	\$	73,015,021	\$	63,947,536	55710
5N1	600-677	County Technologies	\$	1,000,000	\$	1,000,000	55711
613	600-645	Training Activities	\$	135,000	\$	135,000	55712
TOTAL GSF General Services							55713
Fund Group			\$	100,867,789	\$	91,800,304	55714
Federal Special Revenue Fund Group							55715
3A2	600-641	Emergency Food Distribution	\$	2,600,000	\$	2,800,000	55716
3D3	600-648	Children's Trust Fund Federal	\$	2,040,524	\$	2,040,524	55717
3F0	600-623	Health Care Federal	\$	542,784,408	\$	674,252,692	55718
3F0	600-650	Hospital Care Assurance Match	\$	343,239,047	\$	343,239,047	55719
3G5	600-655	Interagency Reimbursement	\$	1,364,802,369	\$	1,426,954,440	55720
3H7	600-617	Child Care Federal	\$	208,000,000	\$	208,000,000	55721
3N0	600-628	IV-E Foster Care Maintenance	\$	153,963,142	\$	153,963,142	55722
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050	55723
3V0	600-688	Workforce Investment Act	\$	208,322,037	\$	208,097,948	55724
3V4	600-678	Federal Unemployment Programs	\$	153,435,545	\$	157,202,750	55725
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$	3,829,430	\$	3,800,573	55726
3V6	600-689	TANF Block Grant	\$	756,604,142	\$	781,983,200	55727
3W3	600-659	TANF/Title XX	\$	8,000,000	\$	5,400,000	55728
327	600-606	Child Welfare	\$	33,160,190	\$	33,090,786	55729
331	600-686	Federal Operating	\$	43,966,134	\$	44,929,546	55730
384	600-610	Food Stamps and State Administration	\$	188,238,706	\$	181,250,799	55731

385	600-614	Refugee Services	\$	5,683,829	\$	5,742,439	55732
395	600-616	Special Activities/Child and Family Services	\$	4,567,112	\$	4,564,877	55733
396	600-620	Social Services Block Grant	\$	120,993,012	\$	121,004,222	55734
397	600-626	Child Support	\$	287,468,576	\$	287,468,576	55735
398	600-627	Adoption Maintenance/ Administration	\$	314,639,519	\$	314,639,519	55736
TOTAL FED Federal Special Revenue							55737
Fund Group			\$	4,746,871,772	\$	4,960,959,130	55738
State Special Revenue Fund Group							55739
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	55740
4A9	600-607	Unemployment Compensation Administration Fund	\$	11,197,180	\$	13,267,311	55741
4A9	600-694	Unemployment Compensation Review Commission	\$	3,188,473	\$	3,188,473	55742
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	55743
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	55744
4F1	600-609	Foundation Grants/Child and Family Services	\$	61,420	\$	61,420	55745
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	55746
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	55747
4K1	600-621	ICF/MR Bed Assessments	\$	20,074,255	\$	20,064,131	55748
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	55749
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	55750

5AA 600-673	Ohio's Best Rx Administration	\$	5,000,000	\$	5,000,000	55751
5BE 600-693	Child Support Operating	\$	5,000,000	\$	5,000,000	55752
5BG 600-653	Managed Care Assessment	\$	18,795,483	\$	99,410,121	55753
5F2 600-667	Building Consolidation	\$	250,000	\$	250,000	55754
5F3 600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	55755
5P5 600-692	Health Care Services	\$	828,587,776	\$	538,301,761	55756
5Q9 600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	55757
5R2 600-608	Medicaid-Nursing Facilities	\$	111,129,224	\$	111,214,982	55758
5S3 600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	55759
5U3 600-654	Health Care Services Administration	\$	10,115,870	\$	15,474,709	55760
5U6 600-663	Children and Family Support	\$	4,929,717	\$	4,929,717	55761
5Z9 600-672	TANF Quality Control Reinvestments	\$	647,409	\$	688,421	55762
651 600-649	Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404	55763
TOTAL SSR State Special Revenue						55764
Fund Group		\$	1,382,579,589	\$	1,180,453,828	55765
Agency Fund Group						55766
192 600-646	Support Intercept - Federal	\$	110,000,000	\$	110,000,000	55767
5B6 600-601	Food Stamp Intercept	\$	2,000,000	\$	2,000,000	55768
583 600-642	Support Intercept - State	\$	16,000,000	\$	16,000,000	55769
TOTAL AGY Agency Fund Group		\$	128,000,000	\$	128,000,000	55770

Holding Account Redistribution Fund Group				55771	
R12 600-643 Refunds and Audit	\$	3,600,000	\$	3,600,000	55772
Settlements					
R13 600-644 Forgery Collections	\$	10,000	\$	10,000	55773
TOTAL 090 Holding Account	\$	3,610,000	\$	3,610,000	55774
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$16,953,655,393	\$17,304,366,302	55775	

Section 206.66.03. APPROPRIATION ITEM RESTRUCTURING 55777

(A) If the Directors of Job and Family Services and Budget 55778
and Management agree, the Director of Budget and Management may, 55779
in fiscal years 2006 and 2007, reduce appropriations in 55780
appropriation items 600-321, Support Services, and 600-416, 55781
Computer Projects, by amounts equal to the federal share in each 55782
appropriation item. The total amount by which these appropriation 55783
items are reduced in accordance with this division is hereby 55784
appropriated to appropriation item 600-651, Federal General 55785
Operating (Fund 3AX). 55786

(B) The Department of Job and Family Services may submit to 55787
the Office of Budget and Management a plan to realign 55788
appropriation items 600-321, Support Services, and 600-416, 55789
Computer Projects. The plan may include a request for the Director 55790
of Budget and Management to transfer appropriations from 55791
appropriation items 600-321, Support Services, and 600-416, 55792
Computer Projects, to any other General Revenue Fund appropriation 55793
items in Section 312.03 of this act. If the plan is approved by 55794
the Office of Budget and Management, the Director of Budget and 55795
Management shall transfer appropriations as requested in the plan. 55796
Dollars spent pursuant to appropriations transferred in accordance 55797
with this division shall be for the same purposes for which the 55798
original appropriations were made. 55799

(C) In fiscal year 2007, the Department of Job and Family 55800

Services, with the approval of the Office of Budget and Management, shall utilize a method for determining the payments from applicable appropriation items into the Support Services State Operating Fund (Fund 230). The method shall contain characteristics of administrative ease and uniform application. Payments to the Support Services State Operating Fund (Fund 230) shall be made by intrastate transfer voucher. Amounts transferred in accordance with this division are hereby appropriated to appropriation item 600-661, Support Services State Operating (Fund 230).

Section 206.66.06. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

Of the foregoing appropriation item 600-321, Support Services, up to \$312,500 per fiscal year may be used to support the activities of the Governor's Office of Faith-Based and Community Initiatives.

Section 206.66.09. TANF OHIO WORKS FIRST CASH ASSISTANCE PAYMENTS

The Department of Job and Family Services shall use a portion of the moneys appropriated for the TANF program in appropriation items 600-410, TANF State; 600-658, Child Support Collections; and 600-689, TANF Block Grant, to increase the cash assistance provided to recipients of benefits under the TANF Ohio Works First program by up to 10 per cent as compared to the cash assistance provided prior to July 1, 2005. The increased TANF cash assistance benefit shall be effective October 1, 2005.

Section 206.66.12. OHIO'S BEST RX OPERATIONAL COSTS

An amount equal to the remaining balance in appropriation item 600-440, Ohio's Best Rx Operational Costs, from fiscal year

2005 is hereby appropriated for fiscal year 2006 into 55830
appropriation item 600-440, Ohio's Best Rx Operational Costs. An 55831
amount equal to the remaining unencumbered balance in 55832
appropriation item 600-440, Ohio's Best Rx Operational Costs, from 55833
fiscal year 2006 is hereby appropriated for fiscal year 2007 into 55834
appropriation item 600-440, Ohio's Best Rx Operational Costs. The 55835
appropriation item 600-440, Ohio's Best Rx Operational Costs, 55836
shall be used by the Department of Job and Family Services to pay 55837
for the administrative and operational expenses for the Ohio's 55838
Best Rx Program in accordance with Chapter 5110. of the Revised 55839
Code, including costs associated with the duties assigned by the 55840
Department to the Ohio's Best Rx Program Administrator and for 55841
making payments to participating terminal distributors until 55842
sufficient cash exists to make payments from the accounts created 55843
in sections 5110.32 and 5110.33 of the Revised Code. Of 55844
appropriation item 600-440, Ohio's Best Rx Operational Costs, not 55845
more than \$750,000 per fiscal year may be used by the department 55846
for administrative and operational costs, excluding outreach, that 55847
are not associated with the Ohio's Best Rx Program Administrator 55848
or the payments to participating terminal distributors. 55849

If the Director of Job and Family Services estimates that the 55850
appropriation is sufficient to fully cover start-up costs, the 55851
Director shall, in consultation with the Director of Budget and 55852
Management, submit a letter to the Governor, President of the 55853
Senate, Speaker of the House of Representatives, and the minority 55854
leaders of the Senate and House of Representatives. The letter 55855
shall declare the additional appropriation estimated to be needed 55856
and shall show a breakdown of how the additional appropriation 55857
will be used. The Director of Job and Family Services shall obtain 55858
the approval of the Controlling Board for any supplemental 55859
appropriation, if required. The amount approved by the Controlling 55860
Board is hereby appropriated. The use of state funds for program 55861

costs as provided in this section shall in no way obligate the 55862
state to fund further program costs, as the program is a discount 55863
program, not an entitlement program. 55864

OHIO'S BEST RX ADMINISTRATION 55865

The foregoing appropriation item 600-673, Ohio's Best Rx 55866
Administration, shall be used on an ongoing basis to cover 55867
expenses associated with the Ohio's Best Rx Program defined in 55868
section 5110.33 of the Revised Code. If receipts to the fund 55869
exceed the appropriated amount, the Director of Job and Family 55870
Services may request that the Director of Budget and Management 55871
increase the appropriation of this fund. Upon approval from the 55872
Director of Budget and Management, the additional amounts are 55873
hereby appropriated. 55874

Section 206.66.15. PUBLIC ASSISTANCE RECONCILIATION 55875

The Director of Job and Family Services may transfer, by 55876
intrastate transfer voucher, from GRF appropriation item 600-442, 55877
Public Assistance Reconciliation, up to \$30,000,000 in fiscal year 55878
2006 and up to \$30,000,000 in fiscal year 2007, to the Public 55879
Assistance Reconciliation Fund (Fund 5AX), to be used by the 55880
Department of Job and Family Services to reimburse Ohio's federal 55881
TANF block grant according to the process agreed to by the 55882
Department and the federal government. Such amounts are hereby 55883
appropriated. 55884

Section 206.66.18. CY 2007 COUNTY SHARE OF PUBLIC ASSISTANCE 55885
EXPENDITURES 55886

As used in this section, "public assistance expenditures" has 55887
the same meaning as in section 5101.16 of the Revised Code. 55888

Notwithstanding section 5101.16 of the Revised Code, a 55889
county's share of public assistance expenditures for calendar year 55890

2007 shall be an amount equal to the county's share of public 55891
assistance expenditures for calendar year 2006. 55892

Section 206.66.21. TANF TRANSFERS 55893

(A) Notwithstanding any provision of law to the contrary, 55894
through June 30, 2007, if the Director of Budget and Management 55895
determines that the estimated ending fund balance of the General 55896
Revenue Fund will be greater than the amounts assumed in this act 55897
for either fiscal year, the director may transfer the excess 55898
balance, up to a total of \$96,000,000 to Fund 5AX, Public 55899
Assistance Reconciliation Fund, to pay the state's outstanding 55900
TANF liability to the federal government. Upon transfer, these 55901
amounts are hereby appropriated. This division does not apply to 55902
division (A) of Section 312.09, Budget Stabilization Fund 55903
Transfers, of this act. 55904

(B) In executing division (A) of this section and division 55905
(A) of Section 312.09, Budget Stabilization Fund Transfers, it is 55906
intended that these divisions be applied and construed so that 55907
both of the transfers authorized under these divisions may be made 55908
through June 30, 2007. 55909

Section 206.66.24. HEALTH CARE/MEDICAID 55910

The foregoing appropriation item 600-525, Health 55911
Care/Medicaid, shall not be limited by the provisions of section 55912
131.33 of the Revised Code. 55913

**Section 206.66.27. FISCAL YEAR 2006 MEDICAID REIMBURSEMENT 55914
SYSTEM FOR NURSING FACILITIES** 55915

(A) As used in this section: 55916

"2003 cost report" means a complete and adequate Medicaid 55917
cost report covering calendar year 2003 filed with the Department 55918

of Job and Family Services under section 5111.23 of the Revised Code. 55919
55920

"Change of operator" has the same meaning as in section 5111.65 of the Revised Code. 55921
55922

"Direct care peer group" means the peer group specified in rules adopted under division (E) of former section 5111.23 of the Revised Code into which a nursing facility is placed as part of the calculation of the nursing facility's rate for direct care costs. 55923
55924
55925
55926
55927

"Exiting operator" has the same meaning as in section 5111.65 of the Revised Code. 55928
55929

"Former section" means the version of a section of the Revised Code that existed on the day immediately before the day that section is repealed by this act. 55930
55931
55932

"Medicaid days" means all days during which a resident who is a Medicaid recipient eligible for nursing facility services occupies a bed in a nursing facility that is included in the nursing facility's certified capacity under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. Therapeutic or hospital leave days for which payment is made under section 5111.26 of the Revised Code are considered Medicaid days proportionate to the percentage of the nursing facility's per resident per day rate paid for those days. 55933
55934
55935
55936
55937
55938
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55940
55941

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 55942
55943

"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. 55944
55945
55946
55947

(B) Except as provided in division (C) of this section, a 55948

nursing facility with a valid Medicaid provider agreement for 55949
fiscal year 2006 shall be paid the following rate for nursing 55950
facility services the nursing facility provides during fiscal year 55951
2006: 55952

(1) If the nursing facility had a valid Medicaid provider 55953
agreement on June 30, 2005, and a 2003 cost report, the rate shall 55954
be determined as follows: 55955

(a) Calculate the nursing facility's rate using the method 55956
that was used to calculate the nursing facility's rate for nursing 55957
facility services provided on July 1, 2004, with the following 55958
modifications: 55959

(i) Use the nursing facility's 2003 cost report; 55960

(ii) Set the maximum cost per case-mix unit for the nursing 55961
facility's peer group at an amount equal to ninety-eight per cent 55962
of the maximum cost per case-mix unit that, under division 55963
(B)(2)(a) of former section 5111.23 of the Revised Code, was set 55964
for the nursing facility's peer group for direct care costs for 55965
nursing facility services provided on July 1, 2004; 55966

(iii) For the average case-mix score that is used in the 55967
multiplication performed under division (C)(1) of former section 55968
5111.23 of the Revised Code, use the nursing facility's quarterly 55969
case-mix score that is based on the data the nursing facility 55970
submitted to the Department under division (B) of section 5111.24 55971
of the Revised Code, as that section existed as section 5111.231 55972
of the Revised Code on the day before the effective date of this 55973
section, for the quarter ending March 31, 2004; 55974

(iv) For the inflation rate that is used in the calculation 55975
made under division (C)(2) of former section 5111.23 of the 55976
Revised Code, use an inflation rate of six and 55977
twenty-eight-hundredths per cent; 55978

(v) Use the annual average case-mix score that was calculated 55979
under division (B) of section 5111.24 of the Revised Code, as that 55980
section existed as section 5111.231 of the Revised Code on the day 55981
before the effective date of this section, and used to calculate 55982
the nursing facility's rate for direct care costs for nursing 55983
facility services provided on July 1, 2004; 55984

(vi) For the inflation rate used in the calculation of the 55985
nursing facility's other protected costs under former section 55986
5111.235 of the Revised Code, use an inflation rate of 55987
seventy-nine-hundredths per cent; 55988

(vii) For the inflation rate used in the calculation of the 55989
nursing facility's indirect care costs under division (A)(1) of 55990
former section 5111.24 of the Revised Code, use an inflation rate 55991
of ninety-one-hundredths per cent; 55992

(viii) Set the pre-inflation adjusted maximum rate for 55993
indirect care costs for the nursing facility's peer group at an 55994
amount equal to ninety-eight per cent of the pre-inflation 55995
adjusted maximum rate for indirect care costs that, under division 55996
(B) of former section 5111.24 of the Revised Code, was set for the 55997
nursing facility's peer group for nursing facility services 55998
provided on July 1, 2004; 55999

(ix) For the inflation rate used in the calculation of the 56000
maximum rate for indirect care costs for the nursing facility's 56001
peer group under division (B)(1) of former section 5111.24 of the 56002
Revised Code, use an inflation rate of seven-hundredths per cent; 56003

(x) For the inflation rate used in the calculations made 56004
under divisions (A)(1)(b)(iii) and (D)(2)(b) and the second to 56005
last paragraph of division (E) of section 5111.27 of the Revised 56006
Code, as that section existed as section 5111.25 of the Revised 56007
Code on the day before the effective date of this section, use an 56008
inflation rate of one and seventy-nine-hundredths per cent. 56009

- (b) Reduce the rate calculated under division (B)(1)(a) of this section by six and sixty-two hundredths per cent; 56010
56011
- (c) Determine the nursing facility's rate per case-mix unit by dividing the nursing facility's rate determined under division (B)(1)(b) of this section by the nursing facility's annual average case-mix score that was calculated for the nursing facility under division (B) of former section 5111.24 of the Revised Code, as that section existed as section 5111.231 of the Revised Code on the day before the effective date of this section, and used in calculating the nursing facility's rate for nursing facility services provided on July 1, 2004; 56012
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- (d) Array from low rate per case-mix unit to high rate per case-mix unit each of the nursing facilities that are in the nursing facility's direct care peer group and for which a rate is determined under division (B)(1) of this section; 56021
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- (e) Determine the nursing facility's facility-specific estimated Medicaid costs by multiplying the nursing facility's rate determined under division (B)(1)(b) of this section by the number of the nursing facility's Medicaid days for calendar year 2003 as reported to the Department on May 31, 2004, in the Medicaid Management Information System; 56025
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- (f) Determine the total estimated Medicaid costs for all of the nursing facilities that are in the nursing facility's direct care peer group and for which a rate is determined under division (B)(1) of this section by calculating the sum of all of those nursing facilities' facility-specific estimated Medicaid costs determined under division (B)(1)(e) of this section; 56031
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- (g) Divide the nursing facilities included in the array made under division (B)(1)(d) of this section into three sub-peer groups such that each of the following is the case: 56037
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- (i) The first sub-peer group consists of those nursing 56040

facilities with the lowest rate per case-mix unit whose combined
facility-specific estimated Medicaid costs equals, as close as
possible, one-third of the total estimated Medicaid costs
determined under division (B)(1)(f) of this section;

(ii) The second sub-peer group consists of those nursing
facilities with the middle rate per case-mix unit whose combined
facility-specific estimated Medicaid costs equals, as close as
possible, one-third of the total estimated Medicaid costs
determined under division (B)(1)(f) of this section;

(iii) The third sub-peer group consists of those nursing
facilities with the highest rate per case-mix unit whose combined
facility-specific estimated Medicaid costs equals, as close as
possible, one-third of the total estimated Medicaid costs
determined under division (B)(1)(f) of this section.

(h) If the nursing facility is part of the first sub-peer
group created under division (B)(1)(g)(i) of this section,
increase the nursing facility's rate determined under division
(B)(1)(b) of this section by two per cent;

(i) If the nursing facility is part of the second sub-peer
group created under division (B)(1)(g)(ii) of this section,
decrease the nursing facility's rate determined under division
(B)(1)(b) of this section by four per cent;

(j) If the nursing facility is part of the third sub-peer
group created under division (B)(1)(g)(iii) of this section,
decrease the nursing facility's rate determined under division
(B)(1)(b) of this section by six per cent.

(2) If the nursing facility had a valid Medicaid provider
agreement on June 30, 2005, and was not required to file a cost
report covering calendar year 2003, the rate shall be ninety-seven
per cent of the rate the nursing facility was paid for nursing
facility services provided on June 30, 2005.

(C) If a nursing facility undergoes a change of operator on July 1, 2005, the nursing facility shall be paid, for nursing facility services the nursing facility provides during fiscal year 2006, the rate that would have been paid to the exiting operator of the nursing facility for nursing facility services provided on July 1, 2005.

If a nursing facility undergoes a change of operator during the period beginning July 2, 2005, and ending June 30, 2006, the nursing facility 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 exiting operator 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 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 nursing facilities on July 1, 2005.

(E) If, during fiscal year 2006, one or more Medicaid certified beds are added to a nursing facility with a valid Medicaid provider agreement for fiscal year 2006, 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 beds that are in the nursing facility on the day before the new beds are added.

(F) A nursing facility's rate established under this section shall not be subject to any adjustments for any reason except for

an adjustment made pursuant to an audit of the nursing facility's 56103
2003 cost report. 56104

Section 206.66.30. FISCAL YEAR 2007 MEDICAID REIMBURSEMENT 56105
SYSTEM FOR NURSING FACILITIES 56106

(A) As used in this section: 56107

"2003 cost report" means a complete and adequate Medicaid 56108
cost report covering calendar year 2003 filed with the Department 56109
of Job and Family Services under section 5111.23 of the Revised 56110
Code. 56111

"Change of operator" has the same meaning as in section 56112
5111.65 of the Revised Code. 56113

"Exiting operator" has the same meaning as in section 5111.65 56114
of the Revised Code. 56115

"Nursing facility" has the same meaning as in section 5111.20 56116
of the Revised Code. 56117

"Nursing facility services" means nursing facility services 56118
covered by the Medicaid program that a nursing facility provides 56119
to a resident of the nursing facility who is a Medicaid recipient 56120
eligible for Medicaid-covered nursing facility services. 56121

(B) Except as provided in division (C) of this section, a 56122
nursing facility that has a valid Medicaid provider agreement on 56123
June 30, 2006, and a valid Medicaid provider agreement for fiscal 56124
year 2007 shall be paid, for nursing facility services the nursing 56125
facility provides during fiscal year 2007, the rate the nursing 56126
facility is paid for providing nursing facility services on June 56127
30, 2006. 56128

(C) If a nursing facility undergoes a change of operator 56129
during fiscal year 2007, the nursing facility shall be paid, for 56130
nursing facility services the nursing facility provides during the 56131

period beginning on the effective date of the change of operator 56132
and ending June 30, 2007, the rate paid to the exiting operator 56133
for nursing facility services that the exiting operator provided 56134
on the day immediately before the effective date of the change of 56135
operator. 56136

(D) If, during fiscal year 2007, a nursing facility obtains 56137
certification as a nursing facility from the Director of Health 56138
and begins participation in the Medicaid program, the nursing 56139
facility shall be paid, for nursing facility services the nursing 56140
facility provides during the period beginning on the date the 56141
nursing facility begins participation in the Medicaid program and 56142
ending June 30, 2007, a rate that is the median of all rates paid 56143
to nursing facilities on July 1, 2006. 56144

(E) If, during fiscal year 2007, one or more Medicaid 56145
certified beds are added to a nursing facility with a valid 56146
Medicaid provider agreement for fiscal year 2007, the nursing 56147
facility shall be paid a rate for the new beds that is the same as 56148
the nursing facility's rate for the Medicaid certified beds that 56149
are in the nursing facility on the day before the new beds are 56150
added. 56151

(F) A nursing facility's rate established under this section 56152
shall not be subject to any adjustments for any reason except for 56153
an adjustment made pursuant to an audit of the nursing facility's 56154
2003 cost report. 56155

Section 206.66.33. FISCAL YEAR 2006 AND FISCAL YEAR 2007 56156
MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR 56157

(A) As used in this section: 56158

"2003 cost report" means a complete and adequate Medicaid 56159
cost report covering calendar year 2003 filed with the Department 56160
of Job and Family Services under section 5111.23 of the Revised 56161

Code. 56162

"Change of operator" has the same meaning as in section 56163
5111.65 of the Revised Code. 56164

"Exiting operator" has the same meaning as in section 5111.65 56165
of the Revised Code. 56166

"Intermediate care facility for the mentally retarded" has 56167
the same meaning as in section 5111.20 of the Revised Code. 56168

"ICF/MR services" means intermediate care facility for the 56169
mentally retarded services covered by the Medicaid program that an 56170
intermediate care facility for the mentally retarded provides to a 56171
resident of the facility who is a Medicaid recipient eligible for 56172
Medicaid-covered intermediate care facility for the mentally 56173
retarded services. 56174

(B) Except as provided in division (C) of this section, an 56175
intermediate care facility for the mentally retarded that has a 56176
valid Medicaid provider agreement on June 30, 2005, and a valid 56177
Medicaid provider agreement for fiscal years 2006 and 2007 shall 56178
be paid, for ICF/MR services the facility provides during fiscal 56179
years 2006 and 2007, the rate the facility is paid for providing 56180
ICF/MR services on June 30, 2005. 56181

(C) If an intermediate care facility for the mentally 56182
retarded undergoes a change of operator during fiscal year 2006 or 56183
2007, the facility shall be paid, for ICF/MR services the facility 56184
provides during the period beginning on the effective date of the 56185
change of operator and ending June 30, 2007, the rate paid to the 56186
exiting operator for ICF/MR services that the exiting operator 56187
provided on the day immediately before the effective date of the 56188
change of operator. 56189

(D) If, during fiscal year 2006 or 2007, an intermediate care 56190
facility for the mentally retarded obtains certification as an 56191

intermediate care facility for the mentally retarded from the 56192
Director of Health and begins participation in the Medicaid 56193
program, the facility shall be paid, for ICF/MR services the 56194
facility provides during the period beginning on the date the 56195
facility begins participation in the Medicaid program and ending 56196
June 30, 2007, a rate that is the median of all rates paid to 56197
intermediate care facilities for the mentally retarded on July 1, 56198
2006. 56199

(E) If, during fiscal year 2006 or 2007, one or more Medicaid 56200
certified beds are added to an intermediate care facility for the 56201
mentally retarded with a valid Medicaid provider agreement for the 56202
time that the beds are added, the facility shall be paid a rate 56203
for the new beds that is the same as the nursing facility's rate 56204
for the Medicaid certified beds that are in the nursing facility 56205
on the day before the new beds are added. 56206

(F) An adjustment necessitated by an audit of an intermediate 56207
care facility for the mentally retarded's 2003 cost report may be 56208
applied to a rate established under this section for the facility. 56209

***Section 206.66.36. ASSISTED LIVING MEDICAID WAIVER PROGRAM** 56210

(A) As used in this section, "Assisted Living Program" has 56211
the same meaning as in section 5111.89 of the Revised Code. 56212

(B) After the Department of Job and Family Services enters 56213
into a contract with the Department of Aging under section 5111.91 56214
of the Revised Code for the Department of Aging to administer the 56215
Assisted Living Program, the Director of Job and Family Services 56216
shall quarterly certify to the Director of Budget and Management 56217
the estimated costs of the Assisted Living Program for the 56218
upcoming quarter. The estimate shall include the state and federal 56219
share of the costs. On receipt of the certified estimated costs 56220
for an upcoming quarter, the Director of Budget and Management 56221

shall do all of the following:	56222
(1) Transfer the state share of the amount of the estimated costs from GRF appropriation item 600-525, Health Care/Medicaid, to GRF appropriation item 490-422, Assisted Living;	56223 56224 56225
(2) Transfer the federal share of the amount of the estimated costs from GRF appropriation item 600-525, Health Care/Medicaid, to Fund 3C4, appropriation item 490-622, Assisted Living - Federal;	56226 56227 56228 56229
(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.	56230 56231 56232
(C) The funds that the Director of Budget and Management transfers and increases under this section are hereby appropriated.	56233 56234 56235
*Section 206.66.37. Section 206.66.36 of this act takes effect October 1, 2005.	56236 56237
Section 206.66.39. MEDICAID ELIGIBILITY REDUCTIONS	56238
The Director of Job and Family Services shall, not later than ninety days after the effective date of this section, submit to the Unites States Secretary of Health and Human Services an amendment to the state Medicaid plan to reduce to ninety per cent of the federal poverty guidelines the amount specified in division (A)(2) of section 5111.019 of the Revised Code as it existed immediately prior to the amendment made by this act. The reduction shall be implemented not earlier than ninety days after the effective date of this section and not later than the effective date of federal approval.	56239 56240 56241 56242 56243 56244 56245 56246 56247 56248
Section 206.66.42. TERMINATION OF THE DISABILITY MEDICAL	56249

ASSISTANCE PROGRAM	56250
(A) The Department of Job and Family Services shall terminate the Disability Medical Assistance Program effective October 1, 2005. All rules, standards, guidelines, or orders adopted or issued by the Director of Job and Family Services to govern the Disability Medical Assistance Program before its termination shall remain in effect on and after October 1, 2005, for the following purposes:	56251 56252 56253 56254 56255 56256 56257
(1) To establish the legal obligations of the Department for claims arising from the Program;	56258 56259
(2) To determine an individual's previous eligibility for the Program;	56260 56261
(3) To determine the validity of a claim for services under the Program;	56262 56263
(4) To recover erroneous payments, as defined in section 5115.23 of the Revised Code, made before October 1, 2005.	56264 56265
(B) The Department may use funds appropriated to it to satisfy Program claims or contingent claims existing before October 1, 2005. The Department shall not pay claims for services rendered on or after October 1, 2005.	56266 56267 56268 56269
(C) The Department shall pay a claim for services rendered by a medical provider to a Disability Medical Assistance Program recipient before October 1, 2005, only if the claim is received by the Department not later than April 1, 2006.	56270 56271 56272 56273
(D) A judge or other person designated to make a decision in a state hearing, administrative appeal, or judicial proceeding initiated under section 5101.35 of the Revised Code may adjudicate an appeal of a determination made by the Department under the Program before October 1, 2005. No person may adjudicate an appeal of a determination made by the Department under the Program on or	56274 56275 56276 56277 56278 56279

after October 1, 2005.	56280
(E) Notwithstanding the termination of the Disability Medical Assistance Program, the following remain effective on and after October 1, 2005:	56281
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	56283
(1) As described in section 5101.58 of the Revised Code, the Department's and a county's right of recovery against the liability of a third party for the cost of medical services and care;	56284
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	56286
	56287
(2) As described in section 5101.59 of the Revised Code, the assignment of a Program recipient's right to medical support made by court or administrative order or payments from a third party.	56288
	56289
	56290
(F) The Department may take reasonable steps to inform Program recipients about the termination of the Program. A county department of job and family services shall take action with respect to these activities when requested by the Department.	56291
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	56294
(G) An action taken under division (F) of this section shall not be the basis for requiring the Department to extend the Program or to approve or extend a person's eligibility for the Program on or after October 1, 2005.	56295
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	56298
(H) The Director may adopt rules in accordance with section 111.15 of the Revised Code to implement this section.	56299
	56300
Section 206.66.45. MEDICAID COVERAGE OF DENTAL AND VISION SERVICES	56301
	56302
The Director of Job and Family Services shall submit a State Medicaid Plan amendment to the United States Secretary of Health and Human Services to eliminate the Medicaid Program's coverage of dental and vision care services for Medicaid recipients twenty-one years of age or older for whom dental and vision care services are not required by federal Medicaid law. The director shall amend and rescind rules adopted under section 5111.02 of the Revised Code as	56303
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necessary to implement the elimination of these Medicaid services.	56310
Section 206.66.48. STATE MEDICAID PLAN AMENDMENT REGARDING	56311
ESTATE RECOVERY	56312
The Director of Job and Family Services shall submit a state	56313
Medicaid plan amendment to the United States Secretary of Health	56314
and Human Services as necessary for the implementation of the	56315
amendments by this act to sections 5111.11 and 5111.111 of the	56316
Revised Code.	56317
Section 206.66.51. MEDICAID PAYMENT FOR GRADUATE MEDICAL	56318
EDUCATION COSTS	56319
The Director of Job and Family Service shall submit to the	56320
United States Secretary of Health and Human Services an amendment	56321
to the state Medicaid plan to implement section 5111.191 of the	56322
Revised Code. The Department shall implement that section upon the	56323
Secretary's approval of the amendment.	56324
Section 206.66.54. MEDICARE PART D	56325
The foregoing appropriation item 600-526, Medicare Part D,	56326
may be used by the Department of Job and Family Services for the	56327
implementation and operation of the Medicare Part D requirements	56328
contained in the "Medicare Prescription Drug, Improvement, and	56329
Modernization Act of 2003," as amended, Pub. L. No. 108-173. Upon	56330
the request of the Department of Job and Family Services, the	56331
Director of Budget and Management may increase the state share of	56332
appropriations in either appropriation item 600-525, Health	56333
Care/Medicaid, or appropriation item 600-526, Medicare Part D,	56334
with a corresponding decrease in the state share of the other	56335
appropriation item to allow the Department of Job and Family	56336
Services to implement and operate the new Medicare Part D	56337
requirements. If the state share of appropriation item 600-525,	56338

Health Care/Medicaid, is adjusted, the Director of Budget and 56339
Management shall adjust the federal share accordingly. 56340

Section 206.66.57. ODJFS FUNDS 56341

AGENCY FUND GROUP 56342

The Agency Fund Group and Holding Account Redistribution Fund 56343
Group shall be used to hold revenues until the appropriate fund is 56344
determined or until the revenues are directed to the appropriate 56345
governmental agency other than the Department of Job and Family 56346
Services. If it is determined that additional appropriation 56347
authority is necessary, such amounts are hereby appropriated. 56348

Section 206.66.60. EMPLOYER SURCHARGE 56349

The surcharge and the interest on the surcharge amounts due 56350
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 56351
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 56352
118th General Assembly, and section 4141.251 of the Revised Code 56353
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 56354
General Assembly, again shall be assessed and collected by, 56355
accounted for, and made available to the Department of Job and 56356
Family Services in the same manner as set forth in section 56357
4141.251 of the Revised Code as it existed prior to its repeal by 56358
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 56359
repeal of the surcharge for calendar years after 1990, pursuant to 56360
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 56361
received by the Director on or after July 1, 2001, shall be 56362
deposited into the Unemployment Compensation Special 56363
Administrative Fund (Fund 4A9) established pursuant to section 56364
4141.11 of the Revised Code. 56365

Section 206.66.63. TRANSFER OF FUNDS TO THE DEPARTMENT OF 56366
AGING 56367

The Department of Job and Family Services shall transfer, 56368
through intrastate transfer vouchers, cash from Fund 4J5, Home and 56369
Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in 56370
the Department of Aging. The sum of the transfers shall be 56371
\$33,268,052 in fiscal year 2006 and \$33,263,984 in fiscal year 56372
2007. The transfer may occur on a quarterly basis or on a schedule 56373
developed and agreed to by both departments. 56374

Section 206.66.66. FUNDING FOR INSTITUTIONAL FACILITY AUDITS 56375
AND THE OHIO ACCESS SUCCESS PROJECT 56376

Notwithstanding any limitations in sections 3721.51 and 56377
3721.56 of the Revised Code, in each fiscal year, cash from Fund 56378
4J5, Home and Community-Based Services for the Aged, in excess of 56379
the amounts needed for the transfers may be used by the Department 56380
of Job and Family Services for the following purposes: (A) up to 56381
\$1.0 million in each fiscal year to fund the state share of audits 56382
of Medicaid cost reports filed with the Department of Job and 56383
Family Services by nursing facilities and intermediate care 56384
facilities for the mentally retarded; and (B) up to \$350,000 in 56385
fiscal year 2006 and up to \$350,000 in fiscal year 2007 to provide 56386
one-time transitional benefits under the Ohio Access Success 56387
Project that the Director of Job and Family Services may establish 56388
under section 5111.88 of the Revised Code. 56389

Section 206.66.69. OHIO ASSOCIATION OF SECOND HARVEST FOOD 56390
BANKS 56391

As used in this section, "federal poverty guidelines" has the 56392
same meaning as in section 5101.46 of the Revised Code. 56393

Notwithstanding section 5101.46 of the Revised Code, and 56394
prior to making any allocation to county departments of job and 56395
family services, the Department of Job and Family Services shall 56396
provide \$5,500,000 in each fiscal year from the foregoing 56397

appropriation item 600-620, Social Services Block Grant, for use 56398
in funding a grant agreement with the Ohio Association of Second 56399
Harvest Food Banks. The Department shall enter into a grant 56400
agreement with the Ohio Association of Second Harvest Food Banks 56401
to reimburse it for costs incurred in the purchase of food 56402
products and the distribution of those food products to agencies 56403
participating in the emergency food distribution program. 56404
Notwithstanding section 5101.46 of the Revised Code, the grant may 56405
permit the Ohio Association of Second Harvest Food Banks to use up 56406
to 5 per cent of the annual funding for administrative costs. The 56407
Department may advance funds to the grantee under section 5101.10 56408
of the Revised Code. 56409

Prior to entering into the grant agreement, the Ohio 56410
Association of Second Harvest Food Banks shall submit to the 56411
Department for approval a plan for the distribution of the food 56412
products to local food distribution agencies. If the plan meets 56413
the requirements and conditions established by the Department, the 56414
plan shall be incorporated into the grant agreement. The grant 56415
agreement shall also require the Ohio Association of Second 56416
Harvest Food Banks to ensure that local agencies will limit 56417
participation of individuals and families who receive any of the 56418
food products purchased with these funds to those who have an 56419
income at or below 200 per cent of the federal poverty guidelines. 56420
The Department and the Ohio Association of Second Harvest Food 56421
Banks shall agree on reporting requirements to be incorporated 56422
into the grant agreement, including a statement of expected 56423
performance outcomes from the Ohio Association of Second Harvest 56424
Food Banks and a requirement for their evaluation of their success 56425
in achieving those outcomes. 56426

Section 206.66.72. TRANSFER OF FUNDS TO THE DEPARTMENT OF 56427
MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 56428

The Department of Job and Family Services shall transfer, 56429
through intrastate transfer vouchers, cash from Fund 4K1, ICF/MR 56430
Bed Assessments, to Fund 4K8, Home and Community-Based Services, 56431
in the Department of Mental Retardation and Developmental 56432
Disabilities. The amount transferred shall equal \$12,000,000 in 56433
fiscal year 2006 and \$12,000,000 in fiscal year 2007. The transfer 56434
may occur on a quarterly basis or on a schedule developed and 56435
agreed to by both departments. 56436

Section 206.66.75. FUNDING FOR HABILITATIVE SERVICES 56437

Notwithstanding any limitations contained in sections 5112.31 56438
and 5112.37 of the Revised Code, in each fiscal year, cash from 56439
Fund 4K1, ICF/MR Bed Assessments, in excess of the amounts needed 56440
for transfers to Fund 4K8, Home and Community-Based Services, in 56441
the Department of Mental Retardation and Developmental 56442
Disabilities, may be used by the Department of Job and Family 56443
Services to cover costs of care provided to participants in a 56444
waiver with an ICF/MR level of care requirement administered by 56445
the Department of Job and Family Services. 56446

Section 206.66.78. COMMUNITY ALTERNATIVE FUNDING SYSTEM 56447

(A) As used in this section, "habilitation center services" 56448
has the same meaning as in former section 5111.041 of the Revised 56449
Code as that section existed on June 30, 2005. 56450

(B) The Director of Job and Family Services may adopt rules 56451
under section 111.15 of the Revised Code as necessary to terminate 56452
the community alternative funding system on July 1, 2005. 56453

(C) The Department of Job and Family Services may inform 56454
individuals who received habilitation center services under the 56455
community alternative funding system on June 30, 2005, and such 56456
individuals' representatives about alternative services that may 56457
be available for the individuals. The Department may require 56458

county departments of job and family services to provide such 56459
information to the individuals and their representatives. 56460

(D) Habilitation center services provided before July 1, 56461
2005, are subject to the laws, rules, standards, guidelines, and 56462
orders regarding habilitation center services that were in effect 56463
at the time the services were provided. This includes such laws, 56464
rules, standards, guidelines, and orders regarding the 56465
responsibility for the nonfederal share of the services, the fee 56466
assessed under division (D) of section 5123.041 of the Revised 56467
Code as that section existed on the day the services were 56468
provided, cost reports, audits, and the recovery of erroneous 56469
payments. 56470

(E) The Department of Job and Family Services may use funds 56471
appropriated to the Department for the purpose of habilitation 56472
center services to satisfy a claim or contingent claim for 56473
habilitation center services provided before July 1, 2005, if the 56474
Department receives the claim or contingent claim before July 1, 56475
2006. The Department has no liability to satisfy either of the 56476
following: 56477

(1) A claim for habilitation center services provided before 56478
July 1, 2005, if the Department receives the claim on or after 56479
July 1, 2006. 56480

(2) A claim for habilitation center services provided on or 56481
after July 1, 2005. 56482

(F) To the extent authorized by section 5101.35 of the 56483
Revised Code, an individual may initiate or continue a state 56484
hearing, administrative appeal, or appeal to a court of common 56485
pleas regarding a decision or order concerning habilitation center 56486
services that were available before July 1, 2005. A decision 56487
resulting from a state hearing, administrative appeal, or appeal 56488
to a court of common pleas may not extend an individual's 56489

eligibility for habilitation center services beyond June 30, 2005. 56490
No individual may utilize section 5101.35 of the Revised Code to 56491
contest the July 1, 2005, termination of the community alternative 56492
funding system. 56493

(G) Neither of the following are abrogated by the termination 56494
of the community alternative funding system: 56495

(1) The right of recovery given to the Department of Job and 56496
Family Services or a county department of job and family services 56497
under section 5101.58 of the Revised Code for habilitation center 56498
services provided before July 1, 2005. 56499

(2) The right to medical support or payments from a third 56500
party that is assigned to the Department under section 5101.59 of 56501
the Revised Code for habilitation center services provided before 56502
July 1, 2005. 56503

Section 206.66.84. CHILDREN'S TRUST FUND 56504

Notwithstanding sections 3109.13 to 3109.18 of the Revised 56505
Code, in fiscal year 2006, the Director of Budget and Management 56506
shall transfer \$1,500,000 cash from the Children's Trust Fund 56507
(Fund 198 in the Department of Job and Family Services) to the 56508
Partnerships for Success Fund (Fund 5BH in the Department of Youth 56509
Services). On or before January 1, 2007, the Director of Budget 56510
and Management shall transfer to the Children's Trust Fund (Fund 56511
198) any amount of cash that remains unspent in the Partnerships 56512
for Success Fund (Fund 5BH). 56513

HOSPITAL CARE ASSURANCE MATCH FUND 56514

Appropriation item 600-650, Hospital Care Assurance Match, 56515
shall be used by the Department of Job and Family Services in 56516
accordance with division (B) of section 5112.18 of the Revised 56517
Code. 56518

Section 206.66.87. HEALTH CARE SERVICES ADMINISTRATION 56519

The foregoing appropriation item 600-654, Health Care 56520
Services Administration, shall be used by the Department of Job 56521
and Family Services for costs associated with the administration 56522
of the Medicaid program. 56523

Section 206.66.90. HEALTH CARE SERVICES ADMINISTRATION FUND 56524

Of the amount received by the Department of Job and Family 56525
Services during fiscal year 2006 and fiscal year 2007 from the 56526
first installment of assessments paid under section 5112.06 of the 56527
Revised Code and intergovernmental transfers made under section 56528
5112.07 of the Revised Code, the Director of Job and Family 56529
Services shall deposit \$350,000 in each fiscal year into the state 56530
treasury to the credit of the Health Care Services Administration 56531
Fund (Fund 5U3). 56532

Section 206.66.93. CHILD SUPPORT COLLECTIONS/TANF MOE 56533

The foregoing appropriation item 600-658, Child Support 56534
Collections, shall be used by the Department of Job and Family 56535
Services to meet the TANF maintenance of effort requirements of 56536
Pub. L. No. 104-193. Once the state is assured that it will meet 56537
the maintenance of effort requirement, the Department of Job and 56538
Family Services may use funds from appropriation item 600-658, 56539
Child Support Collections, to support public assistance 56540
activities. 56541

Section 206.66.96. MEDICAID PROGRAM SUPPORT FUND - STATE 56542

The foregoing appropriation item 600-671, Medicaid Program 56543
Support, shall be used by the Department of Job and Family 56544
Services to pay for Medicaid services and contracts. The 56545
Department may also deposit to Fund 5C9 revenues received from 56546

other state agencies for Medicaid services under the terms of 56547
interagency agreements between the Department and other state 56548
agencies, and all funds the Department recovers because the 56549
benefits a person received under the disability medical assistance 56550
program established in section 5115.10 of the Revised Code were 56551
determined to be covered by the medical assistance program 56552
established under Chapter 5111. of the Revised Code. 56553

Section 206.66.99. TRANSFERS OF IMD/DSH CASH TO THE 56554
DEPARTMENT OF MENTAL HEALTH 56555

The Department of Job and Family Services shall transfer, 56556
through intrastate transfer voucher, cash from Fund 5C9, Medicaid 56557
Program Support, to the Department of Mental Health's Fund 4X5, 56558
OhioCare, in accordance with an interagency agreement that 56559
delegates authority from the Department of Job and Family Services 56560
to the Department of Mental Health to administer specified 56561
Medicaid services. 56562

Section 206.67.03. FEDERAL UNEMPLOYMENT PROGRAMS 56563

All unexpended funds remaining at the end of fiscal year 2005 56564
that were appropriated and made available to the state under 56565
section 903(d) of the Social Security Act, as amended, in the 56566
foregoing appropriation item 600-678, Federal Unemployment 56567
Programs (Fund 3V4), are hereby appropriated to the Department of 56568
Job and Family Services. Upon the request of the Director of Job 56569
and Family Services, the Director of Budget and Management shall 56570
increase the appropriation for fiscal year 2006 by the amount 56571
remaining unspent from the fiscal year 2005 appropriation and 56572
shall increase the appropriation for fiscal year 2007 by the 56573
amount remaining unspent from the fiscal year 2006 appropriation. 56574
The appropriation shall be used under the direction of the 56575
Department of Job and Family Services to pay for administrative 56576

activities for the Unemployment Insurance Program, employment 56577
services, and other allowable expenditures under section 903(d) of 56578
the Social Security Act, as amended. 56579

The amounts obligated pursuant to this section shall not 56580
exceed at any time the amount by which the aggregate of the 56581
amounts transferred to the account of the state under section 56582
903(d) of the Social Security Act, as amended, exceeds the 56583
aggregate of the amounts obligated for administration and paid out 56584
for benefits and required by law to be charged against the amounts 56585
transferred to the account of the state. 56586

Section 206.67.06. WORKFORCE DEVELOPMENT GRANT AGREEMENT 56587

The Department of Job and Family Services may use 56588
appropriations from appropriation item 600-688, Workforce 56589
Investment Act, to provide financial assistance for workforce 56590
development activities included in a grant agreement entered into 56591
by the department in accordance with section 5101.20 of the 56592
Revised Code. 56593

***Section 206.67.09. EMPLOYMENT RETENTION INCENTIVE PROGRAM** 56594

(A) As used in this section: 56595

(1) "Assistance group" has the same meaning as in section 56596
5107.02 of the Revised Code. 56597

(2) "Ohio Works First" means the program established under 56598
Chapter 5107. of the Revised Code. 56599

(B) Subject to section 5101.801 of the Revised Code, in 56600
fiscal year 2007 the Department of Job and Family Services may 56601
establish and administer the Employment Retention Incentive 56602
Program under which the Department provides cash payments to 56603
eligible assistance groups. The Department shall use the foregoing 56604
appropriation item 600-689, TANF Block Grant, to fund the program. 56605

To be eligible for the Employment Retention Incentive Program, an assistance group must meet all of the following requirements:

(1) The assistance group must apply to a county Department of Job and Family Services using an application that contains all of the information that rules specified in this section require;

(2) The assistance group must have ceased to participate in Ohio Works First in accordance with rules specified in this section;

(3) The assistance group must include a member who was employed during the last month the assistance group participated in Ohio Works First in accordance with rules specified in this section;

(4) That member of the assistance group must remain employed in accordance with rules specified in this section;

(5) The assistance group must meet all other eligibility requirements established in rules specified in this section.

(C) If the Department establishes the Employment Retention Incentive Program, the Department shall provide cash payments under the program in a manner that enables the cash payments to be excluded from the definition of "assistance" in 45 C.F.R. 260.31(a) and instead be benefits that 45 C.F.R. 260.31(b) excludes from the definition of assistance. Each county Department of Job and Family Services shall make eligibility determinations for the program and perform other administrative duties for the program in accordance with rules specified in this section.

(D) If the Department establishes the Employment Retention Incentive Program, the Department shall adopt rules under division (C) of section 5101.801 of the Revised Code to establish all of the following for the program:

(1) The information that an application for the program must contain;	56636 56637
(2) The application process for the program, including the process to verify eligibility for the program;	56638 56639
(3) The manner in which an assistance group must have ceased to participate in Ohio Works First for the assistance group to qualify for the program;	56640 56641 56642
(4) The manner in which an assistance group member must have been employed during the last month the assistance group participated in Ohio Works First for the assistance group to qualify for the program;	56643 56644 56645 56646
(5) The manner in which an assistance group member must remain employed for the assistance group to qualify for the program;	56647 56648 56649
(6) Other eligibility requirements for the program;	56650
(7) The amounts that eligible assistance groups are to receive as cash payments under the program;	56651 56652
(8) The frequency and duration that eligible assistance groups are to receive cash payments under the program;	56653 56654
(9) Requirements governing county departments' administrative duties regarding the program.	56655 56656
*Section 206.67.10. Section 206.67.09 of this act takes effect July 1, 2006.	56657 56658
Section 206.67.12. EARLY LEARNING INITIATIVE	56659
(A) As used in this section:	56660
(1) "Title IV-A services" means benefits and services that are allowable under Title IV-A of the "Social Security Act," as specified in 42 U.S.C. 604(a), except that they shall not be	56661 56662 56663

benefits and services included in the term "assistance" as defined 56664
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 56665
excluded from the definition of the term "assistance" under 45 56666
C.F.R. 260.31(b). 56667

(2) "Title IV-A funds" means funds provided under the 56668
temporary assistance for needy families block grant established by 56669
Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 56670
U.S.C. 601, as amended. 56671

(3) "Child day-care" has the same meaning as in section 56672
5104.01 of the Revised Code. 56673

(4) "Eligible child" means a child eligible for Title IV-A 56674
services. 56675

(5) "Early learning program" means a program for eligible 56676
children that is funded with Title IV-A funds and provides Title 56677
IV-A services that are also early learning services, as defined by 56678
the Department of Education pursuant to division (C)(1) of Section 56679
206.09.54 of this act. 56680

(6) "Early learning provider" means an entity that is 56681
receiving Title IV-A funds to operate an early learning program. 56682

(7) "Early learning agency" means an early learning provider 56683
or an entity that has entered into an agreement with an early 56684
learning provider requiring the early learning provider to operate 56685
an early learning program on behalf of the entity. 56686

(B) The Department of Job and Family Services and the 56687
Department of Education shall administer the Early Learning 56688
Initiative, established under Section 206.09.54 of this act, in 56689
accordance with sections 5101.80 and 5101.801 of the Revised Code. 56690
The Initiative shall provide early learning programs and child 56691
day-care to eligible children. 56692

(C) The Department of Job and Family Services shall do all of 56693

the following: 56694

(1) In consultation with the Department of Education, develop 56695
an application form and criteria for the selection of early 56696
learning agencies. The criteria shall require an early learning 56697
agency, or each early learning provider with which the agency has 56698
entered into an agreement for the operation of an early learning 56699
program on the agency's behalf, to be licensed or certified by the 56700
Department of Education under sections 3301.52 to 3301.59 of the 56701
Revised Code or by the Department of Job and Family Services under 56702
Chapter 5104. of the Revised Code. 56703

(2) Enter into a contract with each early learning agency in 56704
accordance with Section 206.09.54 of this act; 56705

(3) Reimburse early learning agencies for Title IV-A services 56706
provided to eligible children according to the terms of the 56707
contract and the rules adopted under division (C)(4) of this 56708
section; 56709

(4) Jointly with the Department of Education, adopt rules in 56710
accordance with Chapter 119. of the Revised Code to implement the 56711
Early Learning Initiative. The rules shall include provisions 56712
regarding the establishment of co-payments for families of 56713
eligible children and a definition of "weekly attendance rate" for 56714
the purpose of reimbursing early learning agencies. 56715

(D) Each county department of job and family services shall 56716
determine eligibility for Title IV-A services for children seeking 56717
to enroll in an early learning program and shall establish 56718
co-payment requirements in accordance with the rules adopted under 56719
division (C)(4) of this section. 56720

(E) The Department of Job and Family Services shall ensure 56721
that all reimbursements paid to an early learning agency under 56722
this section are only for Title IV-A services provided to eligible 56723
children. 56724

(F) Upon the transfer of appropriation from Department of Education appropriation line 200-663, Early Learning Initiative (Fund 5W2), to Department of Job and Family Services appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$94,380,000 in fiscal year 2006 and up to \$113,256,000 in fiscal year 2007 shall be used to reimburse early learning agencies under this section. The Department of Job and Family Services shall provide up to 10,000 slots of services for eligible children in fiscal year 2006 and up to 12,000 slots of services for eligible children in fiscal year 2007 through the Early Learning Initiative.

If, on or after the thirty-first day of December of each fiscal year, the Director of Budget and Management, in consultation with the Director of Job and Family Services and the Superintendent of Public Instruction, determines that there is a balance of funds in the Early Learning Initiative in either fiscal year 2006 or fiscal year 2007, the Director of Budget and Management may approve the use of the funds by the Department of Job and Family Services to provide publicly funded child day-care, as defined in section 5104.01 of the Revised Code.

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$800,000 in each fiscal year may be used for administration of the Early Learning Initiative.

The Director of Budget and Management, at the request of the Director of Job and Family Services, may transfer in each fiscal year up to \$2,200,000 cash from the Temporary Assistance for Needy Families Federal Fund (Fund 3V6) to the Early Learning Initiative (Fund 5W2) for administration of the Early Learning Initiative.

(G) Any contract executed prior to July 1, 2005, between an early learning agency, the Department of Job and Family Services, and the Department of Education shall be deemed to be effective as of July 1, 2005, upon issuance of a state purchase order even if

such purchase order is approved at some later date, unless the
executed contract expressly provides for a start date after July
1, 2005.

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Section 206.67.15. PRESCRIPTION DRUG REBATE FUND

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The foregoing appropriation item 600-692, Health Care
Services, shall be used by the Department of Job and Family
Services in accordance with section 5111.081 of the Revised Code.
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.

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Section 206.72. JCO JUDICIAL CONFERENCE OF OHIO

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General Revenue Fund

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GRF 018-321 Operating Expenses	\$	957,000	\$	957,000	56770
TOTAL GRF General Revenue Fund	\$	957,000	\$	957,000	56771

General Services Fund Group

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403 018-601 Ohio Jury Instructions	\$	225,000	\$	225,000	56773
TOTAL GSF General Services Fund	\$	225,000	\$	225,000	56774

Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,182,000	\$	1,182,000	56775
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STATE COUNCIL OF UNIFORM STATE LAWS

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Notwithstanding section 105.26 of the Revised Code, of the
foregoing appropriation item 018-321, Operating Expenses, up to
\$66,000 in fiscal year 2006 and up to \$68,000 in fiscal year 2007
may be used to pay the expenses of the State Council of Uniform
State Laws, including membership dues to the National Conference
of Commissioners on Uniform State Laws.

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OHIO JURY INSTRUCTIONS FUND

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The Ohio Jury Instructions Fund (Fund 403) shall consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received for the purpose of supporting costs incurred by the Judicial Conference of Ohio in dispensing educational and informational data to the state's judicial system. Fund 403 shall be used by the Judicial Conference of Ohio to pay expenses incurred in dispensing educational and informational data to the state's judicial system. All moneys accruing to Fund 403 in excess of \$225,000 in fiscal year 2006 and in excess of \$225,000 in fiscal year 2007 are hereby appropriated for the purposes authorized.

No money in the Ohio Jury Instructions Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board.

Section 206.75. JSC THE JUDICIARY/SUPREME COURT

General Revenue Fund				56799	
GRF 005-321 Operating Expenses -	\$	121,661,980	\$	126,300,227	56800
Judiciary/Supreme Court					
GRF 005-401 State Criminal	\$	328,676	\$	343,730	56801
Sentencing Council					
GRF 005-406 Law-Related Education	\$	216,131	\$	222,615	56802
GRF 005-502 Commission for Legal	\$	685,000	\$	1,270,000	56803
Education Opportunity					
TOTAL GRF General Revenue Fund	\$	122,891,787	\$	128,136,572	56804
General Services Fund Group					56805
672 005-601 Continuing Judicial	\$	130,000	\$	130,000	56806
Education					
TOTAL GSF General Services Fund	\$	130,000	\$	130,000	56807
Group					

Federal Special Revenue Fund Group				56808
3J0 005-603 Federal Grants	\$	848,070	\$ 861,382	56809
TOTAL FED Federal Special Revenue	\$	848,070	\$ 861,382	56810
Fund Group				
State Special Revenue Fund Group				56811
4C8 005-605 Attorney Registration	\$	3,169,774	\$ 3,264,867	56812
5T8 005-609 Grants and Awards	\$	10,000	\$ 10,000	56813
6A8 005-606 Supreme Court	\$	1,410,718	\$ 1,453,042	56814
Admissions				
643 005-607 Commission on	\$	569,203	\$ 586,261	56815
Continuing Legal				
Education				
TOTAL SSR State Special Revenue	\$	5,159,695	\$ 5,314,170	56816
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	129,029,552	\$ 134,442,124	56817
LAW-RELATED EDUCATION				56818
The foregoing appropriation item 005-406, Law-Related				56819
Education, shall be distributed directly to the Ohio Center for				56820
Law-Related Education for the purposes of providing continuing				56821
citizenship education activities to primary and secondary				56822
students, expanding delinquency prevention programs, increasing				56823
activities for at-risk youth, and accessing additional public and				56824
private money for new programs.				56825
COMMISSION FOR LEGAL EDUCATION OPPORTUNITY				56826
The foregoing appropriation item 005-502, Commission for				56827
Legal Education Opportunity, shall be used to fund activities of				56828
the Commission for Legal Education Opportunity created by the				56829
Chief Justice of the Supreme Court of Ohio for purposes of				56830
assisting minority, low-income, and educationally disadvantaged				56831
college graduates in transition to legal education. Moneys				56832
appropriated to the Commission for Legal Education Opportunity may				56833

be used to establish and provide intensive course study designed 56834
to prepare eligible college graduates for law education, provide 56835
annual stipends for students who successfully complete the course 56836
of study and are admitted to and maintain satisfactory academic 56837
standing in an Ohio law school, and pay the administrative costs 56838
associated with the program. 56839

CONTINUING JUDICIAL EDUCATION 56840

The Continuing Judicial Education Fund (Fund 672) shall 56841
consist of fees paid by judges and court personnel for attending 56842
continuing education courses and other gifts and grants received 56843
for the purpose of continuing judicial education. The foregoing 56844
appropriation item 005-601, Continuing Judicial Education, shall 56845
be used to pay expenses for continuing education courses for 56846
judges and court personnel. If it is determined by the 56847
Administrative Director of the Supreme Court that additional 56848
appropriations are necessary, the amounts are hereby appropriated. 56849

No money in the Continuing Judicial Education Fund shall be 56850
transferred to any other fund by the Director of Budget and 56851
Management or the Controlling Board. Interest earned on moneys in 56852
the Continuing Judicial Education Fund shall be credited to the 56853
fund. 56854

FEDERAL GRANTS 56855

The Federal Grants Fund (Fund 3J0) shall consist of grants 56856
and other moneys awarded to the Supreme Court (The Judiciary) by 56857
the United States Government or other entities that receive the 56858
moneys directly from the United States Government and distribute 56859
those moneys to the Supreme Court (The Judiciary). The foregoing 56860
appropriation item 005-603, Federal Grants, shall be used in a 56861
manner consistent with the purpose of the grant or award. If it is 56862
determined by the Administrative Director of the Supreme Court 56863
that additional appropriations are necessary, the amounts are 56864

hereby appropriated. 56865

No money in the Federal Grants Fund shall be transferred to 56866
any other fund by the Director of Budget and Management or the 56867
Controlling Board. However, interest earned on moneys in the 56868
Federal Grants Fund shall be credited or transferred to the 56869
General Revenue Fund. 56870

ATTORNEY REGISTRATION 56871

In addition to funding other activities considered 56872
appropriate by the Supreme Court, the foregoing appropriation item 56873
005-605, Attorney Registration, may be used to compensate 56874
employees and to fund appropriate activities of the following 56875
offices established by the Supreme Court under the Rules for the 56876
Government of the Bar of Ohio: the Office of Disciplinary Counsel, 56877
the Board of Commissioners on Grievances and Discipline, the 56878
Clients' Security Fund, the Board of Commissioners on the 56879
Unauthorized Practice of Law, and the Office of Attorney 56880
Registration. If it is determined by the Administrative Director 56881
of the Supreme Court that additional appropriations are necessary, 56882
the amounts are hereby appropriated. 56883

No moneys in the Attorney Registration Fund shall be 56884
transferred to any other fund by the Director of Budget and 56885
Management or the Controlling Board. Interest earned on moneys in 56886
the Attorney Registration Fund shall be credited to the fund. 56887

GRANTS AND AWARDS 56888

The Grants and Awards Fund (Fund 5T8) shall consist of grants 56889
and other moneys awarded to the Supreme Court (The Judiciary) by 56890
the State Justice Institute, the Division of Criminal Justice 56891
Services, or other entities. The foregoing appropriation item 56892
005-609, Grants and Awards, shall be used in a manner consistent 56893
with the purpose of the grant or award. If it is determined by the 56894
Administrative Director of the Supreme Court that additional 56895

appropriations are necessary, the amounts are hereby appropriated. 56896

No moneys in the Grants and Awards Fund shall be transferred 56897
to any other fund by the Director of Budget and Management or the 56898
Controlling Board. However, interest earned on moneys in the 56899
Grants and Awards Fund shall be credited or transferred to the 56900
General Revenue Fund. 56901

SUPREME COURT ADMISSIONS 56902

The foregoing appropriation item 005-606, Supreme Court 56903
Admissions, shall be used to compensate Supreme Court employees 56904
who are primarily responsible for administering the attorney 56905
admissions program under the Rules for the Government of the Bar 56906
of Ohio, and to fund any other activities considered appropriate 56907
by the court. Moneys shall be deposited into the Supreme Court 56908
Admissions Fund (Fund 6A8) under the Supreme Court Rules for the 56909
Government of the Bar of Ohio. If it is determined by the 56910
Administrative Director of the Supreme Court that additional 56911
appropriations are necessary, the amounts are hereby appropriated. 56912

No moneys in the Supreme Court Admissions Fund shall be 56913
transferred to any other fund by the Director of Budget and 56914
Management or the Controlling Board. Interest earned on moneys in 56915
the Supreme Court Admissions Fund shall be credited to the fund. 56916

CONTINUING LEGAL EDUCATION 56917

The foregoing appropriation item 005-607, Commission on 56918
Continuing Legal Education, shall be used to compensate employees 56919
of the Commission on Continuing Legal Education established under 56920
the Supreme Court Rules for the Government of the Bar of Ohio, and 56921
to fund other activities of the commission considered appropriate 56922
by the court. If it is determined by the Administrative Director 56923
of the Supreme Court that additional appropriations are necessary, 56924
the amounts are hereby appropriated. 56925

No moneys in the Continuing Legal Education Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in the Continuing Legal Education Fund shall be credited to the fund.

Section 206.78. LEC LAKE ERIE COMMISSION				56930	
State Special Revenue Fund Group				56931	
4C0	780-601	Lake Erie Protection Fund	\$ 875,000 \$ 875,000	56932	
5D8	780-602	Lake Erie Resources Fund	\$ 486,072 \$ 492,794	56933	
TOTAL SSR State Special Revenue Fund Group				56934	
				\$ 1,361,072 \$ 1,367,794	56935
TOTAL ALL BUDGET FUND GROUPS				\$ 1,361,072 \$ 1,367,794	56936

CASH TRANSFER 56937

Not later than the thirtieth day of November of each fiscal year, the Executive Director of the Ohio Lake Erie Office, with the approval of the Lake Erie Commission, shall certify to the Director of Budget and Management the cash balance in the Lake Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet operating expenses of the Lake Erie Office. The Lake Erie Office may request the Director of Budget and Management to transfer up to the certified amount from the Lake Erie Resources Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The Director of Budget and Management may transfer the requested amount, or the Director may transfer a different amount up to the certified amount. Cash transferred shall be used for the purposes described in division (A) of section 1506.23 of the Revised Code. The amount transferred by the director is hereby appropriated to the foregoing appropriation item 780-601, Lake Erie Protection Fund, which shall be increased by the amount transferred.

Section 206.81. LRS LEGAL RIGHTS SERVICE				56954
General Revenue Fund				56955
GRF 054-100	Personal Services	\$ 162,281	\$ 162,281	56956
GRF 054-200	Maintenance	\$ 33,938	\$ 33,938	56957
GRF 054-300	Equipment	\$ 1,856	\$ 1,856	56958
GRF 054-401	Ombudsman	\$ 291,247	\$ 291,247	56959
TOTAL GRF	General Revenue Fund	\$ 489,322	\$ 489,322	56960
General Services Fund Group				56961
416 054-601	Gifts and Donations	\$ 1,352	\$ 1,352	56962
5M0 054-610	Settlements	\$ 75,000	\$ 75,000	56963
TOTAL GSF	General Services			56964
Fund Group		\$ 76,352	\$ 76,352	56965
Federal Special Revenue Fund Group				56966
3AG 054-613	Protection and Advocacy - Voter Accessibility	\$ 114,089	\$ 114,089	56967
3B8 054-603	Protection and Advocacy - Mentally Ill	\$ 1,059,041	\$ 1,059,041	56968
3N3 054-606	Protection and Advocacy - Individual Rights	\$ 550,283	\$ 550,283	56969
3N9 054-607	Assistive Technology	\$ 141,686	\$ 141,686	56970
3R9 054-604	Family Support Collaborative	\$ 50,000	\$ 50,000	56971
3T2 054-609	Client Assistance Program	\$ 400,553	\$ 400,553	56972
3X1 054-611	Protection and Advocacy for Beneficiaries of Social Security	\$ 187,784	\$ 187,784	56973

3Z6 054-612	Traumatic Brain Injury	\$	65,138	\$	65,138	56974
305 054-602	Protection and Advocacy - Developmentally Disabled	\$	1,369,082	\$	1,369,082	56975
TOTAL FED Federal Special Revenue						56976
Fund Group		\$	3,937,656	\$	3,937,656	56977
State Special Revenue Fund Group						56978
5AE 054-614	Grants and Contracts	\$	75,000	\$	75,000	56979
TOTAL SSR State Special Revenue						56980
Fund Group		\$	75,000	\$	75,000	56980
TOTAL ALL BUDGET FUND GROUPS						56981
 Section 206.84. JLE JOINT LEGISLATIVE ETHICS COMMITTEE						56983
General Revenue Fund						56984
GRF 028-321	Legislative Ethics Committee	\$	550,000	\$	550,000	56985
TOTAL GRF General Revenue Fund						56986
TOTAL ALL BUDGET FUND GROUPS						56987
 Section 206.87. LSC LEGISLATIVE SERVICE COMMISSION						56989
General Revenue Fund						56990
GRF 035-321	Operating Expenses	\$	14,770,000	\$	14,770,000	56991
GRF 035-402	Legislative Interns	\$	1,012,000	\$	1,012,000	56992
GRF 035-404	Legislative Office of Education Oversight	\$	1,256,427	\$	1,256,427	56993
GRF 035-405	Correctional Institution Inspection Committee	\$	375,000	\$	390,000	56994
GRF 035-409	National Associations	\$	445,000	\$	456,000	56995
GRF 035-410	Legislative Information Systems	\$	3,625,000	\$	3,625,000	56996

TOTAL GRF General Revenue Fund	\$	21,483,427	\$	21,509,427	56997
General Services Fund Group					56998
4F6 035-603 Legislative Budget	\$	152,000	\$	152,500	56999
Services					
410 035-601 Sale of Publications	\$	25,000	\$	25,000	57000
TOTAL GSF General Services					57001
Fund Group	\$	177,000	\$	177,500	57002
TOTAL ALL BUDGET FUND GROUPS	\$	21,660,427	\$	21,686,927	57003

Section 206.90. LIB STATE LIBRARY BOARD 57005

General Revenue Fund					57006
GRF 350-321 Operating Expenses	\$	6,298,677	\$	6,298,677	57007
GRF 350-400 Ohio Public Library	\$	4,230,000	\$	4,230,000	57008
Information Network					
GRF 350-401 Ohioana Rental	\$	124,816	\$	124,816	57009
Payments					
GRF 350-501 Library for the	\$	535,615	\$	535,615	57010
Blind-Cincinnati					
GRF 350-502 Regional Library	\$	1,010,441	\$	1,010,441	57011
Systems					
GRF 350-503 Library for the	\$	805,642	\$	805,642	57012
Blind-Cleveland					
TOTAL GRF General Revenue Fund	\$	13,005,191	\$	13,005,191	57013
General Services Fund Group					57014
139 350-602 Intra-Agency Service	\$	9,000	\$	9,000	57015
Charges					
4S4 350-604 OPLIN Technology	\$	3,000,000	\$	3,000,000	57016
459 350-602 Interlibrary Service	\$	2,469,925	\$	2,708,092	57017
Charges					
TOTAL GSF General Services					57018
Fund Group	\$	5,478,925	\$	5,717,092	57019
Federal Special Revenue Fund Group					57020

313 350-601 LSTA Federal	\$	5,643,905	\$	5,643,905	57021
TOTAL FED Federal Special Revenue					57022
Fund Group	\$	5,643,905	\$	5,643,905	57023
TOTAL ALL BUDGET FUND GROUPS	\$	24,128,021	\$	24,366,188	57024
OHIOANA RENTAL PAYMENTS					57025
The foregoing appropriation item 350-401, Ohioana Rental					57026
Payments, shall be used to pay the rental expenses of the Martha					57027
Kinney Cooper Ohioana Library Association pursuant to section					57028
3375.61 of the Revised Code.					57029
LIBRARY FOR THE BLIND-CINCINNATI					57030
The foregoing appropriation item 350-501, Library for the					57031
Blind-Cincinnati, shall be used for the Talking Book program,					57032
which assists the blind and disabled.					57033
REGIONAL LIBRARY SYSTEMS					57034
The foregoing appropriation item 350-502, Regional Library					57035
Systems, shall be used to support regional library systems					57036
eligible for funding under sections 3375.83 and 3375.90 of the					57037
Revised Code.					57038
LIBRARY FOR THE BLIND-CLEVELAND					57039
The foregoing appropriation item 350-503, Library for the					57040
Blind-Cleveland, shall be used for the Talking Book program, which					57041
assists the blind and disabled.					57042
OHIO PUBLIC LIBRARY INFORMATION NETWORK					57043
The foregoing appropriation items 350-604, OPLIN Technology,					57044
and 350-400, Ohio Public Library Information Network, shall be					57045
used for an information telecommunications network linking public					57046
libraries in the state and such others as may be certified as					57047
participants by the Ohio Public Library Information Network Board.					57048
The Ohio Public Library Information Network Board shall					57049
consist of eleven members appointed by the State Library Board					57050

from among the staff of public libraries and past and present 57051
members of boards of trustees of public libraries, based on the 57052
recommendations of the Ohio library community. The Ohio Public 57053
Library Information Network Board, in consultation with the State 57054
Library, shall develop a plan of operations for the network. The 57055
board may make decisions regarding use of the foregoing 57056
appropriation items 350-400, Ohio Public Library Information 57057
Network, and 350-604, OPLIN Technology, may receive and expend 57058
grants to carry out the operations of the network in accordance 57059
with state law, and may appoint and fix the compensation of a 57060
director and necessary staff. The State Library shall be the 57061
fiscal agent for the network and shall have fiscal accountability 57062
for the expenditure of funds. The Ohio Public Library Information 57063
Network Board members shall be reimbursed for actual travel and 57064
necessary expenses incurred in carrying out their 57065
responsibilities. 57066

In order to limit access to obscene and illegal materials 57067
through internet use at Ohio Public Library Information Network 57068
(OPLIN) terminals, local libraries with OPLIN computer terminals 57069
shall adopt policies that control access to obscene and illegal 57070
materials. These policies may include use of technological systems 57071
to select or block certain internet access. The OPLIN shall 57072
condition provision of its funds, goods, and services on 57073
compliance with these policies. The OPLIN Board shall also adopt 57074
and communicate specific recommendations to local libraries on 57075
methods to control such improper usage. These methods may include 57076
each library implementing a written policy controlling such 57077
improper use of library terminals and requirements for parental 57078
involvement or written authorization for juvenile internet usage. 57079

The OPLIN Board shall research and assist or advise local 57080
libraries with regard to emerging technologies and methods that 57081
may be effective means to control access to obscene and illegal 57082

materials. The OPLIN Executive Director shall biannually provide 57083
written reports to the Governor, the Speaker and Minority Leader 57084
of the House of Representatives, and the President and Minority 57085
Leader of the Senate on any steps being taken by OPLIN and public 57086
libraries in the state to limit and control such improper usage as 57087
well as information on technological, legal, and law enforcement 57088
trends nationally and internationally affecting this area of 57089
public access and service. 57090

The Ohio Public Library Information Network, INFOhio, and 57091
OhioLINK shall, to the extent feasible, coordinate and cooperate 57092
in their purchase or other acquisition of the use of electronic 57093
databases for their respective users and shall contribute funds in 57094
an equitable manner to such effort. 57095

Section 206.93. LCO LIQUOR CONTROL COMMISSION 57096

Liquor Control Fund Group 57097

043 970-321 Operating Expenses	\$	818,219	\$	842,765	57098
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TOTAL LCF Liquor Control Fund Group	\$	818,219	\$	842,765	57099
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TOTAL ALL BUDGET FUND GROUPS	\$	818,219	\$	842,765	57100
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Section 206.96. LOT STATE LOTTERY COMMISSION 57102

General Services Fund Group 57103

231 950-604 Charitable Gaming	\$	1,200,000	\$	1,200,000	57104
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Oversight

TOTAL GSF General Services Fund	\$	1,200,000	\$	1,200,000	57105
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Group

State Lottery Fund Group 57106

044 950-100 Personal Services	\$	24,969,422	\$	25,457,016	57107
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044 950-200 Maintenance	\$	17,642,894	\$	17,954,156	57108
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044 950-300 Equipment	\$	2,517,533	\$	2,494,718	57109
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044 950-402 Game and Advertising	\$	70,524,000	\$	70,024,000	57110
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Contracts

044 950-500	Problem Gambling	\$	335,000	\$	335,000	57111
	Subsidy					
044 950-601	Prizes, Bonuses, and	\$	150,952,466	\$	147,716,286	57112
	Commissions					
871 950-602	Annuity Prizes	\$	148,680,031	\$	138,918,557	57113
TOTAL SLF State Lottery Fund						57114
Group		\$	415,621,346	\$	402,899,733	57115
TOTAL ALL BUDGET FUND GROUPS		\$	416,821,346	\$	404,099,733	57116

OPERATING EXPENSES 57117

Notwithstanding sections 127.14 and 131.35 of the Revised 57118
Code, the Controlling Board may, at the request of the State 57119
Lottery Commission, authorize additional appropriations for 57120
operating expenses of the State Lottery Commission from the State 57121
Lottery Fund up to a maximum of 15 per cent of anticipated total 57122
revenue accruing from the sale of lottery tickets. 57123

PRIZES, BONUSSES, AND COMMISSIONS 57124

Any amounts, in addition to the amounts appropriated in 57125
appropriation item 950-601, Prizes, Bonuses, and Commissions, that 57126
the Director of the State Lottery Commission determines to be 57127
necessary to fund prizes, bonuses, and commissions are hereby 57128
appropriated. 57129

ANNUITY PRIZES 57130

With the approval of the Office of Budget and Management, the 57131
State Lottery Commission shall transfer cash from the State 57132
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund 57133
(Fund 871) in an amount sufficient to fund deferred prizes. The 57134
Treasurer of State, from time to time, shall credit the Deferred 57135
Prizes Trust Fund (Fund 871) the pro rata share of interest earned 57136
by the Treasurer of State on invested balances. 57137

Any amounts, in addition to the amounts appropriated in 57138
appropriation item 950-602, Annuity Prizes, that the Director of 57139

the State Lottery Commission determines to be necessary to fund 57140
deferred prizes and interest earnings are hereby appropriated. 57141

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 57142

The Ohio Lottery Commission shall transfer an amount greater 57143
than or equal to \$637,900,000 in fiscal year 2006 and \$637,900,000 57144
in fiscal year 2007 to the Lottery Profits Education Fund. 57145
Transfers from the Commission to the Lottery Profits Education 57146
Fund shall represent the estimated net income from operations for 57147
the Commission in fiscal year 2006 and fiscal year 2007. Transfers 57148
by the Commission to the Lottery Profits Education Fund shall be 57149
administered as the statutes direct. 57150

Section 206.99. MHC MANUFACTURED HOMES COMMISSION 57151

General Services Fund Group 57152
4K9 996-609 Operating Expenses \$ 272,500 \$ 0 57153
TOTAL GSF General Services 57154
Fund Group \$ 272,500 \$ 0 57155
TOTAL ALL BUDGET FUND GROUPS \$ 272,500 \$ 0 57156

Section 209.03. MED STATE MEDICAL BOARD 57158

General Services Fund Group 57159
5C6 883-609 Operating Expenses \$ 7,467,317 \$ 0 57160
TOTAL GSF General Services 57161
Fund Group \$ 7,467,317 \$ 0 57162
TOTAL ALL BUDGET FUND GROUPS \$ 7,467,317 \$ 0 57163

Section 209.06. DMH DEPARTMENT OF MENTAL HEALTH 57165

General Services Fund Group 57166
151 235-601 General Administration \$ 89,614,180 \$ 93,898,713 57167
TOTAL ISF Intragovernmental 57168
Service Fund Group \$ 89,614,180 \$ 93,898,713 57169

Division of Mental Health--	57170
Psychiatric Services to Correctional Facilities	57171
General Revenue Fund	57172
GRF 332-401 Forensic Services \$ 4,338,858 \$ 4,338,858	57173
TOTAL GRF General Revenue Fund \$ 4,338,858 \$ 4,338,858	57174
FORENSIC SERVICES	57175
The foregoing appropriation item 332-401, Forensic Services,	57176
shall be used to provide psychiatric services to courts of common	57177
pleas. The appropriation shall be allocated through community	57178
mental health boards to certified community agencies and shall be	57179
distributed according to the criteria delineated in rule	57180
5122:4-1-01 of the Administrative Code. These community forensic	57181
funds may also be used to provide forensic training to community	57182
mental health boards and to forensic psychiatry residency programs	57183
in hospitals operated by the Department of Mental Health and to	57184
provide evaluations of patients of forensic status in facilities	57185
operated by the Department of Mental Health prior to conditional	57186
release to the community.	57187
In addition, appropriation item 332-401, Forensic Services,	57188
may be used to support projects involving mental health, substance	57189
abuse, courts, and law enforcement to identify and develop	57190
appropriate alternative services to institutionalization for	57191
nonviolent mentally ill offenders, and to provide linkage to	57192
community services for severely mentally disabled offenders	57193
released from institutions operated by the Department of	57194
Rehabilitation and Correction. Funds may also be utilized to	57195
provide forensic monitoring and tracking in addition to community	57196
programs serving persons of forensic status on conditional release	57197
or probation.	57198
Division of Mental Health--	57199
Administration and Statewide Programs	57200

General Revenue Fund				57201
GRF 333-321 Central Administration	\$	23,853,669	\$ 23,853,669	57202
GRF 333-402 Resident Trainees	\$	1,364,919	\$ 1,364,919	57203
GRF 333-403 Pre-Admission Screening Expenses	\$	650,135	\$ 650,135	57204
GRF 333-415 Lease-Rental Payments	\$	23,296,200	\$ 23,833,600	57205
GRF 333-416 Research Program Evaluation	\$	1,001,551	\$ 1,001,551	57206
TOTAL GRF General Revenue Fund	\$	50,166,474	\$ 50,703,874	57207
General Services Fund Group				57208
149 333-609 Central Office Rotary - Operating	\$	883,773	\$ 893,786	57209
TOTAL General Services Fund Group	\$	883,773	\$ 893,786	57210
Federal Special Revenue Fund Group				57211
3A6 333-608 Community & Hospital Services	\$	65,000	\$ 0	57212
3A8 333-613 Federal Grant - Administration	\$	562,417	\$ 512,417	57213
3A9 333-614 Mental Health Block Grant	\$	748,740	\$ 748,740	57214
3B1 333-635 Community Medicaid Expansion	\$	3,671,537	\$ 3,691,683	57215
324 333-605 Medicaid/Medicare	\$	150,000	\$ 150,000	57216
TOTAL Federal Special Revenue Fund Group	\$	5,197,694	\$ 5,102,570	57217
State Special Revenue Fund Group				57218
4X5 333-607 Behavioral Health Medicaid Services	\$	3,000,634	\$ 3,000,634	57219
485 333-632 Mental Health Operating	\$	134,233	\$ 134,233	57220
TOTAL State Special Revenue Fund Group	\$	3,134,867	\$ 3,134,867	57221

TOTAL ALL BUDGET FUND GROUPS	\$	59,382,808	\$	59,835,097	57224
RESIDENCY TRAINEESHIP PROGRAMS					57225
The foregoing appropriation item 333-402, Resident Trainees,					57226
shall be used to fund training agreements entered into by the					57227
Department of Mental Health for the development of curricula and					57228
the provision of training programs to support public mental health					57229
services.					57230
PRE-ADMISSION SCREENING EXPENSES					57231
The foregoing appropriation item 333-403, Pre-Admission					57232
Screening Expenses, shall be used to pay for costs to ensure that					57233
uniform statewide methods for pre-admission screening are in place					57234
to perform assessments for persons in need of mental health					57235
services or for whom institutional placement in a hospital or in					57236
another inpatient facility is sought. Pre-admission screening					57237
includes the following activities: pre-admission assessment,					57238
consideration of continued stay requests, discharge planning and					57239
referral, and adjudication of appeals and grievance procedures.					57240
LEASE-RENTAL PAYMENTS					57241
The foregoing appropriation item 333-415, Lease-Rental					57242
Payments, shall be used to meet all payments at the times they are					57243
required to be made during the period from July 1, 2005, to June					57244
30, 2007, by the Department of Mental Health under leases and					57245
agreements made under section 154.20 of the Revised Code, but					57246
limited to the aggregate amount of \$49,142,400. Nothing in this					57247
act shall be deemed to contravene the obligation of the state to					57248
pay, without necessity for further appropriation, from the sources					57249
pledged thereto, the bond service charges on obligations issued					57250
under section 154.20 of the Revised Code.					57251
Section 209.06.03. DIVISION OF MENTAL HEALTH - HOSPITALS					57252
General Revenue Fund					57253

GRF 334-408	Community and Hospital Mental Health Services	\$ 390,424,545	\$ 400,324,545	57254
GRF 334-506	Court Costs	\$ 976,652	\$ 976,652	57255
TOTAL GRF	General Revenue Fund	\$ 391,401,197	\$ 401,301,197	57256
	General Services Fund Group			57257
149 334-609	Hospital Rotary - Operating Expenses	\$ 24,408,053	\$ 24,408,053	57258
150 334-620	Special Education	\$ 120,930	\$ 120,930	57259
TOTAL GSF	General Services Fund Group	\$ 24,528,983	\$ 24,528,983	57260 57261
	Federal Special Revenue Fund Group			57262
3A6 334-608	Subsidy for Federal Grants	\$ 586,224	\$ 586,224	57263
3A8 334-613	Federal Letter of Credit	\$ 200,000	\$ 200,000	57264
3B0 334-617	Elementary and Secondary Education Act	\$ 171,930	\$ 178,807	57265
3B1 334-635	Hospital Medicaid Expansion	\$ 2,000,000	\$ 2,000,000	57266
324 334-605	Medicaid/Medicare	\$ 11,764,280	\$ 11,873,408	57267
TOTAL FED	Federal Special Revenue Fund Group	\$ 14,722,434	\$ 14,838,439	57268 57269
	State Special Revenue Fund Group			57270
485 334-632	Mental Health Operating	\$ 2,476,297	\$ 2,476,297	57271
692 334-636	Community Mental Health Board Risk Fund	\$ 80,000	\$ 80,000	57272
TOTAL SSR	State Special Revenue Fund Group	\$ 2,556,297	\$ 2,556,297	57273 57274
TOTAL ALL BUDGET FUND GROUPS		\$ 433,208,911	\$ 443,224,916	57275
	COMMUNITY MENTAL HEALTH BOARD RISK FUND			57276

The foregoing appropriation item 334-636, Community Mental Health Board Risk Fund, shall be used to make payments under section 5119.62 of the Revised Code.

Section 209.06.06. DIVISION OF MENTAL HEALTH - COMMUNITY				57280
SUPPORT SERVICES				57281
General Revenue Fund				57282
GRF 335-404	Behavioral Health	\$ 6,365,265	\$ 7,365,265	57283
	Services-Children			
GRF 335-405	Family & Children	\$ 1,760,000	\$ 1,760,000	57284
	First			
GRF 335-419	Community Medication	\$ 7,959,798	\$ 7,959,798	57285
	Subsidy			
GRF 335-505	Local Mental Health	\$ 94,687,868	\$ 99,687,868	57286
	Systems of Care			
TOTAL GRF	General Revenue Fund	\$ 110,772,931	\$ 116,772,931	57287
General Services Fund Group				57288
4P9 335-604	Community Mental	\$ 250,000	\$ 250,000	57289
	Health Projects			
TOTAL GSF	General Services			57290
Fund Group		\$ 250,000	\$ 250,000	57291
Federal Special Revenue Fund Group				57292
3A6 335-608	Federal Miscellaneous	\$ 1,089,699	\$ 678,699	57293
3A7 335-612	Social Services Block	\$ 8,657,288	\$ 8,657,288	57294
	Grant			
3A8 335-613	Federal Grant -	\$ 2,407,040	\$ 2,407,040	57295
	Community Mental			
	Health Board Subsidy			
3A9 335-614	Mental Health Block	\$ 14,969,400	\$ 14,969,400	57296
	Grant			
3B1 335-635	Community Medicaid	\$ 264,088,404	\$ 282,807,902	57297
	Expansion			

TOTAL FED Federal Special Revenue	\$	291,211,831	\$	309,520,329	57298
Fund Group					
State Special Revenue Fund Group					57299
632 335-616 Community Capital	\$	350,000	\$	350,000	57300
Replacement					
TOTAL SSR State Special Revenue	\$	350,000	\$	350,000	57301
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	402,584,762	\$	426,893,260	57302
DEPARTMENT TOTAL					57303
GENERAL REVENUE FUND	\$	556,679,460	\$	573,116,860	57304
DEPARTMENT TOTAL					57305
GENERAL SERVICES FUND GROUP	\$	115,276,926	\$	119,571,482	57306
DEPARTMENT TOTAL					57307
FEDERAL SPECIAL REVENUE					57308
FUND GROUP	\$	311,131,959	\$	329,461,338	57309
DEPARTMENT TOTAL					57310
STATE SPECIAL REVENUE FUND GROUP	\$	6,041,164	\$	6,041,164	57311
DEPARTMENT TOTAL					57312
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	989,129,519	\$	1,028,190,844	57313

Section 209.06.09. COMMUNITY MEDICATION SUBSIDY 57315

The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs. 57316
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LOCAL MENTAL HEALTH SYSTEMS OF CARE 57321

The foregoing appropriation item 335-505, Local Mental Health Systems of Care, shall be used for mental health services provided by community mental health boards in accordance with a community mental health plan submitted under section 340.03 of the Revised Code and as approved by the Department of Mental Health. 57322
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57324
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57326

Of the foregoing appropriation, not less than \$34,818,917 in 57327
fiscal year 2006 and not less than \$34,818,917 in fiscal year 2007 57328
shall be distributed by the Department of Mental Health on a per 57329
capita basis to community mental health boards. 57330

Of the foregoing appropriation, \$100,000 in each fiscal year 57331
shall be used to fund family and consumer education and support. 57332

BEHAVIORAL HEALTH MEDICAID SERVICES 57333

The Department of Mental Health shall administer specified 57334
Medicaid Services as delegated by the Department of Job and Family 57335
Services in an interagency agreement. The foregoing appropriation 57336
item 333-607, Behavioral Health Medicaid Services, may be used to 57337
make payments for free-standing psychiatric hospital inpatient 57338
services as defined in an interagency agreement with the 57339
Department of Job and Family Services. 57340

BEHAVIORAL HEALTH - CHILDREN 57341

The foregoing appropriation item 335-404, Behavioral Health 57342
Services-Children, shall be used to provide behavioral health 57343
services for children and their families. Behavioral health 57344
services include mental health and alcohol and other drug 57345
treatment services and other necessary supports. 57346

Of the foregoing appropriation item 335-404, Behavioral 57347
Health Services-Children, an amount up to \$5.0 million in fiscal 57348
year 2006 and \$6.0 million in fiscal year 2007 shall be 57349
distributed to local Alcohol, Drug Addiction, and Mental Health 57350
Boards; Community Mental Health Boards; and Alcohol and Drug 57351
Addiction Boards, based upon an approved plan developed and 57352
endorsed by the local Family and Children First Council. Plans for 57353
the use of these funds shall be approved by a team of state and 57354
local stakeholders appointed by the Ohio Family and Children First 57355
Cabinet Council. This team shall be appointed not later than July 57356
1, 2005, and shall include, but not be limited to, all of the 57357

following:	57358
(A) At least one representative from each of the Departments of Alcohol and Drug Addiction Services, Mental Health, Education, Job and Family Services, Mental Retardation and Developmental Disabilities, and the Department of Youth Services;	57359 57360 57361 57362
(B) At least one person representing local public children's services agencies;	57363 57364
(C) At least one person representing juvenile courts;	57365
(D) At least one person representing local Alcohol, Drug Addiction, and Mental Health Boards; Community Mental Health Boards; and Alcohol and Drug Addiction Boards;	57366 57367 57368
(E) At least one person representing local Family and Children First Council Coordinators;	57369 57370
(F) At least one family representative.	57371
Plans shall be clearly connected to the county service coordination mechanism as defined in 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:	57372 57373 57374 57375 57376
(A) 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;	57377 57378 57379 57380 57381 57382
(B) Assuring that families are included in all service planning activities and have access to advocates to assist them if they choose;	57383 57384 57385
(C) Implementation of home-based services and other alternatives to out-of-home placement;	57386 57387

(D) Assuring that all individual service plans for children and their families address the academic achievement of the child;	57388 57389
(E) Coordinating the most efficient and effective use of federal, state, and local funds to meet the needs of children and their families.	57390 57391 57392
Funds may be used to support the following services and activities:	57393 57394
(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;	57395 57396 57397 57398
(B) Services and supports for children and their families that further the implementation of their individual service plans;	57399 57400
(C) Treatment services in out-of-home settings, including residential facilities, when other alternatives are not available or feasible;	57401 57402 57403
(D) Administrative support for efforts associated with this initiative;	57404 57405
(E) These funds shall not be used to supplant existing efforts.	57406 57407
The Ohio Family and Children First Cabinet Council appointed team shall approve the plans for local behavioral health services and ensure the plans are components of and properly coordinated with the county service coordination plan as defined in section 121.37 of the Revised Code. In addition to approving the plans for new behavioral health funding, this team shall design a mechanism to provide technical assistance to local communities, monitor the plans, and may, as part of the monitoring role, conduct site visits.	57408 57409 57410 57411 57412 57413 57414 57415 57416
Of the foregoing appropriation item 335-404, Behavioral	57417

Health Services-Children, an amount up to \$1.0 million in fiscal 57418
year 2006 and \$1.0 million in fiscal year 2007 shall be used to 57419
support at least three demonstration projects, as determined by 57420
the Ohio Family and Children First Cabinet Council, in select 57421
areas around the state to focus on improving behavioral health 57422
services for children involved in the child welfare and juvenile 57423
justice systems. At least one of these demonstration projects 57424
shall focus on services for adolescent girls that are involved in 57425
or at risk of involvement with the juvenile justice system. 57426

Section 209.09. DMR DEPARTMENT OF MENTAL RETARDATION AND 57427
DEVELOPMENTAL DISABILITIES 57428

Section 209.09.03. GENERAL ADMINISTRATION AND STATEWIDE 57429
SERVICES 57430

General Revenue Fund 57431

GRF 320-321 Central Administration	\$	9,357,877	\$	9,357,874	57432
GRF 320-412 Protective Services	\$	2,463,000	\$	2,463,000	57433
GRF 320-415 Lease-Rental Payments	\$	23,296,200	\$	23,833,600	57434
TOTAL GRF General Revenue Fund	\$	35,117,077	\$	35,654,474	57435

General Services Fund Group 57436

4B5 320-640 Conference/Training	\$	300,000	\$	300,000	57437
TOTAL GSF General Services					57438
Fund Group	\$	300,000	\$	300,000	57439

Federal Special Revenue Fund Group 57440

3A4 320-605 Administrative Support	\$	13,492,892	\$	13,492,892	57441
3A5 320-613 DD Council Operating	\$	895,440	\$	895,440	57442
Expenses					57443

325 320-634 Protective Services	\$	100,000	\$	100,000	57444
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TOTAL FED Federal Special Revenue 57445

Fund Group	\$	14,488,332	\$	14,488,332	57446
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State Special Revenue Fund Group 57447

5S2 590-622 Medicaid	\$	8,000,000	\$	8,000,000	57448
Administration & Oversight					
TOTAL SSR State Special Revenue					57449
Fund Group	\$	8,000,000	\$	8,000,000	57450
TOTAL ALL GENERAL ADMINISTRATION AND STATEWIDE SERVICES					57451 57452
BUDGET FUND GROUPS	\$	57,905,409	\$	58,442,806	57453
LEASE-RENTAL PAYMENTS					57454
The foregoing appropriation item 320-415, Lease-Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2005, to June 30, 2007, by the Department of Mental Retardation and Developmental Disabilities under leases and agreements made under section 154.20 of the Revised Code, but limited to the aggregate amount of \$47,129,800. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued under section 154.20 of the Revised Code.					57455 57456 57457 57458 57459 57460 57461 57462 57463 57464 57465
Section 209.09.06. COMMUNITY SERVICES					57466
General Revenue Fund					57467
GRF 322-405 State Use Program	\$	268,040	\$	268,040	57468
GRF 322-413 Residential and Support Services	\$	7,423,021	\$	7,423,021	57469
GRF 322-416 Waiver State Match	\$	103,090,738	\$	104,397,504	57470
GRF 322-417 Supported Living	\$	43,160,198	\$	43,160,198	57471
GRF 322-451 Family Support Services	\$	6,938,898	\$	6,938,898	57472
GRF 322-452 Service and Support Administration	\$	8,672,730	\$	8,672,730	57473

GRF 322-501	County Boards	\$	32,193,542	\$	32,193,542	57474
	Subsidies					
GRF 322-503	Tax Equity	\$	14,500,000	\$	14,500,000	57475
TOTAL GRF	General Revenue Fund	\$	216,247,167	\$	217,553,933	57476
	General Services Fund Group					57477
4U4 322-606	Community MR and DD	\$	300,000	\$	50,000	57478
	Trust					
4V1 322-611	Family and Children	\$	625,000	\$	625,000	57479
	First					
488 322-603	Provider Audit Refunds	\$	350,000	\$	350,000	57480
TOTAL GSF	General Services					57481
Fund Group		\$	1,275,000	\$	1,025,000	57482
	Federal Special Revenue Fund Group					57483
3A4 322-605	Community Program	\$	1,500,000	\$	1,500,000	57484
	Support					
3A5 322-613	DD Council Grants	\$	3,204,240	\$	3,204,240	57485
3G6 322-639	Medicaid Waiver	\$	373,772,814	\$	373,772,814	57486
3M7 322-650	CAFS Medicaid	\$	125,924,299	\$	103,773,730	57487
325 322-608	Grants for Infants and	\$	1,763,165	\$	1,763,165	57488
	Families with					
	Disabilities					
325 322-612	Community Social	\$	11,500,000	\$	11,500,000	57489
	Service Programs					
TOTAL FED	Federal Special Revenue					57490
Fund Group		\$	517,664,518	\$	495,513,949	57491
	State Special Revenue Fund Group					57492
4K8 322-604	Waiver - Match	\$	12,000,000	\$	12,000,000	57493
5H0 322-619	Medicaid Repayment	\$	25,000	\$	25,000	57494
5Z1 322-624	County Board Waiver	\$	82,000,000	\$	82,000,000	57495
	Match					
TOTAL SSR	State Special Revenue					57496
Fund Group		\$	94,025,000	\$	94,025,000	57497

TOTAL ALL COMMUNITY SERVICES			57498
BUDGET FUND GROUPS	\$ 829,211,685	\$ 808,117,882	57499
RESIDENTIAL AND SUPPORT SERVICES			57500
The Department of Mental Retardation and Developmental			57501
Disabilities may designate a portion of appropriation item			57502
322-413, Residential and Support Services, for the following:			57503
(A) Sermak Class Services used to implement the requirements			57504
of the agreement settling the consent decree in <i>Sermak v. Manuel</i> ,			57505
Case No. c-2-80-220, United States District Court for the Southern			57506
District of Ohio, Eastern Division;			57507
(B) Medicaid-reimbursed programs other than home and			57508
community-based waiver services, in an amount not to exceed			57509
\$1,000,000 in each fiscal year, that enable persons with mental			57510
retardation and developmental disabilities to live in the			57511
community.			57512
WAIVER STATE MATCH			57513
The purposes for which the foregoing appropriation item			57514
322-416, Waiver State Match, shall be used include the following:			57515
(A) Home and community-based waiver services under Title XIX			57516
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301,			57517
as amended.			57518
(B) Services contracted by county boards of mental			57519
retardation and developmental disabilities.			57520
(C) To pay the nonfederal share of the cost of one or more			57521
new intermediate-care-facility-for-the-mentally-retarded certified			57522
beds in a county where the county board of mental retardation and			57523
developmental disabilities does not initiate or support the			57524
development or certification of such beds, if the Director of			57525
Mental Retardation and Developmental Disabilities is required by			57526
this act to transfer to the Director of Job and Family Services			57527

funds to pay such nonfederal share. 57528

The Department of Mental Retardation and Developmental 57529
Disabilities may designate a portion of appropriation item 57530
322-416, Waiver State Match, to county boards of mental 57531
retardation and developmental disabilities that have greater need 57532
for various residential and support services because of a low 57533
percentage of residential and support services development in 57534
comparison to the number of individuals with mental retardation or 57535
developmental disabilities in the county. 57536

Of the foregoing appropriation item 322-416, Waiver State 57537
Match, \$9,850,000 in each year of the biennium shall be 57538
distributed by the Department to county boards of mental 57539
retardation and developmental disabilities to support existing 57540
residential facilities waiver and individual options waiver 57541
related to Medicaid activities provided for in the component of a 57542
county board's plan developed under division (A)(2) of section 57543
5126.054 of the Revised Code and approved under section 5123.046 57544
of the Revised Code. Up to \$3,000,000 of these funds in each 57545
fiscal year may be used to implement day-to-day program management 57546
services under division (A)(2) of section 5126.054 of the Revised 57547
Code. Up to \$4,200,000 in each fiscal year may be used to 57548
implement the program and health and welfare requirements of 57549
division (A)(2) of section 5126.054 of the Revised Code. 57550

In fiscal years 2006 and 2007 not less than \$2,650,000 of 57551
these funds shall be used to recruit and retain, under division 57552
(A)(2) of section 5126.054 of the Revised Code, the direct care 57553
staff necessary to implement the services included in an 57554
individualized service plan in a manner that ensures the health 57555
and welfare of the individuals being served. 57556

The method utilized by the department to determine each 57557
residential facilities wavier and individual options provider's 57558

allocation of such funds in fiscal year 2005 shall be used for 57559
allocation purposes to such providers in fiscal years 2006 and 57560
2007, respectively. 57561

SUPPORTED LIVING 57562

The purposes for which the foregoing appropriation item 57563
322-417, Supported Living, shall be used include supported living 57564
services contracted by county boards of mental retardation and 57565
developmental disabilities under sections 5126.40 to 5126.47 of 57566
the Revised Code and paying the nonfederal share of the cost of 57567
one or more new 57568
intermediate-care-facility-for-the-mentally-retarded certified 57569
beds in a county where the county board of mental retardation and 57570
developmental disabilities does not initiate or support the 57571
development or certification of such beds, if the Director of 57572
Mental Retardation and Developmental Disabilities is required by 57573
this act to transfer to the Director of Job and Family Services 57574
funds to pay such nonfederal share. 57575

OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS 57576

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 57577
the Department of Mental Retardation and Developmental 57578
Disabilities may develop residential and support service programs 57579
funded by appropriation item 322-413, Residential and Support 57580
Services; appropriation item 322-416, Waiver State Match; or 57581
appropriation item 322-417, Supported Living, that enable persons 57582
with mental retardation and developmental disabilities to live in 57583
the community. Notwithstanding Chapter 5121. and section 5123.122 57584
of the Revised Code, the Department may waive the support 57585
collection requirements of those statutes for persons in community 57586
programs developed by the Department under this section. The 57587
Department shall adopt rules under Chapter 119. of the Revised 57588
Code or may use existing rules for the implementation of these 57589

programs. 57590

FAMILY SUPPORT SERVICES 57591

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 57592
5126.11 of the Revised Code, the Department of Mental Retardation 57593
and Developmental Disabilities may implement programs funded by 57594
appropriation item 322-451, Family Support Services, to provide 57595
assistance to persons with mental retardation or developmental 57596
disabilities and their families who are living in the community. 57597
The department shall adopt rules to implement these programs. The 57598
department may also use the foregoing appropriation item 322-451, 57599
Family Support Services, to pay the nonfederal share of the cost 57600
of one or more new 57601
intermediate-care-facility-for-the-mentally-retarded certified 57602
beds in a county where the county board of mental retardation and 57603
developmental disabilities initiates or supports the development 57604
or certification of such beds, if the Director of Mental 57605
Retardation and Developmental Disabilities is required by this act 57606
to transfer to the Director of Job and Family Services funds to 57607
pay such nonfederal share. 57608

SERVICE AND SUPPORT ADMINISTRATION 57609

The foregoing appropriation item 322-452, Service and Support 57610
Administration, shall be allocated to county boards of mental 57611
retardation and developmental disabilities for the purpose of 57612
providing service and support administration services and to 57613
assist in bringing state funding for all department-approved 57614
service and support administrators within county boards of mental 57615
retardation and developmental disabilities to the level authorized 57616
in division (C) of section 5126.15 of the Revised Code. The 57617
department may request approval from the Controlling Board to 57618
transfer any unobligated appropriation authority from other state 57619
General Revenue Fund appropriation items within the department's 57620

budget to appropriation item 322-452, Service and Support Administration, to be used to meet the statutory funding level in division (C) of section 5126.15 of the Revised Code. 57621
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Notwithstanding division (C) of section 5126.15 of the Revised Code and subject to funding in appropriation item 322-452, Service and Support Administration, no county may receive less than its allocation in fiscal year 1995. Wherever case management services are referred to in any law, contract, or other document, the reference shall be deemed to refer to service and support administration. No action or proceeding pending on the effective date of this section is affected by the renaming of case management services as service and support administration. 57624
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The Department of Mental Retardation and Developmental Disabilities shall adopt, amend, and rescind rules as necessary to reflect the renaming of case management services as service and support administration. All boards of mental retardation and developmental disabilities and the entities with which they contract for services shall rename the titles of their employees who provide service and support administration. All boards and contracting entities shall make corresponding changes to all employment contracts. 57633
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The Department also may use the foregoing appropriation item 322-452, Service and Support Administration, to pay the nonfederal share of the cost of one or more new intermediate-care-facility-for-the-mentally-retarded certified beds in a county where the county board of mental retardation and developmental disabilities initiates or supports the development or certification of such beds, if the Director of Mental Retardation and Developmental Disabilities is required by this act to transfer to the Director of Job and Family Services funds to pay such nonfederal share. 57642
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STATE SUBSIDIES TO MR/DD BOARDS 57652

The foregoing appropriation item 322-501, County Boards 57653
Subsidies, shall be distributed to county boards of mental 57654
retardation and developmental disabilities under section 5126.12 57655
of the Revised Code to the limit of the lesser of the amount 57656
required by that section or the appropriation in appropriation 57657
item 322-501, County Boards Subsidies, prorated to all county 57658
boards of mental retardation and developmental disabilities. 57659

The Department also may use the foregoing appropriation item 57660
322-501, County Boards Subsidies, to pay the nonfederal share of 57661
the cost of one or more new 57662
intermediate-care-facility-for-the-mentally-retarded certified 57663
beds in a county where the county board of mental retardation and 57664
developmental disabilities initiates or supports the development 57665
or certification of such beds, if the Director of Mental 57666
Retardation and Developmental Disabilities is required by this act 57667
to transfer to the Director of Job and Family Services funds to 57668
pay such nonfederal share. 57669

WAIVER - MATCH 57670

The foregoing appropriation item 322-604, Waiver - Match 57671
(Fund 4K8), shall be used as state matching funds for the home and 57672
community-based waivers. 57673

COUNTY BOARD WAIVER MATCH 57674

The Director of Mental Retardation and Developmental 57675
Disabilities shall transfer, through intrastate transfer vouchers, 57676
cash from any allowable General Revenue Fund appropriation item to 57677
Fund 5Z1, appropriation item 322-624, County Board Waiver Match. 57678
(The amounts being transferred reflect the amounts that county 57679
boards pledge from their state General Revenue Funds allocations 57680
to cover the cost of providing the non-federal match for waiver 57681
services.) 57682

Section 209.09.09. COMMUNITY ALTERNATIVE FUNDING SYSTEM 57683

(A) As used in this section, "habilitation center services" 57684
has the same meaning as in former section 5111.041 of the Revised 57685
Code as that section existed on June 30, 2005. 57686

(B) The Department of Mental Retardation and Developmental 57687
Disabilities may use funds appropriated to the Department for the 57688
purpose of habilitation center services to satisfy a claim or 57689
contingent claim for habilitation center services provided before 57690
July 1, 2005, if the Department receives the claim or contingent 57691
claim before July 1, 2006. The Department has no liability to 57692
satisfy either of the following: 57693

(1) A claim for habilitation center services provided before 57694
July 1, 2005, if the Department receives the claim on or after 57695
July 1, 2006. 57696

(2) A claim for habilitation center services provided on or 57697
after July 1, 2005. 57698

(C) The Department of Mental Retardation and Developmental 57699
Disabilities may inform individuals who received habilitation 57700
center services under the community alternative funding system on 57701
June 30, 2005, and such individuals' representatives about 57702
alternative services that may be available for the individuals. 57703
The Department may require county boards of mental retardation and 57704
developmental disabilities to provide such information to the 57705
individuals and their representatives. 57706

Section 209.06.12. DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A 57707
MODEL BILLING FOR SERVICES RENDERED 57708

Developmental centers of the Department of Mental Retardation 57709
and Developmental Disabilities may provide services to persons 57710
with mental retardation or developmental disabilities living in 57711

the community or to providers of services to these persons. The 57712
 department may develop a method for recovery of all costs 57713
 associated with the provisions of these services. 57714

Section 209.06.15. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 57715
 PHARMACY PROGRAMS 57716

The Department of Mental Retardation and Developmental 57717
 Disabilities shall pay the Department of Job and Family Services 57718
 quarterly, through intrastate transfer voucher, the nonfederal 57719
 share of Medicaid prescription drug claim costs for all 57720
 developmental centers paid by the Department of Job and Family 57721
 Services. 57722

Section 209.06.18. RESIDENTIAL FACILITIES 57723

General Revenue Fund				57724	
GRF 323-321 Residential Facilities	\$	101,764,366	\$	100,457,600	57725
Operations					57726
TOTAL GRF General Revenue Fund	\$	101,764,366	\$	100,457,600	57727
General Services Fund Group					57728
152 323-609 Residential Facilities	\$	912,177	\$	912,177	57729
Support					57730
TOTAL GSF General Services					57731
Fund Group	\$	912,177	\$	912,177	57732
Federal Special Revenue Fund Group					57733
3A4 323-605 Developmental Center	\$	120,000,000	\$	120,000,000	57734
Operation Expenses					
325 323-608 Foster Grandparent	\$	575,000	\$	575,000	57735
Program					
TOTAL FED Federal Special Revenue					57736
Fund Group	\$	120,575,000	\$	120,575,000	57737
State Special Revenue Fund Group					57738

221 322-620	Supplement Service	\$	150,000	\$	150,000	57739
	Trust					
489 323-632	Developmental Center	\$	12,125,628	\$	12,125,628	57740
	Direct Care Support					
TOTAL SSR	State Special Revenue					57741
Fund Group		\$	12,275,628	\$	12,275,628	57742
TOTAL ALL RESIDENTIAL FACILITIES						57743
BUDGET FUND GROUPS		\$	235,527,171	\$	234,220,405	57744
DEPARTMENT TOTAL						57745
GENERAL REVENUE FUND		\$	353,128,610	\$	353,666,007	57746
DEPARTMENT TOTAL						57747
GENERAL SERVICES FUND GROUP		\$	2,487,177	\$	2,237,177	57748
DEPARTMENT TOTAL						57749
FEDERAL SPECIAL REVENUE FUND GROUP		\$	652,727,850	\$	630,577,281	57750
DEPARTMENT TOTAL						57751
STATE SPECIAL REVENUE FUND GROUP		\$	114,300,628	\$	114,300,628	57752
TOTAL DEPARTMENT OF MENTAL						57753
RETARDATION AND DEVELOPMENTAL						57754
DISABILITIES		\$	1,122,644,265	\$	1,100,781,093	57755

Section 209.06.21. (A) As used in this section: 57757

(1) "Family support services," "home and community-based services," "service and support administration," and "supported living" have the same meaning as in section 5126.01 of the Revised Code. 57758
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(2) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code. 57762
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(B) If one or more new beds obtain certification as an intermediate-care-facility-for-the-mentally-retarded bed on or after the effective date of this section, the Director of Mental Retardation and Developmental Disabilities shall transfer funds to the Department of Job and Family Services to pay the nonfederal 57764
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share of the cost under the Medicaid Program for those beds. The 57769
Director shall use only the following funds for the transfer: 57770

(1) If the beds are located in a county served by a county 57771
board of mental retardation and developmental disabilities that 57772
does not initiate or support the beds' certification, funds 57773
appropriated to the Department of Mental Retardation and 57774
Developmental Disabilities for home and community-based services 57775
and supported living for which the Director is authorized to make 57776
allocations to county boards; 57777

(2) If the beds are located in a county served by a county 57778
board that initiates or supports the beds' certification, funds 57779
appropriated to the Department for family support services, 57780
service and support administration, and other services for which 57781
the Director is authorized to make allocations to counties. 57782

(C) The funds that the Director transfers under division 57783
(B)(2) of this section shall be funds that the Director has 57784
allocated to the county board serving the county in which the beds 57785
are located unless the amount of the allocation is insufficient to 57786
pay the entire nonfederal share of the cost under the Medicaid 57787
Program for those beds. If the allocation is insufficient, the 57788
Director shall use as much of such funds allocated to other 57789
counties as is needed to make up the difference. 57790

Section 209.09.10. HABILITATION CENTERS PROVIDING MEDICAID 57791
CASE MANAGEMENT SERVICES 57792

A habilitation center holding on June 30, 2005, a valid 57793
certificate issued under former section 5123.041 of the Revised 57794
Code may provide Medicaid case management services until the 57795
earlier of the following: 57796

(A) The date the United States Secretary of Health and Human 57797
Services approves an amendment to the state Medicaid plan that 57798

provides that only county boards of mental retardation and 57799
developmental disabilities may provide Medicaid case management 57800
services; 57801

(B) The habilitation center ceases to meet the requirements 57802
that were in effect on June 30, 2005, for the certificate issued 57803
under former section 5123.041 of the Revised Code. 57804

Section 209.12. MIH COMMISSION ON MINORITY HEALTH 57805

General Revenue Fund 57806

GRF 149-321 Operating Expenses \$ 539,319 \$ 539,319 57807

GRF 149-501 Minority Health Grants \$ 670,965 \$ 670,965 57808

GRF 149-502 Lupus Program \$ 136,126 \$ 136,126 57809

TOTAL GRF General Revenue Fund \$ 1,346,410 \$ 1,346,410 57810

Federal Special Revenue Fund Group 57811

3J9 149-602 Federal Grants \$ 150,000 \$ 150,000 57812

TOTAL FED Federal Special Revenue 57813

Fund Group \$ 150,000 \$ 150,000 57814

State Special Revenue Fund Group 57815

4C2 149-601 Minority Health \$ 250,000 \$ 150,000 57816

Conference

TOTAL SSR State Special Revenue 57817

Fund Group \$ 250,000 \$ 150,000 57818

TOTAL ALL BUDGET FUND GROUPS \$ 1,746,410 \$ 1,646,410 57819

LUPUS PROGRAM 57820

The foregoing appropriation item 149-502, Lupus Program, 57821

shall be used to provide grants for programs in patient, public, 57822

and professional education on the subject of systemic lupus 57823

erythematosus; to encourage and develop local centers on lupus 57824

information gathering and screening; and to provide outreach to 57825

minority women. 57826

Section 209.15. CRB MOTOR VEHICLE COLLISION REPAIR				57827
REGISTRATION BOARD				57828
General Service Fund Group				57829
5H9 865-609	Operating Expenses -	\$ 325,047	\$ 0	57830
CRB				
TOTAL GSF General Services				57831
Fund Group		\$ 325,047	\$ 0	57832
TOTAL ALL BUDGET FUND GROUPS				57833
 Section 209.18. DNR DEPARTMENT OF NATURAL RESOURCES				 57835
General Revenue Fund				57836
GRF 725-404	Fountain Square Rental	\$ 1,025,300	\$ 1,092,000	57837
Payments - OBA				
GRF 725-407	Conservation Reserve	\$ 1,000,000	\$ 1,000,000	57838
Enhancement Program				
GRF 725-413	OPFC Lease Rental	\$ 18,699,100	\$ 20,962,800	57839
Payments				
GRF 725-423	Stream and Ground	\$ 311,910	\$ 311,910	57840
Water Gauging				
GRF 725-425	Wildlife License	\$ 646,319	\$ 646,319	57841
Reimbursement				
GRF 725-456	Canal Lands	\$ 332,859	\$ 332,859	57842
GRF 725-502	Soil and Water	\$ 9,836,436	\$ 9,836,436	57843
Districts				
GRF 725-903	Natural Resources	\$ 25,866,000	\$ 24,359,100	57844
General Obligation				
Debt Service				
GRF 727-321	Division of Forestry	\$ 8,541,511	\$ 8,541,511	57845
GRF 728-321	Division of Geological	\$ 1,630,000	\$ 1,630,000	57846
Survey				
GRF 729-321	Office of Information	\$ 440,895	\$ 440,895	57847

		Technology					
GRF	730-321	Division of Parks and Recreation	\$	34,874,841	\$	34,874,841	57848
GRF	731-321	Office of Coastal Management	\$	259,707	\$	259,707	57849
GRF	733-321	Division of Water	\$	3,207,619	\$	3,207,619	57850
GRF	736-321	Division of Engineering	\$	3,118,703	\$	3,118,703	57851
GRF	737-321	Division of Soil and Water	\$	4,074,788	\$	4,074,788	57852
GRF	738-321	Division of Real Estate and Land Management	\$	2,291,874	\$	2,291,874	57853
GRF	741-321	Division of Natural Areas and Preserves	\$	3,009,505	\$	3,009,505	57854
GRF	744-321	Division of Mineral Resources Management	\$	3,068,167	\$	3,068,167	57855
TOTAL GRF		General Revenue Fund	\$	122,235,534	\$	123,059,034	57856
		General Services Fund Group					57857
155	725-601	Departmental Projects	\$	2,135,821	\$	2,011,726	57858
157	725-651	Central Support Indirect	\$	6,528,675	\$	6,528,675	57859
204	725-687	Information Services	\$	4,676,627	\$	4,676,627	57860
206	725-689	REALM Support Services	\$	475,000	\$	475,000	57861
207	725-690	Real Estate Services	\$	64,000	\$	64,000	57862
223	725-665	Law Enforcement Administration	\$	2,096,225	\$	2,096,225	57863
227	725-406	Parks Projects Personnel	\$	175,000	\$	110,000	57864
4D5	725-618	Recycled Materials	\$	50,000	\$	50,000	57865
4S9	725-622	NatureWorks Personnel	\$	472,648	\$	307,648	57866
4X8	725-662	Water Resources Council	\$	125,000	\$	125,000	57867

430	725-671	Canal Lands	\$	797,582	\$	847,582	57868
508	725-684	Natural Resources Publications	\$	157,792	\$	157,792	57869
510	725-631	Maintenance - State-owned Residences	\$	260,849	\$	260,849	57870
516	725-620	Water Management	\$	2,442,956	\$	2,459,120	57871
635	725-664	Fountain Square Facilities Management	\$	3,182,223	\$	3,190,223	57872
697	725-670	Submerged Lands	\$	542,011	\$	542,011	57873
TOTAL GSF General Services							57874
Fund Group			\$	24,182,409	\$	23,902,478	57875
Federal Special Revenue Fund Group							57876
3B3	725-640	Federal Forest Pass-Thru	\$	150,000	\$	150,000	57877
3B4	725-641	Federal Flood Pass-Thru	\$	350,000	\$	350,000	57878
3B5	725-645	Federal Abandoned Mine Lands	\$	14,310,497	\$	14,307,666	57879
3B6	725-653	Federal Land and Water Conservation Grants	\$	5,000,000	\$	5,000,000	57880
3B7	725-654	Reclamation - Regulatory	\$	2,107,292	\$	2,107,291	57881
3P0	725-630	Natural Areas and Preserves - Federal	\$	315,000	\$	315,000	57882
3P1	725-632	Geological Survey - Federal	\$	479,651	\$	479,651	57883
3P2	725-642	Oil and Gas-Federal	\$	362,933	\$	367,912	57884
3P3	725-650	Coastal Management - Federal	\$	1,592,923	\$	1,607,686	57885
3P4	725-660	Water - Federal	\$	419,766	\$	420,525	57886
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	2,225,000	\$	2,225,000	57887
3Z5	725-657	REALM-Federal	\$	1,578,871	\$	1,578,871	57888

328	725-603	Forestry Federal	\$	1,813,827	\$	2,228,081	57889
332	725-669	Federal Mine Safety	\$	258,102	\$	258,102	57890
		Grant					
		TOTAL FED Federal Special Revenue					57891
		Fund Group	\$	30,963,862	\$	31,395,785	57892
		State Special Revenue Fund Group					57893
4J2	725-628	Injection Well Review	\$	93,957	\$	79,957	57894
4M7	725-631	Wildfire Suppression	\$	100,000	\$	100,000	57895
4U6	725-668	Scenic Rivers	\$	407,100	\$	407,100	57896
		Protection					
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	57897
5P2	725-634	Wildlife Boater Angler	\$	4,200,000	\$	3,500,000	57898
		Administration					
509	725-602	State Forest	\$	2,291,664	\$	2,591,664	57899
511	725-646	Ohio Geological	\$	549,310	\$	549,310	57900
		Mapping					
512	725-605	State Parks Operations	\$	29,814,288	\$	29,814,288	57901
512	725-680	Parks Facilities	\$	2,576,240	\$	2,576,240	57902
		Maintenance					
514	725-606	Lake Erie Shoreline	\$	612,075	\$	657,113	57903
518	725-643	Oil and Gas Permit	\$	2,574,377	\$	2,574,378	57904
		Fees					
518	725-677	Oil and Gas Well	\$	1,200,000	\$	1,200,000	57905
		Plugging					
521	725-627	Off-Road Vehicle	\$	283,490	\$	283,490	57906
		Trails					
522	725-656	Natural Areas Checkoff	\$	1,550,670	\$	1,550,670	57907
		Funds					
526	725-610	Strip Mining	\$	1,932,492	\$	1,932,492	57908
		Administration Fee					
527	725-637	Surface Mining	\$	2,312,815	\$	2,322,702	57909
		Administration					
529	725-639	Unreclaimed Land Fund	\$	623,356	\$	631,257	57910

531	725-648	Reclamation Forfeiture	\$	2,061,861	\$	2,062,237	57911
532	725-644	Litter Control and Recycling	\$	11,670,617	\$	11,795,628	57912
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	57913
615	725-661	Dam Safety	\$	408,223	\$	408,223	57914
TOTAL SSR State Special Revenue							57915
Fund Group			\$	66,291,385	\$	66,065,599	57916
Clean Ohio Fund Group							57917
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	57918
TOTAL CLF Clean Ohio Fund Group			\$	155,000	\$	155,000	57919
Wildlife Fund Group							57920
015	740-401	Division of Wildlife Conservation	\$	49,500,000	\$	50,500,000	57921
815	725-636	Cooperative Management Projects	\$	120,449	\$	120,449	57922
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	57923
817	725-655	Wildlife Conservation Checkoff Fund	\$	5,000,000	\$	5,000,000	57924
818	725-629	Cooperative Fisheries Research	\$	988,582	\$	988,582	57925
819	725-685	Ohio River Management	\$	128,584	\$	128,584	57926
TOTAL WLF Wildlife Fund Group			\$	56,704,500	\$	57,704,500	57927
Waterways Safety Fund Group							57928
086	725-414	Waterways Improvement	\$	3,792,343	\$	3,792,343	57929
086	725-418	Buoy Placement	\$	52,182	\$	52,182	57930
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	57931
086	725-506	Watercraft Marine Patrol	\$	576,153	\$	576,153	57932
086	725-513	Watercraft Educational Grants	\$	366,643	\$	366,643	57933
086	739-401	Division of Watercraft	\$	20,027,909	\$	20,086,681	57934
5Aw	725-682	Watercraft Revolving	\$	3,000,000	\$	1,000,000	57935

Loans

TOTAL WSF Waterways Safety Fund				57936	
Group	\$	27,953,097	\$	26,011,869	57937
Holding Account Redistribution Fund Group				57938	
R17 725-659 Performance Cash Bond	\$	374,263	\$	374,263	57939
Refunds					
R43 725-624 Forestry	\$	2,500,000	\$	1,500,000	57940
TOTAL 090 Holding Account				57941	
Redistribution Fund Group	\$	2,874,263	\$	1,874,263	57942
Accrued Leave Liability Fund Group				57943	
4M8 725-675 FOP Contract	\$	20,844	\$	20,844	57944
TOTAL ALF Accrued Leave				57945	
Liability Fund Group	\$	20,844	\$	20,844	57946
TOTAL ALL BUDGET FUND GROUPS	\$	331,380,894	\$	330,189,372	57947

Section 209.18.03. CENTRAL SUPPORT INDIRECT 57949

The Department of Natural Resources, with approval of the 57950
 Director of Budget and Management, shall utilize a methodology for 57951
 determining each division's payments into the Central Support 57952
 Indirect Fund (Fund 157). The methodology used shall contain the 57953
 characteristics of administrative ease and uniform application in 57954
 compliance with federal grant requirements. It may include direct 57955
 cost charges for specific services provided. Payments to the 57956
 Central Support Indirect Fund (Fund 157) shall be made using an 57957
 intrastate transfer voucher. 57958

Section 209.18.06. FOUNTAIN SQUARE 57959

The foregoing appropriation item 725-404, Fountain Square 57960
 Rental Payments - OBA, shall be used by the Department of Natural 57961
 Resources to meet all payments required to be made to the Ohio 57962
 Building Authority during the period from July 1, 2005, to June 57963
 30, 2007, pursuant to leases and agreements with the Ohio Building 57964

Authority under section 152.241 of the Revised Code, but limited 57965
to the aggregate amount of \$2,117,300. 57966

The Director of Natural Resources, using intrastate transfer 57967
vouchers, shall make payments to the General Revenue Fund from 57968
funds other than the General Revenue Fund to reimburse the General 57969
Revenue Fund for the other funds' shares of the lease rental 57970
payments to the Ohio Building Authority. The transfers from the 57971
non-General Revenue funds shall be made within 10 days of the 57972
payment to the Ohio Building Authority for the actual amounts 57973
necessary to fulfill the leases and agreements pursuant to section 57974
152.241 of the Revised Code. 57975

The foregoing appropriation item 725-664, Fountain Square 57976
Facilities Management (Fund 635), shall be used for payment of 57977
repairs, renovation, utilities, property management, and building 57978
maintenance expenses for the Fountain Square Complex. Cash 57979
transferred by intrastate transfer vouchers from various 57980
department funds and rental income received by the Department of 57981
Natural Resources shall be deposited into the Fountain Square 57982
Facilities Management Fund (Fund 635). 57983

LEASE RENTAL PAYMENTS 57984

The foregoing appropriation item 725-413, OPFC Lease Rental 57985
Payments, shall be used to meet all payments at the times they are 57986
required to be made during the period from July 1, 2005, to June 57987
30, 2007, by the Department of Natural Resources pursuant to 57988
leases and agreements made under section 154.22 of the Revised 57989
Code, but limited to the aggregate amount of \$50,375,100. Nothing 57990
in this act shall be deemed to contravene the obligation of the 57991
state to pay, without necessity for further appropriation, from 57992
the sources pledged thereto, the bond service charges on 57993
obligations issued pursuant to section 154.22 of the Revised Code. 57994

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 57995

The foregoing appropriation item 725-903, Natural Resources 57996
General Obligation Debt Service, shall be used to pay all debt 57997
service and related financing costs at the times they are required 57998
to be made pursuant to sections 151.01 and 151.05 of the Revised 57999
Code during the period from July 1, 2005, to June 30, 2007. The 58000
Office of the Sinking Fund or the Director of Budget and 58001
Management shall effectuate the required payments by an intrastate 58002
transfer voucher. 58003

Section 209.18.09. WILDLIFE LICENSE REIMBURSEMENT 58004

Notwithstanding the limits of the transfer from the General 58005
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 58006
of the Revised Code, up to the amount available in appropriation 58007
item 725-425, Wildlife License Reimbursement, may be transferred 58008
from the General Revenue Fund to the Wildlife Fund (Fund 015). 58009
Pursuant to the certification of the Director of Budget and 58010
Management of the amount of foregone revenue in accordance with 58011
section 1533.15 of the Revised Code, the foregoing appropriation 58012
item in the General Revenue Fund, appropriation item 725-425, 58013
Wildlife License Reimbursement, shall be used to reimburse the 58014
Wildlife Fund (Fund 015) for the cost of hunting and fishing 58015
licenses and permits issued after June 30, 1990, to individuals 58016
who are exempted under the Revised Code from license, permit, and 58017
stamp fees. 58018

CANAL LANDS 58019

The foregoing appropriation item 725-456, Canal Lands, shall 58020
be used to transfer funds to the Canal Lands Fund (Fund 430) to 58021
provide operating expenses for the State Canal Lands Program. The 58022
transfer shall be made using an intrastate transfer voucher and 58023
shall be subject to the approval of the Director of Budget and 58024
Management. 58025

SOIL AND WATER DISTRICTS 58026

In addition to state payments to soil and water conservation 58027
districts authorized by section 1515.10 of the Revised Code, the 58028
Department of Natural Resources may pay to any soil and water 58029
conservation district, from authority in appropriation item 58030
725-502, Soil and Water Districts, an annual amount not to exceed 58031
\$30,000, upon receipt of a request and justification from the 58032
district and approval by the Ohio Soil and Water Conservation 58033
Commission. The county auditor shall credit the payments to the 58034
special fund established under section 1515.10 of the Revised Code 58035
for the local soil and water conservation district. Moneys 58036
received by each district shall be expended for the purposes of 58037
the district. 58038

FUND CONSOLIDATION 58039

The Director of Budget and Management shall transfer an 58040
amount certified by the Director of Natural Resources from the 58041
Central Support Indirect Fund (Fund 157) to the Law Enforcement 58042
Administration Fund (Fund 223) and the Information Services Fund 58043
(Fund 204) to implement a direct cost recovery plan. 58044

STATE PARK DEPRECIATION RESERVE 58045

The foregoing appropriation item 725-635, Parks Facilities 58046
Maintenance, within the Depreciation Reserve Fund (Fund 161), 58047
shall be used by the Division of Parks and Recreation to maintain 58048
state park revenue producing facilities in the best economic 58049
operating condition and to repair and replace equipment used in 58050
the operation of state park revenue producing facilities. 58051

Prior to June 30, 2005, the Director of Budget and Management 58052
shall transfer the cash balance in the Depreciation Reserve Fund 58053
(Fund 161), which is abolished in section 1541.221 of the Revised 58054
Code, as amended by this act, to the State Park Fund (Fund 512), 58055
which is created in section 1541.22 of the Revised Code. 58056

OIL AND GAS WELL PLUGGING 58057

The foregoing appropriation item 725-677, Oil and Gas Well 58058
Plugging, shall be used exclusively for the purposes of plugging 58059
wells and to properly restore the land surface of idle and orphan 58060
oil and gas wells pursuant to section 1509.071 of the Revised 58061
Code. No funds from the appropriation item shall be used for 58062
salaries, maintenance, equipment, or other administrative 58063
purposes, except for those costs directly attributed to the 58064
plugging of an idle or orphan well. Appropriation authority from 58065
this appropriation item shall not be transferred to any other fund 58066
or line item. 58067

CLEAN OHIO OPERATING EXPENSES 58068

The foregoing appropriation item 725-405, Clean Ohio 58069
Operating, shall be used by the Department of Natural Resources in 58070
administering section 1519.05 of the Revised Code. 58071

WATERCRAFT MARINE PATROL 58072

Of the foregoing appropriation item 739-401, Division of 58073
Watercraft, not more than \$200,000 in each fiscal year shall be 58074
expended for the purchase of equipment for marine patrols 58075
qualifying for funding from the Department of Natural Resources 58076
pursuant to section 1547.67 of the Revised Code. Proposals for 58077
equipment shall accompany the submission of documentation for 58078
receipt of a marine patrol subsidy pursuant to section 1547.67 of 58079
the Revised Code and shall be loaned to eligible marine patrols 58080
pursuant to a cooperative agreement between the Department of 58081
Natural Resources and the eligible marine patrol. 58082

WATERCRAFT REVOLVING LOAN PROGRAM 58083

Upon certification by the Director of Natural Resources, the 58084
Director of Budget and Management shall transfer an amount not to 58085
exceed \$3,000,000 in fiscal year 2006 and not to exceed \$1,000,000 58086

in fiscal year 2007 so certified from the Waterways Safety Fund 58087
(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The 58088
moneys shall be used pursuant to section 1547.721 of the Revised 58089
Code. 58090

PARKS CAPITAL EXPENSES FUND 58091

There is hereby created in the state treasury the Parks 58092
Capital Expenses Fund (Fund 227). The fund shall be used to pay 58093
for design, engineering, and planning costs incurred by the 58094
Department of Natural Resources for capital parks projects. 58095

The Director of Natural Resources shall submit to the 58096
Director of Budget and Management the estimated design, 58097
engineering, and planning costs of capital-related work to be done 58098
by Department of Natural Resources staff for parks projects. If 58099
the Director of Budget and Management approves the estimated 58100
costs, the Director may release appropriations from appropriation 58101
item 725-406, Parks Projects Personnel, for those purposes. Upon 58102
release of the appropriations, the Department of Natural Resources 58103
shall pay for these expenses from the Parks Capital Expenses Fund 58104
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the 58105
Parks and Recreation Improvement Fund (Fund 035) using an 58106
intrastate transfer voucher. 58107

Section 209.21. NUR STATE BOARD OF NURSING 58108

General Services Fund Group 58109

4K9 884-609 Operating Expenses \$ 5,503,280 \$ 0 58110

5P8 884-601 Nursing Special Issues \$ 5,000 \$ 0 58111

TOTAL GSF General Services 58112

Fund Group \$ 5,508,280 \$ 0 58113

TOTAL ALL BUDGET FUND GROUPS \$ 5,508,280 \$ 0 58114

NURSING SPECIAL ISSUES 58115

The foregoing appropriation item 884-601, Nursing Special 58116

Issues (Fund 5P8), shall be used to pay the costs the Board of	58117
Nursing incurs in implementing section 4723.062 of the Revised	58118
Code.	58119
MEDICATION AIDE PILOT PROGRAM	58120
(A) As used in this section:	58121
(1) "Medication" means a drug, as defined in section 4729.01	58122
of the Revised Code.	58123
(2) "Medication error" means a failure to follow the	58124
prescriber's instructions when administering a prescription	58125
medication to a participating resident.	58126
(3) "Nurse" means both of the following:	58127
(a) A registered nurse;	58128
(b) A licensed practical nurse who has completed a course in	58129
medication administration approved by the Board of Nursing.	58130
(4) "Nursing home" and "residential care facility" have the	58131
same meanings as in section 3721.01 of the Revised Code.	58132
(5) "Participating facility" means a nursing home or	58133
residential care facility that has been selected by the Board of	58134
Nursing to participate in the Medication Aide Pilot Program and	58135
has not had its participation in the Program terminated.	58136
(6) "Prescriber" and "prescription" have the same meanings as	58137
in section 4729.01 of the Revised Code.	58138
(7) "Prescription medication" means a drug that may be	58139
dispensed only on a prescription.	58140
(B)(1) In consultation with the Medication Aide Pilot Program	58141
Council, the Board of Nursing shall establish and conduct the	58142
Medication Aide Pilot Program to utilize medication aides to	58143
administer medications, including prescription medications, to	58144
residents of nursing homes and residential care facilities.	58145

(2) The Medication Aide Pilot Program Council is hereby created. The Council shall consist of the following members:	58146 58147
(a) A registered nurse recommended by the Ohio Nurses Association who is working in long-term care;	58148 58149
(b) A licensed practical nurse recommended by the Licensed Practical Nurse Association of Ohio who is working in long-term care;	58150 58151 58152
(c) A registered nurse recommended by the Ohio Nurses Association who has experience in researching gerontology issues;	58153 58154
(d) An advanced practice nurse recommended by the Ohio Association of Advanced Practice Nurses who has experience in gerontology;	58155 58156 58157
(e) A representative of the Ohio Health Care Association who is appointed by the Association;	58158 58159
(f) A representative of the Association of Ohio Philanthropic Homes, Housing, and Services for the Aging who is appointed by the Association;	58160 58161 58162
(g) A representative of the Ohio Academy of Nursing Homes who is appointed by the Academy;	58163 58164
(h) A representative of the Ohio Assisted Living Association who is appointed by the Association;	58165 58166
(i) A representative of the Ohio Association of Long Term Care Ombudsmen who is appointed by the Association;	58167 58168
(j) A representative of the Office of State Long-term Care Ombudsperson Program;	58169 58170
(k) A representative of the American Association of Retired Persons who is appointed by the Association;	58171 58172
(l) A representative of facility residents and families of facility residents who is appointed by the Board of Nursing;	58173 58174

(m) A representative of the Ohio Pharmacists Association who is appointed by the Association; 58175
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(n) A representative of certified nursing assistants who is appointed by the Department of Health; 58177
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(o) A representative of the Department of Health with expertise in the Competency Evaluation Program, as defined in section 3721.21 of the Revised Code, who is appointed by the Department of Health. 58179
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A member or representative of the Board of Nursing shall serve as chairperson of the Council. Members of the Council shall receive no compensation for their service on the Council. 58183
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(3) The Council shall make recommendations to the Board on all of the following: 58186
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(a) The design of the program; 58188

(b) The content of the training required for medication aides; 58189
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(c) Protection of the health and welfare of residents of facilities participating in the program; 58191
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(d) Whether a medication aide may administer a prescription medication through a gastrostomy or jejunostomy tube. 58193
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(e) The amount and type of training a medication aide needs to adequately prepare the medication aide to administer a prescription medication through a gastrostomy or jejunostomy tube. 58195
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(C)(1) The Board of Nursing shall operate the Medication Aide Pilot Program in a manner consistent with human protection and other ethical concerns typically associated with research studies involving live subjects. 58198
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Within the first six months after the effective date of this section, the Board, in consultation with the Medication Aide Pilot 58202
58203

Program Council, shall do all of the following:	58204
(a) Design the Program;	58205
(b) Establish standards to govern medication aides and facilities participating in the Program, including training requirements for medication aides and staff of participating facilities;	58206 58207 58208 58209
(c) Establish standards to protect the health and safety of participating residents;	58210 58211
(d) Select facilities to participate in the Program;	58212
(e) Select an independent evaluator to assess the Program.	58213
The Board shall commence operation of the Program not later than six months after the effective date of this section and operate it for not less than one year.	58214 58215 58216
(D)(1) Notwithstanding divisions (A) and (B) of section 4723.03 of the Revised Code, an individual authorized by the Board of Nursing to participate in the Program as a medication aide may administer medications, including prescription medications, to a participating resident of a nursing home or residential care facility if a nurse has delegated, in accordance with rules for delegation adopted under Chapter 4723. of the Revised Code, responsibility for the administration to the medication aide. A medication aide may administer only the following types of medications:	58217 58218 58219 58220 58221 58222 58223 58224 58225 58226
(a) Oral medications;	58227
(b) Topical medications;	58228
(c) Medications administered as drops to the eye, ear, or nose;	58229 58230
(d) Rectal and vaginal medications.	58231
(2) A medication aide may not do either of the following:	58232

(a) Administer a medication that is a Schedule I or Schedule II controlled substance as those terms are defined in section 3719.01 of the Revised Code;	58233 58234 58235
(b) Administer any medication that requires titration.	58236
(E)(1) An individual seeking to participate in the Program as a medication aide shall apply to the Board on a form provided by the Board. The Board shall authorize the individual to participate in the Program as a medication aide if the individual satisfies all of the following requirements:	58237 58238 58239 58240 58241
(a) Is a nurse aide who satisfies the requirements of division (A)(1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code;	58242 58243 58244
(b) Satisfactorily completes a medication aide training course as described in division (E)(2) of this section;	58245 58246
(c) Pays any fee required by the Board;	58247
(d) Satisfies any other requirements for a medication aide required by standards established by the Board under division (C)(2)(b) of this section.	58248 58249 58250
(2) The content of a medication aide training course must meet the standards established by the Board under division (C)(2)(b) of this section and include all of the following:	58251 58252 58253
(a) At least sixty clock-hours of instruction;	58254
(b) Classroom instruction on medication administration;	58255
(c) Supervised clinical practice in administration of prescription medications;	58256 58257
(d) An examination that tests the ability to safely administer prescription medications.	58258 58259
(3) An individual's authorization to participate in the Program as a medication aide is valid until the date the Program	58260 58261

ceases to be operated, unless the Board earlier terminates the individual's authorization to participate in the Program. 58262
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(4) The Board of Nursing may deny or terminate an individual's authorization to participate in the Medication Aide Pilot Program as a medication aide for reasons specified by the Board. 58264
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(F)(1) Notwithstanding division (D) of section 4723.03 of the Revised Code, a participating facility may, during the period the Program is operated, utilize one or more medication aides to administer medications, including prescription medications, to the facility's participating residents. 58268
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(2) The Board of Nursing shall select eighty nursing homes and forty residential care facilities from the nursing homes and residential care facilities that volunteer to participate in the program. A nursing home or residential care facility may apply by submitting a form provided by the Board. To be eligible to participate in the Program, a facility must meet all of the following requirements: 58273
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(a) Agree to observe the standards established by the Board under division (C)(2)(b) of this section; 58280
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(b)(i) In the case of a nursing home, be free of deficiencies and have not been found in the two most recent surveys or inspections of the home to have provided substandard care to a resident or to have had deficiencies with regard to the administration of medication. 58282
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(ii) In the case of a residential care facility, be free of deficiencies related to the provision of skilled care or the administration of medication. 58287
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(3) The Board may terminate a participating facility's participation in the Program on receipt of evidence the Board 58290
58291

finds credible that the facility's continued participation in the 58292
Program poses an imminent danger, risk of serious harm, or 58293
jeopardy to a participating resident. 58294

(G) No person employed by a participating facility who 58295
reports in good faith a medication error at a participating 58296
facility shall be subject to criminal liability or disciplinary 58297
action or be liable in damages to any person or government entity 58298
in a civil action for injury, death, or loss to person or property 58299
resulting from the reporting of the medication error. 58300

(H) The independent evaluator selected by the Board shall do 58301
all of the following: 58302

(1) Assess whether medication aides are able to safely 58303
administer medications, including prescription medications, to 58304
nursing home and residential care facility residents; 58305

(2) Determine the financial implications of nursing homes and 58306
residential care facilities utilizing medication aides; 58307

(3) Prepare and submit a report of its findings to the Board 58308
and the Council. 58309

(I) The Board of Nursing, with the assistance of the 58310
Medication Aide Pilot Program Council, shall prepare, or cause to 58311
be prepared, a final report on the Program that includes an 58312
examination of the Program's safety and financial implications. 58313
The report shall be submitted not later than two years after the 58314
effective date of this section to each of the following: 58315

(1) The Governor; 58316

(2) The President and Minority Leader of the Senate; 58317

(3) The Speaker and Minority Leader of the House of 58318
Representatives; 58319

(4) The Director of Health. 58320

Section 209.24.	PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,				58321
	AND ATHLETIC TRAINERS BOARD				58322
	General Services Fund Group				58323
4K9 890-609	Operating Expenses	\$	824,057	\$	0 58324
TOTAL GSF	General Services Fund	\$	824,057	\$	0 58325
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	824,057	\$	0 58326
Section 209.27.	OLA OHIOANA LIBRARY ASSOCIATION				58328
	General Revenue Fund				58329
GRF 355-501	Library Subsidy	\$	202,134	\$	202,134 58330
TOTAL GRF	General Revenue Fund	\$	202,134	\$	202,134 58331
TOTAL ALL BUDGET FUND GROUPS		\$	202,134	\$	202,134 58332
Section 209.30.	ODB OHIO OPTICAL DISPENSERS BOARD				58334
	General Services Fund Group				58335
4K9 894-609	Operating Expenses	\$	316,517	\$	0 58336
TOTAL GSF	General Services				58337
	Fund Group	\$	316,517	\$	0 58338
TOTAL ALL BUDGET FUND GROUPS		\$	316,517	\$	0 58339
Section 209.33.	OPT STATE BOARD OF OPTOMETRY				58341
	General Services Fund Group				58342
4K9 885-609	Operating Expenses	\$	336,771	\$	0 58343
TOTAL GSF	General Services				58344
	Fund Group	\$	336,771	\$	0 58345
TOTAL ALL BUDGET FUND GROUPS		\$	336,771	\$	0 58346
Section 209.36.	OPP STATE BOARD OF ORTHOTICS, PROSTHETICS,				58348
	AND PEDORTHICS				58349
	General Services Fund Group				58350

4K9 973-609 Operating Expenses	\$	99,571	\$	0	58351
TOTAL GSF General Services					58352
Fund Group	\$	99,571	\$	0	58353
TOTAL ALL BUDGET FUND GROUPS	\$	99,571	\$	0	58354

Section 209.39. PBR STATE PERSONNEL BOARD OF REVIEW 58355

General Revenue Fund					58356
GRF 124-321 Operating	\$	1,116,170	\$	1,148,000	58357
TOTAL GRF General Revenue Fund	\$	1,116,170	\$	1,148,000	58358
General Services Fund Group					58359
636 124-601 Transcript and Other	\$	12,000	\$	15,000	58360
TOTAL GSF General Services					58361
Fund Group	\$	12,000	\$	15,000	58362
TOTAL ALL BUDGET FUND GROUPS	\$	1,128,170	\$	1,163,000	58363

TRANSCRIPT AND OTHER 58364

The foregoing appropriation item 124-601, Transcript and 58365
Other, may be used to defray the costs of producing an 58366
administrative record. 58367

Section 209.42. PRX STATE BOARD OF PHARMACY 58368

General Services Fund Group					58369
4A5 887-605 Drug Law Enforcement	\$	75,550	\$	0	58370
4K9 887-609 Operating Expenses	\$	4,950,537	\$	0	58371
TOTAL GSF General Services					58372
Fund Group	\$	5,026,087	\$	0	58373
TOTAL ALL BUDGET FUND GROUPS	\$	5,026,087	\$	0	58374

Section 209.45. PSY STATE BOARD OF PSYCHOLOGY 58376

General Services Fund Group					58377
4K9 882-609 Operating Expenses	\$	566,112	\$	0	58378
TOTAL GSF General Services					58379

Fund Group	\$	566,112	\$	0	58380
TOTAL ALL BUDGET FUND GROUPS	\$	566,112	\$	0	58381
Section 209.48. PUB OHIO PUBLIC DEFENDER COMMISSION					58383
General Revenue Fund					58384
GRF 019-321 Public Defender	\$	1,295,570	\$	1,262,439	58385
Administration					
GRF 019-401 State Legal Defense	\$	5,744,601	\$	5,704,117	58386
Services					
GRF 019-403 Multi-County: State	\$	823,620	\$	823,620	58387
Share					
GRF 019-404 Trumbull County -	\$	256,380	\$	256,380	58388
State Share					
GRF 019-405 Training Account	\$	31,324	\$	31,324	58389
GRF 019-501 County Reimbursement	\$	30,000,000	\$	30,000,000	58390
TOTAL GRF General Revenue Fund	\$	38,151,495	\$	38,077,880	58391
General Services Fund Group					58392
101 019-602 Inmate Legal	\$	53,086	\$	32,338	58393
Assistance					
406 019-603 Training and	\$	16,000	\$	16,000	58394
Publications					
407 019-604 County Representation	\$	186,146	\$	188,810	58395
408 019-605 Client Payments	\$	614,027	\$	762,106	58396
TOTAL GSF General Services					58397
Fund Group	\$	869,259	\$	999,254	58398
Federal Special Revenue Fund Group					58399
3S8 019-608 Federal Representation	\$	380,484	\$	315,287	58400
TOTAL FED Federal Special Revenue					58401
Fund Group	\$	380,484	\$	315,287	58402
State Special Revenue Fund Group					58403
4C7 019-601 Multi-County: County	\$	2,028,309	\$	2,104,367	58404
Share					

4X7 019-610 Trumbull County -	\$	642,106	\$	665,860	58405
County Share					
574 019-606 Legal Services	\$	16,575,000	\$	21,300,000	58406
Corporation					
TOTAL SSR State Special Revenue					58407
Fund Group	\$	19,245,415	\$	24,070,227	58408
TOTAL ALL BUDGET FUND GROUPS	\$	58,646,653	\$	63,462,648	58409
INDIGENT DEFENSE OFFICE					58410
The foregoing appropriation items 019-404, Trumbull County -					58411
State Share, and 019-610, Trumbull County - County Share, shall be					58412
used to support an indigent defense office for Trumbull County.					58413
MULTI-COUNTY OFFICE					58414
The foregoing appropriation items 019-403, Multi-County:					58415
State Share, and 019-601, Multi-County: County Share, shall be					58416
used to support the Office of the Ohio Public Defender's					58417
Multi-County Branch Office Program.					58418
TRAINING ACCOUNT					58419
The foregoing appropriation item 019-405, Training Account,					58420
shall be used by the Ohio Public Defender to provide legal					58421
training programs at no cost for private appointed counsel who					58422
represent at least one indigent defendant at no cost and for state					58423
and county public defenders and attorneys who contract with the					58424
Ohio Public Defender to provide indigent defense services.					58425
FEDERAL REPRESENTATION					58426
The foregoing appropriation item 019-608, Federal					58427
Representation, shall be used to receive reimbursements from the					58428
federal courts when the Ohio Public Defender provides					58429
representation in federal court cases and to support					58430
representation in such cases.					58431
Section 209.51. DHS DEPARTMENT OF PUBLIC SAFETY					58432

General Revenue Fund				58433
GRF 763-403 Operating Expenses -	\$	4,164,697	\$ 4,164,697	58434
EMA				
GRF 763-507 Individual and	\$	650,000	\$ 650,000	58435
Households Program -				
State				
GRF 768-424 Operating Expenses -	\$	965,899	\$ 1,276,192	58436
CJS				
GRF 769-321 Food Stamp Trafficking	\$	752,000	\$ 752,000	58437
Enforcement Operations				
TOTAL GRF General Revenue Fund	\$	6,532,596	\$ 6,842,889	58438
General Services Fund Group				58439
4P6 768-601 Justice Program	\$	100,000	\$ 100,000	58440
Services				
TOTAL GSF General Services Fund	\$	100,000	\$ 100,000	58441
Group				
Federal Special Revenue Fund Group				58442
3L5 768-604 Justice Program	\$	31,019,750	\$ 25,214,623	58443
3V8 768-605 Federal Program	\$	50,000	\$ 0	58444
Purposes FFY01				
TOTAL FED Federal Special Revenue	\$	31,069,750	\$ 25,214,623	58445
Fund Group				
State Special Revenue Fund Group				58446
5BK 768-689 Family Violence	\$	500,000	\$ 650,000	58447
Shelter Programs				
5B9 766-632 PI & Security Guard	\$	1,188,716	\$ 1,188,716	58448
Provider				
TOTAL SSR State Special Revenue	\$	1,688,716	\$ 1,838,716	58449
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	39,391,062	\$ 33,996,228	58450
OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT				58451

Of the foregoing appropriation item 763-403, Operating Expenses - EMA, \$200,000 in each fiscal year shall be used to fund the Ohio Task Force One - Urban Search and Rescue Unit and other urban search and rescue programs around the state to create a stronger search and rescue capability statewide.

INDIVIDUAL AND HOUSEHOLDS GRANTS STATE MATCH

The foregoing appropriation item 763-507, Individual and Households Program - State, shall be used to fund the state share of costs to provide grants to individuals and households in cases of disaster.

TRANSFER OF THE OFFICE OF CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF PUBLIC SAFETY

(A) On July 1, 2005:

(1) The Office of Criminal Justice Services shall cease to exist. The employees of the Office of Criminal Justice Services who were employed by that Office on June 30, 2005, are transferred on that date to the Division of Criminal Justice Services in the Department of Public Safety. The vehicles and equipment assigned to those employees are transferred to the Division of Criminal Justice Services.

(2) The assets, liabilities, other equipment not provided for, and records, irrespective of form or medium, of the Office of Criminal Justice Services are transferred to the Division of Criminal Justice Services. The Division of Criminal Justice Services is the successor to, assumes the obligations of, and otherwise constitutes the continuation of the Office of Criminal Justice Services.

(3) Business commenced but not completed by the Office of Criminal Justice Services on July 1, 2005, shall be completed by the Division of Criminal Justice Services, in the same manner, and

with the same effect, as if completed by the Office of Criminal
Justice Services. No validation, cure, right, privilege, remedy,
obligation, or liability is lost or impaired by reason of the
transfer required by this section but shall be administered by the
Division of Criminal Justice Services.

(4) The rules, orders, and determinations pertaining to the
Office of Criminal Justice Services continue in effect as rules,
orders, and determinations of the Division of Criminal Justice
Services until modified or rescinded by that Division.

(5) No judicial or administrative action or proceeding
pending on July 1, 2005, is affected by the transfer of functions
from the Office of Criminal Justice Services to the Division of
Criminal Justice Services and shall be prosecuted or defended in
the name of the Executive Director or Division of Criminal Justice
Services. On application to the court or other tribunal, the
Executive Director or Division of Criminal Justice Services shall
be substituted as a party in those actions and proceedings.

(6) When the Director or Office of Criminal Justice Services
is referred to in any statute, rule, contract, grant, or other
document, the reference is hereby deemed to refer to the Executive
Director or Division of Criminal Justice Services.

(B) On and after July 1, 2005, if necessary to ensure the
integrity of the numbering of the Administrative Code, the
Director of the Legislative Service Commission shall renumber the
rules of the Office of Criminal Justice Services to reflect their
transfer to the Division of Criminal Justice Services in the
Department of Public Safety.

(C) On and after July 1, 2005, notwithstanding any provision
of law to the contrary, the Director of Budget and Management is
authorized to take the actions described in this section with
respect to budget changes made necessary by administrative

reorganization, program transfers, the creation of new funds, and
the consolidation of funds as authorized by this act. The Director
may make any transfer of cash balances between funds. At the
request of the Director of Budget and Management, the
administering agency head shall certify to the Director an
estimate of the amount of the cash balance to be transferred to
the receiving fund. The Director may transfer the estimated amount
when needed to make payments. Not more than thirty days after
certifying the estimated amount, the administering agency head
shall certify the final amount to the Director. The Director shall
transfer the difference between any amount previously transferred
and the certified final amount. The Director may cancel
encumbrances and re-establish encumbrances or parts of
encumbrances as needed in fiscal year 2006 in the appropriate fund
and appropriation item for the same purpose and to the same
vendor. As determined by the Director, the appropriation authority
necessary to re-establish those encumbrances in fiscal year 2006
in a different fund or appropriation item within an agency or
between agencies is hereby authorized. The Director shall reduce
each year's appropriation balances by the amount of the
encumbrances canceled in their respective funds and appropriation
items. Any fiscal year 2005 unencumbered or unallocated
appropriation balances may be transferred to the appropriate item
to be used for the same purposes, as determined by the Director.

(D) Any advisory committees appointed by the Governor to
assist the Office of Criminal Justice Services pursuant to section
181.53 and existing on June 30, 2005, shall continue to exist as
advisory committees to the Division of Criminal Justice Services
in the Department of Public Safety beginning on July 1, 2005,
subject to section 121.13 of the Revised Code.

Section 209.54. PUC PUBLIC UTILITIES COMMISSION OF OHIO

General Services Fund Group					58544
5F6 870-622 Utility and Railroad	\$	30,622,222	\$	30,622,223	58545
Regulation					
5F6 870-624 NARUC/NRRI Subsidy	\$	167,233	\$	167,233	58546
5F6 870-625 Motor Transportation	\$	5,361,239	\$	5,361,238	58547
Regulation					
TOTAL GSF General Services					58548
Fund Group	\$	36,150,694	\$	36,150,694	58549
Federal Special Revenue Fund Group					58550
3V3 870-604 Commercial Vehicle	\$	300,000	\$	300,000	58551
Information					
Systems/Networks					
333 870-601 Gas Pipeline Safety	\$	597,957	\$	597,957	58552
350 870-608 Motor Carrier Safety	\$	7,027,712	\$	7,027,712	58553
TOTAL FED Federal Special Revenue					58554
Fund Group	\$	7,925,669	\$	7,925,669	58555
State Special Revenue Fund Group					58556
4A3 870-614 Grade Crossing	\$	1,349,757	\$	1,349,757	58557
Protection					
Devices-State					
4L8 870-617 Pipeline Safety-State	\$	187,621	\$	187,621	58558
4S6 870-618 Hazardous Material	\$	464,325	\$	464,325	58559
Registration					
4S6 870-621 Hazardous Materials	\$	373,346	\$	373,346	58560
Base State					
Registration					
4U8 870-620 Civil Forfeitures	\$	284,986	\$	284,986	58561
559 870-605 Public Utilities	\$	4,000	\$	4,000	58562
Territorial					
Administration					
560 870-607 Special Assessment	\$	100,000	\$	100,000	58563
561 870-606 Power Siting Board	\$	337,210	\$	337,210	58564

638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	58565
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	58566
		Transportation					
		TOTAL SSR State Special Revenue					58567
		Fund Group	\$	4,041,245	\$	4,041,245	58568
		Agency Fund Group					58569
4G4	870-616	Base State	\$	5,600,000	\$	5,600,000	58570
		Registration Program					
		TOTAL AGY Agency Fund Group	\$	5,600,000	\$	5,600,000	58571
		TOTAL ALL BUDGET FUND GROUPS	\$	53,717,608	\$	53,717,608	58572
		COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT					58573
		The Commercial Vehicle Information Systems and Networks Fund					58574
		is hereby created in the state treasury. The fund shall receive					58575
		funding from the United States Department of Transportation's					58576
		Commercial Vehicle Intelligent Transportation System					58577
		Infrastructure Deployment Program and shall be used to deploy the					58578
		Ohio Commercial Vehicle Information Systems and Networks Project					58579
		and to expedite and improve the safety of motor carrier operations					58580
		through electronic exchange of data by means of on-highway					58581
		electronic systems.					58582
		Section 209.57. PWC PUBLIC WORKS COMMISSION					58583
		General Revenue Fund					58584
GRF	150-904	Conservation General	\$	13,687,300	\$	17,168,800	58585
		Obligation Debt					
		Service					
GRF	150-907	State Capital	\$	160,731,400	\$	172,145,100	58586
		Improvements					
		General Obligation					58587
		Debt Service					
		TOTAL GRF General Revenue Fund	\$	174,418,700	\$	189,313,900	58588

Clean Ohio Fund Group				58589
056 150-403 Clean Ohio Operating	\$	298,245	\$ 311,509	58590
Expenses				
TOTAL 056 Clean Ohio Fund Group	\$	298,245	\$ 311,509	58591
TOTAL ALL BUDGET FUND GROUPS	\$	174,716,945	\$ 189,625,409	58592
CONSERVATION GENERAL OBLIGATION DEBT SERVICE				58593
The foregoing appropriation item 150-904, Conservation				58594
General Obligation Debt Service, shall be used to pay all debt				58595
service and related financing costs at the times they are required				58596
to be made under sections 151.01 and 151.09 of the Revised Code				58597
during the period from July 1, 2005, to June 30, 2007. The Office				58598
of the Sinking Fund or the Director of Budget and Management shall				58599
effectuate the required payments by intrastate transfer voucher.				58600
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE				58601
The foregoing appropriation item 150-907, State Capital				58602
Improvements General Obligation Debt Service, shall be used to pay				58603
all debt service and related financing costs at the times they are				58604
required to be made under sections 151.01 and 151.08 of the				58605
Revised Code during the period from July 1, 2005, to June 30,				58606
2007. The Office of the Sinking Fund or the Director of Budget and				58607
Management shall effectuate the required payments by intrastate				58608
transfer voucher.				58609
REIMBURSEMENT TO THE GENERAL REVENUE FUND				58610
(A) On or before June 1, 2007, the Director of the Public				58611
Works Commission shall certify to the Director of Budget and				58612
Management the following:				58613
(1) The total amount disbursed from appropriation item				58614
700-409, Farmland Preservation, during the 2005-2007 biennium; and				58615
(2) The amount of interest earnings that have been credited				58616
to the Clean Ohio Conservation Fund (Fund 056) that are in excess				58617

of the amount needed for other purposes as calculated by the 58618
Director of the Public Works Commission. 58619

(B) If the Director of Budget and Management determines under 58620
division (A)(2) of this section that there are excess interest 58621
earnings, the Director of Budget and Management shall, on or 58622
before June 1, 2007, transfer the excess interest earnings to the 58623
General Revenue Fund in an amount equal to the total amount 58624
disbursed under division (A)(1) of this section from the Clean 58625
Ohio Conservation Fund. 58626

CLEAN OHIO OPERATING EXPENSES 58627

The foregoing appropriation item 150-403, Clean Ohio 58628
Operating Expenses, shall be used by the Ohio Public Works 58629
Commission in administering sections 164.20 to 164.27 of the 58630
Revised Code. 58631

Section 209.60. RAC STATE RACING COMMISSION 58632

State Special Revenue Fund Group 58633

5C4 875-607 Simulcast Horse Racing \$ 17,061,489 \$ 17,063,948 58634
Purse

562 875-601 Thoroughbred Race Fund \$ 4,642,378 \$ 4,642,378 58635

563 875-602 Standardbred \$ 3,161,675 \$ 3,161,675 58636
Development Fund

564 875-603 Quarterhorse \$ 2,000 \$ 2,000 58637
Development Fund

565 875-604 Racing Commission \$ 4,000,000 \$ 4,000,000 58638
Operating

TOTAL SSR State Special Revenue 58639

Fund Group \$ 28,867,542 \$ 28,870,001 58640

Holding Account Redistribution Fund Group 58641

R21 875-605 Bond Reimbursements \$ 212,900 \$ 212,900 58642

TOTAL 090 Holding Account 58643

Redistribution

Fund Group	\$	212,900	\$	212,900	58644
TOTAL ALL BUDGET FUND GROUPS	\$	29,080,442	\$	29,082,901	58645

Section 209.63. BOR BOARD OF REGENTS 58647

General Revenue Fund 58648

GRF 235-321	Operating Expenses	\$	2,897,659	\$	2,966,351	58649
GRF 235-401	Lease Rental Payments	\$	200,619,200	\$	200,795,300	58650
GRF 235-402	Sea Grants	\$	231,925	\$	231,925	58651
GRF 235-406	Articulation and Transfer	\$	2,900,000	\$	2,900,000	58652
GRF 235-408	Midwest Higher Education Compact	\$	90,000	\$	90,000	58653
GRF 235-409	Information System	\$	1,146,510	\$	1,175,172	58654
GRF 235-414	State Grants and Scholarship Administration	\$	1,352,811	\$	1,382,881	58655
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	58656
GRF 235-417	Ohio Learning Network	\$	3,119,496	\$	3,119,496	58657
GRF 235-418	Access Challenge	\$	63,340,676	\$	63,340,676	58658
GRF 235-420	Success Challenge	\$	52,601,934	\$	52,601,934	58659
GRF 235-428	Appalachian New Economy Partnership	\$	1,076,068	\$	1,076,068	58660
GRF 235-433	Economic Growth Challenge	\$	20,343,097	\$	23,186,194	58661
GRF 235-434	College Readiness and Access	\$	6,375,975	\$	7,655,425	58662
GRF 235-435	Teacher Improvement Initiatives	\$	2,597,506	\$	2,597,506	58663
GRF 235-451	Eminent Scholars	\$	0	\$	1,370,988	58664
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	58665
GRF 235-474	Area Health Education Centers Program	\$	1,571,756	\$	1,571,756	58666

	Support				
GRF 235-501	State Share of Instruction	\$ 1,559,096,031	\$ 1,559,096,031	58667	
GRF 235-502	Student Support Services	\$ 795,790	\$ 795,790	58668	
GRF 235-503	Ohio Instructional Grants	\$ 121,151,870	\$ 92,496,969	58669	
GRF 235-504	War Orphans Scholarships	\$ 4,672,321	\$ 4,672,321	58670	
GRF 235-507	OhioLINK	\$ 6,887,824	\$ 6,887,824	58671	
GRF 235-508	Air Force Institute of Technology	\$ 1,925,345	\$ 1,925,345	58672	
GRF 235-510	Ohio Supercomputer Center	\$ 4,021,195	\$ 4,021,195	58673	
GRF 235-511	Cooperative Extension Service	\$ 25,644,863	\$ 25,644,863	58674	
GRF 235-513	Ohio University Voinovich Center	\$ 286,082	\$ 286,082	58675	
GRF 235-514	Central State Supplement	\$ 10,172,626	\$ 9,663,995	58676	
GRF 235-515	Case Western Reserve University School of Medicine	\$ 3,011,271	\$ 3,011,271	58677	
GRF 235-520	Shawnee State Supplement	\$ 1,817,839	\$ 1,636,055	58678	
GRF 235-521	The Ohio State University Glenn Institute	\$ 286,082	\$ 286,082	58679	
GRF 235-524	Police and Fire Protection	\$ 171,959	\$ 171,959	58680	
GRF 235-525	Geriatric Medicine	\$ 750,110	\$ 750,110	58681	
GRF 235-527	Ohio Aerospace Institute	\$ 1,764,957	\$ 1,764,957	58682	

GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	58683
GRF 235-531	Student Choice Grants	\$	50,853,276	\$	52,985,376	58684
GRF 235-534	Student Workforce Development Grants	\$	2,137,500	\$	2,137,500	58685
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,830,188	\$	35,830,188	58686
GRF 235-549	Part-time Student Instructional Grants	\$	14,457,721	\$	10,534,617	58687
GRF 235-552	Capital Component	\$	19,058,863	\$	19,058,863	58688
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,806,599	\$	2,806,599	58689
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	58690
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	58691
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	58692
GRF 235-558	Long-term Care Research	\$	211,047	\$	211,047	58693
GRF 235-560	Clinical Teaching Support	\$	45,931,099	\$	45,931,099	58694
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015	58695
GRF 235-562	Family Practice and Primary Care Residencies	\$	6,794,158	\$	6,794,158	58696
GRF 235-563	Ohio College Opportunity Grant	\$	0	\$	58,144,139	58697
GRF 235-572	The Ohio State University Clinic Support	\$	1,277,019	\$	1,277,019	58698

GRF 235-583	Urban University Programs	\$	4,685,408	\$	4,685,408	58699
GRF 235-587	Rural University Projects	\$	1,033,100	\$	1,033,100	58700
GRF 235-596	Hazardous Materials Program	\$	310,435	\$	310,435	58701
GRF 235-599	National Guard Scholarship Program	\$	15,128,472	\$	16,611,063	58702
GRF 235-909	Higher Education General Obligation Debt Service	\$	137,600,300	\$	152,114,100	58703
TOTAL GRF	General Revenue Fund	\$	2,467,237,448	\$	2,516,038,717	58704
	General Services Fund Group					58705
220 235-614	Program Approval and Reauthorization	\$	400,000	\$	400,000	58706
456 235-603	Sales and Services	\$	700,000	\$	900,000	58707
TOTAL GSF	General Services Fund Group	\$	1,100,000	\$	1,300,000	58709
	Federal Special Revenue Fund Group					58710
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000	58711
3H2 235-622	Medical Collaboration Network	\$	3,346,143	\$	3,346,143	58712
3N6 235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680	58713
3T0 235-610	National Health Service Corps - Ohio Loan Repayment	\$	150,001	\$	150,001	58714
312 235-609	Tech Prep	\$	183,850	\$	183,850	58715
312 235-611	Gear-up Grant	\$	1,370,691	\$	1,370,691	58716
312 235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	58717

312	235-615	Professional Development	\$	523,129	\$	523,129	58718
312	235-617	Improving Teacher Quality Grant	\$	2,900,000	\$	2,900,000	58719
312	235-619	Ohio Supercomputer Center	\$	6,000,000	\$	6,000,000	58720
312	235-621	Science Education Network	\$	1,686,970	\$	1,686,970	58721
312	235-631	Federal Grants	\$	250,590	\$	250,590	58722
TOTAL FED Federal Special Revenue							58723
Fund Group			\$	20,221,014	\$	20,221,014	58724
State Special Revenue Fund Group							58725
4E8	235-602	Higher Educational Facility Commission Administration	\$	55,000	\$	55,000	58726
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870	58727
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	58728
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	58729
TOTAL SSR State Special Revenue							58730
Fund Group			\$	2,184,870	\$	2,184,870	58731
TOTAL ALL BUDGET FUND GROUPS			\$	2,490,743,332	\$	2,539,744,601	58732

Section 209.63.03. OPERATING EXPENSES 58734

Of the foregoing appropriation item 235-321, Operating 58735
 Expenses, up to \$150,000 in each fiscal year shall be used in 58736
 conjunction with funding provided in the Department of Education 58737
 budget under appropriation item 200-427, Academic Standards, to 58738
 create Ohio's Partnership for Continued Learning, in consultation 58739

with the Governor's Office. The Partnership, which replaces and
broadens the former Joint Council of the Department of Education
and the Board of Regents, shall advise and make recommendations to
promote collaboration among relevant state entities in an effort
to help local communities develop coherent and successful "P-16"
learning systems. The Director of Budget and Management may
transfer any unencumbered fiscal year 2006 balance to fiscal year
2007 to support the activities of the Partnership.

Section 209.63.06. LEASE RENTAL PAYMENTS 58748

The foregoing appropriation item 235-401, Lease Rental
Payments, shall be used to meet all payments at the times they are
required to be made during the period from July 1, 2005, to June
30, 2007, by the Board of Regents under leases and agreements made
under section 154.21 of the Revised Code, but limited to the
aggregate amount of \$401,414,500. Nothing in this act shall be
deemed to contravene the obligation of the state to pay, without
necessity for further appropriation, from the sources pledged
thereto, the bond service charges on obligations issued pursuant
to section 154.21 of the Revised Code.

Section 209.63.09. SEA GRANTS 58759

The foregoing appropriation item 235-402, Sea Grants, shall
be disbursed to the Ohio State University and shall be used to
conduct research on fish in Lake Erie.

Section 209.63.12. ARTICULATION AND TRANSFER 58763

The foregoing appropriation item 235-406, Articulation and
Transfer, shall be used by the Board of Regents to maintain and
expand the work of the Articulation and Transfer Council to
develop a system of transfer policies to ensure that students at
state institutions of higher education can transfer and have

coursework apply to their majors and degrees at any other state 58769
institution of higher education without unnecessary duplication or 58770
institutional barriers under section 3333.16 of the Revised Code. 58771

Of the foregoing appropriation item 235-406, Articulation and 58772
Transfer, \$200,000 in each fiscal year shall be used to support 58773
the work of the Articulation and Transfer Council under division 58774
(B) of section 3333.16 of the Revised Code. 58775

Section 209.63.15. MIDWEST HIGHER EDUCATION COMPACT 58776

The foregoing appropriation item 235-408, Midwest Higher 58777
Education Compact, shall be distributed by the Board of Regents 58778
under section 3333.40 of the Revised Code. 58779

Section 209.63.18. INFORMATION SYSTEM 58780

The foregoing appropriation item 235-409, Information System, 58781
shall be used by the Board of Regents to operate the higher 58782
education information data system known as the Higher Education 58783
Information System. 58784

Section 209.63.21. STATE GRANTS AND SCHOLARSHIP 58785
ADMINISTRATION 58786

The foregoing appropriation item 235-414, State Grants and 58787
Scholarship Administration, shall be used by the Board of Regents 58788
to administer the following student financial aid programs: Ohio 58789
Instructional Grant, Part-time Student Instructional Grant, Ohio 58790
College Opportunity Grant, Ohio Student Choice Grant, Ohio 58791
Academic Scholarship, Ohio War Orphans' Scholarship, Nurse 58792
Education Assistance Loan Program, Student Workforce Development 58793
Grant, Regents Graduate/Professional Fellowship, Ohio Safety 58794
Officers College Memorial Fund, Capitol Scholarship Program, and 58795
any other student financial aid programs created by the General 58796
Assembly. The appropriation item also shall be used to administer 58797

the federal Leveraging Educational Assistance Partnership (LEAP) 58798
and Special Leveraging Educational Assistance Partnership (SLEAP) 58799
programs and other student financial aid programs created by 58800
Congress and to provide fiscal services for the Ohio National 58801
Guard Scholarship Program and the Physician Loan Repayment 58802
Program. 58803

Section 209.63.24. JOBS CHALLENGE 58804

Funds appropriated to the foregoing appropriation item 58805
235-415, Jobs Challenge, shall be distributed to state-assisted 58806
community and technical colleges, regional campuses of 58807
state-assisted universities, and other organizationally distinct 58808
and identifiable member campuses of the EnterpriseOhio Network in 58809
support of noncredit job-related training. In each fiscal year, 58810
\$2,770,773 shall be distributed as performance grants to 58811
EnterpriseOhio Network campuses based upon each campus's 58812
documented performance according to criteria established by the 58813
Board of Regents for increasing training and related services to 58814
businesses, industries, and public sector organizations. 58815

Of the foregoing appropriation item 235-415, Jobs Challenge, 58816
\$2,819,345 in each fiscal year shall be allocated to the Targeted 58817
Industries Training Grant Program to attract, develop, and retain 58818
business and industry strategically important to the state's 58819
economy. 58820

Also, in each fiscal year, \$3,758,182 shall be allocated to 58821
the Higher Skills Incentives Program to promote and deliver 58822
coordinated, comprehensive training to local employers and to 58823
reward EnterpriseOhio Network campuses for increasing the amount 58824
of non-credit skill upgrading services provided to Ohio employers 58825
and employees. The funds shall be distributed to campuses in 58826
proportion to each campus's share of noncredit job-related 58827
training revenues received by all campuses for the previous fiscal 58828

year. It is the intent of the General Assembly that this Higher Skills Incentives component of the Jobs Challenge Program reward campus noncredit job-related training efforts in the same manner that the Research Challenge Program rewards campuses for their ability to obtain sponsored research revenues.

Section 209.63.27. OHIO LEARNING NETWORK 58834

The foregoing appropriation item 235-417, Ohio Learning Network, shall be used by the Board of Regents to support the continued implementation of the Ohio Learning Network, a statewide electronic collaborative effort designed to promote degree completion of students, workforce training of employees, and professional development through the use of advanced telecommunications and distance education initiatives.

Section 209.63.30. ACCESS CHALLENGE 58842

In each fiscal year, the foregoing appropriation item 235-418, Access Challenge, shall be distributed to Ohio's state-assisted access colleges and universities. For the purposes of this allocation, "access campuses" includes state-assisted community colleges, state community colleges, technical colleges, Shawnee State University, Central State University, Cleveland State University, the regional campuses of state-assisted universities, and, where they are organizationally distinct and identifiable, the community-technical colleges located at the University of Cincinnati, Youngstown State University, and the University of Akron.

The purpose of Access Challenge is to reduce the student share of costs for resident undergraduates enrolled in lower division undergraduate courses at Ohio's access campuses. The long-term goal is to make the student share of costs for these students equivalent to the student share of costs for resident

undergraduate students enrolled throughout Ohio's public colleges 58859
and universities. Access Challenge appropriations shall be used in 58860
both years of the biennium to sustain, as much as possible, the 58861
tuition restraint or tuition reduction that was achieved with 58862
Access Challenge allocations in prior years. 58863

In fiscal year 2006, Access Challenge subsidies shall be 58864
distributed by the Board of Regents to eligible access campuses on 58865
the basis of the average of each campus's share of fiscal year 58866
2003 and 2004 all-terms subsidy-eligible General Studies FTEs. In 58867
fiscal year 2007, Access Challenge subsidies shall be distributed 58868
by the Board of Regents to eligible access campuses on the basis 58869
of the average of each campus's share of fiscal year 2004 and 2005 58870
all-terms subsidy-eligible General Studies FTEs. 58871

For purposes of this calculation, Cleveland State 58872
University's enrollments shall be adjusted by the ratio of the sum 58873
of subsidy-eligible lower-division FTE student enrollments 58874
eligible for access funding to the sum of subsidy-eligible General 58875
Studies FTE student enrollments at Central State University and 58876
Shawnee State University, and for the following universities and 58877
their regional campuses: the Ohio State University, Ohio 58878
University, Kent State University, Bowling Green State University, 58879
Miami University, the University of Cincinnati, the University of 58880
Akron, and Wright State University. 58881

Section 209.63.33. SUCCESS CHALLENGE 58882

The foregoing appropriation item 235-420, Success Challenge, 58883
shall be used by the Board of Regents to promote degree completion 58884
by students enrolled at a main campus of a state-assisted 58885
university. 58886

Of the foregoing appropriation item 235-420, Success 58887
Challenge, 66.67 per cent of the appropriation in each fiscal year 58888

shall be distributed to state-assisted university main campuses in 58889
proportion to each campus's share of the total statewide 58890
bachelor's degrees granted by university main campuses to 58891
"at-risk" students. In fiscal years 2006 and 2007, an "at-risk" 58892
student means any undergraduate student who was eligible to 58893
receive an Ohio need-based financial aid award during the past ten 58894
years. An eligible institution shall not receive its share of this 58895
distribution until it has submitted a plan that addresses how the 58896
subsidy will be used to better serve at-risk students and increase 58897
their likelihood of successful completion of a bachelor's degree 58898
program. The Board of Regents shall disseminate to all 58899
state-supported institutions of higher education all such plans 58900
submitted by institutions that received Success Challenge funds. 58901

Of the foregoing appropriation item 235-420, Success 58902
Challenge, 33.33 per cent of the appropriation in each fiscal year 58903
shall be distributed to university main campuses in proportion to 58904
each campus's share of the total bachelor's degrees granted by 58905
university main campuses to undergraduate students who completed 58906
their bachelor's degrees in a "timely manner" in the previous 58907
fiscal year. For purposes of this section, "timely manner" means 58908
the normal time it would take for a full-time degree-seeking 58909
undergraduate student to complete the student's degree. Generally, 58910
for such students pursuing a bachelor's degree, "timely manner" 58911
means four years. Exceptions to this general rule shall be 58912
permitted for students enrolled in programs specifically designed 58913
to be completed in a longer time period. The Board of Regents 58914
shall collect data to assess the timely completion statistics by 58915
university main campuses. 58916

Section 209.63.36. APPALACHIAN NEW ECONOMY PARTNERSHIP 58917

The foregoing appropriation item 235-428, Appalachian New 58918
Economy Partnership, shall be distributed to Ohio University to 58919

continue a multi-campus and multi-agency coordinated effort to 58920
link Appalachia to the new economy. Ohio University shall use 58921
these funds to provide leadership in the development and 58922
implementation of initiatives in the areas of entrepreneurship, 58923
management, education, and technology. 58924

Section 209.63.39. ECONOMIC GROWTH CHALLENGE 58925

The foregoing appropriation item 235-433, Economic Growth 58926
Challenge, shall be used to enhance the basic research 58927
capabilities of Ohio's public institutions of higher education, 58928
support improved graduate programs throughout the state, and 58929
promote the transfer of technology developed by colleges and 58930
universities to private industry to further the economic goals of 58931
the state. 58932

Of the foregoing appropriation item 235-433, Economic Growth 58933
Challenge, \$18,000,000 in each fiscal year shall be used for the 58934
Research Incentive Program to enhance the basic research 58935
capabilities of public colleges and universities and accredited 58936
Ohio institutions of higher education holding certificates of 58937
authorization issued under section 1713.02 of the Revised Code, in 58938
order to strengthen academic research for pursuing Ohio's economic 58939
development goals. The Board of Regents, in consultation with the 58940
colleges and universities, shall administer the Research Incentive 58941
Program and utilize a means of matching, on a fractional basis, 58942
external funds attracted in the previous year by institutions for 58943
basic research. The program may include incentives for increasing 58944
the amount of external research funds coming to eligible 58945
institutions and for focusing research efforts upon critical state 58946
needs. Colleges and universities shall submit for review and 58947
approval to the Board of Regents plans for the institutional 58948
allocation of state dollars received through the program. The 58949
institutional plans shall provide the rationale for the allocation 58950

in terms of the strategic targeting of funds for academic and state purposes, for strengthening research programs, for increasing the amount of external research funds, and shall include an evaluation process to provide results of the increased support. Institutional plans for the use of Research Incentive funding must demonstrate a significant investment in Third Frontier activities funded at the institution. For a college or university with multiple Third Frontier grants, as much as 10% of that institution's Research Incentive funding may be invested in Third Frontier Project-related activities. Each institutional plan for the investment of Research Incentive moneys shall report on existing, planned, or possible relationships with other state science and technology programs and funding recipients in order to further ongoing statewide science and technology collaboration objectives. The Board of Regents shall submit a biennial report of progress to the General Assembly.

In fiscal year 2006, each state-assisted doctoral degree-granting university shall initiate a comprehensive Innovation Incentive Plan designed to enhance doctoral programs and areas of research that have the greatest potential to attract preeminent researchers and build research capacity; enhance regional or state economic growth by creating new products and services to be commercialized; and complement Ohio's Third Frontier Project.

Funding for the Innovation Incentive Program shall be generated from those universities electing to set aside a portion of their allocation of the current doctoral reserve as provided in appropriation item 235-501, State Share of Instruction, and state matching funds provided in appropriation item 235-433, Economic Growth Challenge.

Of the foregoing appropriation item 235-433, Economic Growth Challenge, \$2,343,097 in fiscal year 2006 and \$4,686,194 in fiscal

year 2007 shall match funds set aside by the universities for the
Innovation Incentive Program. The set aside begins in fiscal year
2006 and occurs incrementally over a period of ten years with the
goal of setting aside a total of fifteen per cent of the doctoral
reserve from appropriation item 235-501, State Share of
Instruction, by 2016.

The Board of Regents shall use the combined amount of each
participating university's set aside of the doctoral reserve that
has been withheld and the state matching funds earmarked under
appropriation item 235-433, Economic Growth Challenge, to make
awards through a competitive process under the Innovation
Incentive Program. Only universities electing to set aside the
prescribed amount of their allocation of the doctoral reserve are
eligible to compete for and receive Innovation Incentive awards.
The participating universities shall use these awards to
restructure their array of doctoral programs.

Of the foregoing appropriation item 235-433, Economic Growth
Challenge, \$500,000 in fiscal year 2007 shall be distributed for
the Technology Commercialization Incentive. The purpose of the
Technology Commercialization Incentive is to reward public and
private colleges and universities for successful technology
transfer to Ohio-based business and industry resulting in the
commercialization of new products, processes, and services and the
establishment of new business start-ups within the state. The
Third Frontier Commission, with counsel from the Third Frontier
Advisory Board, shall establish the eligibility criteria for
public and private colleges and universities interested in
applying for Technology Commercialization Incentive funding. To
qualify for the funds, public and private colleges and
universities must maintain a significant investment in their own
technology-transfer and commercialization operation and
capabilities, and possess a significant history of successful

research partnerships with Ohio-based business and industry. 59015

Section 209.63.42. COLLEGE READINESS AND ACCESS 59016

Appropriation item 235-434, College Readiness and Access, 59017
shall be used by the Board of Regents to support programs designed 59018
to improve the academic preparation and increase the number of 59019
students that enroll and succeed in higher education such as the 59020
Ohio College Access Network, the state match for the federal 59021
Gaining Early Awareness and Readiness for Undergraduate Program, 59022
and early awareness initiatives. The appropriation item shall also 59023
be used to support innovative statewide strategies to increase 59024
student access and retention for specialized populations, and to 59025
provide for pilot projects that will contribute to improving 59026
access to higher education by specialized populations. The funds 59027
may be used for projects that improve access for nonpublic 59028
secondary students. 59029

Of the foregoing appropriation item 235-434, College 59030
Readiness and Access, \$798,684 in fiscal year 2006 and \$822,645 in 59031
fiscal year 2007 shall be distributed to the Ohio Appalachian 59032
Center for Higher Education at Shawnee State University. The board 59033
of directors of the Center shall consist of the presidents of 59034
Shawnee State University, Ohio University, Belmont Technical 59035
College, Hocking College, Jefferson Community College, Zane State 59036
College, Rio Grande Community College, Southern State Community 59037
College, and Washington State Community College; the dean of one 59038
of the Salem, Tuscarawas, and East Liverpool regional campuses of 59039
Kent State University, as designated by the president of Kent 59040
State University; and a representative of the Board of Regents 59041
designated by the Chancellor. 59042

Of the foregoing appropriation item 235-434, College 59043
Readiness and Access, \$169,553 in fiscal year 2006 and \$174,640 in 59044
fiscal year 2007 shall be distributed to Miami University for the 59045

Student Achievement in Research and Scholarship (STARS) Program.	59046
Of the foregoing appropriation item 235-434, College	59047
Readiness and Access, \$1,574,535 in fiscal year 2006 and	59048
\$2,753,985 in fiscal year 2007 shall be used in conjunction with	59049
funding provided in the Ohio Department of Education budget under	59050
appropriation item 200-431, School Improvement Initiatives, to	59051
support the Early College High School Pilot Program.	59052
Section 209.63.45. TEACHER IMPROVEMENT INITIATIVES	59053
Appropriation item 235-435, Teacher Improvement Initiatives,	59054
shall be used by the Board of Regents to support programs such as	59055
OSI - Discovery and the Centers of Excellence in Mathematics and	59056
Science designed to raise the quality of mathematics and science	59057
teaching in primary and secondary education.	59058
Of the foregoing appropriation item 235-435, Teacher	59059
Improvement Initiatives, \$204,049 in each fiscal year shall be	59060
distributed to the Mathematics and Science Center in Lake County.	59061
Of the foregoing appropriation item 235-435, Teacher	59062
Improvement Initiatives, \$81,619 in each fiscal year shall be	59063
distributed to the Ohio Mathematics and Science Coalition.	59064
Of the foregoing appropriation item 234-435, Teacher	59065
Improvement Initiatives, \$100,000 in each fiscal year shall be	59066
distributed to the Teacher Quality Partnerships study.	59067
Of the foregoing appropriation item 235-435, Teacher	59068
Improvement Initiatives, \$799,871 in each fiscal year shall be	59069
distributed to the Ohio Resource Center for Mathematics, Science,	59070
and Reading. The funds shall be used to support a resource center	59071
for mathematics, science, and reading to be located at a	59072
state-assisted university for the purpose of identifying best	59073
educational practices in primary and secondary schools and	59074
establishing methods for communicating them to colleges of	59075

education and school districts. The Ohio Resource Center for 59076
Mathematics, Science, and Reading shall not make available 59077
resources that are inconsistent with the K-12 science standards 59078
and policies as adopted by the State Board of Education. 59079

Section 209.63.48. EMINENT SCHOLARS 59080

The foregoing appropriation item 235-451, Eminent Scholars, 59081
shall be used by the Ohio Board of Regents to continue the Ohio 59082
Eminent Scholars Program, the purpose of which is to invest 59083
educational resources to address problems that are of vital 59084
statewide significance while fostering the growth in eminence of 59085
Ohio's academic programs. Ohio Eminent Scholars endowed chairs 59086
shall allow Ohio universities to recruit senior faculty members 59087
from outside Ohio who are nationally and internationally 59088
recognized scholars in areas of science and technology that 59089
provide the basic research platforms on which the state's 59090
technology and commercialization efforts are built. Endowment 59091
grants of approximately \$685,494 to state colleges and 59092
universities and nonprofit Ohio institutions of higher education 59093
holding certificates of authorization issued under section 1713.02 59094
of the Revised Code to match endowment gifts from nonstate sources 59095
may be made in accordance with a plan established by the Ohio 59096
Board of Regents. Matching nonstate endowment gifts shall be equal 59097
to the state's endowment grant of approximately \$685,494. The 59098
grants shall have as their purpose attracting and sustaining in 59099
Ohio scholar-leaders of national or international prominence; each 59100
grant shall assist in accelerating state economic growth through 59101
research that provides an essential basic science platform for 59102
commercialization efforts. Such scholar-leaders shall, among their 59103
duties, share broadly the benefits and knowledge unique to their 59104
fields of scholarship to the betterment of Ohio and its people and 59105
collaborate with other state technology programs and program 59106

recipients.	59107
All new Eminent Scholar awards made by the Board of Regents	59108
shall be associated with a Wright Center of Innovation, a	59109
Partnership Award from the Biomedical Research and Technology	59110
Transfer Trust Fund, or a Wright Capital Project.	59111
Section 209.63.51. ENTERPRISEOHIO NETWORK	59112
The foregoing appropriation item 235-455, EnterpriseOhio	59113
Network, shall be allocated by the Board of Regents to continue	59114
increasing the capabilities of the EnterpriseOhio Network to meet	59115
the ongoing training needs of Ohio employers. Funds shall support	59116
multicampus collaboration, best practice dissemination, and	59117
capacity building projects. The Regents Advisory Committee for	59118
Workforce Development, in its advisory role, shall advise in the	59119
development of plans and activities.	59120
Of the foregoing appropriation item 235-455, EnterpriseOhio	59121
Network, \$165,300 in each fiscal year 2005 shall be used by the	59122
Dayton Business/Sinclair College Jobs Profiling Program.	59123
Section 209.63.54. AREA HEALTH EDUCATION CENTERS	59124
The foregoing appropriation item 235-474, Area Health	59125
Education Centers Program Support, shall be used by the Board of	59126
Regents to support the medical school regional area health	59127
education centers' educational programs for the continued support	59128
of medical and other health professions education and for support	59129
of the Area Health Education Center Program.	59130
Of the foregoing appropriation item 235-474, Area Health	59131
Education Centers Program Support, \$159,158 in each fiscal year	59132
shall be disbursed to the Ohio University College of Osteopathic	59133
Medicine to operate a mobile health care unit to serve the	59134
southeastern area of the state.	59135

Of the foregoing appropriation item 235-474, Area Health 59136
Education Centers Program Support, \$119,369 in each fiscal year 59137
shall be used to support the Ohio Valley Community Health 59138
Information Network (OVCHIN) project. 59139

Section 209.63.57. STATE SHARE OF INSTRUCTION 59140

As soon as practicable during each fiscal year of the 59141
biennium ending June 30, 2007, in accordance with instructions of 59142
the Board of Regents, each state-assisted institution of higher 59143
education shall report its actual enrollment to the Board of 59144
Regents. 59145

The Board of Regents shall establish procedures required by 59146
the system of formulas set out below and for the assignment of 59147
individual institutions to categories described in the formulas. 59148
The system of formulas establishes the manner in which aggregate 59149
expenditure requirements shall be determined for each of the three 59150
components of institutional operations. In addition to other 59151
adjustments and calculations described below, the subsidy 59152
entitlement of an institution shall be determined by subtracting 59153
from the institution's aggregate expenditure requirements income 59154
to be derived from the local contributions assumed in calculating 59155
the subsidy entitlements. The local contributions for purposes of 59156
determining subsidy support shall not limit the authority of the 59157
individual boards of trustees to establish fee levels. 59158

The General Studies and Technical models shall be adjusted by 59159
the Board of Regents so that the share of state subsidy earned by 59160
those models is not altered by changes in the overall local share. 59161
A lower-division fee differential shall be used to maintain the 59162
relationship that would have occurred between these models and the 59163
baccalaureate models had an assumed share of 37 per cent been 59164
funded. 59165

In defining the number of full-time equivalent (FTE) students for state subsidy purposes, the Board of Regents shall exclude all undergraduate students who are not residents of Ohio, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code.

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT

(1) INSTRUCTION AND SUPPORT SERVICES

MODEL	FY 2006	FY 2007	
General Studies I	\$ 4,655	\$ 4,655	59174
General Studies II	\$ 5,135	\$ 5,135	59175
General Studies III	\$ 6,365	\$ 6,365	59176
Technical I	\$ 5,926	\$ 5,926	59177
Technical III	\$ 9,107	\$ 9,107	59178
Baccalaureate I	\$ 7,160	\$ 7,160	59179
Baccalaureate II	\$ 8,235	\$ 8,235	59180
Baccalaureate III	\$ 11,841	\$ 11,841	59181
Masters and Professional I	\$ 19,088	\$ 19,088	59182
Masters and Professional II	\$ 20,984	\$ 20,984	59183
Masters and Professional III	\$ 27,234	\$ 27,234	59184
Medical I	\$ 29,143	\$ 29,143	59185
Medical II	\$ 37,172	\$ 37,172	59186
MPD I	\$ 13,645	\$ 13,645	59187

(2) STUDENT SERVICES

For this purpose, FTE counts shall be weighted to reflect differences among institutions in the numbers of students enrolled on a part-time basis. The student services subsidy per FTE shall be \$890 in each fiscal year for all models.

(B) PLANT OPERATION AND MAINTENANCE (POM)

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY

Space undergoing renovation shall be funded at the rate 59196
allowed for storage space. 59197

In the calculation of square footage for each campus, square 59198
footage shall be weighted to reflect differences in space 59199
utilization. 59200

The space inventories for each campus shall be those 59201
determined in the fiscal year 2003 state share of instruction 59202
calculation, adjusted for changes attributable to the construction 59203
or renovation of facilities for which state appropriations were 59204
made or local commitments were made prior to January 1, 1995. 59205

Only 50 per cent of the space permanently taken out of 59206
operation in fiscal year 2006 or fiscal year 2007 that is not 59207
otherwise replaced by a campus shall be deleted from the plant 59208
operation and maintenance space inventory. 59209

The square-foot-based plant operation and maintenance subsidy 59210
for each campus shall be determined as follows: 59211

(a) For each standard room type category shown below, the 59212
subsidy-eligible net assignable square feet (NASF) for each campus 59213
shall be multiplied by the following rates, and the amounts summed 59214
for each campus to determine the total gross square-foot-based POM 59215
expenditure requirement: 59216

	FY 2006	FY 2007	
Classrooms	\$5.86	\$5.86	59218
Laboratories	\$7.31	\$7.31	59219
Offices	\$5.86	\$5.86	59220
Audio Visual Data Processing	\$7.31	\$7.31	59221
Storage	\$2.59	\$2.59	59222
Circulation	\$7.39	\$7.39	59223
Other	\$5.86	\$5.86	59224

(b) The total gross square-foot POM expenditure requirement 59225
shall be allocated to models in proportion to each campus's 59226

activity-based POM weight multiplied by the two- or five-year average subsidy-eligible FTEs for all models. 59227
59228

(c) The amounts allocated to models in division (B)(1)(b) of this section shall be multiplied by the ratio of subsidy-eligible FTE students to total FTE students reported in each model, and the amounts summed for all models. To this total amount shall be added an amount to support roads and grounds expenditures, which shall also be multiplied by the ratio of subsidy-eligible FTE students to total FTEs reported for each model. From this total amount, the amounts for Doctoral I and Doctoral II shall be subtracted to produce the square-foot-based POM subsidy. 59229
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(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY 59238

(a) The number of subsidy-eligible FTE students in each model shall be multiplied by the following rates for each campus for each fiscal year. 59239
59240
59241

	FY 2006	FY 2007	
General Studies I	\$ 512	\$ 512	59242 59243
General Studies II	\$ 662	\$ 662	59244
General Studies III	\$1,464	\$1,464	59245
Technical I	\$ 752	\$ 752	59246
Technical III	\$1,343	\$1,343	59247
Baccalaureate I	\$ 639	\$ 639	59248
Baccalaureate II	\$1,149	\$1,149	59249
Baccalaureate III	\$1,262	\$1,262	59250
Masters and Professional I	\$1,258	\$1,258	59251
Masters and Professional II	\$2,446	\$2,446	59252
Masters and Professional III	\$3,276	\$3,276	59253
Medical I	\$1,967	\$1,967	59254
Medical II	\$3,908	\$3,908	59255
MPD I	\$1,081	\$1,081	59256

(b) The sum of the products for each campus determined in 59257

division (B)(2)(a) of this section for all models except Doctoral 59258
I and Doctoral II for each fiscal year shall be weighted by a 59259
factor to reflect sponsored research activity and job 59260
training-related public services expenditures to determine the 59261
total activity-based POM subsidy. 59262

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS 59263

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 59264

The calculation of the core subsidy entitlement shall consist 59265
of the following components: 59266

(a) For each campus and for each fiscal year, the core 59267
subsidy entitlement shall be determined by multiplying the amounts 59268
listed above in divisions (A)(1) and (2) and (B)(2) of this 59269
section less assumed local contributions, by (i) average 59270
subsidy-eligible FTEs for the two-year period ending in the prior 59271
year for all models except Doctoral I and Doctoral II; and (ii) 59272
average subsidy-eligible FTEs for the five-year period ending in 59273
the prior year for all models except Doctoral I and Doctoral II. 59274

(b) In calculating the core subsidy entitlements for Medical 59275
II models only, the Board of Regents shall use the following count 59276
of FTE students: 59277

(i) For those medical schools whose current year enrollment, 59278
including students repeating terms, is below the base enrollment, 59279
the Medical II FTE enrollment shall equal: 65 per cent of the base 59280
enrollment plus 35 per cent of the current year enrollment 59281
including students repeating terms, where the base enrollment is: 59282

The Ohio State University	1010	59283
University of Cincinnati	833	59284
Medical College of Ohio at Toledo	650	59285
Wright State University	433	59286
Ohio University	433	59287
Northeastern Ohio Universities College of	433	59288

Medicine

(ii) For those medical schools whose current year enrollment, 59289
excluding students repeating terms, is equal to or greater than 59290
the base enrollment, the Medical II FTE enrollment shall equal the 59291
base enrollment plus the FTE for repeating students. 59292

(iii) Students repeating terms may be no more than five per 59293
cent of current year enrollment. 59294

(c) The Board of Regents shall compute the sum of the two 59295
calculations listed in division (C)(1)(a) of this section and use 59296
the greater sum as the core subsidy entitlement. 59297

The POM subsidy for each campus shall equal the greater of 59298
the square-foot-based subsidy or the activity-based POM subsidy 59299
component of the core subsidy entitlement. 59300

(d) The state share of instruction provided for doctoral 59301
students shall be based on a fixed percentage of the total 59302
appropriation. In each fiscal year of the biennium not more than 59303
10.34 per cent of the total state share of instruction shall be 59304
reserved to implement the recommendations of the Graduate Funding 59305
Commission. It is the intent of the General Assembly that the 59306
doctoral reserve not exceed 10.34 per cent of the total state 59307
share of instruction to implement the recommendations of the 59308
Graduate Funding Commission. The Board of Regents may reallocate 59309
up to two per cent in each fiscal year of the reserve among the 59310
state-assisted universities on the basis of a quality review as 59311
specified in the recommendations of the Graduate Funding 59312
Commission. No such reallocation shall occur unless the Board of 59313
Regents, in consultation with representatives of state-assisted 59314
universities, determines that sufficient funds are available for 59315
this purpose. 59316

The amount so reserved shall be allocated to universities in 59317
proportion to their share of the total number of Doctoral I 59318

equivalent FTEs as calculated on an institutional basis using the
greater of the two-year or five-year FTEs for the period fiscal
year 1994 through fiscal year 1998 with annualized FTEs for fiscal
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as
adjusted to reflect the effects of doctoral review and subsequent
changes in Doctoral I equivalent enrollments. For the purposes of
this calculation, Doctoral I equivalent FTEs shall equal the sum
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

If a university participates in the Innovation Incentive
Program outlined in appropriation item 235-433, Economic Growth
Challenge, then the Board of Regents shall withhold 1.5 per cent
in fiscal year 2006 and three per cent in fiscal year 2007 of the
participating university's allocation of the doctoral reserve.
This withholding shall continue to occur incrementally with a goal
of setting aside 15 per cent of the total doctoral reserve by
fiscal year 2016.

The Board of Regents shall use the combined amount of each
participating university's set aside of the doctoral reserve that
has been withheld and the state matching funds earmarked under
appropriation item 235-433, Economic Growth Challenge, to make
awards through a competitive process under the Innovation
Incentive Program. Only universities electing to set aside the
prescribed amount of their allocation of the doctoral reserve are
eligible to compete for and receive Innovation Incentive awards.
The participating universities shall use these awards to
restructure their array of doctoral programs.

(2) ANNUAL STATE SHARE OF INSTRUCTION FUNDING STOP LOSS

In addition to and after the other adjustment noted above, in
each fiscal year, no campus shall receive a state share of
instruction allocation that is less than 95 per cent of the prior
year's state share of instruction amount.

(3) REDUCTIONS IN EARNINGS 59350

If the total state share of instruction earnings in any 59351
fiscal year exceed the total appropriations available for such 59352
purposes, the Board of Regents shall proportionately reduce the 59353
state share of instruction earnings for all campuses by a uniform 59354
percentage so that the system wide sum equals available 59355
appropriations. 59356

(4) CAPITAL COMPONENT DEDUCTION 59357

After all other adjustments have been made, state share of 59358
instruction earnings shall be reduced for each campus by the 59359
amount, if any, by which debt service charged in Am. H.B. No. 748 59360
of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd 59361
General Assembly, Am. H.B. No. 640 of the 123rd General Assembly, 59362
and H.B. No. 675 of the 124th General Assembly, and Am. Sub. H.B. 59363
16 of the 126th General Assembly for that campus exceeds that 59364
campus's capital component earnings. The sum of the amounts 59365
deducted shall be transferred to appropriation item 235-552, 59366
Capital Component, in each fiscal year. 59367

(D) EXCEPTIONAL CIRCUMSTANCES 59368

Adjustments may be made to the state share of instruction 59369
payments and other subsidies distributed by the Board of Regents 59370
to state-assisted colleges and universities for exceptional 59371
circumstances. No adjustments for exceptional circumstances may be 59372
made without the recommendation of the Chancellor and the approval 59373
of the Controlling Board. 59374

(E) MID-YEAR APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 59375
INSTRUCTION 59376

The standard provisions of the state share of instruction 59377
calculation as described in the preceding sections of temporary 59378
law shall apply to any reductions made to appropriation item 59379

235-501, State Share of Instruction, before the Board of Regents 59380
has formally approved the final allocation of the state share of 59381
instruction funds for any fiscal year. 59382

Any reductions made to appropriation item 235-501, State 59383
Share of Instruction, after the Board of Regents has formally 59384
approved the final allocation of the state share of instruction 59385
funds for any fiscal year, shall be uniformly applied to each 59386
campus in proportion to its share of the final allocation. 59387

(F) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 59388

The state share of instruction payments to the institutions 59389
shall be in substantially equal monthly amounts during the fiscal 59390
year, unless otherwise determined by the Director of Budget and 59391
Management pursuant to section 126.09 of the Revised Code. 59392
Payments during the first six months of the fiscal year shall be 59393
based upon the state share of instruction appropriation estimates 59394
made for the various institutions of higher education according to 59395
Board of Regents enrollment estimates. Payments during the last 59396
six months of the fiscal year shall be distributed after approval 59397
of the Controlling Board upon the request of the Board of Regents. 59398

(G) LAW SCHOOL SUBSIDY 59399

The state share of instruction to state-supported 59400
universities for students enrolled in law schools in fiscal year 59401
2006 and fiscal year 2007 shall be calculated by using the number 59402
of subsidy-eligible FTE law school students funded by state 59403
subsidy in fiscal year 1995 or the actual number of 59404
subsidy-eligible FTE law school students at the institution in the 59405
fiscal year, whichever is less. 59406

Section 209.63.60. HIGHER EDUCATION - BOARD OF TRUSTEES 59407

Funds appropriated for instructional subsidies at colleges 59408
and universities may be used to provide such branch or other 59409

off-campus undergraduate courses of study and such master's degree 59410
courses of study as may be approved by the Board of Regents. 59411

In providing instructional and other services to students, 59412
boards of trustees of state-assisted institutions of higher 59413
education shall supplement state subsidies by income from charges 59414
to students. Each board shall establish the fees to be charged to 59415
all students, including an instructional fee for educational and 59416
associated operational support of the institution and a general 59417
fee for noninstructional services, including locally financed 59418
student services facilities used for the benefit of enrolled 59419
students. The instructional fee and the general fee shall 59420
encompass all charges for services assessed uniformly to all 59421
enrolled students. Each board may also establish special purpose 59422
fees, service charges, and fines as required; such special purpose 59423
fees and service charges shall be for services or benefits 59424
furnished individual students or specific categories of students 59425
and shall not be applied uniformly to all enrolled students. 59426
Except for the board of trustees of Miami University, in 59427
implementing the pilot tuition restructuring plan recognized in 59428
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly 59429
and again recognized by this act, a tuition surcharge shall be 59430
paid by all students who are not residents of Ohio. 59431

The boards of trustees of individual state-assisted 59432
universities, university branch campuses, community colleges, 59433
state community colleges, and technical colleges shall limit 59434
in-state undergraduate instructional and general fee increases for 59435
an academic year over the amounts charged in the prior academic 59436
year to no more than six per cent. The boards of trustees of 59437
individual state-assisted universities, university branch 59438
campuses, community colleges, state community colleges, and 59439
technical colleges shall not authorize combined instructional and 59440
general fee increases of more than six per cent in a single vote. 59441

The boards of trustees of individual state-assisted universities, 59442
university branch campuses, community colleges, state community 59443
colleges, and technical colleges may authorize an additional three 59444
per cent increase in in-state undergraduate instructional and 59445
general fees in a separate vote. The additional increase shall be 59446
used only for providing scholarships to low-income students, to be 59447
known as Access Scholarship Grants. These fee increase limitations 59448
apply even if an institutional board of trustees has, prior to the 59449
effective date of this section, voted to assess a higher fee for 59450
the 2005-2006 academic year. Prior to a Board of Trustees vote for 59451
an additional increase, the individual state-assisted 59452
universities, university branch campuses, community colleges, 59453
state community colleges, and technical colleges shall submit to 59454
the Board of Regents a financial aid report disclosing all types 59455
of need-based financial aid and merit-based financial aid provided 59456
to students through all types of institutional aid in the prior 59457
academic year. Additionally, the report shall include descriptions 59458
of the various aid programs, criteria used for selection, 59459
recipient statistics by award type, and actual scholarship 59460
amounts. The report shall include a plan describing how additional 59461
funds raised through an increase of in-state undergraduate 59462
instructional and general fees beyond the six per cent fee 59463
increase limitation will be used in addition to current 59464
institutional dollars committed to financial aid and outlined 59465
performance measures. At the end of each academic year, the 59466
campuses where Boards of Trustees have approved in-state 59467
undergraduate instructional and general fees beyond six per cent 59468
shall report to the Board of Regents regarding their performance 59469
in meeting outlined goals in their submitted financial aid plans. 59470
These limitations shall not apply to increases required to comply 59471
with institutional covenants related to their obligations or to 59472
meet unfunded legal mandates or legally binding obligations 59473
incurred or commitments made prior to the effective date of this 59474

section with respect to which the institution had identified such 59475
fee increases as the source of funds. Any increase required by 59476
such covenants and any such mandates, obligations, or commitments 59477
shall be reported by the Board of Regents to the Controlling 59478
Board. These limitations may also be modified by the Board of 59479
Regents, with the approval of the Controlling Board, to respond to 59480
exceptional circumstances as identified by the Board of Regents. 59481

The board of trustees of a state-assisted institution of 59482
higher education shall not authorize a waiver or nonpayment of 59483
instructional fees or general fees for any particular student or 59484
any class of students other than waivers specifically authorized 59485
by law or approved by the Chancellor. This prohibition is not 59486
intended to limit the authority of boards of trustees to provide 59487
for payments to students for services rendered the institution, 59488
nor to prohibit the budgeting of income for staff benefits or for 59489
student assistance in the form of payment of such instructional 59490
and general fees. This prohibition is not intended to limit the 59491
authority of the board of trustees of Miami University in 59492
providing financial assistance to students in implementing the 59493
pilot tuition restructuring plan recognized in Section 89.05 of 59494
Am. Sub. H.B. 95 of the 125th General Assembly and again 59495
recognized by this act. 59496

Except for Miami University, in implementing the pilot 59497
tuition restructuring plan recognized in Section 89.05 of Am. Sub. 59498
H.B. 95 of the 125th General Assembly and again recognized by this 59499
act, each state-assisted institution of higher education in its 59500
statement of charges to students shall separately identify the 59501
instructional fee, the general fee, the tuition charge, and the 59502
tuition surcharge. Fee charges to students for instruction shall 59503
not be considered to be a price of service but shall be considered 59504
to be an integral part of the state government financing program 59505
in support of higher educational opportunity for students. 59506

In providing the appropriations in support of instructional services at state-assisted institutions of higher education and the appropriations for other instruction it is the intent of the General Assembly that faculty members shall devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per quarter per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Board of Regents.

The authority of government vested by law in the boards of trustees of state-assisted institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

Section 209.63.63. STUDENT SUPPORT SERVICES

The foregoing appropriation item 235-502, Student Support Services, shall be distributed by the Board of Regents to Ohio's state-assisted colleges and universities that incur disproportionate costs in the provision of support services to disabled students.

Section 209.63.66. OHIO INSTRUCTIONAL GRANTS 59537

In fiscal year 2006, instructional grants for all eligible 59538
full-time students shall be made using the tables under section 59539
3333.12 of the Revised Code. In fiscal year 2007, instructional 59540
grants for all eligible full-time students who have attended a 59541
college, university, or proprietary school and have completed 59542
coursework for college credit, excluding early college high school 59543
and post secondary enrollment option students, prior to academic 59544
year 2006-2007, shall be made using the tables under section 59545
3333.12 of the Revised Code. 59546

Of the foregoing appropriation item 235-503, Ohio 59547
Instructional Grants, an amount in each fiscal year shall be used 59548
to make the payments authorized by division (C) of section 3333.26 59549
of the Revised Code to the institutions described in that 59550
division. In addition, an amount in each fiscal year shall be used 59551
to reimburse the institutions described in division (B) of section 59552
3333.26 of the Revised Code for the cost of the waivers required 59553
by that division. 59554

The unencumbered balance of appropriation item 235-503, Ohio 59555
Instructional Grants, at the end of fiscal year 2006 shall be 59556
transferred to fiscal year 2007 for use under the same 59557
appropriation item. The amounts transferred are hereby 59558
appropriated. 59559

Section 209.63.69. WAR ORPHANS SCHOLARSHIPS 59560

The foregoing appropriation item 235-504, War Orphans 59561
Scholarships, shall be used to reimburse state-assisted 59562
institutions of higher education for waivers of instructional fees 59563
and general fees provided by them, to provide grants to 59564
institutions that have received a certificate of authorization 59565
from the Ohio Board of Regents under Chapter 1713. of the Revised 59566

Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

Section 209.63.72. OHIOLINK

The foregoing appropriation item 235-507, OhioLINK, shall be used by the Board of Regents to support OhioLINK, the state's electronic library information and retrieval system, which provides access statewide to the library holdings of all of Ohio's public colleges and universities, 40 private colleges, and the State Library of Ohio.

Section 209.63.75. AIR FORCE INSTITUTE OF TECHNOLOGY

The foregoing appropriation item 235-508, Air Force Institute of Technology, shall be used to strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio. Of the foregoing appropriation item 235-508, Air Force Institute of Technology, \$1,233,588 in each fiscal year shall be used for research projects that connect the Air Force Research Laboratories with university partners. The institute shall provide annual reports to the Third Frontier Commission, that discuss existing, planned, or possible collaborations between programs and funding recipients related to technology, research development, commercialization, and support for Ohio's economic development.

Of the foregoing appropriation item 235-508, Air Force Institute of Technology, \$446,952 in each fiscal year shall be used by the University of Dayton to establish and support a chair in Nano Technology in support of the Wright Brothers Institute through the Miami Valley Economic Development Research Corporation.

Of the foregoing appropriation item 235-508, Air Force

Institute of Technology, \$244,805 in each fiscal year shall be used by the Miami Valley Economic Development Research Corporation to support collaborative research between academia, industry, and the Air Force for the Wright Brothers Institute and related initiatives in nanomaterials and advanced data management and analysis or other technology projects as determined by the Miami Valley Economic Development Research Corporation.

Section 209.63.78. OHIO SUPERCOMPUTER CENTER

The foregoing appropriation item 235-510, Ohio Supercomputer Center, shall be used by the Board of Regents to support the operation of the center, located at The Ohio State University, as a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate. Policies of the center shall be established by a governance committee, representative of Ohio's research universities and private industry, to be appointed by the Chancellor of the Board of Regents and established for this purpose.

The Ohio Supercomputer Center shall report on expanding solutions-oriented, computational science services to industrial and other customers, including alignment programs and recipients, and develop a plan for a computational science initiative in collaboration with the Wright Centers of Innovation Program.

Section 209.63.81. COOPERATIVE EXTENSION SERVICE

The foregoing appropriation item 235-511, Cooperative Extension Service, shall be disbursed through the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Of the foregoing appropriation item 235-511, Cooperative

Extension Service, \$178,271 in each fiscal year shall be used for 59627
additional staffing for county agents for expanded 4-H activities. 59628
Of the foregoing appropriation item 235-511, Cooperative Extension 59629
Service, \$178,271 in each fiscal year shall be used by the 59630
Cooperative Extension Service, through the Enterprise Center for 59631
Economic Development in cooperation with other agencies, for a 59632
public-private effort to create and operate a small business 59633
economic development program to enhance the development of 59634
alternatives to the growing of tobacco, and implement, through 59635
applied research and demonstration, the production and marketing 59636
of other high-value crops and value-added products. Of the 59637
foregoing appropriation item 235-511, Cooperative Extension 59638
Service, \$55,179 in each fiscal year shall be used for farm labor 59639
mediation and education programs, \$182,515 in each fiscal year 59640
shall be used to support the Ohio State University Marion 59641
Enterprise Center, and \$772,931 in each fiscal year shall be used 59642
to support the Ohio Watersheds Initiative. 59643

Section 209.63.84. OHIO UNIVERSITY VOINOVICH CENTER 59644

The foregoing appropriation item 235-513, Ohio University 59645
Voinovich Center, shall be used by the Board of Regents to support 59646
the operations of Ohio University's Voinovich Center. 59647

Section 209.63.87. CENTRAL STATE SUPPLEMENT 59648

The foregoing appropriation item 235-514, Central State 59649
Supplement, shall be used by Central State University to keep 59650
undergraduate fees below the statewide average, consistent with 59651
its mission of service to many first-generation college students 59652
from groups historically underrepresented in higher education and 59653
from families with limited incomes. 59654

Section 209.63.90. PERFORMANCE STANDARDS FOR MEDICAL 59655

EDUCATION 59656

The Board of Regents, in consultation with the state-assisted 59657
medical colleges, shall develop performance standards for medical 59658
education. Special emphasis in the standards shall be placed on 59659
attempting to ensure that at least 50 per cent of the aggregate 59660
number of students enrolled in state-assisted medical colleges 59661
continue to enter residency as primary care physicians. Primary 59662
care physicians are general family practice physicians, general 59663
internal medicine practitioners, and general pediatric care 59664
physicians. The Board of Regents shall monitor medical school 59665
performance in relation to their plans for reaching the 50 per 59666
cent systemwide standard for primary care physicians. 59667

Section 209.63.93. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 59668
MEDICINE 59669

The foregoing appropriation item 235-515, Case Western 59670
Reserve University School of Medicine, shall be disbursed to Case 59671
Western Reserve University through the Board of Regents in 59672
accordance with agreements entered into under section 3333.10 of 59673
the Revised Code, provided that the state support per full-time 59674
medical student shall not exceed that provided to full-time 59675
medical students at state universities. 59676

Section 209.63.96. SHAWNEE STATE SUPPLEMENT 59677

The foregoing appropriation item 235-520, Shawnee State 59678
Supplement, shall be used by Shawnee State University as detailed 59679
by both of the following: 59680

(A) To allow Shawnee State University to keep its 59681
undergraduate fees below the statewide average, consistent with 59682
its mission of service to an economically depressed Appalachian 59683
region; 59684

(B) To allow Shawnee State University to employ new faculty 59685
to develop and teach in new degree programs that meet the needs of 59686
Appalachians. 59687

Section 209.63.99. OSU GLENN INSTITUTE 59688

The foregoing appropriation item 235-521, The Ohio State 59689
University Glenn Institute, shall be used by the Board of Regents 59690
to support the operations of the Ohio State University's Glenn 59691
Institute. 59692

Section 209.64.03. POLICE AND FIRE PROTECTION 59693

The foregoing appropriation item 235-524, Police and Fire 59694
Protection, shall be used for police and fire services in the 59695
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 59696
Portsmouth, Xenia Township (Greene County), Rootstown Township, 59697
and the City of Nelsonville that may be used to assist these local 59698
governments in providing police and fire protection for the 59699
central campus of the state-affiliated university located therein. 59700
Each participating municipality and township shall receive at 59701
least \$5,000 each year. Funds shall be distributed according to 59702
the method employed by the Board of Regents in the previous 59703
biennium. 59704

Section 209.64.06. GERIATRIC MEDICINE 59705

The Board of Regents shall develop plans consistent with 59706
existing criteria and guidelines as may be required for the 59707
distribution of appropriation item 235-525, Geriatric Medicine. 59708

Section 209.64.09. OHIO AEROSPACE INSTITUTE 59709

The foregoing appropriation item 235-527, Ohio Aerospace 59710
Institute, shall be distributed by the Board of Regents under 59711
section 3333.042 of the Revised Code. 59712

The Board of Regents, in consultation with the Third Frontier Commission, shall develop a plan for providing for appropriate, value-added participation of the Ohio Aerospace Institute in Third Frontier Project proposals and grants.

Section 209.64.12. ACADEMIC SCHOLARSHIPS 59717

The foregoing appropriation item 235-530, Academic Scholarships, shall be used to provide academic scholarships to students under section 3333.22 of the Revised Code.

Section 209.64.15. STUDENT CHOICE GRANTS 59721

The foregoing appropriation item 235-531, Student Choice Grants, shall be used to support the Student Choice Grant Program created by section 3333.27 of the Revised Code. The unencumbered balance of appropriation item 235-531, Student Choice Grants, at the end of fiscal year 2006 shall be transferred to fiscal year 2007 for use under the same appropriation item to maintain grant award amounts in fiscal year 2007 equal to the awards provided in fiscal year 2006. The amounts transferred are hereby appropriated.

Section 209.64.18. STUDENT WORKFORCE DEVELOPMENT GRANTS 59730

The foregoing appropriation item 235-534, Student Workforce Development Grants, shall be used to support the Student Workforce Development Grant Program. The Board of Regents shall distribute grants to each eligible student in an academic year. The size of each grant award shall be determined by the Board of Regents based on the amount of funds available for the program.

Section 209.64.21. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 59737
59738

The foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, shall be disbursed through the

Board of Regents to The Ohio State University in monthly payments, 59741
unless otherwise determined by the Director of Budget and 59742
Management under section 126.09 of the Revised Code. The Ohio 59743
Agricultural Research and Development Center shall not be required 59744
to remit payment to The Ohio State University during the biennium 59745
ending June 30, 2007, for cost reallocation assessments. The cost 59746
reallocation assessments include, but are not limited to, any 59747
assessment on state appropriations to the Center. 59748

The Ohio Agricultural Research and Development Center, an 59749
entity of the College of Food, Agricultural, and Environmental 59750
Sciences of The Ohio State University, shall further its mission 59751
of enhancing Ohio's economic development and job creation by 59752
continuing to internally allocate on a competitive basis 59753
appropriated funding of programs based on demonstrated 59754
performance. Academic units, faculty, and faculty-driven programs 59755
shall be evaluated and rewarded consistent with agreed-upon 59756
performance expectations as called for in the College's 59757
Expectations and Criteria for Performance Assessment. 59758

Of the foregoing appropriation item 235-535, Ohio 59759
Agricultural Research and Development Center, \$458,410 in each 59760
fiscal year shall be used to purchase equipment. 59761

Of the foregoing appropriation item 235-535, Ohio 59762
Agricultural Research and Development Center, \$806,463 in each 59763
fiscal year shall be distributed to the Piketon Agricultural 59764
Research and Extension Center. 59765

Of the foregoing appropriation item 235-535, Ohio 59766
Agricultural Research and Development Center, \$212,227 in each 59767
fiscal year shall be distributed to the 59768
Raspberry/Strawberry-Ellagic Acid Research program at The Ohio 59769
State University Medical College in cooperation with The Ohio 59770
State University College of Agriculture. 59771

Of the foregoing appropriation item 235-535, Ohio 59772
Agricultural Research and Development Center, \$42,445 in each 59773
fiscal year shall be used to support the Ohio Berry Administrator. 59774

Of the foregoing appropriation item 235-535, Ohio 59775
Agricultural Research and Development Center, \$84,890 in each 59776
fiscal year shall be used for the development of agricultural 59777
crops and products not currently in widespread production in Ohio, 59778
in order to increase the income and viability of family farmers. 59779

Section 209.64.24. PART-TIME STUDENT INSTRUCTIONAL GRANTS 59780

The foregoing appropriation item 235-549, Part-time Student 59781
Instructional Grants, shall be used to support a grant program for 59782
part-time undergraduate students who are Ohio residents and who 59783
were enrolled in degree granting programs prior to academic year 59784
2006-2007. 59785

Eligibility for participation in the program shall include 59786
degree granting educational institutions that hold a certificate 59787
of registration from the State Board of Career Colleges and 59788
Schools, and nonprofit institutions that have a certificate of 59789
authorization issued under Chapter 1713. of the Revised Code, as 59790
well as state-assisted colleges and universities. Grants shall be 59791
given to students on the basis of need, as determined by the 59792
college, which, in making these determinations, shall give special 59793
consideration to single-parent heads-of-household and displaced 59794
homemakers who enroll in an educational degree program that 59795
prepares the individual for a career. In determining need, the 59796
college also shall consider the availability of educational 59797
assistance from a student's employer. It is the intent of the 59798
General Assembly that these grants not supplant such assistance. 59799

Section 209.64.27. CAPITAL COMPONENT 59800

The foregoing appropriation item 235-552, Capital Component, 59801

shall be used by the Board of Regents to implement the capital 59802
funding policy for state-assisted colleges and universities 59803
established in Am. H.B. No. 748 of the 121st General Assembly. 59804
Appropriations from this item shall be distributed to all campuses 59805
for which the estimated campus debt service attributable to new 59806
qualifying capital projects is less than the campus's 59807
formula-determined capital component allocation. Campus 59808
allocations shall be determined by subtracting the estimated 59809
campus debt service attributable to new qualifying capital 59810
projects from the campus's formula-determined capital component 59811
allocation. Moneys distributed from this appropriation item shall 59812
be restricted to capital-related purposes. 59813

Any campus for which the estimated campus debt service 59814
attributable to qualifying capital projects is greater than the 59815
campus's formula-determined capital component allocation shall 59816
have the difference subtracted from its State Share of Instruction 59817
allocation in each fiscal year. The sum of all such amounts shall 59818
be transferred from appropriation item 235-501, State Share of 59819
Instruction, to appropriation item 235-552, Capital Component. 59820

Section 209.64.30. DAYTON AREA GRADUATE STUDIES INSTITUTE 59821

The foregoing appropriation item 235-553, Dayton Area 59822
Graduate Studies Institute, shall be used by the Board of Regents 59823
to support the Dayton Area Graduate Studies Institute, an 59824
engineering graduate consortium of three universities in the 59825
Dayton area: Wright State University, the University of Dayton, 59826
and the Air Force Institute of Technology, with the participation 59827
of the University of Cincinnati and The Ohio State University. 59828

Of the foregoing appropriation item 235-553, Dayton Area 59829
Graduate Studies Institute, \$417,053 in each fiscal year shall be 59830
used by the Miami Valley Economic Development Research Corporation 59831
to support collaborative research between academia, industry, and 59832

the Air Force for the Wright Brothers Institute and related 59833
initiatives in nanomaterials and advanced data management and 59834
analysis. 59835

Section 209.64.33. PRIORITIES IN COLLABORATIVE GRADUATE 59836
EDUCATION 59837

The foregoing appropriation item 235-554, Priorities in 59838
Collaborative Graduate Education, shall be used by the Board of 59839
Regents to support improvements in graduate programs at 59840
state-assisted universities that the Board of Regents identifies 59841
as vital to the state's economic strategy. Up to \$169,782 in each 59842
fiscal year shall be used to support collaborative efforts in 59843
graduate education in this program area. The collaborative program 59844
shall be coordinated by the Board of Regents. 59845

Section 209.64.36. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 59846

The foregoing appropriation item 235-556, Ohio Academic 59847
Resources Network, shall be used to support the operations of the 59848
Ohio Academic Resources Network, which shall include support for 59849
Ohio's state-assisted colleges and universities in maintaining and 59850
enhancing network connections. The network shall give priority to 59851
supporting the Third Frontier Network and allocating bandwidth to 59852
programs directly supporting Ohio's economic development. 59853

Section 209.64.39. LONG-TERM CARE RESEARCH 59854

The foregoing appropriation item 235-558, Long-term Care 59855
Research, shall be disbursed to Miami University for long-term 59856
care research. 59857

Section 209.64.42. CLINICAL TEACHING SUPPORT 59858

The foregoing appropriation item 235-560, Clinical Teaching 59859
Support, shall support clinical teaching at Ohio's state-assisted 59860

colleges of medicine. 59861

Of the forgoing appropriation item 235-560, Clinical Teaching 59862
Support, The Ohio State University shall receive \$13,565,885 in 59863
fiscal year 2006; University of Cincinnati shall receive 59864
\$11,157,756 in fiscal year 2006; Medical University of Ohio at 59865
Toledo shall receive \$8,696,866 in fiscal year 2006; Wright State 59866
University shall receive \$4,225,107 in fiscal year 2006 and 59867
\$124,644 of this amount in fiscal year 2006 shall be for the use 59868
of Wright State University's Ellis Institute for Clinical Teaching 59869
Studies to operate the clinical facility to serve the Greater 59870
Dayton Area; Ohio University shall receive \$4,084,540 in fiscal 59871
year 2006; and Northeastern Ohio Universities College of Medicine 59872
shall receive \$4,200,945 in fiscal year 2006. These funds shall be 59873
distributed through the Board of Regents. 59874

The Board of Regents shall convene a group representing 59875
members of the higher education funding consultation and 59876
representatives of the state-assisted colleges of medicine to 59877
study and propose recommendations for a potential method to be 59878
used to allocate Clinical Teaching Support appropriations. 59879
Recommendations shall be submitted to the Office of Budget and 59880
Management for consideration by March 1, 2006. A new method, 59881
approved by the Office of Budget and Management, shall be 59882
implemented in fiscal year 2007 for distributing funds in 59883
appropriation item 235-560, Clinical Teaching Support. 59884

Section 209.64.45. BOWLING GREEN STATE UNIVERSITY CANADIAN 59885
STUDIES CENTER 59886

The foregoing appropriation item 235-561, Bowling Green State 59887
University Canadian Studies Center, shall be used by the Canadian 59888
Studies Center at Bowling Green State University to study 59889
opportunities for Ohio and Ohio businesses to benefit from the 59890
Free Trade Agreement between the United States and Canada. 59891

Section 209.64.48. FAMILY PRACTICE AND PRIMARY CARE RESIDENCIES 59892
RESIDENCIES 59893

The Board of Regents shall develop plans consistent with 59894
existing criteria and guidelines as may be required for the 59895
distribution of appropriation item 235-562, Family Practice and 59896
Primary Care Residencies. 59897

Of the foregoing appropriation item 235-562, Family Practice 59898
and Primary Care Residencies, \$4,548,470 in each fiscal year shall 59899
be distributed to Family Practice programs. 59900

Of the foregoing appropriation item 235-562, Family Practice 59901
and Primary Care Residencies, \$2,245,688 in each fiscal year shall 59902
be distributed to Primary Care Residencies, based on whether or 59903
not the institution has submitted and gained approval for a 59904
primary care residency plan. If the institution does not have an 59905
approved plan, it shall receive five per cent less funding per 59906
student than it would have received from its annual allocation. 59907
The remaining funding shall be distributed among those 59908
institutions that meet or exceed their targets. 59909

Section 209.64.51. OHIO COLLEGE OPPORTUNITY GRANT PHASE-IN 59910

The foregoing appropriation item 235-563, Ohio College 59911
Opportunity Grant, shall be used by the Board of Regents to begin 59912
to award needs-based financial aid to students based on the United 59913
States Department of Education's method of determining financial 59914
need. Beginning in fiscal year 2007, students who enrolled in a 59915
public, private, or proprietary post-secondary institution of 59916
higher education for the first time in academic year 2006-2007, 59917
excluding early college high school and post-secondary enrollment 59918
option participants, shall be eligible to receive aid based on 59919
their expected family contributions as calculated by the United 59920
State Department of Education, according to section 3333.122 of 59921

the Revised Code. 59922

Section 209.64.54. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 59923

The foregoing appropriation item 235-572, The Ohio State 59924
University Clinic Support, shall be distributed through the Board 59925
of Regents to The Ohio State University for support of dental and 59926
veterinary medicine clinics. 59927

Section 209.64.57. URBAN UNIVERSITY PROGRAMS 59928

Universities receiving funds from the foregoing appropriation 59929
item 235-583, Urban University Programs, that are used to support 59930
an ongoing university unit shall certify periodically in a manner 59931
approved by the Board of Regents that program funds are being 59932
matched on a one-to-one basis with equivalent resources. Overhead 59933
support may not be used to meet this requirement. Where Urban 59934
University Program funds are being used to support an ongoing 59935
university unit, matching funds shall come from continuing rather 59936
than one-time sources. At each participating state-assisted 59937
institution of higher education, matching funds shall be within 59938
the substantial control of the individual designated by the 59939
institution's president as the Urban University Program 59940
representative. 59941

Of the foregoing appropriation item 235-583, Urban University 59942
Programs, \$247,453 in each fiscal year shall be used to support a 59943
public communication outreach program (WCPN). The primary purpose 59944
of the program shall be to develop a relationship between 59945
Cleveland State University and nonprofit communications entities. 59946

Of the foregoing appropriation item 235-583, Urban University 59947
Programs, \$117,215 in each fiscal year shall be used to support 59948
the Center for the Interdisciplinary Study of Education and the 59949
Urban Child at Cleveland State University. These funds shall be 59950
distributed according to rules adopted by the Board of Regents and 59951

shall be used by the center for interdisciplinary activities 59952
targeted toward increasing the chance of lifetime success of the 59953
urban child, including interventions beginning with the prenatal 59954
period. The primary purpose of the center is to study issues in 59955
urban education and to systematically map directions for new 59956
approaches and new solutions by bringing together a cadre of 59957
researchers, scholars, and professionals representing the social, 59958
behavioral, education, and health disciplines. 59959

Of the foregoing appropriation item 235-583, Urban University 59960
Programs, \$169,310 in each fiscal year shall be used to support 59961
the Kent State University Learning and Technology Project. This 59962
project is a kindergarten through university collaboration between 59963
schools surrounding Kent State University's eight campuses in 59964
northeast Ohio and corporate partners who will assist in 59965
development and delivery. 59966

The Kent State University Project shall provide a faculty 59967
member who has a full-time role in the development of 59968
collaborative activities and teacher instructional programming 59969
between Kent State University and the K-12th grade schools that 59970
surround its eight campuses; appropriate student support staff to 59971
facilitate these programs and joint activities; and hardware and 59972
software to schools that will make possible the delivery of 59973
instruction to pre-service and in-service teachers, and their 59974
students, in their own classrooms or school buildings. This shall 59975
involve the delivery of low-bandwidth streaming video and 59976
web-based technologies in a distributed instructional model. 59977

Of the foregoing appropriation item 235-583, Urban University 59978
Programs, \$65,119 in each fiscal year shall be used to support the 59979
Ameritech Classroom/Center for Research at Kent State University. 59980

Of the foregoing appropriation item 235-583, Urban University 59981
Programs, \$651,192 in each fiscal year shall be used to support 59982

the Polymer Distance Learning Project at the University of Akron. 59983

Of the foregoing appropriation item 235-583, Urban University 59984
Programs, \$32,560 in each fiscal year shall be distributed to the 59985
Kent State University/Cleveland Design Center program. 59986

Of the foregoing appropriation item 235-583, Urban University 59987
Programs, \$162,797 in each fiscal year shall be used to support 59988
the Bliss Institute of Applied Politics at the University of 59989
Akron. 59990

Of the foregoing appropriation item 235-583, Urban University 59991
Programs, \$9,766 in each fiscal year shall be used for the 59992
Advancing-Up Program at the University of Akron. 59993

Of the foregoing appropriation item 235-583, Urban University 59994
Programs, \$1,433,037 in each fiscal year shall be distributed by 59995
the Board of Regents to Cleveland State University in support of 59996
the Maxine Goodman Levin College of Urban Affairs. 59997

Of the foregoing appropriation item 235-583, Urban University 59998
Programs, \$1,433,037 in each fiscal year shall be distributed to 59999
the Northeast Ohio Research Consortium, the Urban Linkages 60000
Program, and the Urban Research Technical Assistance Grant 60001
Program. The distribution among the three programs shall be 60002
determined by the chair of the Urban University Program. 60003

Of the foregoing appropriation item 235-583, Urban University 60004
Programs, \$139,777 in each fiscal year shall be used to support 60005
the Strategic Economic Research Collaborative at the University of 60006
Toledo Urban Affairs Center. 60007

Of the foregoing appropriation item 235-583, Urban University 60008
Programs, \$139,777 in each fiscal year shall be used to support 60009
the Institute for Collaborative Research and Public Humanities at 60010
The Ohio State University. 60011

Of the foregoing appropriation item 235-583, Urban University 60012

Programs, \$84,368 in each fiscal year shall be used to support the 60013
Medina County University Center. 60014

Section 209.64.60. RURAL UNIVERSITY PROJECTS 60015

Of the foregoing appropriation item 235-587, Rural University 60016
Projects, Bowling Green State University shall receive \$237,405 in 60017
each fiscal year, Miami University shall receive \$220,788 in each 60018
fiscal year, and Ohio University shall receive \$517,513 in each 60019
fiscal year. These funds shall be used to support the Institute 60020
for Local Government Administration and Rural Development at Ohio 60021
University, the Center for Public Management and Regional Affairs 60022
at Miami University, and the Center for Policy Analysis and Public 60023
Service at Bowling Green State University. 60024

A small portion of the funds provided to Ohio University 60025
shall also be used for the Institute for Local Government 60026
Administration and Rural Development State and Rural Policy 60027
Partnership with the Governor's Office of Appalachia and the 60028
Appalachian delegation of the General Assembly. 60029

Of the foregoing appropriation item 235-587, Rural University 60030
Projects, \$14,348 in each fiscal year shall be used to support the 60031
Washington State Community College day care center. 60032

Of the foregoing appropriation item 235-587, Rural University 60033
Projects, \$43,046 in each fiscal year shall be used to support the 60034
COAD/ILGARD/GOA Appalachian Leadership Initiative. 60035

Section 209.64.63. HAZARDOUS MATERIALS PROGRAM 60036

The foregoing appropriation item 235-596, Hazardous Materials 60037
Program, shall be disbursed to Cleveland State University for the 60038
operation of a program to certify firefighters for the handling of 60039
hazardous materials. Training shall be available to all Ohio 60040
firefighters. 60041

Of the foregoing appropriation item 235-596, Hazardous 60042
Materials Program, \$127,337 in each fiscal year shall be used to 60043
support the Center for the Interdisciplinary Study of Education 60044
and Leadership in Public Service at Cleveland State University. 60045
These funds shall be distributed by the Board of Regents and shall 60046
be used by the center targeted toward increasing the role of 60047
special populations in public service and not-for-profit 60048
organizations. The primary purpose of the center is to study 60049
issues in public service and to guide strategies for attracting 60050
new communities into public service occupations by bringing 60051
together a cadre of researchers, scholars, and professionals 60052
representing the public administration, social behavioral, and 60053
education disciplines. 60054

Section 209.64.66. NATIONAL GUARD SCHOLARSHIP PROGRAM 60055

The Board of Regents shall disburse funds from appropriation 60056
item 235-599, National Guard Scholarship Program, at the direction 60057
of the Adjutant General. The unencumbered balance of appropriation 60058
item 235-599, National Guard Scholarship Program, at the end of 60059
each fiscal year shall be transferred under section 5919.341 of 60060
the Revised Code to the National Guard Scholarship Reserve Fund 60061
(Fund 5BM) for use under appropriation item 235-623, National 60062
Guard Scholarship Reserve Fund. Upon the request of the Adjutant 60063
General, the Board of Regents shall seek Controlling Board 60064
approval to establish appropriations in item 235-623, National 60065
Guard Scholarship Reserve Fund. 60066

Section 209.64.69. * PLEDGE OF FEES 60067

Any new pledge of fees, or new agreement for adjustment of 60068
fees, made in the biennium ending June 30, 2007, to secure bonds 60069
or notes of a state-assisted institution of higher education for a 60070
project for which bonds or notes were not outstanding on the 60071

effective date of this section shall be effective only after 60072
approval by the Board of Regents, unless approved in a previous 60073
biennium. 60074

Section 209.64.72. HIGHER EDUCATION GENERAL OBLIGATION DEBT 60075
SERVICE 60076

The foregoing appropriation item 235-909, Higher Education 60077
General Obligation Debt Service, shall be used to pay all debt 60078
service and related financing costs at the times they are required 60079
to be made under sections 151.01 and 151.04 of the Revised Code 60080
during the period from July 1, 2005, to June 30, 2007. The Office 60081
of the Sinking Fund or the Director of Budget and Management shall 60082
effectuate the required payments by intrastate transfer voucher. 60083

Section 209.64.75. SALES AND SERVICES 60084

The Board of Regents is authorized to charge and accept 60085
payment for the provision of goods and services. Such charges 60086
shall be reasonably related to the cost of producing the goods and 60087
services. No charges may be levied for goods or services that are 60088
produced as part of the routine responsibilities or duties of the 60089
Board. All revenues received by the Board of Regents shall be 60090
deposited into Fund 456, and may be used by the Board of Regents 60091
to pay for the costs of producing the goods and services. 60092

OHIO HIGHER EDUCATIONAL FACILITY COMMISSION SUPPORT 60093

The foregoing appropriation item 235-602, Higher Educational 60094
Facility Commission Administration, shall be used by the Board of 60095
Regents for operating expenses related to the Board of Regents' 60096
support of the activities of the Ohio Higher Educational Facility 60097
Commission. Upon the request of the chancellor, the Director of 60098
Budget and Management shall transfer up to \$55,000 cash from Fund 60099
461 to Fund 4E8 in each fiscal year of the biennium. 60100

Section 209.64.78. PHYSICIAN LOAN REPAYMENT 60101

The foregoing appropriation item 235-604, Physician Loan 60102
Repayment, shall be used in accordance with sections 3702.71 to 60103
3702.81 of the Revised Code. 60104

Section 209.64.81. NURSING LOAN PROGRAM 60105

The foregoing appropriation item 235-606, Nursing Loan 60106
Program, shall be used to administer the nurse education 60107
assistance program. Up to \$159,600 in fiscal year 2006 and 60108
\$167,580 in fiscal year 2007 may be used for operating expenses 60109
associated with the program. Any additional funds needed for the 60110
administration of the program are subject to Controlling Board 60111
approval. 60112

Section 209.64.84. SCIENCE AND TECHNOLOGY COLLABORATION 60113

The Board of Regents shall work in close collaboration with 60114
the Department of Development, the Air Quality Development 60115
Authority, and the Third Frontier Commission in relation to 60116
appropriation items and programs referred to as Alignment Programs 60117
in the following paragraph, and other technology-related 60118
appropriations and programs in the Department of Development, Air 60119
Quality Development Authority, and the Board of Regents as these 60120
agencies may designate, to ensure implementation of a coherent 60121
state strategy with respect to science and technology. 60122

"Alignment Programs" means: appropriation items 195-401, 60123
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 60124
Third Frontier Action Fund; 898-604, Coal Research and Development 60125
Fund; 235-433, Economic Growth Challenge; 235-451, Eminent 60126
Scholars; 235-508, Air Force Institute of Technology; 235-510, 60127
Ohio Supercomputer Center; 235-527, Ohio Aerospace Institute; 60128
235-535, Ohio Agricultural Research and Development Center; 60129

235-553, Dayton Area Graduate Studies Institute; 235-554,
Priorities in Collaborative Graduate Education; 235-556, Ohio
Academic Resources Network; and 195-435, Biomedical Research and
Technology Transfer Trust.

Consistent with the recommendations of the Governor's
Commission on Higher Education and the Economy, Alignment Programs
shall be managed and administered (1) to build on existing
competitive research strengths; (2) to encourage new and emerging
discoveries and commercialization of products and ideas that will
benefit the Ohio economy; and (3) to assure improved collaboration
among Alignment Programs, with programs administered by the Third
Frontier Commission, and with other state programs that are
intended to improve economic growth and job creation.

If requested by the Third Frontier Commission, Alignment
Programs managers shall report to the Commission or the Third
Frontier Advisory Board, as directed by the Commission, on the
contributions of their programs to achieving the objectives stated
in the preceding paragraph of this section.

Each alignment program shall be reviewed annually by the
Third Frontier Commission with respect to its development of
complementary relationships within a combined state science and
technology investment portfolio and its overall contribution to
the state's science and technology strategy, including the
adoption of appropriately consistent criteria for: (1) the
scientific merit of activities supported by the program; (2) the
relevance of the program's activities to commercial opportunities
in the private sector; (3) the private sector's involvement in a
process that continually evaluates commercial opportunities to use
the work supported by the program; and (4) the ability of the
program and recipients of grant funding from the program to engage
in activities that are collaborative, complementary, and efficient
with respect to the expenditure of state funds. All programs

listed above shall provide annual reports to the Third Frontier
Commission discussing existing, planned, or possible
collaborations between programs and recipients of grant funding
related to technology, development, commercialization, and
supporting Ohio's economic development. The annual review by the
Third Frontier Commission shall be a comprehensive review of the
entire state science and technology program portfolio rather than
a review of individual programs.

Applicants for Third Frontier and Alignment Programs funding
shall identify their requirements for high-performance computing
facilities and services, including both hardware and software, in
the proposals. If an applicant's requirements exceed approximately
\$100,000 for a proposal, the Ohio Supercomputer Center shall
convene a panel of experts. The panel shall review the proposal to
determine whether the proposal's requirements can be met through
Ohio Supercomputer Center facilities or through other means and
report such information to the Third Frontier Commission.

To ensure that the state receives the maximum benefit from
its investment in the Third Frontier Project and the Third
Frontier Network, organizations receiving Third Frontier awards
and Alignment Programs awards shall, as appropriate, be expected
to have a connection to the Third Frontier Network that enables
them and their collaborators to achieve award objectives through
the Third Frontier Network.

**Section 209.64.87. REPAYMENT OF RESEARCH FACILITY INVESTMENT
FUND MONEYS**

Notwithstanding any provision of law to the contrary, all
repayments of Research Facility Investment Fund loans shall be
made to the Bond Service Trust Fund. All Research Facility
Investment Fund loan repayments made prior to the effective date
of this section shall be transferred by the Director of Budget and

Management to the Bond Service Trust Fund within sixty days after 60193
the effective date of this section. 60194

Campuses shall make timely repayments of Research Facility 60195
Investment Fund loans, according to the schedule established by 60196
the Board of Regents. In the case of late payments, the Board of 60197
Regents may deduct from an institution's periodic subsidy 60198
distribution an amount equal to the amount of the overdue payment 60199
for that institution, transfer such amount to the Bond Service 60200
Trust Fund, and credit the appropriate institution for the 60201
repayment. 60202

Section 206.64.90. VETERANS' PREFERENCES 60203

The Board of Regents shall work with the Governor's Office of 60204
Veterans' Affairs to develop specific veterans' preference 60205
guidelines for higher education institutions. These guidelines 60206
shall ensure that the institutions' hiring practices are in 60207
accordance with the intent of Ohio's veterans' preference laws. 60208

Section 206.64.93. STATE NEED-BASED FINANCIAL AID 60209
RECONCILIATION 60210

By the first day of August in each fiscal year, or as soon 60211
thereafter as possible, the Ohio Board of Regents shall certify to 60212
the Director of Budget and Management the amount necessary to pay 60213
any outstanding prior year obligations to higher education 60214
institutions for the state's need-based financial aid programs. 60215
The amounts certified are hereby appropriated to appropriation 60216
item 235-618, State Need-based Financial Aid Reconciliation, from 60217
revenues received in the State Need-based Financial Aid 60218
Reconciliation Fund (Fund 5Y5). 60219

Section 209.69. DRC DEPARTMENT OF REHABILITATION AND 60220
CORRECTION 60221

General Revenue Fund					60222
GRF 501-321	Institutional Operations	\$ 857,371,490	\$ 873,888,880		60223
GRF 501-403	Prisoner Compensation	\$ 8,599,255	\$ 8,599,255		60224
GRF 501-405	Halfway House	\$ 38,104,924	\$ 38,105,128		60225
GRF 501-406	Lease Rental Payments	\$ 132,370,500	\$ 120,600,600		60226
GRF 501-407	Community Nonresidential Programs	\$ 15,383,471	\$ 15,404,522		60227
GRF 501-408	Community Misdemeanor Programs	\$ 8,041,489	\$ 8,041,489		60228
GRF 501-501	Community Residential Programs - CBCF	\$ 55,054,445	\$ 55,054,445		60229
GRF 502-321	Mental Health Services	\$ 64,897,564	\$ 66,055,754		60230
GRF 503-321	Parole and Community Operations	\$ 78,887,219	\$ 80,708,911		60231
GRF 504-321	Administrative Operations	\$ 27,559,389	\$ 28,147,730		60232
GRF 505-321	Institution Medical Services	\$ 159,926,575	\$ 176,500,628		60233
GRF 506-321	Institution Education Services	\$ 22,727,366	\$ 23,114,615		60234
GRF 507-321	Institution Recovery Services	\$ 6,946,286	\$ 7,090,212		60235
TOTAL GRF	General Revenue Fund	\$ 1,475,869,973	\$ 1,501,312,169		60236
General Services Fund Group					60237
148 501-602	Services and Agricultural	\$ 95,207,653	\$ 95,207,653		60238
200 501-607	Ohio Penal Industries	\$ 38,000,000	\$ 38,000,000		60239
4B0 501-601	Penitentiary Sewer Treatment Facility Services	\$ 1,758,177	\$ 1,758,177		60240
4D4 501-603	Prisoner Programs	\$ 20,967,703	\$ 20,967,703		60241

4L4	501-604	Transitional Control	\$	1,593,794	\$	1,593,794	60242
4S5	501-608	Education Services	\$	4,564,072	\$	4,564,072	60243
483	501-605	Property Receipts	\$	393,491	\$	393,491	60244
5AF	501-609	State and Non-Federal	\$	262,718	\$	262,718	60245
		Awards					
5H8	501-617	Offender Financial	\$	2,000,000	\$	2,000,000	60246
		Responsibility					
5L6	501-611	Information Technology	\$	3,741,980	\$	3,741,980	60247
		Services					
571	501-606	Training Academy	\$	75,190	\$	75,190	60248
		Receipts					
593	501-618	Laboratory Services	\$	5,799,999	\$	5,799,999	60249
TOTAL	GSF	General Services Fund	\$	174,364,777	\$	174,364,777	60250
Group							
Federal Special Revenue Fund Group							60251
3S1	501-615	Truth-In-Sentencing	\$	26,127,427	\$	26,127,427	60252
		Grants					
323	501-619	Federal Grants	\$	12,198,353	\$	12,198,353	60253
TOTAL	FED	Federal Special Revenue					60254
Fund	Group		\$	38,325,780	\$	38,325,780	60255
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,688,560,530	\$	1,714,002,726	60256
OHIO BUILDING AUTHORITY LEASE PAYMENTS							60257
The foregoing appropriation item 501-406, Lease Rental							60258
Payments, shall be used for payments to the Ohio Building							60259
Authority for the period July 1, 2005, to June 30, 2007, under the							60260
primary leases and agreements for those buildings made under							60261
Chapter 152. of the Revised Code but limited to the aggregate							60262
amount of \$252,971,100. This appropriation amount is the source of							60263
funds pledged for bond service charges on related obligations							60264
issued under Chapter 152. of the Revised Code.							60265
PRISONER COMPENSATION							60266

Money from the foregoing appropriation item 501-403, Prisoner Compensation, shall be transferred on a quarterly basis by intrastate transfer voucher to the Services and Agricultural Fund (Fund 148) for the purposes of paying prisoner compensation.

Section 209.72. RSC REHABILITATION SERVICES COMMISSION				60271
General Revenue Fund				60272
GRF 415-100	Personal Services	\$ 8,851,468	\$ 8,851,468	60273
GRF 415-402	Independent Living Council	\$ 12,280	\$ 12,280	60274
GRF 415-403	Mental Health Services	\$ 717,221	\$ 717,221	60275
GRF 415-404	MR/DD Services	\$ 1,260,816	\$ 1,260,816	60276
GRF 415-405	Vocational Rehabilitation/Job and Family Services	\$ 536,912	\$ 536,912	60277
GRF 415-406	Assistive Technology	\$ 47,531	\$ 47,531	60278
GRF 415-431	Office for People with Brain Injury	\$ 226,012	\$ 226,012	60279
GRF 415-506	Services for People with Disabilities	\$ 12,185,215	\$ 12,185,215	60280
GRF 415-508	Services for the Deaf	\$ 50,000	\$ 50,000	60281
GRF 415-509	Services for the Elderly	\$ 359,377	\$ 359,377	60282
GRF 415-520	Independent Living Services	\$ 50,000	\$ 50,000	60283
TOTAL GRF	General Revenue Fund	\$ 24,296,832	\$ 24,296,832	60284
General Services Fund Group				60285
4W5 415-606	Program Management Expenses	\$ 18,557,040	\$ 18,557,040	60286
467 415-609	Business Enterprise Operating Expenses	\$ 1,632,082	\$ 1,632,082	60287
TOTAL GSF	General Services			60288

Fund Group		\$	20,189,122	\$	20,189,122	60289
Federal Special Revenue Fund Group						60290
3L1 415-601	Social Security	\$	3,743,740	\$	3,743,740	60291
	Personal Care					
	Assistance					
3L1 415-605	Social Security	\$	1,100,488	\$	1,100,488	60292
	Community Centers for					
	the Deaf					
3L1 415-607	Social Security	\$	175,860	\$	175,860	60293
	Administration Cost					
3L1 415-608	Social Security	\$	2,246,991	\$	131,716	60294
	Special					
	Programs/Assistance					
3L1 415-610	Social Security	\$	1,336,324	\$	1,338,324	60295
	Vocational					
	Rehabilitation					
3L1 415-614	Social Security	\$	154,942	\$	0	60296
	Independent Living					
3L4 415-612	Federal - Independent	\$	894,662	\$	686,520	60297
	Living Centers or					
	Services					
3L4 415-615	Federal - Supported	\$	1,338,191	\$	1,338,191	60298
	Employment					
3L4 415-617	Independent	\$	1,508,885	\$	1,608,885	60299
	Living/Vocational					
	Rehabilitation					
	Programs					
317 415-620	Disability	\$	82,870,347	\$	87,999,369	60300
	Determination					
379 415-616	Federal - Vocational	\$	123,565,158	\$	119,998,470	60301
	Rehabilitation					
TOTAL FED Federal Special						60302
Revenue Fund Group		\$	218,935,588	\$	218,121,563	60303

State Special Revenue Fund Group				60304	
4L1 415-619 Services for	\$	4,500,000	\$	4,500,000	60305
Rehabilitation					
468 415-618 Third Party Funding	\$	1,055,407	\$	1,105,407	60306
TOTAL SSR State Special					60307
Revenue Fund Group	\$	5,555,407	\$	5,605,407	60308
TOTAL ALL BUDGET FUND GROUPS	\$	268,976,949	\$	268,212,924	60309
INDEPENDENT LIVING COUNCIL					60310
The foregoing appropriation item 415-402, Independent Living					60311
Council, shall be used to fund the operations of the State					60312
Independent Living Council.					60313
MENTAL HEALTH SERVICES					60314
The foregoing appropriation item 415-403, Mental Health					60315
Services, shall be used for the provision of vocational					60316
rehabilitation services to mutually eligible consumers of the					60317
Rehabilitation Services Commission and the Department of Mental					60318
Health.					60319
The Rehabilitation Services Commission shall provide the					60320
Department of Mental Health a quarterly report stating the numbers					60321
served, numbers placed in employment, average hourly wage, and					60322
average hours worked.					60323
MR/DD SERVICES					60324
The foregoing appropriation item 415-404, MR/DD Services,					60325
shall be used as state matching funds to provide vocational					60326
rehabilitation services to mutually eligible clients between the					60327
Rehabilitation Services Commission and the Department of Mental					60328
Retardation and Developmental Disabilities. The Rehabilitation					60329
Services Commission shall report to the Department of Mental					60330
Retardation and Developmental Disabilities, as outlined in an					60331
interagency agreement, on the number and status of mutually					60332

eligible clients and the status of the funds and expenditures for 60333
these clients. 60334

VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES 60335

The foregoing appropriation item 415-405, Vocational 60336
Rehabilitation/Job and Family Services, shall be used as state 60337
matching funds to provide vocational rehabilitation services to 60338
mutually eligible clients between the Rehabilitation Services 60339
Commission and the Department of Job and Family Services. The 60340
Rehabilitation Services Commission shall report to the Department 60341
of Job and Family Services, as outlined in an interagency 60342
agreement, on the number and status of mutually eligible clients 60343
and the status of the funds and expenditures for these clients. 60344

ASSISTIVE TECHNOLOGY 60345

The foregoing appropriation item 415-406, Assistive 60346
Technology, shall be provided to Assistive Technology of Ohio and 60347
shall be used only to provide grants under that program. No amount 60348
of the appropriation may be used for administrative costs. 60349

OFFICE FOR PEOPLE WITH BRAIN INJURY 60350

Of the foregoing appropriation item 415-431, Office for 60351
People with Brain Injury, \$50,000 in each fiscal year shall be 60352
used for the state match for a federal grant awarded through the 60353
Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to \$50,000 60354
in fiscal year 2006 and up to \$50,000 in fiscal year 2007 shall be 60355
provided to the Brain Injury Trust Fund. The remaining 60356
appropriation shall be used to plan and coordinate 60357
head-injury-related services provided by state agencies and other 60358
government or private entities, to assess the needs for such 60359
services, and to set priorities in this area. 60360

SERVICES FOR THE DEAF 60361

The foregoing appropriation item 415-508, Services for the 60362

Deaf, shall be used to supplement Social Security reimbursement 60363
funds used to provide grants to community centers for the deaf. 60364
These funds shall not be used in lieu of Social Security 60365
reimbursement funds. 60366

SERVICES FOR THE ELDERLY 60367

The foregoing appropriation item 415-509, Services for the 60368
Elderly, shall be used as matching funds for vocational 60369
rehabilitation services for eligible elderly citizens with a 60370
disability. 60371

INDEPENDENT LIVING SERVICES 60372

The foregoing appropriation items 415-520, Independent Living 60373
Services, and 415-612, Federal - Independent Living Centers or 60374
Services, shall be used to support state independent living 60375
centers or independent living services under Title VII of the 60376
Independent Living Services and Centers for Independent Living of 60377
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 60378
U.S.C. 796d. 60379

PROGRAM MANAGEMENT EXPENSES 60380

The foregoing appropriation item 415-606, Program Management 60381
Expenses, shall be used to support the administrative functions of 60382
the commission related to the provision of vocational 60383
rehabilitation, disability determination services, and ancillary 60384
programs. 60385

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 60386

The foregoing appropriation item 415-617, Independent 60387
Living/Vocational Rehabilitation Programs, shall be used to 60388
support vocational rehabilitation programs, including, but not 60389
limited to, high tech high schools, training, and brain injury 60390
grants. 60391

SOCIAL SECURITY REIMBURSEMENT FUNDS 60392

Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be used in the Social Security Reimbursement Fund (Fund 3L1), as follows:

(A) Appropriation item 415-601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;

(B) Appropriation item 415-605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments;

(C) Appropriation item 415-607, Social Security Administration Cost, to provide administrative services needed to administer the Social Security reimbursement program;

(D) Appropriation item 415-608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. This appropriation item also includes funds to assist the Personal Care Assistance, Community Centers for the Deaf, and Independent Living Programs to pay their share of indirect costs as mandated by federal OMB Circular A-87.

(E) Appropriation item 415-610, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to older blind individuals with severe disabilities to enable them to achieve a noncompetitive employment goal.

PILOT PROGRAM FOR VOCATIONAL REHABILITATION

During fiscal years 2006 and 2007, the Rehabilitation Services Commission may conduct a pilot program to provide

vocational rehabilitation and related services to entities, 60423
employers, or individuals that are not eligible for state- or 60424
federally-supported services through the commission. The 60425
commission shall propose fees to be collected from the entities, 60426
employers, or individuals served by the pilot program to support 60427
the costs for vocational rehabilitation and related services 60428
provided under the pilot program. Fee revenues collected under the 60429
program shall be credited to Fund 468 (Third Party Funding). 60430
During implementation of the pilot program, the Rehabilitation 60431
Services Commission shall investigate and determine the 60432
possibility of utilizing this source of revenue to match federal 60433
funds. The Rehabilitation Services Commission shall evaluate the 60434
progress of the pilot program and issue a report of its findings 60435
to the Governor not later than December 15, 2007. The report shall 60436
include a recommendation to either continue or discontinue the 60437
pilot program in the next biennium. 60438

Section 209.75. RCB RESPIRATORY CARE BOARD 60439

General Services Fund Group 60440
4K9 872-609 Operating Expenses \$ 441,987 \$ 0 60441
TOTAL GSF General Services 60442
Fund Group \$ 441,987 \$ 0 60443
TOTAL ALL BUDGET FUND GROUPS \$ 441,987 \$ 0 60444

Section 209.78. REVENUE DISTRIBUTION FUNDS 60446

Volunteer Firefighters' Dependents Fund 60447
085 800-900 Volunteer \$ 280,000 \$ 280,000 60448
Firefighters'
Dependents Fund
TOTAL 085 Volunteer Firefighters' 60449
Dependents Fund \$ 280,000 \$ 280,000 60450
Agency Fund Group 60451

062	110-900	Resort Area Excise Tax	\$ 1,000,000	\$ 1,075,000	60452
063	110-900	Permissive Tax Distribution	\$ 1,627,628,631	\$ 1,706,969,960	60453
067	110-900	School District Income Tax Fund	\$ 185,000,000	\$ 195,000,000	60454
4P8	001-698	Cash Management Improvement Fund	\$ 2,500,000	\$ 3,000,000	60455
608	001-699	Investment Earnings	\$ 85,000,000	\$ 85,000,000	60456
TOTAL AGY Agency Fund Group			\$ 1,901,128,631	\$ 1,991,044,960	60457
Holding Account Redistribution					60458
R45	110-617	International Fuel Tax Distribution	\$ 6,292,029	\$ 0	60459
TOTAL R45 Holding Account Redistribution Fund			\$ 6,292,029	\$ 0	60460
Revenue Distribution Fund Group					60461
049	038-900	Indigent Drivers Alcohol Treatment	\$ 1,865,000	\$ 1,865,000	60462
050	762-900	International Registration Plan Distribution	\$ 55,000,000	\$ 55,000,000	60463
051	762-901	Auto Registration Distribution	\$ 475,000,000	\$ 475,000,000	60464
054	110-900	Local Government Property Tax Replacement - Utility	\$ 90,000,000	\$ 90,000,000	60465
060	110-900	Gasoline Excise Tax Fund	\$ 325,000,000	\$ 349,000,000	60466
064	110-900	Local Government Revenue Assistance	\$ 83,754,100	\$ 77,384,100	60467
065	110-900	Library/Local Government Support Fund	\$ 439,372,980	\$ 430,584,650	60468
066	800-900	Undivided Liquor	\$ 13,500,000	\$ 13,500,000	60469

	Permit Fund				
068	110-900 State/Local Government	\$ 231,076,000	\$ 235,542,000		60470
	Highway Distribution Fund				
069	110-900 Local Government Fund	\$ 584,454,000	\$ 538,710,300		60471
082	110-900 Horse Racing Tax	\$ 130,000	\$ 130,000		60472
083	700-900 Ohio Fairs Fund	\$ 2,450,000	\$ 2,450,000		60473
081	110-900 Local Government	\$ 16,200,000	\$ 124,200,000		60474
	Property Tax Replacement-Business				
	TOTAL RDF Revenue Distribution				60475
	Fund Group	\$ 2,317,802,080	\$ 2,393,366,050		60476
	TOTAL ALL BUDGET FUND GROUPS	\$ 4,225,502,740	\$ 4,384,691,010		60477
	ADDITIONAL APPROPRIATIONS				60478
	Appropriation items in this section shall be used for the purpose of administering and distributing the designated revenue distribution funds according to the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are appropriated.				60479 60480 60481 60482 60483
	Section 209.81. SAN BOARD OF SANITARIAN REGISTRATION				60484
	General Services Fund Group				60485
4K9	893-609 Operating Expenses	\$ 134,279	\$ 0		60486
	TOTAL GSF General Services				60487
	Fund Group	\$ 134,279	\$ 0		60488
	TOTAL ALL BUDGET FUND GROUPS	\$ 134,279	\$ 0		60489
	Section 209.84. OSB OHIO STATE SCHOOL FOR THE BLIND				60491
	General Revenue Fund				60492
GRF	226-100 Personal Services	\$ 6,469,841	\$ 6,594,261		60493
GRF	226-200 Maintenance	\$ 704,162	\$ 704,162		60494
GRF	226-300 Equipment	\$ 113,289	\$ 113,289		60495

TOTAL GRF General Revenue Fund	\$	7,287,292	\$	7,411,712	60496
General Services Fund Group					60497
4H8 226-602 Education Reform	\$	21,620	\$	21,620	60498
Grants					
TOTAL GSF General Services					60499
Fund Group	\$	21,620	\$	21,620	60500
Federal Special Revenue Fund Group					60501
3P5 226-643 Medicaid Professional	\$	180,000	\$	210,000	60502
Services Reimbursement					
310 226-626 Coordinating Unit	\$	1,639,000	\$	1,639,000	60503
TOTAL FED Federal Special					60504
Revenue Fund Group	\$	1,819,000	\$	1,849,000	60505
State Special Revenue Fund Group					60506
4M5 226-601 Student Activity and	\$	217,397	\$	217,397	60507
Work Study					
TOTAL SSR State Special Revenue					60508
Fund Group	\$	217,397	\$	217,397	60509
TOTAL ALL BUDGET FUND GROUPS	\$	9,345,309	\$	9,499,729	60510
Section 209.87. OSD OHIO STATE SCHOOL FOR THE DEAF					60512
General Revenue Fund					60513
GRF 221-100 Personal Services	\$	8,401,704	\$	8,401,704	60514
GRF 221-200 Maintenance	\$	1,032,751	\$	1,032,751	60515
GRF 221-300 Equipment	\$	222,500	\$	222,500	60516
TOTAL GRF General Revenue Fund	\$	9,656,955	\$	9,656,955	60517
General Services Fund Group					60518
4M1 221-602 Education Reform	\$	27,575	\$	27,575	60519
Grants					
TOTAL GSF General Services					60520
Fund Group	\$	27,575	\$	27,575	60521
Federal Special Revenue Fund Group					60522

3AD 221-604	VREAL Ohio	\$	1,000,000	\$	1,000,000	60523
3R0 221-684	Medicaid Professional	\$	35,000	\$	35,000	60524
	Services Reimbursement					60525
3Y1 221-686	Early Childhood Grant	\$	250,000	\$	250,000	60526
311 221-625	Coordinating Unit	\$	1,062,426	\$	1,062,426	60527
TOTAL FED Federal Special						60528
Revenue Fund Group		\$	2,347,426	\$	2,347,426	60529
State Special Revenue Fund Group						60530
4M0 221-601	Educational Program	\$	32,688	\$	32,688	60531
	Expenses					60532
5H6 221-609	Even Start Fees &	\$	59,800	\$	59,800	60533
	Gifts					
TOTAL SSR State Special Revenue						60534
Fund Group		\$	92,488	\$	92,488	60535
TOTAL ALL BUDGET FUND GROUPS			12,124,444		12,124,444	60536
EQUIPMENT						60537
Of the foregoing appropriation item 221-300, Equipment, up to						60538
\$15,000 in fiscal year 2006 may be used by the Ohio School for the						60539
Deaf to purchase software for the documentation and tracking of						60540
students for increased accountability and data analysis for						60541
quality instruction.						60542
 Section 209.90. SFC SCHOOL FACILITIES COMMISSION						60543
General Revenue Fund						60544
GRF 230-428	Lease Rental Payments	\$	31,691,700	\$	31,603,200	60545
GRF 230-908	Common Schools General	\$	188,724,700	\$	224,911,500	60546
Obligation Debt						
Service						
TOTAL GRF General Revenue Fund		\$	220,416,400	\$	256,514,700	60547
State Special Revenue Fund Group						60548
5E3 230-644	Operating Expenses	\$	7,319,617	\$	7,691,485	60549

TOTAL SSR State Special Revenue				60550
Fund Group	\$	7,319,617	\$ 7,691,485	60551
Lottery Profits Education Fund Group				60552
020 230-620 Career-Tech School	\$	2,000,000	\$ 2,000,000	60553
Building Assistance				
TOTAL LPE Lottery Profits				60554
Education Fund Group	\$	2,000,000	\$ 2,000,000	60555
TOTAL ALL BUDGET FUND GROUPS	\$	229,736,017	\$ 266,206,185	60556

Section 209.90.03. LEASE RENTAL PAYMENTS 60558

The foregoing appropriation item 230-428, Lease Rental 60559
Payments, shall be used to meet all payments at the times they are 60560
required to be made during the period from July 1, 2005, to June 60561
30, 2007, by the School Facilities Commission under leases and 60562
agreements made under section 3318.26 of the Revised Code, but 60563
limited to the aggregate amount of \$63,294,900. Nothing in this 60564
act shall be deemed to contravene the obligation of the state to 60565
pay, without necessity for further appropriation, from the sources 60566
pledged thereto, the bond service charges on obligations issued 60567
under Chapter 3318. of the Revised Code. 60568

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 60569

The foregoing appropriation item 230-908, Common Schools 60570
General Obligation Debt Service, shall be used to pay all debt 60571
service and related financing costs at the times they are required 60572
to be made under sections 151.01 and 151.03 of the Revised Code 60573
during the period from July 1, 2005, to June 30, 2007. The Office 60574
of the Sinking Fund or the Director of Budget and Management shall 60575
effectuate the required payments by an intrastate transfer 60576
voucher. 60577

OPERATING EXPENSES 60578

The foregoing appropriation item 230-644, Operating Expenses, 60579

shall be used by the Ohio School Facilities Commission to carry 60580
out its responsibilities under this section and Chapter 3318. of 60581
the Revised Code. 60582

In both fiscal years 2006 and 2007, the Executive Director of 60583
the Ohio School Facilities Commission shall certify on a quarterly 60584
basis to the Director of Budget and Management the amount of cash 60585
from interest earnings to be transferred from the School Building 60586
Assistance Fund (Fund 032), the Public School Building Fund (Fund 60587
021), and the Educational Facilities Trust Fund (Fund N87) to the 60588
Ohio School Facilities Commission Fund (Fund 5E3). The amount 60589
transferred may not exceed investment earnings credited to the 60590
School Building Assistance Fund (Fund 032), less any amount 60591
required to be paid for federal arbitrage rebate purposes. 60592

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 60593

At the request of the Executive Director of the Ohio School 60594
Facilities Commission, the Director of Budget and Management may 60595
cancel encumbrances for school district projects from a previous 60596
biennium if the district has not raised its local share of project 60597
costs within one year of receiving Controlling Board approval 60598
under section 3318.05 of the Revised Code. The Executive Director 60599
of the Ohio School Facilities Commission shall certify the amounts 60600
of the canceled encumbrances to the Director of Budget and 60601
Management on a quarterly basis. The amounts of the canceled 60602
encumbrances are hereby appropriated. 60603

Section 209.90.06. EXTREME ENVIRONMENTAL CONTAMINATION OF 60604
SCHOOL FACILITIES 60605

Notwithstanding any other provision of law to the contrary, 60606
the School Facilities Commission may provide assistance under the 60607
Exceptional Needs School Facilities Program established in section 60608
3318.37 of the Revised Code to any school district, and not 60609

exclusively to a school district in the lowest fifty per cent of 60610
adjusted valuation per pupil on the current ranking of school 60611
districts established under section 3317.02 of the Revised Code, 60612
for the purpose of the relocation or replacement of school 60613
facilities required as a result of extreme environmental 60614
contamination. 60615

The School Facilities Commission shall contract with an 60616
independent environmental consultant to conduct a study and to 60617
report to the commission as to the seriousness of the 60618
environmental contamination, whether the contamination violates 60619
applicable state and federal standards, and whether the facilities 60620
are no longer suitable for use as school facilities. The 60621
commission then shall make a determination regarding funding for 60622
the relocation or replacement of the school facilities. If the 60623
federal government or other public or private entity provides 60624
funds for restitution of costs incurred by the state or school 60625
district in the relocation or replacement of the school 60626
facilities, the school district shall use such funds in excess of 60627
the school district's share to refund the state for the state's 60628
contribution to the environmental contamination portion of the 60629
project. The school district may apply an amount of such 60630
restitution funds up to an amount equal to the school district's 60631
portion of the project, as defined by the commission, toward 60632
paying its portion of that project to reduce the amount of bonds 60633
the school district otherwise must issue to receive state 60634
assistance under sections 3318.01 to 3318.20 of the Revised Code. 60635

Section 209.90.09. CANTON CITY SCHOOL DISTRICT PROJECT 60636

(A) The Ohio School Facilities Commission may commit up to 60637
thirty-five million dollars to the Canton City School District for 60638
construction of a facility described in this section, in lieu of a 60639
high school that would otherwise be authorized under Chapter 3318. 60640

of the Revised Code. The Commission shall not commit funds under
this section unless all of the following conditions are met:

(1) The District has entered into a cooperative agreement
with a state-assisted technical college.

(2) The District has received an irrevocable commitment of
additional funding from nonpublic sources.

(3) The facility is intended to serve both secondary and
postsecondary instructional purposes.

(B) The Commission shall enter into an agreement with the
District for the construction of the facility authorized under
this section that is separate from and in addition to the
agreement required for the District's participation in the
Classroom Facilities Assistance Program under section 3318.08 of
the Revised Code. Notwithstanding that section and sections
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional
agreement shall provide, but not be limited to, the following:

(1) The Commission shall not have any oversight
responsibilities over the construction of the facility.

(2) The facility need not comply with the specifications for
plans and materials for high schools adopted by the Commission.

(3) The Commission may decrease the basic project cost that
would otherwise be calculated for a high school under Chapter
3318. of the Revised Code.

(4) The state shall not share in any increases in the basic
project cost for the facility above the amount authorized under
this section.

All other provisions of Chapter 3318. of the Revised Code
apply to the approval and construction of a facility authorized
under this section.

The state funds committed to the facility authorized by this

section shall be part of the total amount the state commits to the 60671
Canton City School District under Chapter 3318. of the Revised 60672
Code. All additional state funds committed to the Canton City 60673
School District for classroom facilities assistance shall be 60674
subject to all provisions of Chapter 3318. of the Revised Code. 60675

Section 209.93. SOS SECRETARY OF STATE 60676

General Revenue Fund 60677

GRF 050-321	Operating Expenses	\$	2,585,000	\$	2,585,000	60678
GRF 050-403	Election Statistics	\$	103,936	\$	103,936	60679
GRF 050-407	Pollworkers Training	\$	277,977	\$	277,977	60680
GRF 050-409	Litigation	\$	4,652	\$	4,652	60681

Expenditures

TOTAL GRF General Revenue Fund	\$	2,971,585	\$	2,971,585	60682
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General Services Fund Group 60683

4S8 050-610	Board of Voting	\$	7,200	\$	7,200	60684
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Machine Examiners

412 050-609	Notary Commission	\$	685,250	\$	685,249	60685
413 050-601	Information Systems	\$	169,955	\$	169,955	60686
414 050-602	Citizen Education Fund	\$	75,700	\$	55,712	60687
TOTAL General Services Fund Group	\$	938,105	\$	918,116	60688	

Federal Special Revenue Fund Group 60689

3AS 050-616	2005 HAVA Voting	\$	37,436,203	\$	0	60690
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Machines

3X4 050-612	Ohio Cntr/Law Related	\$	41,000	\$	41,000	60691
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Educ Grant

TOTAL FED Federal Special Revenue 60692

Fund Group	\$	37,477,203	\$	41,000	60693
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State Special Revenue Fund Group 60694

5N9 050-607	Technology	\$	129,565	\$	129,565	60695
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Improvements

599 050-603 Business Services	\$	13,741,745	\$	13,761,734	60696
Operating Expenses					
TOTAL SSR State Special Revenue					60697
Fund Group	\$	13,871,310	\$	13,891,299	60698
Holding Account Redistribution Fund Group					60699
R01 050-605 Uniform Commercial	\$	65,000	\$	65,000	60700
Code Refunds					
R02 050-606 Corporate/Business	\$	100,000	\$	100,000	60701
Filing Refunds					
TOTAL 090 Holding Account					60702
Redistribution Fund Group	\$	165,000	\$	165,000	60703
TOTAL ALL BUDGET FUND GROUPS	\$	55,423,203	\$	17,987,000	60704
BOARD OF VOTING MACHINE EXAMINERS					60705
The foregoing appropriation item 050-610, Board of Voting					60706
Machine Examiners, shall be used to pay for the services and					60707
expenses of the members of the Board of Voting Machine Examiners,					60708
and for other expenses that are authorized to be paid from the					60709
Board of Voting Machine Examiners Fund, which is created in					60710
section 3506.05 of the Revised Code. Moneys not used shall be					60711
returned to the person or entity submitting the equipment for					60712
examination. If it is determined that additional appropriations					60713
are necessary, such amounts are appropriated.					60714
HOLDING ACCOUNT REDISTRIBUTION GROUP					60715
The foregoing appropriation items 050-605 and 050-606,					60716
Holding Account Redistribution Fund Group, shall be used to hold					60717
revenues until they are directed to the appropriate accounts or					60718
until they are refunded. If it is determined that additional					60719
appropriations are necessary, such amounts are appropriated.					60720
Section 209.96. SEN THE OHIO SENATE					60721
General Revenue Fund					60722

GRF 020-321 Operating Expenses	\$	11,546,357	\$	11,661,821	60723
TOTAL GRF General Revenue Fund	\$	11,546,357	\$	11,661,821	60724
General Services Fund Group					60725
102 020-602 Senate Reimbursement	\$	444,025	\$	444,025	60726
409 020-601 Miscellaneous Sales	\$	34,155	\$	34,155	60727
TOTAL GSF General Services					60728
Fund Group	\$	478,180	\$	478,180	60729
TOTAL ALL BUDGET FUND GROUPS	\$	12,024,537	\$	12,140,001	60730

OPERATING EXPENSES 60731

On July 1, 2005, or as soon as possible thereafter, the Clerk 60732
of the Senate shall certify to the Director of Budget and 60733
Management the total fiscal year 2005 unencumbered appropriations 60734
in appropriation item 020-321, Operating Expenses. The Clerk may 60735
direct the Director of Budget and Management to transfer an amount 60736
not to exceed the total fiscal year 2005 unencumbered 60737
appropriations to fiscal year 2006 for use within appropriation 60738
item 020-321, Operating Expenses. Additional appropriation 60739
authority equal to the amount certified by the Clerk is hereby 60740
appropriated to appropriation item 020-321, Operating Expenses, in 60741
fiscal year 2006. 60742

On July 1, 2006, or as soon as possible thereafter, the Clerk 60743
of the Senate shall certify to the Director of Budget and 60744
Management the total fiscal year 2006 unencumbered appropriations 60745
in appropriation item 020-321, Operating Expenses. The Clerk may 60746
direct the Director of Budget and Management to transfer an amount 60747
not to exceed the total fiscal year 2006 unencumbered 60748
appropriations to fiscal year 2007 for use within appropriation 60749
item 020-321, Operating Expenses. Additional appropriation 60750
authority equal to the amount certified by the Clerk is hereby 60751
appropriated to appropriation item 020-321, Operating Expenses, in 60752
fiscal year 2007. 60753

Section 209.99.				CSF COMMISSIONERS OF THE SINKING FUND	60754
Debt Service Fund Group					60755
072	155-902	Highway Capital	\$ 180,620,600	\$ 196,464,900	60756
Improvements Bond					
Retirement Fund					
073	155-903	Natural Resources Bond	\$ 26,166,000	\$ 24,659,100	60757
Retirement					
074	155-904	Conservation Projects	\$ 14,687,300	\$ 17,668,800	60758
Bond Service Fund					
076	155-906	Coal Research and	\$ 7,071,100	\$ 8,980,800	60759
Development Bond					
Retirement Fund					
077	155-907	State Capital	\$ 163,131,400	\$ 174,545,100	60760
Improvements Bond					
Retirement Fund					
078	155-908	Common Schools Bond	\$ 200,724,700	\$ 236,911,500	60761
Retirement Fund					
079	155-909	Higher Education Bond	\$ 140,600,300	\$ 158,114,100	60762
Retirement Fund					
TOTAL DSF Debt Service Fund Group			\$ 733,001,400	\$ 817,344,300	60763
TOTAL ALL BUDGET FUND GROUPS			\$ 733,001,400	\$ 817,344,300	60764
ADDITIONAL APPROPRIATIONS					60765
Appropriation items in this section are for the purpose of					60766
paying debt service and financing costs on bonds or notes of the					60767
state issued under the Ohio Constitution and acts of the General					60768
Assembly. If it is determined that additional appropriations are					60769
necessary for this purpose, such amounts are appropriated.					60770
Section 212.03.				SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &	60771
AUDIOLOGY					60772
General Services Fund Group					60773

4K9 886-609 Operating Expenses	\$	408,864	\$	0	60774
TOTAL GSF General Services					60775
Fund Group	\$	408,864	\$	0	60776
TOTAL ALL BUDGET FUND GROUPS	\$	408,864	\$	0	60777

Section 212.06. BTA BOARD OF TAX APPEALS 60779

General Revenue Fund					60780
GRF 116-321 Operating Expenses	\$	2,155,055	\$	2,211,035	60781
TOTAL GRF General Revenue Fund	\$	2,155,055	\$	2,211,035	60782
TOTAL ALL BUDGET FUND GROUPS	\$	2,155,055	\$	2,211,035	60783

Section 212.09. TAX DEPARTMENT OF TAXATION 60785

General Revenue Fund					60786
GRF 110-321 Operating Expenses	\$	91,439,754	\$	91,439,754	60787
GRF 110-412 Child Support Administration	\$	71,988	\$	71,988	60788
GRF 110-901 Property Tax Allocation - Taxation	\$	430,102,680	\$	409,946,241	60789
GRF 110-906 Tangible Tax Exemption - Taxation	\$	18,355,923	\$	13,766,942	60790
TOTAL GRF General Revenue Fund	\$	539,970,345	\$	515,224,925	60791
Agency Fund Group					60792
095 110-901 Municipal Income Tax	\$	21,000,000	\$	21,000,000	60793
425 110-635 Tax Refunds	\$	1,483,900,000	\$	1,582,700,000	60794
TOTAL AGY Agency Fund Group	\$	1,504,900,000	\$	1,603,700,000	60795
General Services Fund Group					60796
228 110-628 Tax Reform System Implementation	\$	7,000,000	\$	7,000,000	60797
433 110-602 Tape File Account	\$	96,165	\$	96,165	60798
5W4 110-625 Centralized Tax Filing and Payment	\$	2,500,000	\$	2,000,000	60799
5W7 110-627 Exempt Facility	\$	36,000	\$	36,000	60800

Administration			
TOTAL GSF General Services			60801
Fund Group	\$	9,632,165	\$ 9,132,165 60802
Federal Special Revenue Fund Group			60803
3J6 110-601 Motor Fuel Compliance	\$	25,000	\$ 25,000 60804
TOTAL FED Federal Special Revenue			60805
Fund Group	\$	25,000	\$ 25,000 60806
State Special Revenue Fund Group			60807
4C6 110-616 International	\$	706,855	\$ 706,855 60808
Registration Plan			
4R6 110-610 Tire Tax	\$	65,000	\$ 65,000 60809
Administration			
435 110-607 Local Tax	\$	15,880,987	\$ 16,394,879 60810
Administration			
436 110-608 Motor Vehicle Audit	\$	1,350,000	\$ 1,350,000 60811
437 110-606 Litter Tax and Natural	\$	625,232	\$ 625,232 60812
Resource Tax			
Administration			
438 110-609 School District Income	\$	2,599,999	\$ 2,599,999 60813
Tax			
5N5 110-605 Municipal Income Tax	\$	265,000	\$ 265,000 60814
Administration			
5N6 110-618 Kilowatt Hour Tax	\$	85,000	\$ 85,000 60815
Administration			
5V7 110-622 Motor Fuel Tax	\$	4,268,345	\$ 4,397,263 60816
Administration			
5V8 110-623 Property Tax	\$	12,758,643	\$ 12,967,102 60817
Administration			
639 110-614 Cigarette Tax	\$	168,925	\$ 168,925 60818
Enforcement			
642 110-613 Ohio Political Party	\$	600,000	\$ 600,000 60819
Distributions			

688	110-615	Local Excise Tax	\$	300,000	\$	300,000	60820
		Administration					
		TOTAL SSR State Special Revenue					60821
		Fund Group	\$	39,673,986	\$	40,525,255	60822
		Holding Account Redistribution Fund Group					60823
R10	110-611	Tax Distributions	\$	50,000	\$	50,000	60824
R11	110-612	Miscellaneous Income	\$	50,000	\$	50,000	60825
		Tax Receipts					
		TOTAL 090 Holding Account					60826
		Redistribution Fund Group	\$	100,000	\$	100,000	60827
		TOTAL ALL BUDGET FUND GROUPS	\$	2,094,301,496	\$	2,168,707,345	60828

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLEBACK, AND TANGIBLE TAX 60829
EXEMPTION 60830

The foregoing appropriation item 110-901, Property Tax 60831
Allocation - Taxation, is hereby appropriated to pay for the 60832
state's costs incurred because of the Homestead Exemption, the 60833
Manufactured Home Property Tax Rollback, and the Property Tax 60834
Rollback. The Tax Commissioner shall distribute these funds 60835
directly to the appropriate local taxing districts, except for 60836
school districts, notwithstanding the provisions in sections 60837
321.24 and 323.156 of the Revised Code, which provide for payment 60838
of the Homestead Exemption, the Manufactured Home Property Tax 60839
Rollback, and Property Tax Rollback by the Tax Commissioner to the 60840
appropriate county treasurer and the subsequent redistribution of 60841
these funds to the appropriate local taxing districts by the 60842
county auditor. 60843

The foregoing appropriation item 110-906, Tangible Tax 60844
Exemption - Taxation, is hereby appropriated to pay for the 60845
state's costs incurred because of the tangible personal property 60846
tax exemption required by division (C)(3) of section 5709.01 of 60847
the Revised Code. The Tax Commissioner shall distribute to each 60848
county treasurer the total amount appearing in the notification 60849

from the county treasurer under division (G) of section 321.24 of
the Revised Code for all local taxing districts located in the
county except for school districts, notwithstanding the provision
in section 321.24 of the Revised Code which provides for payment
of the \$10,000 tangible personal property tax exemption by the Tax
Commissioner to the appropriate county treasurer for all local
taxing districts located in the county including school districts.
The county auditor shall distribute the amount paid by the Tax
Commissioner among the appropriate local taxing districts except
for school districts under division (G) of section 321.24 of the
Revised Code.

Upon receipt of these amounts, each local taxing district
shall distribute the amount among the proper funds as if it had
been paid as real or tangible personal property taxes. Payments
for the costs of administration shall continue to be paid to the
county treasurer and county auditor as provided for in sections
319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically
appropriated in appropriation items 110-901, Property Tax
Allocation - Taxation, for the Homestead Exemption, the
Manufactured Home Property Tax Rollback, and the Property Tax
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation,
for the \$10,000 tangible personal property tax exemption payments,
which are determined to be necessary for these purposes, are
hereby appropriated.

MUNICIPAL INCOME TAX

The foregoing appropriation item 110-901, Municipal Income
Tax, shall be used to make payments to municipal corporations
under section 5745.05 of the Revised Code. If it is determined
that additional appropriations are necessary to make these
payments, such amounts are hereby appropriated.

TAX REFUNDS 60881

The foregoing appropriation item 110-635, Tax Refunds, shall 60882
be used to pay refunds under section 5703.052 of the Revised Code. 60883
If it is determined that additional appropriations are necessary 60884
for this purpose, such amounts are hereby appropriated. 60885

TAX REFORM SYSTEM IMPLEMENTATION FUND 60886

Notwithstanding section 3734.9010, division (B)(2)(c) of 60887
section 4505.09, division (B) of section 5703.12, section 5703.80, 60888
division (C)(6) of section 5727.81, sections 5733.122 and 60889
5735.053, division (C) of section 5739.21, section 5745.03, 60890
division (C) of section 5747.03, and section 5747.113 of the 60891
Revised Code and any other statutory provision to the contrary, 60892
any residual cash balances determined and certified by the Tax 60893
Commissioner to the Director of Budget and Management shall be 60894
transferred on July 1, 2005, or as soon as possible thereafter, to 60895
the Tax Reform System Implementation Fund (Fund 228), which is 60896
hereby created in the State Treasury. The fund shall be used to 60897
pay expenses incurred by the Department of Taxation in providing 60898
an integrated tax system that will accommodate the needs of tax 60899
reform and allow for improved customer service, processing 60900
efficiency, compliance enforcement, and reporting. 60901

INTERNATIONAL REGISTRATION PLAN AUDIT 60902

The foregoing appropriation item 110-616, International 60903
Registration Plan, shall be used under section 5703.12 of the 60904
Revised Code for audits of persons with vehicles registered under 60905
the International Registration Plan. 60906

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 60907

Of the foregoing appropriation item 110-607, Local Tax 60908
Administration, the Tax Commissioner may disburse funds, if 60909
available, for the purposes of paying travel expenses incurred by 60910

members of Ohio's delegation to the Streamlined Sales Tax Project, 60911
as appointed under section 5740.02 of the Revised Code. Any travel 60912
expense reimbursement paid for by the Department of Taxation shall 60913
be done in accordance with applicable state laws and guidelines. 60914

LITTER CONTROL TAX ADMINISTRATION FUND 60915

Notwithstanding section 5733.12 of the Revised Code, during 60916
the period from July 1, 2005, to June 30, 2006, the amount of 60917
\$625,232, and during the period from July 1, 2006, to June 30, 60918
2007, the amount of \$625,232, received by the Tax Commissioner 60919
under Chapter 5733. of the Revised Code, shall be credited to the 60920
Litter Control Tax Administration Fund (Fund 437). 60921

CENTRALIZED TAX FILING AND PAYMENT FUND 60922

The Director of Budget and Management, under a plan submitted 60923
by the Tax Commissioner, or as otherwise determined by the 60924
Director of Budget and Management, shall set a schedule to 60925
transfer cash from the General Revenue Fund to the credit of the 60926
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers 60927
of cash shall not exceed \$4,500,000 in the biennium. 60928

Section 212.12. DOT DEPARTMENT OF TRANSPORTATION 60929

Transportation Modes 60930

General Revenue Fund 60931

GRF 775-451 Public Transportation \$ 16,300,000 \$ 16,300,000 60932
- State

GRF 776-465 Ohio Rail Development \$ 2,700,000 \$ 2,700,000 60933
Commission

GRF 776-466 Railroad \$ 789,600 \$ 789,600 60934
Crossing/Grade

Separation

GRF 777-471 Airport Improvements - \$ 1,793,985 \$ 1,793,985 60935
State

GRF 777-473 Rickenbacker Lease	\$	594,500	\$	320,300	60936
Payments - State					
TOTAL GRF General Revenue Fund	\$	22,178,085	\$	21,903,885	60937
Federal Special Revenue Fund Group					60938
3B9 776-662 Rail Transportation -	\$	10,000	\$	10,000	60939
Federal					
TOTAL FSR Federal Special Revenue					60940
Fund Group	\$	10,000	\$	10,000	60941
State Special Revenue Fund Group					60942
4N4 776-663 Panhandle Lease	\$	764,400	\$	764,400	60943
Reserve Payments					
4N4 776-664 Rail Transportation -	\$	2,111,500	\$	2,111,500	60944
Other					
5W9 777-615 County Airport	\$	570,000	\$	570,000	60945
Maintenance Assistance					
TOTAL SSR State Special Revenue					60946
Fund Group	\$	3,445,900	\$	3,445,900	60947
TOTAL ALL BUDGET FUND GROUPS	\$	25,633,985	\$	25,359,785	60948
ELDERLY AND DISABLED FARE ASSISTANCE					60949
Of the foregoing appropriation item 775-451, Public					60950
Transportation - State, up to \$6,000,000 in fiscal year 2006 and					60951
\$7,000,000 in fiscal year 2007 may be used to make grants to					60952
county transit boards, regional transit authorities, regional					60953
transit commissions, counties, municipal corporations, and private					60954
nonprofit organizations that operate or will operate public					60955
transportation systems, for the purpose of reducing the transit					60956
fares of elderly or disabled persons. The Director of					60957
Transportation shall establish criteria for the distribution of					60958
these grants under division (B) of section 5501.07 of the Revised					60959
Code.					60960
AVIATION LEASE PAYMENTS					60961

The foregoing appropriation item 777-473, Rickenbacker Lease Payments - State, shall be used to meet scheduled payments for the Rickenbacker Port Authority. The Director of Transportation shall certify to the Director of Budget and Management any appropriations in appropriation item 777-473, Rickenbacker Lease Payments - State, that are not needed to make lease payments for the Rickenbacker Port Authority. Notwithstanding section 127.14 of the Revised Code, the amount certified may be transferred by the Director of Budget and Management to appropriation item 777-471, Airport Improvements - State.

Section 212.15. TOS TREASURER OF STATE

General Revenue Fund				60973
GRF 090-321 Operating Expenses	\$	9,041,937	\$ 9,041,937	60974
GRF 090-401 Office of the Sinking Fund	\$	521,576	\$ 521,576	60975
GRF 090-402 Continuing Education	\$	435,770	\$ 435,770	60977
GRF 090-524 Police and Fire Disability Pension Fund	\$	25,000	\$ 20,000	60978
GRF 090-534 Police & Fire Ad Hoc Cost of Living	\$	180,000	\$ 150,000	60980
GRF 090-554 Police and Fire Survivor Benefits	\$	1,100,000	\$ 1,000,000	60982
GRF 090-575 Police and Fire Death Benefits	\$	20,000,000	\$ 20,000,000	60984
TOTAL GRF General Revenue Fund	\$	31,304,283	\$ 31,169,283	60986
Agency Fund Group				60987
425 090-635 Tax Refunds	\$	31,000,000	\$ 31,000,000	60988
TOTAL Agency Fund Group	\$	31,000,000	\$ 31,000,000	60989

General Services Fund Group				60990
4E9 090-603 Securities Lending	\$	2,721,800	\$ 2,814,000	60991
Income				
577 090-605 Investment Pool	\$	550,000	\$ 550,000	60992
Reimbursement				60993
605 090-609 Treasurer of State	\$	700,000	\$ 700,000	60994
Administrative Fund				60995
TOTAL GSF General Services				60996
Fund Group	\$	3,971,800	\$ 4,064,000	60997
State Special Revenue Fund Group				60998
5C5 090-602 County Treasurer	\$	135,000	\$ 135,000	60999
Education				
TOTAL SSR State Special Revenue				61000
Fund Group	\$	135,000	\$ 135,000	61001
TOTAL ALL BUDGET FUND GROUPS	\$	66,411,083	\$ 66,368,283	61002

Section 212.15.03. OFFICE OF THE SINKING FUND 61004

The foregoing appropriation item 090-401, Office of the 61005
Sinking Fund, shall be used for financing and other costs incurred 61006
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 61007
Public Facilities Commission or its secretary, or the Treasurer of 61008
State, with respect to State of Ohio general obligation bonds or 61009
notes, including, but not limited to, printing, advertising, 61010
delivery, rating fees and the procurement of ratings, professional 61011
publications, membership in professional organizations, and 61012
services referred to in division (D) of section 151.01 of the 61013
Revised Code. The General Revenue Fund shall be reimbursed for 61014
such costs by intrastate transfer voucher pursuant to a 61015
certification by the Office of the Sinking Fund of the actual 61016
amounts used. The amounts necessary to make such reimbursements 61017
are appropriated from the general obligation bond retirement funds 61018
created by the Constitution and laws to the extent such costs are 61019

incurred.				61020
POLICE AND FIRE DEATH BENEFIT FUND				61021
The foregoing appropriation item 090-575, Police and Fire				61022
Death Benefits, shall be disbursed annually by the Treasurer of				61023
State at the beginning of each fiscal year to the Board of				61024
Trustees of the Ohio Police and Fire Pension Fund. By the				61025
twentieth day of June of each fiscal year, the Board of Trustees				61026
of the Ohio Police and Fire Pension Fund shall certify to the				61027
Treasurer of State the amount disbursed in the current fiscal year				61028
to make the payments required by section 742.63 of the Revised				61029
Code and shall return to the Treasurer of State moneys received				61030
from this appropriation item but not disbursed.				61031
TAX REFUNDS				61032
The foregoing appropriation item 090-635, Tax Refunds, shall				61033
be used to pay refunds under section 5703.052 of the Revised Code.				61034
If the Director of Budget and Management determines that				61035
additional amounts are necessary for this purpose, such amounts				61036
are hereby appropriated.				61037
Section 212.18. UST PETROLEUM UNDERGROUND STORAGE TANK				61038
RELEASE COMPENSATION BOARD				61039
Agency Fund Group				61040
691 810-632 PUSTRCB Staff	\$	1,075,158	\$ 1,116,658	61041
TOTAL AGY Agency Fund Group	\$	1,075,158	\$ 1,116,658	61042
TOTAL ALL BUDGET FUND GROUPS	\$	1,075,158	\$ 1,116,658	61043
Section 212.21. TTA OHIO TUITION TRUST AUTHORITY				61045
State Special Revenue Fund Group				61046
5AM 095-603 Index Savings Plan	\$	2,866,240	\$ 3,104,865	61047
5P3 095-602 Variable College	\$	2,042,486	\$ 2,118,568	61048
Savings Fund				

645 095-601 Operating Expenses	\$	807,260	\$	891,173	61049
TOTAL SSR State Special Revenue					61050
Fund Group	\$	5,715,986	\$	6,114,606	61051
TOTAL ALL BUDGET FUND GROUPS	\$	5,715,986	\$	6,114,606	61052

Section 212.24. OVH OHIO VETERANS' HOME 61054

General Revenue Fund 61055

GRF 430-100 Personal Services	\$	19,685,007	\$	19,989,167	61056
GRF 430-200 Maintenance	\$	6,396,200	\$	6,396,200	61057
TOTAL GRF General Revenue Fund	\$	26,081,207	\$	26,385,367	61058

General Services Fund Group 61059

484 430-603 Rental and Service Revenue	\$	882,737	\$	882,737	61060
TOTAL GSF General Services Fund Group	\$	882,737	\$	882,737	61061

Federal Special Revenue Fund Group 61062

3L2 430-601 Federal VA Per Diem Grant	\$	14,990,510	\$	15,290,320	61063
TOTAL FED Federal Special Revenue Fund Group	\$	14,990,510	\$	15,290,320	61065

State Special Revenue Fund Group 61066

4E2 430-602 Veterans Home Operating	\$	8,322,731	\$	8,530,800	61067
604 430-604 Veterans Home Improvement	\$	770,096	\$	770,096	61068

TOTAL SSR State Special Revenue 61069

Fund Group	\$	9,092,827	\$	9,300,896	61070
TOTAL ALL BUDGET FUND GROUPS	\$	51,047,281	\$	51,859,320	61071

Section 212.27. VET VETERANS' ORGANIZATIONS 61073

General Revenue Fund 61074

VAP AMERICAN EX-PRISONERS OF WAR 61075

GRF 743-501	State Support	\$	25,030	\$	25,030	61076
	VAN ARMY AND NAVY UNION, USA, INC.					61077
GRF 746-501	State Support	\$	55,012	\$	55,012	61078
	VKW KOREAN WAR VETERANS					61079
GRF 747-501	State Support	\$	49,453	\$	49,453	61080
	VJW JEWISH WAR VETERANS					61081
GRF 748-501	State Support	\$	29,715	\$	29,715	61082
	VCW CATHOLIC WAR VETERANS					61083
GRF 749-501	State Support	\$	57,990	\$	57,990	61084
	VPH MILITARY ORDER OF THE PURPLE HEART					61085
GRF 750-501	State Support	\$	56,377	\$	56,377	61086
	VVV VIETNAM VETERANS OF AMERICA					61087
GRF 751-501	State Support	\$	185,954	\$	185,954	61088
	VAL AMERICAN LEGION OF OHIO					61089
GRF 752-501	State Support	\$	252,328	\$	252,328	61090
	VII AMVETS					61091
GRF 753-501	State Support	\$	237,919	\$	237,919	61092
	VAV DISABLED AMERICAN VETERANS					61093
GRF 754-501	State Support	\$	166,308	\$	166,308	61094
	VMC MARINE CORPS LEAGUE					61095
GRF 756-501	State Support	\$	85,972	\$	85,972	61096
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION					61097
GRF 757-501	State Support	\$	5,946	\$	5,946	61098
	VFW VETERANS OF FOREIGN WARS					61099
GRF 758-501	State Support	\$	196,615	\$	196,615	61100
TOTAL GRF General Revenue Fund		\$	1,404,619	\$	1,404,619	61101
TOTAL ALL BUDGET FUND GROUPS		\$	1,404,619	\$	1,404,619	61102

RELEASE OF FUNDS 61103

The foregoing appropriation items 743-501, 746-501, 747-501, 61104
748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 61105
756-501, 757-501, and 758-501, State Support, shall be released 61106
upon approval by the Director of Budget and Management. 61107

CENTRAL OHIO UNITED SERVICES ORGANIZATION 61108

Of the foregoing appropriation item 751-501, State Support, 61109
 Vietnam Veterans of America, \$50,000 in each fiscal year shall be 61110
 used to support the activities of the Central Ohio USO. 61111

VETERANS SERVICE COMMISSION EDUCATION 61112

Of the foregoing appropriation item 753-501, State Support, 61113
 AMVETS, up to \$20,000 in each fiscal year may be used to provide 61114
 moneys to the Association of County Veterans Service Commissioners 61115
 to reimburse its member county veterans service commissions for 61116
 costs incurred in carrying out educational and outreach duties 61117
 required under divisions (E) and (F) of section 5901.03 of the 61118
 Revised Code. The Director of Budget and Management shall release 61119
 these funds upon the presentation of an itemized receipt, approved 61120
 by the Governor's Office of Veterans Affairs, from the association 61121
 for reasonable and appropriate expenses incurred while performing 61122
 these duties. The association shall establish uniform procedures 61123
 for reimbursing member commissions. 61124

Section 212.30. DVM STATE VETERINARY MEDICAL BOARD 61125

General Services Fund Group				61126
4K9 888-609 Operating Expenses	\$	353,691	\$ 0	61127
TOTAL GSF General Services				61128
Fund Group	\$	353,691	\$ 0	61129
TOTAL ALL BUDGET FUND GROUPS	\$	353,691	\$ 0	61130

Section 212.33. DYS DEPARTMENT OF YOUTH SERVICES 61132

General Revenue Fund				61133
GRF 470-401 RECLAIM Ohio	\$	177,016,683	\$ 182,084,588	61134
GRF 470-412 Lease Rental Payments	\$	20,267,500	\$ 21,882,700	61135
GRF 470-510 Youth Services	\$	18,608,587	\$ 18,608,587	61136
GRF 472-321 Parole Operations	\$	14,358,995	\$ 14,962,871	61137

GRF 477-321	Administrative Operations	\$ 14,239,494	\$ 14,754,420	61138
TOTAL GRF	General Revenue Fund	\$ 244,491,259	\$ 252,293,166	61139
General Services Fund Group				61140
175 470-613	Education Reimbursement	\$ 10,112,529	\$ 9,450,598	61141
4A2 470-602	Child Support	\$ 320,641	\$ 328,657	61142
4G6 470-605	General Operational Funds	\$ 10,000	\$ 10,000	61143
479 470-609	Employee Food Service	\$ 141,466	\$ 137,666	61144
523 470-621	Wellness Program	\$ 46,937	\$ 0	61145
6A5 470-616	Building Demolition	\$ 31,100	\$ 0	61146
TOTAL GSF	General Services Fund Group	\$ 10,662,673	\$ 9,926,921	61147 61148
Federal Special Revenue Fund Group				61149
3V5 470-604	Juvenile Justice/Delinquency Prevention	\$ 4,254,745	\$ 4,254,746	61150
3W0 470-611	Federal Juvenile Programs FFY 02	\$ 222,507	\$ 0	61151
3Z8 470-625	Federal Juvenile Programs FFY 04	\$ 1,500,001	\$ 773,812	61152
3Z9 470-626	Federal Juvenile Programs FFY 05	\$ 465,000	\$ 0	61153
321 470-601	Education	\$ 1,422,580	\$ 1,465,399	61154
321 470-603	Juvenile Justice Prevention	\$ 1,981,169	\$ 2,006,505	61155
321 470-606	Nutrition	\$ 2,471,550	\$ 2,470,655	61156
321 470-614	Title IV-E Reimbursements	\$ 4,960,589	\$ 6,012,361	61157
321 470-617	Americorps Programs	\$ 456,000	\$ 463,700	61158
TOTAL FED	Federal Special Revenue			61159

Fund Group	\$	17,734,141	\$	17,447,178	61160
State Special Revenue Fund Group					61161
147 470-612 Vocational Education	\$	1,937,784	\$	2,009,866	61162
4W3 470-618 Help Me Grow	\$	11,000	\$	11,000	61163
5BH 470-628 Partnerships for Success	\$	1,500,000	\$	1,500,000	61164
TOTAL SSR State Special Revenue					61165
Fund Group	\$	3,448,784	\$	3,520,866	61166
TOTAL ALL BUDGET FUND GROUPS	\$	276,336,857	\$	283,188,131	61167

OHIO BUILDING AUTHORITY LEASE PAYMENTS 61168

The foregoing appropriation item 470-412, Lease Rental 61169
 Payments, in the Department of Youth Services, shall be used for 61170
 payments to the Ohio Building Authority for the period from July 61171
 1, 2005, to June 30, 2007, under the primary leases and agreements 61172
 for facilities made under Chapter 152. of the Revised Code, but 61173
 limited to the aggregate amount of \$42,150,200. This appropriation 61174
 is the source of funds pledged for bond service charges on related 61175
 obligations issued pursuant to Chapter 152. of the Revised Code. 61176

EDUCATION REIMBURSEMENT 61177

The foregoing appropriation item 470-613, Education 61178
 Reimbursement, shall be used to fund the operating expenses of 61179
 providing educational services to youth supervised by the 61180
 Department of Youth Services. Operating expenses include, but are 61181
 not limited to, teachers' salaries, maintenance costs, and 61182
 educational equipment. This appropriation item may be used for 61183
 capital expenses related to the education program. 61184

EMPLOYEE FOOD SERVICE AND EQUIPMENT 61185

Notwithstanding section 125.14 of the Revised Code, the 61186
 foregoing appropriation item 470-609, Employee Food Service, may 61187
 be used to purchase any food operational items with funds received 61188
 into the fund from reimbursement for state surplus property. 61189

PARTNERSHIPS FOR SUCCESS 61190

In fiscal year 2006, the foregoing appropriation item 61191
470-628, Partnerships for Success, shall be used to support the 61192
Partnerships for Success Project. On or before January 1, 2007, 61193
the Director of Budget and Management shall transfer any amount of 61194
cash that remains unspent in the Partnerships for Success Fund 61195
(Fund 5BH) to the Children's Trust Fund (Fund 198). 61196

FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF 61197
CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES 61198

Any business relating to the funds associated with the Office 61199
of Criminal Justice Services' appropriation item 196-602, Criminal 61200
Justice Federal Programs, commenced but not completed by the 61201
Office of Criminal Justice Services or its director shall be 61202
completed by the Department of Youth Services or its director in 61203
the same manner, and with the same effect, as if completed by the 61204
Office of Criminal Justice Services or its director. No 61205
validation, cure, right, privilege, remedy, obligation, or 61206
liability is lost or impaired by reason of the transfer and shall 61207
be administered by the Department of Youth Services. 61208

Any action or proceeding against the Office of Criminal 61209
Justice Services pending on the effective date of this section 61210
shall not be affected by the transfer of responsibility to the 61211
Department of Youth Services, and shall be prosecuted or defended 61212
in the name of the Department of Youth Services or its director. 61213
In all such actions and proceedings, the Department of Youth 61214
Services or its director upon application of the court shall be 61215
substituted as party. 61216

Section 303.03. EXPENDITURES AND APPROPRIATION INCREASES 61217
APPROVED BY THE CONTROLLING BOARD 61218

Any money that the Controlling Board approves for expenditure 61219

or any increase in appropriation authority that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2007.

Section 303.06. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and all group insurance programs; the costs of centralized accounting, centralized payroll processing, and related personnel reports and services; the cost of the Office of Collective Bargaining; the cost of the Personnel Board of Review; the cost of the Employee Assistance Program; the cost of the affirmative action and equal employment opportunity programs administered by the Department of Administrative Services; the costs of interagency information management infrastructure; and the cost of administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be determined in conformity with the appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item 070-601, Public Audit Expense - Local Government, in Fund 422 may be exempted from the requirements of this section.

Section 303.09. RE-ISSUANCE OF VOIDED WARRANTS

In order to provide funds for the reissuance of voided warrants under section 117.47 of the Revised Code, there is hereby appropriated, out of moneys in the state treasury from the fund credited as provided in section 117.47 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

Section 303.12. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 61250
AGAINST THE STATE 61251

Except as otherwise provided in this section, an 61252
appropriation in this act or any other act may be used for the 61253
purpose of satisfying judgments, settlements, or administrative 61254
awards ordered or approved by the Court of Claims or by any other 61255
court of competent jurisdiction in connection with civil actions 61256
against the state. This authorization does not apply to 61257
appropriations to be applied to or used for payment of guarantees 61258
by or on behalf of the state, or for payments under lease 61259
agreements relating to, or debt service on, bonds, notes, or other 61260
obligations of the state. Notwithstanding any other statute to the 61261
contrary, this authorization includes appropriations from funds 61262
into which proceeds or direct obligations of the state are 61263
deposited only to the extent that the judgment, settlement, or 61264
administrative award is for, or represents, capital costs for 61265
which the appropriation may otherwise be used and is consistent 61266
with the purpose for which any related obligations were issued or 61267
entered into. Nothing contained in this section is intended to 61268
subject the state to suit in any forum in which it is not 61269
otherwise subject to suit, and is not intended to waive or 61270
compromise any defense or right available to the state in any suit 61271
against it. 61272

Section 303.13. CAPITAL PROJECT SETTLEMENTS 61273

This section specifies an additional and supplemental 61274
procedure to provide for payments of judgments and settlements if 61275
the Director of Budget and Management determines, pursuant to 61276
division (C)(4) of section 2743.19 of the Revised Code, that 61277
sufficient unencumbered moneys do not exist in the particular 61278
appropriation to pay the amount of a final judgment rendered 61279

against the state or a state agency, including the settlement of a
claim approved by a court, in an action upon and arising out of a
contractual obligation for the construction or improvement of a
capital facility if the costs under the contract were payable in
whole or in part from a state capital projects appropriation. In
such a case, the director may either proceed pursuant to division
(C)(4) of section 2743.19 of the Revised Code or apply to the
Controlling Board to increase an appropriation or create an
appropriation out of any unencumbered moneys in the state treasury
to the credit of the capital projects fund from which the initial
state appropriation was made. The Controlling Board may approve or
disapprove the application as submitted or modified. The amount of
an increase in appropriation or new appropriation specified in an
application approved by the Controlling Board is hereby
appropriated from the applicable capital projects fund and made
available for the payment of the judgment or settlement.

If the director does not make the application authorized by
this section or the Controlling Board disapproves the application,
and the director does not make application under division (C)(4)
of section 2743.19 of the Revised Code, the director shall for the
purpose of making that payment make a request to the General
Assembly as provided for in division (C)(5) of that section.

Section 303.18. INCOME TAX DISTRIBUTION TO COUNTIES 61302

There are hereby appropriated out of any moneys in the state
treasury to the credit of the General Revenue Fund, which are not
otherwise appropriated, funds sufficient to make any payment
required by division (B)(2) of section 5747.03 of the Revised
Code.

**Section 303.21. REAPPROPRIATION OF UNEXPENDED ENCUMBERED
BALANCES OF OPERATING APPROPRIATIONS** 61308
61309

An unexpended balance of an operating appropriation or 61310
reappropriation that a state agency lawfully encumbered prior to 61311
the close of a fiscal year is reappropriated on the first day of 61312
July of the following fiscal year from the fund from which it was 61313
originally appropriated or reappropriated for the following period 61314
and shall remain available only for the purpose of discharging the 61315
encumbrance: 61316

(A) For an encumbrance for personal services, maintenance, 61317
equipment, or items for resale, other than an encumbrance for an 61318
item of special order manufacture not available on term contract 61319
or in the open market or for reclamation of land or oil and gas 61320
wells for a period of not more than five months from the end of 61321
the fiscal year; 61322

(B) For an encumbrance for an item of special order 61323
manufacture not available on term contract or in the open market, 61324
for a period of not more than five months from the end of the 61325
fiscal year or, with the written approval of the Director of 61326
Budget and Management, for a period of not more than twelve months 61327
from the end of the fiscal year; 61328

(C) For an encumbrance for reclamation of land or oil and gas 61329
wells, for a period ending when the encumbered appropriation is 61330
expended or for a period of two years, whichever is less; 61331

(D) For an encumbrance for any other expense, for such period 61332
as the director approves, provided such period does not exceed two 61333
years. 61334

Any operating appropriations for which unexpended balances 61335
are reappropriated beyond a five-month period from the end of the 61336
fiscal year by division (B) of this section shall be reported to 61337
the Controlling Board by the Director of Budget and Management by 61338
the thirty-first day of December of each year. The report on each 61339
such item shall include the item, the cost of the item, and the 61340

name of the vendor. The report shall be updated on a quarterly
basis for encumbrances remaining open. 61341
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Upon the expiration of the reappropriation period set out in
divisions (A), (B), (C), or (D) of this section, a reappropriation
made by this section lapses, and the Director of Budget and
Management shall cancel the encumbrance of the unexpended
reappropriation not later than the end of the weekend following
the expiration of the reappropriation period. 61343
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Notwithstanding the preceding paragraph, with the approval of
the Director of Budget and Management, an unexpended balance of an
encumbrance that was reappropriated on the first day of July by
this section for a period specified in division (C) or (D) of this
section and that remains encumbered at the close of the fiscal
biennium is hereby reappropriated on the first day of July of the
following fiscal biennium from the fund from which it was
originally appropriated or reappropriated for the applicable
period specified in division (C) or (D) of this section and shall
remain available only for the purpose of discharging the
encumbrance. 61349
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The Director of Budget and Management may correct accounting
errors committed by the staff of the Office of Budget and
Management, such as re-establishing encumbrances or appropriations
cancelled in error, during the cancellation of operating
encumbrances in November and of non-operating encumbrances in
December. 61360
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If the Controlling Board approved a purchase, that approval
remains in effect so long as the appropriation used to make that
purchase remains encumbered. 61366
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Section 306.03. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 61369

The maximum amounts that may be assessed against nuclear 61370

electric utilities under division (B)(2) of section 4937.05 of the Revised Code are as follows:

	FY 2006	FY 2007	
Department of Agriculture			61373
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	61374
Department of Health			61375
Fund 610 Radiation Emergency Response	\$850,000	850,000	61376
Environmental Protection Agency			61377
Fund 644 ER Radiological Safety	\$286,114	\$286,114	61378
Emergency Management Agency			61379
Fund 657 Utility Radiological Safety	\$1,260,000	\$1,260,000	61380

Section 312.03. TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-FEDERAL NON-GRF FUNDS

Notwithstanding any other provision of law to the contrary, during fiscal years 2006 and 2007, the Director of Budget and Management is hereby authorized to transfer cash from non-federal, non-General Revenue Fund funds that are not constitutionally restricted to the General Revenue Fund. The total amount of cash transfers made pursuant to this section to the General Revenue Fund during fiscal years 2006 and 2007 shall not exceed \$60,000,000.

Section 312.06. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED

Notwithstanding any provision of Ohio law to the contrary, the Director of Budget and Management, through June 30, 2007, may transfer interest earned by any fund in the Central Accounting System to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Constitution of this state, federal tax law, or the "Cash Management Improvement Act of 1990" 104 Stat. 1058 (1990), 31

U.S.C. 6501, et. seq., as amended.	61401
Section 312.09. BUDGET STABILIZATION FUND TRANSFERS	61402
(A) Notwithstanding any provision of law to the contrary,	61403
through June 30, 2007, if the Director of Budget and Management	61404
determines that the estimated ending fund balance of the General	61405
Revenue Fund will be greater than the amounts assumed in this act	61406
for either fiscal year 2006 or 2007, the Director may transfer up	61407
to the excess balance to the Budget Stabilization Fund. This	61408
division does not apply to division (A) of Section 206.66.21, TANF	61409
TRANSFERS, of this act.	61410
(B) Notwithstanding any provision of law to the contrary,	61411
through June 30, 2007, if the Director of Budget and Management	61412
determines that state revenue receipts and available fund balances	61413
in any fund other than the General Revenue Fund exceed estimated	61414
state expenditures, the Director may transfer up to the excess	61415
revenue to the Budget Stabilization Fund. This division does not	61416
apply to revenue restricted or protected by the Ohio Constitution,	61417
federal tax law or grant requirements, or the "Cash Management	61418
Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501,	61419
et seq., as amended.	61420
(C) In executing division (A) of this section and division	61421
(A) of Section 206.66.21, TANF TRANSFERS, it is intended that	61422
these divisions be applied and construed so that both of the	61423
transfers authorized under these divisions may be made through	61424
June 30, 2007.	61425
(D) After making the transfers described in divisions (A) and	61426
(B) of this section, the Director of Budget and Management shall	61427
submit a report to the President of the Senate and the Speaker of	61428
the House of Representatives.	61429
Section 312.12. GRF TRANSFER TO FUND 5N4, OAKS PROJECT	61430

IMPLEMENTATION	61431
On July 1, 2005, or as soon thereafter as possible, the	61432
Director of Budget and Management shall transfer an amount not to	61433
exceed \$675,000 in cash from the General Revenue Fund to Fund 5N4,	61434
OAKS Project Implementation. On July 1, 2006, or as soon	61435
thereafter as possible, the Director of Budget and Management	61436
shall transfer an amount not to exceed \$675,000 in cash from the	61437
General Revenue Fund to Fund 5N4, OAKS Project Implementation.	61438
Section 312.15. CORPORATE AND UCC FILING FUND TRANSFER TO GRF	61439
Not later than the first day of June in each year of the	61440
biennium, the Director of Budget and Management shall transfer	61441
\$1,000,000 from the Corporate and Uniform Commercial Code Filing	61442
Fund to the General Revenue Fund.	61443
Section 312.18. GRF TRANSFER TO THE NATIONAL GUARD	61444
SCHOLARSHIP RESERVE FUND	61445
On July 1, 2005, or as soon as possible thereafter, the	61446
Director of Budget and Management shall transfer an amount equal	61447
to the unencumbered balance as of June 30, 2004, in appropriation	61448
item 235-599, National Guard Scholarship Fund, from the General	61449
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund	61450
5BM).	61451
Section 312.21. APPROPRIATIONS RELATED TO CASH TRANSFERS AND	61452
RE-ESTABLISHMENT OF ENCUMBRANCES	61453
Any cash transferred by the Director of Budget and Management	61454
under section 126.15 of the Revised Code is hereby appropriated.	61455
Any amounts necessary to re-establish appropriations or	61456
encumbrances under section 126.15 of the Revised Code are hereby	61457
appropriated.	61458

Section 315.03. CONSOLIDATION OF REGULATORY BOARDS 61459

(A) It is the intent of the General Assembly to consolidate 61460
the following health-related regulatory boards within the 61461
Department of Health not later than July 1, 2006: 61462

(1) The Chemical Dependency Professionals Board; 61463

(2) The Board of Chiropractic Examiners; 61464

(3) The Counselor, Social Worker, and Marriage and Family 61465
Therapist Board; 61466

(4) The State Dental Board; 61467

(5) The Ohio Board of Dietetics; 61468

(6) The State Medical Board; 61469

(7) The Board of Nursing; 61470

(8) The Ohio Occupational Therapy, Physical Therapy, and 61471
Athletic Trainers Board; 61472

(9) The Ohio Optical Dispensers Board; 61473

(10) The State Board of Optometry; 61474

(11) The State Board of Orthotics, Prosthetics, and 61475
Pedorthics; 61476

(12) The State Board of Pharmacy; 61477

(13) The State Board of Psychology; 61478

(14) The Ohio Respiratory Care Board; 61479

(15) The Board of Speech-Language Pathology and Audiology; 61480

(16) The State Veterinary Medical Licensing Board. 61481

(B) It is the intent of the General Assembly to consolidate 61482
the following regulatory boards and commissions within the 61483
Department of Commerce not later than July 1, 2006: 61484

(1) The Accountancy Board;	61485
(2) The State Board of Examiners of Architects;	61486
(3) The Ohio Athletic Commission;	61487
(4) The Barber Board;	61488
(5) The State Board of Cosmetology;	61489
(6) The Board of Embalmers and Funeral Directors;	61490
(7) The State Board of Registration for Professional Engineers and Surveyors;	61491 61492
(8) The Manufactured Homes Commission;	61493
(9) The Board of Motor Vehicle Collision Repair Registration;	61494
(10) The State Board of Sanitarian Registration.	61495
(C) It is the intent of the General Assembly to consolidate the Ohio Medical Transportation Board within the Department of Public Safety not later than July 1, 2006.	61496 61497 61498
(D) The Director of Budget and Management and the Directors of Administrative Services, Commerce, Health, and Public Safety shall appoint representatives to a transition team.	61499 61500 61501
The transition team shall develop a plan to ensure the smooth and timely consolidation of the boards into the respective departments. The transition team shall address the details of the consolidations, identifying necessary statutory changes and working with the Office of Budget and Management to develop budgets for the respective departments and the consolidated boards and commissions. The transition team may recommend additional regulatory boards or commissions to be consolidated and may recommend modifications to the planned consolidations.	61502 61503 61504 61505 61506 61507 61508 61509 61510
The transition team shall submit a report containing recommendations and the details for the consolidations not later than December 31, 2005, to the Governor, the Speaker of the House	61511 61512 61513

of Representatives, and the President of the Senate. The report
and recommendations shall address the following issues, and may
address additional issues:

(1) The necessary levels of funding;

(2) The savings projected as a result of the consolidations;

(3) The consolidation of activities between each board or
commission and the department providing centralized services,
including the role of the members of the board or commission and
the role of the department;

(4) The staffing levels needed, whether employees must be
retained, and whether any employees retained have civil service
status;

(5) The continuation of the standards and procedures of the
board or commission;

(6) The continuation of rules and whether any rules need to
be amended as a result of the consolidations;

(7) The transfer of assets, liabilities, and contractual
obligations;

(8) The transfer of records and other materials pertaining to
the board or commission.

(E) It is the intent of the General Assembly to introduce a
bill in fiscal year 2006 that will include the necessary statutory
changes to effect the consolidations and that will include revised
appropriations for the departments and the consolidated boards and
commissions for fiscal year 2007.

**Section 315.06. CAREER-TECHNICAL SCHOOL BUILDING ASSISTANCE
PROGRAM**

All materials, assets, liabilities, and records of the
Department of Education, irrespective of form or medium, deemed

necessary by the Ohio School Facilities Commission to implement 61543
sections 3318.47, 3318.48, and 3318.49 of the Revised Code shall 61544
be transferred to the Commission not later than one hundred twenty 61545
days after the effective date of this section, in accordance with 61546
a transition plan which shall be developed and approved by the 61547
Commission in consultation with the Department. 61548

All current and pending loans and appropriations, 61549
encumbrances, and funds related to the Career-Technical School 61550
Building Assistance Fund (Fund 020), deemed necessary by the 61551
Commission to implement section 3318.48 of the Revised Code, shall 61552
be transferred to the Commission not later than one hundred twenty 61553
days after the effective date of this section in accordance with 61554
the transition plan. 61555

Any business commenced but not completed by the Department on 61556
the effective date of this section relating to the implementation 61557
of section 3318.48 of the Revised Code and the functions 61558
transferred by this section shall continue to be administered by 61559
the Department for a period of one hundred twenty days after the 61560
effective date of this section or until the transition plan 61561
described in this section is approved by the Commission, whichever 61562
occurs first. The Department shall provide the Commission whatever 61563
administrative assistance the Commission requires during the 61564
period of transition, which assistance shall be specified in the 61565
transition plan described in this section. 61566

Wherever any law, contract, or other document refers to the 61567
Department, the State Board of Education, or the Superintendent of 61568
Public Instruction in regard to the implementation or 61569
administration of section 3318.48 of the Revised Code, the 61570
references shall be deemed to refer to the Commission or the 61571
Director of the Commission. No action or proceeding pending on the 61572
effective date of this section relating to the implementation or 61573
administration of Chapter 3318. of the Revised Code is affected by 61574

the transfer. In all such actions and proceedings, the Commission 61575
or the Director shall be substituted as a party upon application 61576
by the receiving entity to the court or other appropriate 61577
tribunal. 61578

Section 315.09. ELIMINATION OF THE OHIO EDUCATIONAL 61579
TELECOMMUNICATIONS NETWORK COMMISSION 61580

(A) Effective July 1, 2005, the Ohio Educational 61581
Telecommunications Network Commission is abolished and, subject to 61582
the recommendations of any task force appointed by the Governor to 61583
consider issues of administrative reorganization and approved by 61584
the Governor, its functions, assets, and liabilities, including 61585
but not limited to vehicles and equipment assigned to employees of 61586
the Commission and records of the Commission regardless of form or 61587
medium, are transferred to the agency designated by the Governor. 61588
The agency is thereupon and thereafter successor to, assumes the 61589
obligations of, and otherwise constitutes the continuation of the 61590
Ohio Educational Telecommunications Network Commission. The 61591
functions of the Executive Director of the Commission are 61592
thereupon and thereafter transferred to the chief administrator of 61593
the agency designated by the Governor. 61594

Any business commenced but not completed by the Ohio 61595
Educational Telecommunications Network Commission or the Executive 61596
Director of the Commission on July 1, 2005, shall be completed by 61597
the agency designated by the Governor or the chief administrator 61598
of that agency, respectively, in the same manner, and with the 61599
same effect, as if completed by the Ohio Educational 61600
Telecommunications Network Commission or the Executive Director of 61601
the Commission. No validation, cure, right, privilege, remedy, 61602
obligation, or liability is lost or impaired by reason of the 61603
transfer required under this section and shall be administered by 61604
the agency designated by the Governor. All of the Ohio Educational 61605

Telecommunications Network Commission's rules, orders, and 61606
determinations continue in effect as rules, orders, and 61607
determinations of the agency designated by the Governor, until 61608
modified or rescinded by that agency. If necessary to ensure the 61609
integrity of the Administrative Code, the Director of the 61610
Legislative Service Commission shall renumber the Ohio Educational 61611
Telecommunications Network Commission's rules to reflect their 61612
transfer to the agency designated by the Governor. 61613

(B) Employees of the Ohio Educational Telecommunications 61614
Network Commission shall be transferred to the agency designated 61615
by the Governor or dismissed in accordance with recommendations 61616
approved by the Governor under division (A) of this section. 61617
Subject to lay-off provisions of sections 124.321 to 124.328 of 61618
the Revised Code, and any applicable collective bargaining 61619
agreement entered into under Chapter 4117. of the Revised Code, 61620
those employees of the Ohio Educational Telecommunications Network 61621
Commission so transferred to the agency designated by the Governor 61622
retain their positions and all of the benefits accruing thereto. 61623
Employees of the Ohio Educational Telecommunications Network 61624
Commission so dismissed cease to hold their positions of 61625
employment on July 1, 2005. 61626

(C) No judicial or administrative action or proceeding in 61627
which the Ohio Educational Telecommunications Network Commission 61628
or the Executive Director of the Commission is a party that is 61629
pending on July 1, 2005, is affected by the transfer of functions 61630
under division (A) of this section. Such action or proceeding 61631
shall be prosecuted or defended in the name of the Director of the 61632
Office of Budget and Management. On application to the court or 61633
other tribunal, the Director of the Office of Budget and 61634
Management shall be substituted for the Executive Director of the 61635
Commission as a party to such action or proceeding. 61636

(D) On and after July 1, 2005, when the Ohio Educational 61637

Telecommunications Network Commission or the Executive Director of 61638
the Ohio Educational Telecommunications Network Commission is 61639
referred to in any statute, rule, contract, grant, or other 61640
document, the reference is hereby deemed to refer to the agency 61641
designated by the Governor or the chief administrator of that 61642
agency, respectively. 61643

Section 315.10. ELIMINATION OF THE OHIO SCHOOLNET COMMISSION 61644

(A) Effective July 1, 2005, the Ohio SchoolNet Commission is 61645
abolished and, subject to the recommendations of any task force 61646
appointed by the Governor to consider issues of administrative 61647
reorganization and approved by the Governor, its functions, 61648
assets, and liabilities, including, but not limited to, vehicles 61649
and equipment assigned to employees of the Commission and records 61650
of the Commission regardless of form or medium, are transferred to 61651
the agency designated by the Governor. The agency is thereupon and 61652
thereafter successor to, assumes the obligations of, and otherwise 61653
constitutes the continuation of the Ohio SchoolNet Commission. The 61654
functions of the Executive Director of the Commission are 61655
thereupon and thereafter transferred to the chief administrator of 61656
the agency designated by the Governor. 61657

Any business commenced but not completed by the Ohio 61658
SchoolNet Commission or the Executive Director of the Commission 61659
on July 1, 2005, shall be completed by the agency designated by 61660
the Governor or the chief administrator of that agency, 61661
respectively, in the same manner, and with the same effect, as if 61662
completed by the Ohio SchoolNet Commission or the Executive 61663
Director of the Commission. No validation, cure, right, privilege, 61664
remedy, obligation, or liability is lost or impaired by reason of 61665
the transfer required under this section and shall be administered 61666
by the agency designated by the Governor. All of the Ohio 61667
SchoolNet Commission's rules, orders, and determinations continue 61668

in effect as rules, orders, and determinations of the agency 61669
designated by the Governor, until modified or rescinded by that 61670
agency. If necessary to ensure the integrity of the Administrative 61671
Code, the Director of the Legislative Service Commission shall 61672
renumber the Ohio SchoolNet Commission's rules to reflect their 61673
transfer to the agency designated by the Governor. 61674

(B) Employees of the Ohio SchoolNet Commission shall be 61675
transferred to the agency designated by the Governor or dismissed 61676
in accordance with recommendations approved by the Governor under 61677
division (A) of this section. Subject to lay-off provisions of 61678
sections 124.321 to 124.328 of the Revised Code, those employees 61679
of the Ohio SchoolNet Commission so transferred to the agency 61680
designated by the Governor retain their positions and all of the 61681
benefits accruing thereto. Employees of the Ohio SchoolNet 61682
Commission so dismissed cease to hold their positions of 61683
employment on July 1, 2005. 61684

Ohio SchoolNet Commission employees transferred under 61685
provisions of this section shall remain in the unclassified 61686
service of the state. 61687

The reassignment of the functions and duties of Ohio 61688
SchoolNet Commission employees under this section is not a subject 61689
appropriate for collective bargaining under Chapter 4117. of the 61690
Revised Code. All positions of any Ohio SchoolNet Commission 61691
employees transferred to the agency designated by the Governor 61692
under this section shall not be subject to Chapter 4117. of the 61693
Revised Code in the same manner as when those positions were under 61694
the authority of the Ohio SchoolNet Commission. 61695

(C) No judicial or administrative action or proceeding in 61696
which the Ohio SchoolNet Commission or the Executive Director of 61697
the Commission is a party that is pending on July 1, 2005, is 61698
affected by the transfer of functions under division (A) of this 61699

section. Such action or proceeding shall be prosecuted or defended 61700
in the name of the Director of the Office of Budget and 61701
Management. On application to the court or other tribunal, the 61702
Director of the Office of Budget and Management shall be 61703
substituted for the Executive Director of the Commission as a 61704
party to such action or proceeding. 61705

(D) On and after July 1, 2005, when the Ohio SchoolNet 61706
Commission or the Executive Director of the Ohio SchoolNet 61707
Commission is referred to in any statute, rule, contract, grant, 61708
or other document, the reference is hereby deemed to refer to the 61709
agency designated by the Governor or the chief administrator of 61710
that agency, respectively. 61711

Section 315.11. TRANSFER OF FUNDS TO THE AGENCIES 61712

On and after July 1, 2005, notwithstanding any provision of 61713
law to the contrary, the Director of Budget and Management is 61714
authorized to take the actions described in this section with 61715
respect to budget changes made necessary by administrative 61716
reorganization, program transfers, the creation of new funds, and 61717
the consolidation of funds as authorized by this act. The Director 61718
may make any transfer of cash balances between funds. At the 61719
request of the Director, the controlling authority of the agencies 61720
designated by the Governor under Section 315.09 or 315.10 of this 61721
act shall certify to the Director an estimate of the amount of the 61722
cash balance to be transferred to the receiving funds. The 61723
Director may transfer the estimated amount when needed to make 61724
payments. Not more than thirty days after certifying the estimated 61725
amount, the controlling authority of the agencies shall certify 61726
the final amount to the Director. The Director shall transfer the 61727
difference between any amount previously transferred and the 61728
certified final amount. The Director may cancel encumbrances and 61729
re-establish encumbrances or parts of encumbrances as needed in 61730

fiscal year 2006 in the appropriate funds and appropriation items 61731
for the same purposes. The appropriation authority necessary to 61732
re-establish such encumbrances in fiscal year 2006 as determined 61733
by the Director, in a different fund or appropriation item, within 61734
an agency or between agencies, is hereby appropriated. When 61735
re-established encumbrances or parts of re-established 61736
encumbrances are cancelled, the Director shall reduce the 61737
appropriations for these respective funds and appropriation items 61738
by the amount of the encumbrances cancelled. The amounts cancelled 61739
are hereby authorized. Any fiscal year 2005 unencumbered or 61740
unallotted appropriation balances may be transferred to the 61741
appropriate funds and appropriation items to be used for the same 61742
purposes, as determined by the Director. The amounts transferred 61743
are hereby appropriated. 61744

Section 318.03. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 61745

Certain appropriations are in this act for the purpose of 61746
paying debt service and financing costs on general obligation 61747
bonds or notes of the state issued pursuant to the Ohio 61748
Constitution and acts of the General Assembly. If it is determined 61749
that additional appropriations are necessary for this purpose, 61750
such amounts are hereby appropriated. 61751

Section 318.06. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 61752
STATE 61753

Certain appropriations are in this act for the purpose of 61754
making lease payments pursuant to leases and agreements relating 61755
to bonds or notes issued by the Ohio Building Authority or the 61756
Treasurer of State or, previously, by the Ohio Public Facilities 61757
Commission, pursuant to the Ohio Constitution and acts of the 61758
General Assembly. If it is determined that additional 61759
appropriations are necessary for this purpose, such amounts are 61760

hereby appropriated.

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Section 318.09. AUTHORIZATION FOR TREASURER OF STATE AND OBM
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS

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The Office of Budget and Management shall initiate and
process disbursements from general obligation and lease rental
payment appropriation items during the period from July 1, 2005,
to June 30, 2007, relating to bonds or notes issued under Sections
2i, 2k, 2l, 2m, 2n, 2o, and 15 of Article VIII, Ohio Constitution,
and Chapters 151. and 154. of the Revised Code. Disbursements
shall be made upon certification by the Treasurer of State of the
dates and the amounts due on those dates.

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Section 318.12. ISSUANCE OF OBLIGATIONS BY THE OHIO COAL
DEVELOPMENT OFFICE

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The Ohio Public Facilities Commission, upon the request of
the Director of the Ohio Coal Development Office of the Ohio Air
Quality Development Authority with the advice of the Technical
Advisory Committee created in section 1551.35 of the Revised Code
and the approval of the Executive Director of the Ohio Air Quality
Development Authority, is hereby authorized to issue and sell, in
accordance with Section 15 of Article VIII, Ohio Constitution, and
Chapter 151. and particularly sections 151.01 and 151.07 of the
Revised Code, bonds and other obligations of the State of Ohio in
an aggregate principal amount not to exceed \$15,000,000 in
addition to the issuance of obligations heretofore authorized by
prior acts of the General Assembly. The obligations shall be
dated, issued, and sold from time to time in such amounts as may
be necessary to provide sufficient moneys to the credit of the
Coal Research and Development Fund created in section 1555.15 of
the Revised Code to pay costs charged to the fund when due.

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Section 321.03. STATE AND LOCAL REBATE AUTHORIZATION 61790

There is hereby appropriated, from those funds designated by 61791
or pursuant to the applicable proceedings authorizing the issuance 61792
of state obligations, amounts computed at the time to represent 61793
the portion of investment income to be rebated or amounts in lieu 61794
of or in addition to any rebate amount to be paid to the federal 61795
government in order to maintain the exclusion from gross income 61796
for federal income tax purposes of interest on those state 61797
obligations under section 148(f) of the Internal Revenue Code. 61798

Rebate payments shall be approved and vouchered by the Office 61799
of Budget and Management. 61800

Section 321.06. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 61801

Pursuant to the plan for compliance with the Federal Cash 61802
Management Improvement Act required by section 131.36 of the 61803
Revised Code, the Director of Budget and Management may cancel and 61804
re-establish all or part of encumbrances in like amounts within 61805
the funds identified by the plan. The amounts necessary to 61806
re-establish all or part of encumbrances are hereby appropriated. 61807

Section 321.09. STATEWIDE INDIRECT COST RECOVERY 61808

Whenever the Director of Budget and Management determines 61809
that an appropriation made to a state agency from a fund of the 61810
state is insufficient to provide for the recovery of statewide 61811
indirect costs under section 126.12 of the Revised Code, the 61812
amount required for such purpose is hereby appropriated from the 61813
available receipts of such fund. 61814

Section 321.10. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 61815
INDIRECT COST ALLOCATION PLAN 61816

The total transfers made from the General Revenue Fund by the 61817

Director of Budget and Management under this section shall not
exceed the amounts transferred into the General Revenue Fund under
division (B) of section 126.12 of the Revised Code.

The director of an agency may certify to the Director of
Budget and Management the amount of expenses not allowed to be
included in the Statewide Indirect Cost Allocation Plan under
federal regulations, from any fund included in the Statewide
Indirect Cost Allocation Plan, prepared as required by section
126.12 of the Revised Code.

Upon determining that no alternative source of funding is
available to pay for such expenses, the Director of Budget and
Management may transfer from the General Revenue Fund into the
fund for which the certification is made, up to the amount of the
certification. The director of the agency receiving such funds
shall include, as part of the next budget submission prepared
under section 126.02 of the Revised Code, a request for funding
for such activities from an alternative source such that further
federal disallowances would not be required.

Section 321.11. FEDERAL GOVERNMENT INTEREST REQUIREMENTS

Notwithstanding any provision of law to the contrary, on or
before the first day of September of each fiscal year, the
Director of Budget and Management, in order to reduce the payment
of adjustments to the federal government, as determined by the
plan prepared under division (A) of section 126.12 of the Revised
Code, may designate such funds as the director considers necessary
to retain their own interest earnings.

Section 403.05. That Section 4 of Am. Sub. H.B. 516 of the
125th General Assembly be amended to read as follows:

Sec. 4. The following agencies shall be retained pursuant to

division (D) of section 101.83 of the Revised Code and shall		61847
expire on December 31, 2010:		61848
	REVISED CODE	61849
	OR	
	UNCODIFIED	61850
AGENCY NAME	SECTION	61851
Administrator, Interstate Compact on Mental Health	5119.50	61852
Administrator, Interstate Compact on Placement of Children	5103.20	61853 61854
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	61855
Advisory Boards to the EPA for Air Pollution	121.13	61856
Advisory Boards to the EPA for Water Pollution	121.13	61857
Advisory Committee of the State Veterinary Medical Licensing Board	4741.03(D)(3)	61858
Advisory Committee on Livestock Exhibitions	901.71	61859
Advisory Council on Amusement Ride Safety	1711.51	61860
Advisory Board of Directors for Prison Labor	5145.162	61861
Advisory Council for Each Wild, Scenic, or Recreational River Area	1517.18	61862
Advisory Councils or Boards for State Departments	107.18 or 121.13	61863
Advisory Group to the Ohio Water Resources Council	1521.19(C)	61864
Alzheimer's Disease Task Force	173.04(F)	61865
AMBER Alert Advisory Committee	5502.521	61866
Apprenticeship Council	4139.02	61867
Armory Board of Control	5911.09	61868
Automated Title Processing Board	4505.09(C)(1)	61869
Banking Commission	1123.01	61870
Board of Directors of the Ohio Health Reinsurance Program	3924.08	61871
Board of Voting Machine Examiners	3506.05(B)	61872

Board of Tax Appeals	5703.02	61873
Brain Injury Advisory Committee	3304.231	61874
Capitol Square Review and Advisory Board	105.41	61875
Child Support Guideline Advisory Council	3119.024	61876
Children's Trust Fund Board	3109.15	61877
Citizens Advisory Committee (BMV)	4501.025	61878
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	61879
Clean Ohio Trail Advisory Board	1519.06	61880
Coastal Resources Advisory Council	1506.12	61881
Commission on African-American Males	4112.12	61882
Commission on Hispanic-Latino Affairs	121.31	61883
Commission on Minority Health	3701.78	61884
Committee on Prescriptive Governance	4723.49	61885
Commodity Advisory Commission	926.32	61886
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	61887
Community Oversight Council	3311.77	61888
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	61889
Consumer Advisory Committee to the Rehabilitation Services Commission	3304.24	61890
Continuing Education Committee (for Sheriffs)	109.80	61891
Controlling Board	127.12	61892
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	61893
Council on Alcohol and Drug Addiction Services	3793.09	61894
Council on Unreclaimed Strip Mined Lands	1513.29	61895
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	61896
County Sheriffs' Standard Car-Marking and Uniform	311.25	61897

Commission		
Credit Union Council	1733.329	61898
Criminal Sentencing Advisory Committee	181.22	61899
Day-Care Advisory Council	5104.08	61900
Dentist Loan Repayment Advisory Board	3702.92	61901
Development Financing Advisory Council	122.40	61902
Education Commission of the States (Interstate Compact for Education)	3301.48	61903
Electrical Safety Inspector Advisory Committee	3783.08	61904
Emergency Response Commission	3750.02	61905
Engineering Experiment Station Advisory Committee	3335.27	61906
Environmental Education Council	3745.21	61907
Environmental Review Appeals Commission	3745.02	61908
EPA Advisory Boards or Councils	121.13	61909
Farmland Preservation Advisory Board	901.23	61910
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	61911
Financial Planning & Supervision Commission for School District	3316.05	61912
Forestry Advisory Council	1503.40	61913
Governance Authority for a State University or College	3345.75	61914
Governor's Advisory Council on Physical Fitness, Wellness, & Sports	3701.77	61915
Governor's Council on People with Disabilities	3303.41	61916
Governor's Residence Advisory Commission	107.40	61917
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	61918
Gubernatorial Transition Committee	107.29	61919
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	61920
Hemophilia Advisory Subcommittee	3701.0210	61921
Housing Trust Fund Advisory Committee	175.25	61922

Industrial Commission Nominating Council	4121.04	61923
Industrial Technology and Enterprise Advisory Council	122.29	61924
Infant Hearing Screening Subcommittee	3701.507	61925
Insurance Agent Education Advisory Council	3905.483	61926
Interagency Council on Hispanic/Latino Affairs	121.32(J)	61927
Interstate Mining Commission (Interstate Mining Compact)	1514.30	61928
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	61929
Joint Council on MR/DD	101.37	61930
Joint Select Committee on Volume Cap	133.021	61931
Labor-Management Government Advisory Council	4121.70	61932
Legal Rights Service Commission	5123.60	61933
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	61934
Maternal and Child Health Council	3701.025	61935
Medically Handicapped Children's Medical Advisory Council	3701.025	61936
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	61937
Military Activation Task Force	5902.15	61938
Milk Sanitation Board	917.03	61939
Mine Subsidence Insurance Governing Board	3929.51	61940
Minority Development Financing Board	122.72	61941
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	61942
Multidisciplinary Council	3746.03	61943
Muskingum River Advisory Council	1501.25	61944
National Museum of Afro-American History and Culture Planning Committee	149.303	61945
Nursing Facility Reimbursement Study Council	5111.34	61946

Ohio Advisory Council for the Aging	173.03	61947
Ohio Aerospace & Defense Advisory Council	122.98	61948
Ohio Arts Council	3379.02	61949
Ohio Business Gateway Steering Committee	5703.57	61950
Ohio Cemetery Dispute Resolution Commission	4767.05	61951
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	61952
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	61953
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	61954
Ohio Commission on Dispute Resolution and Conflict Management	179.02	61955
Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	61956
Ohio Community Service Council	121.40	61957
Ohio Council for Interstate Adult Offender Supervision	5149.22	61958
Ohio Cultural Facilities Commission	3383.02	61959
Ohio Developmental Disabilities Council	5123.35	61960
Ohio Educational Telecommunications Network Commission	3353.02	61961
Ohio Ethics Commission	102.05	61962
Ohio Expositions Commission	991.02	61963
Ohio Family and Children First Cabinet Council	121.37	61964
Ohio Geology Advisory Council	1505.11	61965
Ohio Grape Industries Committee	924.51	61966
Ohio Hepatitis C Advisory Commission	3701.92	61967
Ohio Historic Site Preservation Advisory Board	149.301	61968
Ohio Historical Society Board of Trustees	149.30	61969
Ohio Judicial Conference	105.91	61970
Ohio Lake Erie Commission	1506.21	61971

Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	61972
Ohio Medical Quality Foundation	3701.89	61973
Ohio Parks and Recreation Council	1541.40	61974
Ohio Peace Officer Training Commission	109.71	61975
Ohio Public Defender Commission	120.01	61976
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	61977
Ohio Public Works Commission	164.02	61978
Ohio Quarter Horse Development Commission	3769.086	61979
Ohio SchoolNet Commission	3301.80	61980
Ohio Small Government Capital Improvements Commission	164.02	61981
Ohio Soil and Water Conservation Commission	1515.02	61982
Ohio Standardbred Development Commission	3769.085	61983
Ohio Steel Industry Advisory Council	122.97	61984
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	61985
Ohio Thoroughbred Racing Advisory Committee	3769.084	61986
Ohio Tuition Trust Authority	3334.03	61987
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	61988
Ohio Vendors Representative Committee	3304.34	61989
Ohio War Orphans Scholarship Board	5910.02	61990
Ohio Water Advisory Council	1521.031	61991
Ohio Water Resources Council	1521.19	61992

Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	61993
Oil and Gas Commission	1509.35	61994
Operating Committee, Agricultural Commodity Marketing Programs	924.07	61995
Organized Crime Investigations Commission	177.01	61996
Parole Board	5149.10	61997
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81	61998
Physician Loan Repayment Advisory Board	3702.81	61999
Power Siting Board	4906.02	62000
Prequalification Review Board	5525.07	62001
Private Water Systems Advisory Council	3701.346	62002
Public Employment Risk Reduction Advisory Commission	4167.02	62003
Public Health Council	3701.33	62004
Public Utilities Commission Nominating Council	4901.021	62005
Public Utility Property Tax Study Committee	5727.85	62006
Radiation Advisory Council	3748.20	62007
Reclamation Commission	1513.05	62008
Recreation and Resources Commission	1501.04	62009
Recycling and Litter Prevention Advisory Council	1502.04	62010
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	62011
Release Authority of Department of Youth Services	5139.50	62012
Savings & Loans Associations & Savings Banks Board	1181.16	62013
Schools and Ministerial Lands Divestiture Committee	501.041	62014
Second Chance Trust Fund Advisory Committee	2108.17	62015
Self-Insuring Employers Evaluation Board	4123.352	62016
Services Committee of the Workers' Compensation System	4121.06	62017
Small Business Stationary Source Technical and	3704.19	62018

Environmental Compliance Assistance Council		
Solid Waste Management Advisory Council	3734.51	62019
State Agency Coordinating Group	1521.19	62020
State Board of Deposit	135.02	62021
State Board of Emergency Medical Services	4765.04	62022
Subcommittees		
State Council of Uniform State Laws	105.21	62023
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	62024
State Criminal Sentencing Commission	181.21	62025
State Employment Relations Board	4117.02	62026
State Fire Commission	3737.81	62027
State Racing Commission	3769.02	62028
State Victims Assistance Advisory Committee	109.91	62029
Student Tuition Recovery Authority	3332.081	62030
Tax Credit Authority	122.17	62031
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	62032
Technical Advisory Council on Oil and Gas	1509.38	62033
Transportation Review Advisory Council	5512.07	62034
Unemployment Compensation Review Commission	4141.06	62035
Unemployment Compensation Advisory Council	4141.08	62036
Utility Radiological Safety Board	4937.02	62037
Vehicle Management Commission	125.833	62038
Veterans Advisory Committee	5902.02(K)	62039
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	62040
Water and Sewer Commission	1525.11(C)	62041
Waterways Safety Council	1547.73	62042
Wildlife Council	1531.03	62043
Workers' Compensation System Oversight Commission	4121.12	62044
Workers' Compensation Oversight Commission	4121.123	62045

Nominating Committee

Section 403.06. That existing Section 4 of Am. Sub. H.B. 516 62046
of the 125th General Assembly is hereby repealed. 62047

Section 403.11. That Section 3 of Am. Sub. H.B. 621 of the 62048
122nd General Assembly, as most recently amended by Am. Sub. H.B. 62049
95 of the 125th General Assembly, be amended to read as follows: 62050

Sec. 3. That sections 166.031, 901.80, 901.81, 901.82, and 62051
901.83 of the Revised Code are hereby repealed, effective October 62052
15, ~~2005~~ 2007. 62053

Section 403.12. That existing Section 3 of Am. Sub. H.B. 621 62054
of the 122nd General Assembly, as most recently amended by Am. 62055
Sub. H.B. 95 of the 125th General Assembly, is hereby repealed. 62056

Section 403.17. That Section 153 of Am. Sub. H.B. 117 of the 62057
121st General Assembly, as most recently amended by Am. Sub. H.B. 62058
95 of the 125th General Assembly, be amended to read as follows: 62059

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 62060
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 62061
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 62062
repealed, effective October 16, ~~2005~~ 2007. 62063

(B) Any money remaining in the Legislative Budget Services 62064
Fund on October 16, ~~2005~~ 2007, the date that section 5112.19 of 62065
the Revised Code is repealed by division (A) of this section, 62066
shall be used solely for the purposes stated in then former 62067
section 5112.19 of the Revised Code. When all money in the 62068
Legislative Budget Services Fund has been spent after then former 62069
section 5112.19 of the Revised Code is repealed under division (A) 62070
of this section, the fund shall cease to exist. 62071

Section 403.18. That existing Section 153 of Am. Sub. H.B. 62072
117 of the 121st General Assembly, as most recently amended by Am. 62073
Sub. H.B. 95 of the 125th General Assembly, is hereby repealed. 62074

Section 403.23. That Section 5 of Am. Sub. S.B. 50 of the 62075
121st General Assembly, as most recently amended by Am. Sub. H.B. 62076
95 of the 125th General Assembly, be amended to read as follows: 62077

Sec. 5. Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st 62078
General Assembly shall take effect July 1, ~~2005~~ 2007. 62079

Section 403.24. That existing Section 5 of Am. Sub. S.B. 50 62080
of the 121st General Assembly, as most recently amended by Am. 62081
Sub. H.B. 95 of the 125th General Assembly is hereby repealed. 62082

Section 490.03. Section 59.19 of Am. Sub. H.B. 95 of the 62083
125th General Assembly is hereby repealed. 62084

Section 557.03. A credit is hereby allowed against the 62085
additional estate tax imposed by section 5731.18 of the Revised 62086
Code on the estate of a decedent who dies on or after January 1, 62087
2002, but before the effective date of that section as amended by 62088
this act. The credit shall equal that portion of the additional 62089
estate tax imposed by section 5731.18 of the Revised Code that is 62090
over and above the additional estate tax that would have been 62091
imposed if the tax levied by division (A) of that section had been 62092
an amount equal to the maximum credit allowable by section 2011 of 62093
the Internal Revenue Code that was in effect and applicable on the 62094
date of such decedent's death for any taxes paid to any state. 62095

Section 557.06. (A) As used in this section, "net additional 62096
tax" means the net additional amount of tax resulting from the 62097
amendment by this act of section 5743.02 of the Revised Code that 62098

is due on all packages of Ohio stamped cigarettes and on all 62099
unaffixed Ohio cigarette tax stamps that a wholesale or retail 62100
dealer has on hand as of the beginning of business on July 1, 62101
2005. 62102

(B) In addition to the return required under section 5743.03 62103
of the Revised Code, each wholesale dealer and each retail dealer 62104
shall make and file a return on forms prescribed by the tax 62105
commissioner showing the net additional tax due and any other 62106
information that the commissioner considers necessary to apply 62107
sections 5743.01 to 5743.20 of the Revised Code in the 62108
administration of the net additional tax. On or before August 31, 62109
2005, each wholesale dealer and each retail dealer shall deliver 62110
the return to the treasurer of state, together with remittance of 62111
the net additional tax shown on the return to be due. The 62112
treasurer of state shall stamp or otherwise mark on the return the 62113
date on which the return and remittance were received by the 62114
treasurer of state and also shall show on the return by stamp or 62115
otherwise the amount of the tax payment remitted with the return. 62116
Upon receipt, the treasurer of state shall immediately transmit 62117
all returns filed under this section to the commissioner. 62118

(C) Any wholesale or retail dealer who fails to file a return 62119
or remit net additional tax as required under this section shall 62120
forfeit and pay into the state treasury a late charge equal to 62121
fifty dollars or ten per cent of the net additional tax due, 62122
whichever is greater. If the net additional tax, or any portion 62123
thereof, whether determined by the commissioner or the wholesale 62124
or retail dealer, is not paid on or before the date prescribed for 62125
payment under this section, interest shall accrue on the unpaid 62126
amount at the rate per annum required by section 5703.47 of the 62127
Revised Code from the date prescribed for payment of the net 62128
additional tax to the date of payment or to the date the 62129
commissioner issues an assessment under section 5743.081 or 62130

5743.082 of the Revised Code, whichever occurs first. Interest 62131
shall be paid and collected in the same manner as the net 62132
additional tax. 62133

(D) Unpaid or unreported net additional taxes, late charges, 62134
and interest may be collected by assessment in the manner 62135
prescribed under sections 5743.081 and 5743.082 of the Revised 62136
Code. 62137

(E) All amounts collected under this section shall be 62138
considered revenue arising from the tax imposed by section 5743.02 62139
of the Revised Code. 62140

Section 557.09. (A) This section applies only to the 62141
semiannual period from July 1, 2005, to December 31, 2005. 62142

Notwithstanding any provision of Chapter 5751. of the Revised 62143
Code as enacted by this act, for purposes of making the first 62144
payment of the tax imposed under that chapter, a tax return for 62145
both calendar year and calendar quarter taxpayers for that 62146
semiannual period shall be filed not later than February 10, 2006. 62147
The semiannual tax payment for all taxpayers for that semiannual 62148
period shall be fifty dollars for the first five hundred thousand 62149
dollars in taxable gross receipts during that semiannual period. 62150
In addition, a tax is imposed on all taxable gross receipts for 62151
that semiannual period in excess of five hundred thousand dollars. 62152
Such tax shall equal the product of six-tenths of one mill per 62153
dollar (the result of rounding twenty-three per cent of two and 62154
six-tenths mills) times the remaining amount of taxable gross 62155
receipts after subtracting five hundred thousand dollars in 62156
taxable gross receipts. 62157

(B) Only persons excluded pursuant to division (D)(1) to (4) 62158
of section 5751.01 of the Revised Code, as enacted by this act, 62159
and persons with less than forty thousand dollars in taxable gross 62160

receipts during calendar year 2005 are not subject to this 62161
section. 62162

(C) The tax commissioner shall take the necessary steps to 62163
implement this section and use money in the commercial tax 62164
administrative fund to promote awareness of the tax imposed under 62165
this section and under Chapter 5751. of the Revised Code as 62166
enacted by this act by means of advertising and other reasonable 62167
means. 62168

Section 557.12. ADJUSTMENT TO LOCAL GOVERNMENT DISTRIBUTIONS 62169

(A) On or before the seventh day of each month of the period 62170
July 2005 through June 2007, the Tax Commissioner shall determine 62171
and certify to the Director of Budget and Management the amount to 62172
be credited, by tax, during that month to the Local Government 62173
Fund, to the Library and Local Government Support Fund, and to the 62174
Local Government Revenue Assistance Fund, respectively, under 62175
divisions (B) to (G) of this section. 62176

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12, 62177
5739.21, 5741.03, and 5747.03 of the Revised Code to the contrary, 62178
for each month in the period July 1, 2005, through June 30, 2007, 62179
from the utility excise, kilowatt-hour, corporation franchise, 62180
sales and use, and personal income taxes collected: 62181

(1) An amount shall first be credited to the Local Government 62182
Fund equal to the amount credited to that fund from that tax 62183
according to the schedule in divisions (C), (D), (E), and (F) of 62184
this section; 62185

(2) An amount shall next be credited to the Local Government 62186
Revenue Assistance Fund equal to the amount credited to that fund 62187
from that tax according to the schedule in divisions (C), (D), 62188
(E), and (F) of this section; 62189

(3) An amount shall next be credited to the Library and Local 62190

Government Support Fund equal to the amount credited to that fund 62191
from that tax according to the schedule in division (G) of this 62192
section. 62193

(C) Pursuant to divisions (B)(1) and (2) of this section, the 62194
amounts shall be credited from the corporation franchise, sales 62195
and use, and personal income taxes to each respective fund as 62196
follows: 62197

(1) In July 2005, one hundred per cent of the amount credited 62198
in July 2004; in July 2006, eighty per cent of the amount credited 62199
in July 2005; 62200

(2) In August 2005, one hundred per cent of the amount 62201
credited in August 2004; in August 2006, eighty per cent of the 62202
amount credited in August 2005; 62203

(3) In September 2005, one hundred per cent of the amount 62204
credited in September 2004; in September 2006, eighty per cent of 62205
the amount credited in September 2005; 62206

(4) In October 2005, one hundred per cent of the amount 62207
credited in October 2004; in October 2006, eighty per cent of the 62208
amount credited in October 2005; 62209

(5) In November 2005, one hundred per cent of the amount 62210
credited in November 2004; in November 2006, eighty per cent of 62211
the amount credited in November 2005; 62212

(6) In December 2005, eighty per cent of the amount credited 62213
in December 2004; in December 2006, one hundred per cent of the 62214
amount credited in December 2005; 62215

(7) In January 2006, eighty per cent of the amount credited 62216
in January 2005; in January 2007, one hundred per cent of the 62217
amount credited in January 2006; 62218

(8) In February 2006, eighty per cent of the amount credited 62219
in February 2005; in February 2007, one hundred per cent of the 62220

amount credited in February 2006; 62221

(9) In March 2006, eighty per cent of the amount credited in 62222
March 2005; in March 2007, one hundred per cent of the amount 62223
credited in March 2006; 62224

(10) In April 2006, eighty per cent of the amount credited in 62225
April 2005; in April 2007, one hundred per cent of the amount 62226
credited in April 2006; 62227

(11) In May 2006, eighty per cent of the amount credited in 62228
May 2005; in May 2007, one hundred per cent of the amount credited 62229
in May 2006; 62230

(12) In June 2006, eighty per cent of the amount credited in 62231
June 2005; in June 2007, one hundred per cent of the amount 62232
credited in June 2006. 62233

(D) Pursuant to divisions (B)(1) and (2) of this section, 62234
from the public utility excise tax, amounts shall be credited to 62235
the Local Government Fund and the Local Government Revenue 62236
Assistance Fund as follows: 62237

(1) In July 2005 and July 2006, no amount shall be credited 62238
to the Local Government Fund and no amount shall be credited to 62239
the Local Government Revenue Assistance Fund; 62240

(2) In August 2005, \$5,575.79 shall be credited to the Local 62241
Government Fund and \$796.54 shall be credited to the Local 62242
Government Revenue Assistance Fund; in August 2006, \$5,018.21 62243
shall be credited to the Local Government Fund and \$716.89 shall 62244
be credited to the Local Government Revenue Assistance Fund; 62245

(3) In September 2005, \$2.58 shall be credited to the Local 62246
Government Fund and \$0.37 shall be credited to the Local 62247
Government Revenue Assistance Fund; in September 2006, \$2.32 shall 62248
be credited to the Local Government Fund and \$0.34 shall be 62249
credited to the Local Government Revenue Assistance Fund; 62250

(4) In October 2005, \$3,418,057.02 shall be credited to the 62251
Local Government Fund and \$488,293.86 shall be credited to the 62252
Local Government Revenue Assistance Fund; in October 2006, 62253
\$3,076,251.32 shall be credited to the Local Government Fund and 62254
\$439,464.48 shall be credited to the Local Government Revenue 62255
Assistance Fund; 62256

(5) In November 2005, \$454,893.03 shall be credited to the 62257
Local Government Fund and \$64,984.72 shall be credited to the 62258
Local Government Revenue Assistance Fund; in November 2006, 62259
\$409,403.73 shall be credited to the Local Government Fund and 62260
\$58,486.25 shall be credited to the Local Government Revenue 62261
Assistance Fund; 62262

(6) In December 2005 and December 2006, \$473,674.39 shall be 62263
credited to the Local Government Fund and \$67,667.79 shall be 62264
credited to the Local Government Revenue Assistance Fund; 62265

(7) In January 2006 and January 2007, \$56.92 shall be 62266
credited to the Local Government Fund and \$8.13 shall be credited 62267
to the Local Government Revenue Assistance Fund; 62268

(8) In February 2006 and February 2007, \$593,149.60 shall be 62269
credited to the Local Government Fund and \$84,735.65 shall be 62270
credited to the Local Government Revenue Assistance Fund; 62271

(9) In March 2006 and March 2007, \$3,076,775.40 shall be 62272
credited to the Local Government Fund and \$439,539.35 shall be 62273
credited to the Local Government Revenue Assistance Fund; 62274

(10) In April 2006 and April 2007, \$398.38 shall be credited 62275
to the Local Government Fund and \$56.91 shall be credited to the 62276
Local Government Revenue Assistance Fund; 62277

(11) In May 2006 and May 2007, \$1,292,231.19 shall be 62278
credited to the Local Government Fund and \$184,604.45 shall be 62279
credited to the Local Government Revenue Assistance Fund; 62280

(12) In June 2006 and June 2007, \$3,658,372.10 shall be 62281
credited to the Local Government Fund and \$522,624.59 shall be 62282
credited to the Local Government Revenue Assistance Fund. 62283

(E) Pursuant to divisions (B)(1) and (2) of this section, 62284
from the kilowatt-hour tax, amounts shall be credited to the Local 62285
Government Fund and the Local Government Revenue Assistance Fund 62286
as follows: 62287

(1) In July 2005 and July 2006, no amount shall be credited 62288
to the Local Government Fund and no amount shall be credited to 62289
the Local Government Revenue Assistance Fund; 62290

(2) In August 2005, \$7,242.11 shall be credited to the Local 62291
Government Fund and \$1,034.58 shall be credited to the Local 62292
Government Revenue Assistance Fund; in August 2006, \$6,517.90 62293
shall be credited to the Local Government Fund and \$931.12 shall 62294
be credited to the Local Government Revenue Assistance Fund; 62295

(3) In September 2005, \$3.34 shall be credited to the Local 62296
Government Fund and \$0.48 shall be credited to the Local 62297
Government Revenue Assistance Fund; in September 2006, \$3.01 shall 62298
be credited to the Local Government Fund and \$0.43 shall be 62299
credited to the Local Government Revenue Assistance Fund; 62300

(4) In October 2005, \$4,439,545.32 shall be credited to the 62301
Local Government Fund and \$634,220.76 shall be credited to the 62302
Local Government Revenue Assistance Fund; in October 2006, 62303
\$3,995,590.79 shall be credited to the Local Government Fund and 62304
\$570,798.68 shall be credited to the Local Government Revenue 62305
Assistance Fund; 62306

(5) In November 2005, \$590,838.08 shall be credited to the 62307
Local Government Fund and \$84,405.43 shall be credited to the 62308
Local Government Revenue Assistance Fund; in November 2006, 62309
\$531,754.27 shall be credited to the Local Government Fund and 62310
\$75,964.89 shall be credited to the Local Government Revenue 62311

Assistance Fund; 62312

(6) In December 2005 and December 2006, \$615,232.25 shall be 62313
credited to the Local Government Fund and \$87,890.33 shall be 62314
credited to the Local Government Revenue Assistance Fund; 62315

(7) In January 2006 and January 2007, \$73.94 shall be 62316
credited to the Local Government Fund and \$10.57 shall be credited 62317
to the Local Government Revenue Assistance Fund; 62318

(8) In February 2006 and February 2007, \$770,412.70 shall be 62319
credited to the Local Government Fund and \$110,058.94 shall be 62320
credited to the Local Government Revenue Assistance Fund; 62321

(9) In March 2006 and March 2007, \$3,996,271.49 shall be 62322
credited to the Local Government Fund and \$570,895.93 shall be 62323
credited to the Local Government Revenue Assistance Fund; 62324

(10) In April 2006 and April 2007, \$517.44 shall be credited 62325
to the Local Government Fund and \$73.92 shall be credited to the 62326
Local Government Revenue Assistance Fund; 62327

(11) In May 2006 and May 2007, \$1,678,412.21 shall be 62328
credited to the Local Government Fund and \$239,773.60 shall be 62329
credited to the Local Government Revenue Assistance Fund; 62330

(12) In June 2006 and June 2007, \$4,751,678.70 shall be 62331
credited to the Local Government Fund and \$678,811.24 shall be 62332
credited to the Local Government Revenue Assistance Fund. 62333

(F) In addition to the amounts credited pursuant to divisions 62334
(C), (D), and (E) of this section, a supplemental amount shall be 62335
credited each month to the Local Government Fund and the Local 62336
Government Revenue Assistance Fund from the personal income tax. 62337
The supplemental amount shall equal any additional amount 62338
necessary to make the monthly distributions required by division 62339
(I) of this section to the extent such distributions exceed the 62340
amounts already credited pursuant to divisions (C), (D), and (E) 62341

of this section. 62342

(G) Pursuant to division (B)(3) of this section, amounts 62343
shall be credited from the personal income tax to the Library and 62344
Local Government Support Fund as follows: 62345

(1) In July 2005, one hundred per cent of the amount credited 62346
in July 2004; in July 2006, ninety-five per cent of the amount 62347
credited in July 2005; 62348

(2) In August 2005, one hundred per cent of the amount 62349
credited in August 2004; in August 2006, ninety-five per cent of 62350
the amount credited in August 2005; 62351

(3) In September 2005, one hundred per cent of the amount 62352
credited in September 2004; in September 2006, ninety-five per 62353
cent of the amount credited in September 2005; 62354

(4) In October 2005, one hundred per cent of the amount 62355
credited in October 2004; in October 2006, ninety-five per cent of 62356
the amount credited in October 2005; 62357

(5) In November 2005, one hundred per cent of the amount 62358
credited in November 2004; in November 2006, ninety-five per cent 62359
of the amount credited in November 2005; 62360

(6) In December 2005, ninety-five per cent of the amount 62361
credited in December 2004; in December 2006, one hundred per cent 62362
of the amount credited in December 2005; 62363

(7) In January 2006, ninety-five per cent of the amount 62364
credited in January 2005; in January 2007, one hundred per cent of 62365
the amount credited in January 2006; 62366

(8) In February 2006, ninety-five per cent of the amount 62367
credited in February 2005; in February 2007, one hundred per cent 62368
of the amount credited in February 2006; 62369

(9) In March 2006, ninety-five per cent of the amount 62370
credited in March 2005; in March 2007, one hundred per cent of the 62371

amount credited in March 2006;	62372
(10) In April 2006, ninety-five per cent of the amount	62373
credited in April 2005; in April 2007, one hundred per cent of the	62374
amount credited in April 2006;	62375
(11) In May 2006, ninety-five per cent of the amount credited	62376
in May 2005; in May 2007, one hundred per cent of the amount	62377
credited in May 2006;	62378
(12) In June 2006, ninety-five per cent of the amount	62379
credited in June 2005; in June 2007, one hundred per cent of the	62380
amount credited in June 2006.	62381
(H) The total amount credited to the Local Government Fund	62382
and the Local Government Revenue Assistance Fund in each month	62383
during the period July 2005 through November 2005 shall be	62384
distributed by the tenth day of the immediately succeeding month	62385
in the following manner, and the total amount credited to the	62386
Library and Local Government Support Fund in each month during the	62387
period July 2005 through June 2007 shall be distributed by the	62388
tenth day of the immediately succeeding month in the following	62389
manner:	62390
(1) Each county undivided local government fund shall receive	62391
a distribution from the Local Government Fund based on its	62392
proportionate share of the total amount received from the fund in	62393
such respective month for the period August 1, 2004, through	62394
December 31, 2004.	62395
(2) Each municipal corporation receiving a direct	62396
distribution from the Local Government Fund shall receive a	62397
distribution based on its proportionate share of the total amount	62398
received from the fund in such respective month for the period	62399
August 1, 2004, through December 31, 2004.	62400
(3) Each county undivided local government revenue assistance	62401

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 December 31, 2004.

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(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.

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(I) The total amount credited to the Local Government Fund and the Local Government Revenue Assistance Fund in each month during the period December 2005 through June 2007 shall be distributed by the tenth day of the immediately succeeding month in the following manner:

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(1) Each county undivided local government fund and each county undivided local government revenue assistance fund shall receive the "countywide township and village distribution" for each respective fund, as determined under divisions (I)(1)(a) and (b) of this section.

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(a) The countywide township and village distribution is determined as follows: For each county undivided local government fund and each county undivided local government revenue assistance fund, the Tax Commissioner shall identify the proportionate shares of the distributions made from each fund to townships and villages located partially or entirely in that county, as reported by the county auditor for calendar year 2005 under division (J) of section 5747.51 and division (I) of section 5747.62 of the Revised Code, respectively. For each county and each fund, the Tax Commissioner shall compute the sum of the proportionate shares of distributions to townships and villages, and shall next multiply the sum for each fund by the amount distributed each month to the

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county undivided local government fund from the local government 62433
fund and by the amount distributed each month to the county 62434
undivided local government revenue assistance fund from the local 62435
government revenue assistance fund, respectively, during the 62436
period January 2005 through December 2005. 62437

(b) The Tax Commissioner shall multiply each product derived 62438
in division (I)(1)(a) of this section by ninety per cent to yield 62439
that month's countywide township and village distribution for each 62440
fund and each county. 62441

(c) Only those subdivisions reported as townships and those 62442
municipal corporations reported as villages in the most recent 62443
edition of the Secretary of State's "Ohio Municipal, Township and 62444
School Board Roster," available as of November 1, 2005, shall be 62445
considered to be townships or villages, respectively, for purposes 62446
of this section. Townships and villages that are dissolved or that 62447
merge with another subdivision on or after August 1, 2005, may be 62448
excluded from the calculation of the countywide township and 62449
village distribution. 62450

(2) In addition to the countywide township and village 62451
distribution provided in division (I)(1) of this section, each 62452
county undivided local government fund and each county undivided 62453
local government revenue assistance fund shall receive the 62454
"countywide non-township and non-village distribution" computed 62455
for each fund under divisions (I)(2)(a) and (b) of this section. 62456

(a) The monthly product calculated pursuant to division 62457
(I)(1)(a) of this section for each county undivided local 62458
government fund shall be subtracted from the county undivided 62459
local government fund distribution made from the local government 62460
fund in such respective month during the period January 2005 62461
through December 2005. The difference shall be multiplied by 62462
eighty per cent. 62463

(b) The monthly product calculated pursuant to division 62464
(I)(1)(a) for each county undivided local government revenue 62465
assistance fund shall be subtracted from the county undivided 62466
local government revenue assistance fund distribution made from 62467
the local government revenue assistance fund in such respective 62468
month during the period January 2005 through December 2005. The 62469
difference shall be multiplied by eighty per cent. 62470

(3) Each municipal corporation identified by the Tax 62471
Commissioner as a village under division (I)(1)(c) of this section 62472
shall receive in each month an amount directly from the Local 62473
Government Fund equal to ninety per cent of the amount the 62474
municipal corporation received directly from that fund in such 62475
respective month during the period January 1, 2005, through 62476
December 31, 2005. 62477

(4) Except for villages receiving amounts pursuant to 62478
division (I)(3) of this section, each municipal corporation shall 62479
receive in each month an amount directly from the Local Government 62480
Fund that is equal to eighty per cent of the amount the municipal 62481
corporation received directly from that fund in such respective 62482
month during the period January 1, 2005, through December 31, 62483
2005. 62484

(5) By December 20, 2005, the Tax Commissioner shall make the 62485
following available to each county auditor: a list of the county's 62486
subdivisions located within the county that are considered to be 62487
villages and townships under this section; the countywide township 62488
and village distribution for such county for each month and each 62489
fund during the January 2006 through July 2007 period; the 62490
countywide non-township and non-village distribution for such 62491
county for each month and each fund during the January 2006 62492
through July 2007 period; and any other information deemed 62493
reasonable and appropriate for the purposes of making the 62494
distributions required by this section. 62495

(J) Notwithstanding the formula provided in division (I) of 62496
this section for distributing the Local Government Fund to county 62497
undivided local government funds, the amounts allocated to each 62498
county undivided local government fund shall be distributed among 62499
all subdivisions based on the proportionate shares determined for 62500
the appropriate calendar year under division (B) of section 62501
5747.51 of the Revised Code, using either the method prescribed by 62502
divisions (C) to (I) of that section or the method prescribed 62503
pursuant to section 5747.53 of the Revised Code. Notwithstanding 62504
the formula provided in division (I) of this section for 62505
distributing the Local Government Revenue Assistance Fund to 62506
county undivided local government revenue assistance funds, the 62507
amounts allocated to each county undivided local government 62508
revenue assistance fund shall be distributed among other 62509
subdivisions based on the proportionate shares determined for the 62510
appropriate calendar year under division (B) of section 5747.62 of 62511
the Revised Code, using either the method prescribed by divisions 62512
(C) to (H) of that section or the method prescribed pursuant to 62513
section 5747.63 of the Revised Code. 62514

(K) For the 2005, 2006, and 2007 distribution years, the Tax 62515
Commissioner is not required to issue the certifications otherwise 62516
required by sections 5747.47, 5747.501, 5747.51, and 5747.61 of 62517
the Revised Code, but shall provide to each county auditor by the 62518
twentieth day of July 2005, July 2006, and July 2007 an estimate 62519
of the amounts to be received by the county in the ensuing year 62520
from the Local Government Fund, Local Government Revenue 62521
Assistance Fund, and Library and Local Government Support Fund 62522
pursuant to this section and any pertinent section of the Revised 62523
Code. For the 2006 distribution year, the Tax Commissioner shall 62524
provide by December 20, 2005, a revised estimate of the amounts to 62525
be received by the county in the ensuing year from the Local 62526
Government Fund, Local Government Revenue Assistance Fund, and 62527

Library and Local Government Support Fund pursuant to this section 62528
and any pertinent section of the Revised Code. At the discretion 62529
of the Tax Commissioner, the Tax Commissioner may report to each 62530
county auditor additional revised estimates of the 2005, 2006, or 62531
2007 distributions at any time during the period July 1, 2005, 62532
through July 31, 2007. 62533

(L) During the period July 1, 2005, through July 31, 2007, 62534
the Director of Budget and Management shall issue such directives 62535
to state agencies that are necessary to ensure that the 62536
appropriate amounts are distributed to the Local Government Fund, 62537
to the Local Government Revenue Assistance Fund, and to the 62538
Library and Local Government Support Fund. 62539

Section 557.15. The amendment by this act of sections 319.302 62540
and 323.152 of the Revised Code first applies in tax year 2006. 62541

Section 557.18. Section 319.54 of the Revised Code, as 62542
amended by this act, applies to any conveyance of real property 62543
presented to the county auditor on or after July 1, 2005, 62544
regardless of its time of execution or delivery. 62545

Section 557.21. The amendment by this act of section 5727.81 62546
of the Revised Code first applies to the measurement period that 62547
includes July 1, 2005. 62548

Section 557.24. (A) The amendment by this act of sections 62549
5731.01, 5731.05, 5731.131, 5731.14, 5731.18, and 5731.181 of the 62550
Revised Code, and the repeal by this act of section 5731.20 of the 62551
Revised Code, applies to estates of decedents dying on or after 62552
the effective date of those sections as amended by this act. 62553

Section 557.27. The amendment by this act of section 5733.40 62554
of the Revised Code applies to taxable years ending on or after 62555

the effective date of this act. 62556

Section 557.30. Except as otherwise provided in division 62557
(A)(18) of section 5747.01 and division (A) of section 5747.02 of 62558
the Revised Code, the amendment by this act of sections 5747.01 62559
and 5747.02 of the Revised Code applies to taxable years ending on 62560
or after the effective date of this section. 62561

Section 557.33. The amendment by this act of section 5747.05 62562
of the Revised Code applies to taxable years ending on or after 62563
the effective date of this section. 62564

Section 606.03. If any item of law that constitutes the whole 62565
or part of a codified or uncodified section of law contained in 62566
this act, or if any application of any item of law that 62567
constitutes the whole or part of a codified or uncodified section 62568
of law contained in this act, is held invalid, the invalidity does 62569
not affect other items of law or applications of items of law that 62570
can be given effect without the invalid item of law or 62571
application. To this end, the items of law of which the codified 62572
and uncodified sections contained in this act are composed, and 62573
their applications, are independent and severable. 62574

Section 609.03. An item of law, other than an amending, 62575
enacting, or repealing clause, that composes the whole or part of 62576
an uncodified section contained in this act has no effect after 62577
June 30, 2007, unless its context clearly indicates otherwise. 62578

Section 612.03. Except as otherwise specifically provided in 62579
this act, the codified sections of law amended or enacted in this 62580
act, and the items of law of which the codified sections of law 62581
amended or enacted in this act are composed, are subject to the 62582
referendum. Therefore, under Ohio Constitution, Article II, 62583

Section 1c and section 1.471 of the Revised Code, the codified 62584
sections of law amended or enacted by this act, and the items of 62585
law of which the codified sections of law as amended or enacted by 62586
this act are composed, take effect on the ninety-first day after 62587
this act is filed with the Secretary of State. If, however, a 62588
referendum petition is filed against any such codified section of 62589
law as amended or enacted by this act, or against any item of law 62590
of which any such codified section of law as amended or enacted by 62591
this act is composed, the codified section of law as amended or 62592
enacted, or item of law, unless rejected at the referendum, takes 62593
effect at the earliest time permitted by law. 62594

Section 612.06. Except as otherwise specifically provided in 62595
this act, the repeal by this act of a codified section of law is 62596
subject to the referendum. Therefore, under Ohio Constitution, 62597
Article II, Section 1c and section 1.471 of the Revised Code, the 62598
repeal by this act of a codified section of law takes effect on 62599
the ninety-first day after this act is filed with the Secretary of 62600
State. If, however, a referendum petition is filed against any 62601
such repeal, the repeal, unless rejected at the referendum, takes 62602
effect at the earliest time permitted by law. 62603

Section 612.09. The sections of law amended, enacted, or 62604
repealed by this act that are listed in this section are subject 62605
to the referendum. Therefore, under Ohio Constitution, Article II, 62606
Section 1c and section 1.471 of the Revised Code, the sections, 62607
and the items of law of which they are composed, take effect as 62608
specified in this section. If, however, a referendum petition is 62609
filed against any such section as amended, enacted, or repealed, 62610
or against any item of law of which any such section as amended or 62611
enacted is composed, the section as amended, enacted, or repealed 62612
goes into effect at the earliest time permitted by law that is on 62613

or after the effective date specified in this section. 62614

Sections 9.24, 120.52, 120.53, 131.23, 317.08, 317.36, 62615
323.01, 329.051, 340.03, 340.16, 1901.26, 1907.24, 2303.201, 62616
2305.234, 2744.05, 3111.04, 3119.54, 3121.12, 3121.50, 3317.10, 62617
3702.74, 4123.27, 4705.09, 4731.65, 4731.71, 4736.11, 5101.181, 62618
5101.241, 5101.26, 5101.31, 5101.36, 5104.38, 5107.26, 5110.01, 62619
5110.05, 5111.021 (5111.022), 5111.022 (5111.023), 5111.023 62620
(5111.0114), 5111.025, 5111.062, 5111.10, 5111.85, 5111.851, 62621
5111.852, 5111.853, 5111.854, 5111.855, 5111.881, 5111.882, 62622
5111.883, 5111.884, 5111.89, 5111.891, 5111.892, 5111.893, 62623
5111.914, 5111.97 (5111.86), 5112.03, 5112.08, 5112.17, 5115.10, 62624
5115.11, 5115.12, 5115.13, 5115.14, 5115.20, 5115.22, 5115.23, and 62625
5119.61 of the Revised Code take effect October 1, 2005. 62626

Sections 3125.18, 5101.80, 5101.801, 5101.802, 5107.05, 62627
5107.30, 5107.301, and 5153.16 of the Revised Code take effect 62628
January 1, 2006. 62629

Section 612.12. Sections 108.05, 109.57, 109.91, 120.36, 62630
121.37, 121.38, 121.381, 121.382, 122.011, 123.17, 125.05, 126.25, 62631
141.011, 141.04, 147.05, 147.10, 147.11, 147.12, 147.371, 153.50, 62632
153.51, 153.52, 181.251 (5502.63), 181.51 (5502.61), 181.52 62633
(5502.62), 181.54 (5502.64), 181.55 (5502.65), 181.56 (5502.66), 62634
183.28, 339.72, 339.88, 742.59, 901.43, 901.44, 905.32, 905.33, 62635
905.331, 905.36, 905.37, 905.38, 905.381, 905.50, 905.66, 907.16, 62636
911.02, 913.02, 913.23, 915.02, 915.16, 915.24, 921.02, 921.16, 62637
923.44, 923.45, 923.46, 927.69, 1327.511, 1327.62, 1327.70, 62638
1327.71, 1327.99, 1533.881, 1713.03, 2113.041, 2151.416, 2152.74, 62639
2901.07, 2923.25, 3107.10, 3125.191, 3301.311, 3301.32, 3301.86, 62640
3301.88, 3313.975, 3313.976, 3313.977, 3313.978, 3313.98, 3314.03, 62641
3314.074, 3314.08, 3314.13, 3317.012, 3317.013, 3317.02, 3317.022, 62642
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5111.98, 5112.30, 5112.341, 5120.09, 5120.51, 5139.01, 5502.01, 62658
5731.39, and 6109.21 of the Revised Code as amended or enacted by 62659
this act, and the items of law of which such sections as amended 62660
or enacted by this act are composed, are not subject to the 62661
referendum. Therefore, under Ohio Constitution, Article II, 62662
Section 1d and section 1.471 of the Revised Code, such sections as 62663
amended or enacted by this act, and the items of law of which such 62664
sections as amended or enacted by this act are composed, go into 62665
immediate effect when this act becomes law. 62666

Section 612.15. The repeal by this act of sections 181.53, 62667
339.77, 742.36, 3301.31, 3301.33, 3301.34, 3301.35, 3301.36, 62668
3301.37, 3301.38, 3301.80, 3301.85, 3301.87, 3317.0213, 3353.02, 62669
3353.03, 3353.04, and 5111.07 of the Revised Code is not subject 62670
to the referendum. Therefore, under Ohio Constitution, Article II, 62671
Section 1d and section 1.471 of the Revised Code, the repeals go 62672
into immediate effect when this act becomes law. 62673

Section 612.18. The sections of law amended, enacted, or 62674

repealed by this act that are listed in this section are not 62675
subject to the referendum. Therefore, under Ohio Constitution, 62676
Article II, Section 1d and section 1.471 of the Revised Code, the 62677
sections as amended, enacted, or repealed, and the items of law of 62678
which as amended or enacted they are composed, go into effect as 62679
specified in this section. 62680

Sections 140.01, 173.20, 173.21, 3323.021, 3721.01, 3721.19, 62681
3721.50, 3721.51, 3721.511, 3721.52, 3721.56, 3721.561, 3721.58, 62682
3722.01, 3722.02, 3722.16, 4117.24, 5111.041, 5111.042, 5111.20, 62683
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5123.049, 5123.0412, 5123.34, 5123.71, 5123.76, 5126.01, 5126.035, 62694
5126.042, 5126.054, 5126.055, 5126.056, 5126.057, 5126.12, and 62695
5705.091 of the Revised Code take effect July 1, 2005. 62696

Sections 3310.01, 3310.02, 3310.03, 3310.04, 3310.05, 62697
3310.06, 3310.07, 3310.08, and 3310.09 of the Revised Code take 62698
effect July 1, 2006. 62699

Section 612.21. The amendment or enactment by this act of 62700
sections 122.17, 122.171, 140.08, 319.302, 319.54, 323.152, 62701
1548.06, 4505.06, 5701.03, 5703.052, 5703.053, 5703.057, 5703.50, 62702
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5751.03, 5751.031, 5751.032, 5751.04, 5751.05, 5751.06, 5751.07, 62708
5751.08, 5751.081, 5751.09, 5751.10, 5751.11, 5751.12, 5751.20, 62709
5751.21, 5751.22, 5751.31, 5751.50, 5751.51, 5751.52, 5751.98, and 62710
5751.99 of the Revised Code provides for or is essential to 62711
implementation of a tax levy. Therefore, under Ohio Constitution, 62712
Article II, Section 1d, the amendments and enactments, and the 62713
items of which they are composed, are not subject to the 62714
referendum and go into immediate effect when this act becomes law. 62715

Section 612.24. The repeal by this act of section 5731.20 of 62716
the Revised Code provides for or is essential to implementation of 62717
a tax levy. Therefore, under Ohio Constitution, Article II, 62718
Section 1d, the repeal is not subject to the referendum and goes 62719
into immediate effect when this act becomes law. 62720

Section 612.27. The amendment, enactment, or repeal by this 62721
act of the sections of law that are listed in this section 62722
provides for or is essential to implementation of a tax levy. 62723
Therefore, under Ohio Constitution, Article II, Section 1d, the 62724
amendments, enactments, and repeals, and the items of which any 62725
such amendment or enactment is composed, are not subject to the 62726
referendum and go into effect as specified in this section. 62727

Sections 4301.42, 4301.43, 4305.01, 5703.80, 5743.02, 62728
5743.32, 5743.51, 5743.62, and 5743.63 of the Revised Code take 62729
effect July 1, 2005. 62730

Section 612.30. (A) Except as otherwise provided in division 62731
(B) of this section, the amendments by this act to section 127.16 62732
of the Revised Code are not subject to the referendum. Therefore, 62733
under Ohio Constitution, Article II, Section 1d and section 1.471 62734

of the Revised Code, the amendments take effect July 1, 2005. 62735

(B) The amendment to division (D)(2) of section 127.16 of the 62736
Revised Code is subject to the referendum. Therefore, under Ohio 62737
Constitution, Article II, Section 1c and section 1.471 of the 62738
Revised Code, the amendment takes effect October 1, 2005. If, 62739
however, a referendum petition is filed against the amendment, the 62740
amendment, unless rejected at the referendum, takes effect at the 62741
earliest time permitted by law that is on or after the effective 62742
date specified in this division. 62743

Section 612.33. (A) Except as otherwise provided in division 62744
(B) of this section, the amendments by this act to section 321.24 62745
of the Revised Code provides for or is essential to implementation 62746
of a tax levy. Therefore, under Ohio Constitution, Article II, 62747
Section 1d, the amendments are not subject to the referendum and 62748
go into immediate effect when this act becomes law. 62749

(B) The amendment to division (F) of section 321.24 of the 62750
Revised Code provides for or is essential to implementation of a 62751
tax levy. Therefore, under Ohio Constitution, Article II, Section 62752
1d, the amendment takes effect July 1, 2005. 62753

Section 612.36. (A) Except as otherwise provided in division 62754
(B) of this section, the amendments by this act to section 329.04 62755
of the Revised Code are not subject to the referendum. Therefore, 62756
under Ohio Constitution, Article II, Section 1d and section 1.471 62757
of the Revised Code, the amendments go into immediate effect. 62758

(B) The amendments to divisions (A)(3) to (9) of section 62759
329.04 of the Revised Code are subject to the referendum. 62760
Therefore, under Ohio Constitution, Article II, Section 1c and 62761
section 1.471 of the Revised Code, the amendments take effect 62762
October 1, 2005. If, however, a referendum petition is filed 62763
against the amendments, the amendments, unless rejected at the 62764

referendum, take effect at the earliest time permitted by law that 62765
is on or after the effective date specified in this division. 62766

Section 612.39. (A) Except as otherwise provided in division 62767
(B) of this section, the amendments by this act to section 62768
3317.024 of the Revised Code are not subject to the referendum. 62769
Therefore, under Ohio Constitution, Article II, Section 1d and 62770
section 1.471 of the Revised Code, the amendments go into 62771
immediate effect. 62772

(B) The amendment to division (J) of section 3317.024 of the 62773
Revised Code is subject to the referendum. Therefore, under Ohio 62774
Constitution, Article II, Section 1c and section 1.471 of the 62775
Revised Code, the amendment takes effect on the ninety-first day 62776
after this act is filed with the Secretary of State. If, however, 62777
a referendum petition is filed against the amendment, the 62778
amendment, unless rejected at the referendum, takes effect at the 62779
earliest time permitted by law. 62780

Section 612.42. (A) Except as otherwise provided in division 62781
(B) of this section, the amendments by this act to section 62782
3317.029 of the Revised Code are not subject to the referendum. 62783
Therefore, under Ohio Constitution, Article II, Section 1d and 62784
section 1.471 of the Revised Code, the amendments go into 62785
immediate effect. 62786

(B) The amendment to divisions (A)(2)(e) and (f) of section 62787
3317.029 of the Revised Code is subject to the referendum. 62788
Therefore, under Ohio Constitution, Article II, Section 1c and 62789
section 1.471 of the Revised Code, the amendment takes effect 62790
October 1, 2005. If, however, a referendum petition is filed 62791
against the amendment, the amendment, unless rejected at the 62792
referendum, takes effect at the earliest time permitted by law 62793
that is on or after the effective date specified in this division. 62794

Section 612.45. (A) Except as otherwise provided in division 62795
(B) of this section, the amendments by this act to section 3702.51 62796
of the Revised Code are not subject to the referendum. Therefore, 62797
under Ohio Constitution, Article II, Section 1d and section 1.471 62798
of the Revised Code, the amendments go into immediate effect. 62799

(B) The amendment to division (G)(10) of section 3702.51 of 62800
the Revised Code is not subject to the referendum. Therefore, 62801
under Ohio Constitution, Article II, Section 1d and section 1.471 62802
of the Revised Code, the amendments take effect July 1, 2005. 62803

Section 612.48. (A) Except as otherwise provided in division 62804
(B) of this section, the amendments to section 3734.57 of the 62805
Revised Code are not subject to the referendum. Therefore, under 62806
Ohio Constitution, Article II, Section 1d and section 1.471 of the 62807
Revised Code, the amendments go into immediate effect when this 62808
act becomes law. 62809

(B) The amendment adding division (A)(4) to section 3734.57 62810
of the Revised Code is subject to the referendum. Therefore, under 62811
Ohio Constitution, Article II, Section 1c and section 1.471 of the 62812
Revised Code, the amendment goes into effect on the ninety-first 62813
day after this act is filed with the Secretary of State. If, 62814
however, a referendum petition is filed against the amendment, the 62815
amendment, unless rejected at the referendum, takes effect at the 62816
earliest time permitted by law. 62817

Section 612.51. (A) Except as otherwise provided in division 62818
(B) of this section, the amendments to section 5101.35 of the 62819
Revised Code are subject to the referendum. Therefore, under Ohio 62820
Constitution, Article II, Section 1c and section 1.471 of the 62821
Revised Code, the amendments take effect January 1, 2006. If, 62822
however, a referendum petition is filed against the amendments, 62823
the amendments, unless rejected at the referendum, take effect at 62824

the earliest time permitted by law that is on or after the 62825
effective date specified in this division. 62826

(B) The amendment by this act to division (A)(3) of section 62827
5101.35 of the Revised Code adding a reference to "5101.461" is 62828
not subject to the referendum. Therefore, under Ohio Constitution, 62829
Article II, Section 1d and section 1.471 of the Revised Code, the 62830
amendment goes into immediate effect. 62831

Section 612.54. (A) Except as otherwise provided in division 62832
(B) of this section, the amendments to section 5111.02 (5111.021) 62833
of the Revised Code are subject to the referendum. Therefore, 62834
under Ohio Constitution, Article II, Section 1c and section 1.471 62835
of the Revised Code, the amendments take effect October 1, 2005. 62836
If, however, a referendum petition is filed against the 62837
amendments, the amendments, unless rejected at the referendum, 62838
take effect at the earliest time permitted by law that is on or 62839
after the effective date specified in this division. 62840

(B) The amendment by this act to division (B) of section 62841
5111.02 (5111.021) of the Revised Code striking the last sentence 62842
of that division (B) is not subject to the referendum. Therefore, 62843
under Ohio Constitution, Article II, Section 1d and section 1.471 62844
of the Revised Code, the amendment takes effect July 1, 2005. 62845

Section 612.57. (A) Except as otherwise provided in division 62846
(B) of this section, the amendments to section 5111.06 of the 62847
Revised Code are subject to the referendum. Therefore, under Ohio 62848
Constitution, Article II, Section 1c and section 1.471 of the 62849
Revised Code, the amendments go into effect on October 1, 2005. 62850
If, however, a referendum petition is filed against the 62851
amendments, the amendments, unless rejected at the referendum, 62852
take effect at the earliest time permitted by law that is on or 62853
after the effective date specified in this division. 62854

(B) The amendment to division (A)(1) of section 5111.06 of the Revised Code that inserts a reference to section 5111.061 of the Revised Code is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendment goes into immediate effect when this act becomes law.

Section 612.60. (A) Except as otherwise provided in division (B) of this section, the amendments to section 5111.204 of the Revised Code are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the amendments go into effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against the amendments, the amendments, unless rejected at the referendum, take effect at the earliest time permitted by law.

(B) The amendments to section 5111.204 of the Revised Code that strike "medical assistance" and insert "medicaid," that strike "specified in rules adopted by the director of job and family services under division (A) of" and insert "that," that strike "5111.231" and insert "5111.24," and that insert "provides for" are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendments take effect July 1, 2005.

Section 612.63. (A) Except as otherwise provided in division (B) of this section, the amendment renumbering section 5111.88 as section 5111.97 of the Revised Code is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the renumbering amendment takes effect October 1, 2005. If, however, a referendum petition is filed against the renumbering amendment, the renumbering

amendment, unless rejected at the referendum, takes effect at the 62885
earliest time permitted by law that is on or after the effective 62886
date specified in this division. 62887

(B) The amendment to division (B)(2) of section 5111.88 62888
(5111.97) of the Revised Code striking "eighteen" and inserting 62889
"twelve" is not subject to the referendum. Therefore, under Ohio 62890
Constitution, Article II, Section 1d and section 1.471 of the 62891
Revised Code, the amendment goes into immediate effect when this 62892
act becomes law. 62893

Section 612.66. (A) Except as otherwise provided in division 62894
(B) of this section, the amendments to section 5727.84 of the 62895
Revised Code provide for are essential to implementation of a tax 62896
levy. Therefore, under Ohio Constitution, Article II, Section 1d, 62897
the amendments go into immediate effect when this act becomes law. 62898

(B) The amendments striking divisions (B)(6) and (7) and 62899
(C)(3) from section 5727.84 of the Revised Code are subject to the 62900
referendum. Therefore, under Ohio Constitution, Article II, 62901
Section 1c and section 1.471 of the Revised Code, the amendments 62902
take effect on the ninety-first day after this act is filed with 62903
the Secretary of State. If, however, a referendum petition is 62904
filed against the amendments, the amendments, unless rejected at 62905
the referendum, take effect at the earliest time permitted by law. 62906

Section 612.69. (A) Except as otherwise provided in division 62907
(B) of this section, the amendments to section 5727.85 of the 62908
Revised Code are not subject to the referendum. Therefore, under 62909
Ohio Constitution, Article II, Section 1d and section 1.471 of the 62910
Revised Code, the amendments go into immediate effect when this 62911
act becomes law. 62912

(B) The amendments to section 5727.85 of the Revised Code 62913
that insert new language into division (F), strike "February" and 62914

insert "May," strike divisions (G) and (H) and the two unlettered paragraphs following, insert new division (H), and add an internal cross-reference to division (F) of the section 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 the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against the amendments, the amendments, unless rejected at the referendum, take effect at the earliest time permitted by law.

Section 612.72. (A) Except as otherwise provided in division (B) of this section, the amendments by this act to section 5747.01 of the Revised Code provides for or is essential to implementation of a tax levy. Therefore, under Ohio Constitution, Article II, Section 1d, the amendments are not subject to the referendum and go into immediate effect when this act becomes law.

(B) The amendment to division (A)(10) of section 5747.01 of the Revised Code is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the amendment takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against the amendment, the amendment, unless rejected at the referendum, takes effect at the earliest time permitted by law.

Section 615.03. Except as otherwise specifically provided in this act, the uncodified sections of law amended or enacted in this act, and the items of law of which the uncodified sections of law amended or enacted in this act 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 uncodified sections of law amended or enacted in this act, and the items of

law of which the uncodified sections of law amended or enacted in 62945
this act are composed, go into immediate effect when this act 62946
becomes law. 62947

Section 615.06. Uncodified sections of law amended or enacted 62948
in this act, and items of law contained within the uncodified 62949
sections of law amended or enacted in this act, that are marked 62950
with an asterisk are subject to the referendum. Therefore, under 62951
Ohio Constitution, Article II, Section 1c and section 1.471 of the 62952
Revised Code, the uncodified sections and items of law marked with 62953
an asterisk take effect on the ninety-first day after this act is 62954
filed with the Secretary of State. If, however, a referendum 62955
petition is filed against an uncodified section or item of law 62956
marked with an asterisk, the uncodified section or item of law 62957
marked with an asterisk, unless rejected at the referendum, takes 62958
effect at the earliest time permitted by law. 62959

If the amending and existing repeal clauses commanding the 62960
amendment of an uncodified section of law are both marked with 62961
asterisks, the uncodified section as amended is deemed also to 62962
have been marked with an asterisk. 62963

An asterisk marking an uncodified section or item of law has 62964
the form *. 62965

This section defines the meaning and form of, but is not 62966
itself to be considered marked with, an asterisk. 62967

Section 615.90. If the amendment or enactment in this act of 62968
a codified or uncodified section of law is subject to the 62969
referendum, the corresponding indications in the amending, 62970
enacting, or existing repeal clauses commanding the amendment or 62971
enactment also are subject to the referendum, along with the 62972
amendment or enactment. If the amendment or enactment by this act 62973
of a codified or uncodified section of law is not subject to the 62974

referendum, the corresponding indications in the amending, 62975
enacting, or existing repeal clauses commanding the amendment or 62976
enactment also are not subject to the referendum, the same as the 62977
amendment or enactment. 62978

Section 618.03. The amendment of sections 5112.03 and 5112.08 62979
of the Revised Code are not intended to supersede the earlier 62980
repeal, with delayed effective date, of those sections. 62981

Section 618.06. The General Assembly, applying the principle 62982
stated in division (B) of section 1.52 of the Revised Code that 62983
amendments are to be harmonized if reasonably capable of 62984
simultaneous operation, finds that the following sections, 62985
presented in this act as composites of the sections as amended by 62986
the acts indicated, are the resulting versions of the sections in 62987
effect prior to the effective date of the sections as presented in 62988
this act: 62989

Section 122.74 of the Revised Code as amended by both Am. 62990
Sub. H.B. 356 and Am. Sub. S.B. 310 of the 121st General Assembly. 62991

Section 124.26 of the Revised Code as amended by both Am. 62992
Sub. H.B. 117 and Am. Sub. S.B. 99 of the 121st General Assembly. 62993

Section 1525.11 of the Revised Code as amended by both Am. 62994
Sub. H.B. 117 and Am. Sub. H.B. 356 of the 121st General Assembly. 62995

Section 3314.03 of the Revised Code as amended by both Am. 62996
Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly. 62997

Section 3317.023 of the Revised Code as amended by both Am. 62998
Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly. 62999

Section 3317.026 of the Revised Code as amended by both Sub. 63000
H.B. 129 and Sub. S.B. 200 of the 124th General Assembly. 63001

Section 5739.02 of the Revised Code as amended by both Am. 63002
Sub. H.B. 95 and Am. Sub. S.B. 37 of the 125th General Assembly. 63003

Section 5741.02 of the Revised Code as amended by Am. Sub.	63004
H.B. 95, Am. Sub. S.B. 37, and Sub. S.B. 47 of the 125th General	63005
Assembly.	63006